

Board of Commissioners

Land Use Hearing

Wednesday, March 15th, 2017

Text Amendment #T-16-067

Umatilla Electric Cooperative, Inc. (UEC) Applicant/Owner

The applicant requests an exception from Statewide Planning Goal 3 to allow for solar development on approximately 80 acres of property located within the Exclusive Farm Use (EFU) Zone. The Subject Property, owned by UEC, is described as Township 5N, Range 28E, Section 14; Tax Lot #1500.

The criteria of approval are found in Oregon Revised Statute (ORS) 197.732 and Oregon Administrative Rules (OAR) Chapter 660, Division 4, OAR 660-033-0130(38)(f).

DRAFT MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, February 23, 2017
6:30 p.m., Umatilla County Justice Center, Media Room
Pendleton, Oregon

COMMISSIONERS

PRESENT: Randy Randall, Chair, Gary Rhinhart, Vice Chair, Suni Danforth, Don Marlatt, Don Wysocki, Clive Kaiser, Cecil Thorne

ABSENT: Tammie Williams, Tami Green

STAFF: Tamra Mabbott, Carol Johnson, Bob Waldher, Tierney Dutcher

NOTE: THE FOLLOWING IS A SUMMARY OF THE MEETING. A RECORDING OF THE MEETING IS AVAILABLE AT THE PLANNING DEPARTMENT OFFICE.

CALL TO ORDER:

Chair Randall called the meeting to order at 6:31 p.m. and read the opening statement.

MINUTES:

Chair Randall asked the Planning Commission to review the minutes from January 26, 2017. Commissioner Rhinhart moved to adopt the minutes as written. The motion was seconded by Commissioner Danforth. Motion carried by consensus.

NEW HEARING

TEXT AMENDMENT #T-16-067, UMATILLA ELECTRIC COOPERATIVE, INC. (UEC) APPLICANT, OWNER. The applicant requests an exception from Statewide Planning Goal 3 to allow for solar development on approximately 80 acres (ac.) of property located within the Exclusive Farm Use (EFU) Zone. The Subject Property, owned by UEC, is described as Township 5N, Range 28E, Section 14; Tax Lot #1500. The criteria of approval are found in Oregon Revised Statute (ORS) 197.732 and Oregon Administrative Rules (OAR) Chapter 660, Division 4, OAR 660 033 0130(38)(f).

Chair Randall called for the Staff Report.

STAFF REPORT

Robert Waldher, Senior Planner, stated that the UEC application is for an exception of Statewide Planning Goal 3 to allow for solar development on approximately 80 ac. of EFU zoned property. The Subject Property is owned by UEC and located in Township 5N, Range 28E, Section 14; Tax Lot #1500 along Highway 730 near Umatilla.

Since the pre-application was submitted by Pacific Northwest Generating Cooperative (PNCG) in February of 2016, the project and application has gone through several iterations. Approval of the proposed Goal 3 Exception request would provide relief from the criteria found in OAR 660 033 0130(38)(f), which are the solar rules. This exception would allow the owner to advance

future siting of photovoltaic solar power generation facilities greater than 12 ac. on the subject property. Under the rules for solar on high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not preclude more than 12 ac. from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR Chapter 660 Division 4. The Planning Commission is asked to refer to the preliminary findings and conclusions and supporting information provided by the applicant, as well as testimony presented, to determine if the request meets the applicable criteria. The conclusions of the Planning Commission will be used for a recommendation to the Board of County Commissioners (BCC). Recommendations provided to the BCC must be based on substantial, factual evidence in the record, not conclusory statements.

Mr. Waldher noted that several additional materials were received since the packets had been prepared and distributed. He received a letter from Tom Lapp, ODOT District 12, Permit Specialist, stating that 1 rural highway approach has already been permitted on this property. There are no guarantees that the second approach would be approved. This would likely come into play if/when the applicant applies for a Conditional Use permit. It does not have an impact on the Goal 3 Exception request.

Mr. Waldher also received a letter from PacifiCorp. They stated that they have no objections to the Goal 3 Exception. They requested that UEC coordinate with PacifiCorp on any plans for future development. The county cannot impose that as a requirement, but it is good practice.

A letter was submitted by Oregon Water Resources Department (OWRD) which notes a non-cancelled 5 ac. water right located on the very southern portion of the proposed exception property. The staff report incorrectly states the property never had water rights, so Mr. Waldher wanted to make that clarification.

Commissioner Rhinhart asked if Oregon Department of Land Conservation and Development (DLDC) provided a comment. Mr. Waldher said they were provided a public notice 35 days in advance and we did not receive any response.

Commissioner Kaiser pointed out that there are 2 soil types present at the site; Type 1B and Type 93B and 80% of the land is covered by the Type 1B soils, which is a fine, sandy loam. The Umatilla Soil Survey classifies it as high-value land in terms of soil depth. Type 93B soil has an average depth of 18-20 inches before you hit the basalt. He pointed out that he doesn't see any exposed rocky surfaces on the land so he wants to know more about why it was identified as having rocky soils. He believes it has potential as agriculture land. Mr. Waldher agreed that it could be productive if there was water available to it. Commissioner Kaiser voiced concern that, although it does not currently have water rights, they could be transferred to the property, and new water rights in that region are likely to be made available. He asked if there is potential to use land with exposed rock for this kind of project. He believes the only limitation currently is the water, and the land should not be written off.

Commissioner Rhinhart stated that all the land in the area would be classified as high-value, even without water, under new rules that will be instated. Mr. Waldher stated that a large portion of Umatilla County is automatically classified as high-value because it's located in the Columbia Valley American Viticultural Area (AVA). That is why the applicant is requesting a Goal 3 Exception today.

Commissioner Danforth asked if approving the Goal 3 Exception would be precedent setting to other high-value farm ground within Umatilla County. Mrs. Mabbott stated that a Goal Exception decision is unique and granted under specific circumstances for a specific piece of property so it is more like a variance. The findings and criteria could be mimicked in a future application at another site, but it is a legislative act so it does not set a precedent. She added that a unique characteristic of this location is a transmission line that abuts the property as well as an existing solar array.

Mr. Waldher stated that the applicant is required to obtain a Conditional Use Permit (CUP) to develop future projects on the property. The decision tonight is only about the Goal 3 Exception and does not authorize any projects at this time.

APPLICANT TESTIMONY

Tommy Brooks, Cable Houston, 1001 SW Fifth Avenue, Suite #2000, Portland, Oregon, 97204, representing the applicant and Robert Echenrode, General Manager and CEO of UEC, 750 W Elm Avenue, Hermiston, OR 97838, applicant. Mr. Brooks commented that their request is not stating that this is not high-value farm land, or that it couldn't be used for farm use. This is an exception to the default, which states that is what it will be used for. There is no real precedent involved because the decision is based on this record and the Planning Commissions discretion on whether or not these reasons justify allowing the use. He reiterated that this is step 1, and any progress forward would involve additional permits.

Mr. Brooks stated that he felt the staff report was thorough and highlighted a number of things that needed to be clarified in the record. He would like to correct a statement in the findings that indicated the site was undeveloped. There is a 1 megawatt (MW) solar array already on the site which has provided data proving it will be good location for solar development. He stated that there are other policies at play and reasons to allow solar. He noted that they are obligated to abide by Statewide Goal 13, Energy Conservation. Staff pointed out that renewables are not incorporated into Goal 13, but the State's policy is to allocate the land and uses permitted on the land to minimize the depletion of non-renewable sources of energy. Goal 13 also encourages counties and other jurisdictions to have conservation plans that utilize renewable energy sources.

Mr. Brooks stated that in their findings they claim the property tax status indicates there would be a net benefit for the County going from farm deferral to a developed, industrial use. He said they misread the assessment and that was an erroneous description. In clarifying this, he pointed out that although it was not under farm deferral status, the property was not assessable in the past because it was owned by the Port of Umatilla and was not being taxed. Ultimately, the outcome would be the same, with a net gain to the County by changing the use.

Mr. Brooks stated that one of the requirements for seeking an exception is to consider whether or not non-exception sites can accommodate the use. Prior to the purchase of this property, UEC assessed a number of sites, including industrial sites. They took into account site configuration, solar resources, price, and proximity to existing transmission lines, among other things. This location would not require more transmission lines to be constructed on existing farmlands. In developing where we have already developed they are preserving farmlands instead of taking more out of production.

Mr. Echenrode stated that UEC is trying to grow into the solar solution for their membership and community. The State of Oregon mandates that UEC supply 25% of their power through renewable resources. UEC acquired this property with intentions of developing it over a period of time. By the time the mandate will affect the UEC, they anticipate they will be required to have nearly 1,000 MW of renewable resources to serve that obligation. They feel 100 MW of solar is the best direction for their member owned facility. If limited to the 12 ac. limitation due to the AVA, which covers a majority of their service territory, that would result in nearly 50 solar sites, transmission lines, connection lines, and substations needing to be developed. They are in the early stages and are analyzing the success of the sites. They hope when the mandate comes into play, this would allow for greater skills, better education and help them do what's best for their community and membership.

Mrs. Mabbott stated that, on average, it takes between 6-8 ac. to produce 1 MW of solar energy. Consolidating the solar projects at this location with proximity to existing transmission would eliminate the need for additional development. If they will eventually need 100 MW of energy, that's approximately 700 ac. needed for this use.

Commissioner Kaiser stated that solar panels are becoming more and more efficient. He asked if they have a plan to upgrade the existing units as those efficiencies improve. Mr. Echenrode said the project scope is based on the current technology and affordability. The panels have a life of 30-50 years and the project is scaled based on its efficiency over that period of time. If the price of non-renewable power or the price of panels drops significantly over time, which is a possibility, there could be a business case to replace those panes with more efficient models, thus decreasing the land needs. They want to do what is best and at the lowest cost for their members. Commissioner Kaiser stated that windmills have a clause that requires them to be removed when they have expired. He asked how they plan to handle the removal. Mr. Echenrode stated that, as a utility with local obligations to serve the membership, they take the greatest effort to maintain the resources they currently have. Mrs. Mabbott stated that the retirement issue would be best addressed in the future as part of a CUP.

Commissioner Rhinhart stated that he is concerned about the 5 ac. of irrigated ground within the tax lot. He asked if they would consider leaving the 5 ac. out of development. Mr. Echenrode said more than likely, yes. It would be the last acreage they would develop, as it is furthest from the resource. Commissioner Rhinhart said, as a farmer, he likes to see farm ground preserved and has a hard time justifying a non-farm use if the land has irrigation on it. Mrs. Mabbott stated that Oregon Water Resources Department (OWRD) described it as a "non-cancelled water right". She believes this means they probably wouldn't be able to exercise the water right since it has not been used in more than 5 years. Mr. Echenrode stated that, if the water right is transferrable to benefit another land owner they would be open to that. They were not aware of the water right until recently.

Commissioner Danforth asked how much renewable energy they currently have. Mr. Echenrode said, if you count the Bonneville Power Administration (BPA) hydro, they have a high percentage of renewable energy. Excluding hydro, they have a 1 MW and a 57 kilowatt (kW) solar array and own a share of a 5 MW biomass produced in Corvallis. From a percentage point, it would amount to approximately 1% because the State of Oregon does not recognize hydropower as renewable energy.

Commissioner Rhinhart asked when the farmland was last grazed. Mrs. Mabbott stated that she spoke with the previous owner, the Port of Umatilla. The General Manager told her he recalls sometime in the distance past it had been grazed but has not been used in that way recently. Commissioner Kaiser asked if the inference was that undeveloped land is unproductive. He referred to page 8 of the packet where it states that the subject property is undeveloped and viewed as unproductive. Mr. Brooks explained that they stated that because it currently is undeveloped and currently unproductive. Commissioner Kaiser said he agrees with the fact that it is undeveloped but he doesn't believe it is unproductive. Mr. Waldher stated that the County's findings stated that the subject property would not be productive without irrigation. Commissioner Kaiser asked that the record reflect that the property has potential, but is currently unproductive because there is no irrigation water.

OPPONENT TESTIMONY

Dave Price, Blue Mountain Alliance, 80488 Zerba Rd., Athena. Mr. Price stated that he is representing Blue Mountain Alliance on the issue of the Goal 3 Exception. He pointed out that the map shows a substantial part of the county is covered with the same AVA designation. He stated that water rights were not criteria in determining the designation when going through the DLDC process in the early 1980's. Since the designation was determined nothing has changed and would be the same today.

He stated that there was a lot of area in Hermiston that looked similar to this one and over time many were developed. He believes if a person wants to establish water for purpose of irrigation, all it takes is money. If they have the money and are willing to spend it they can get it. He stated that the question of whether or not it has water rights for irrigation is irrelevant. The classification or designation of EFU high-value farm land and the AVA objective was to preserve farmland. When the applicant purchased this land they were aware that this designation was in place.

The Blue Mountain Alliance is concerned anytime there is a discussion about depleting the resource of the high value EFU land and the AVA designation. Mr. Price stated that solar developers have been in the Athena-Weston area for some time now looking for land to lease for a solar project. He warned the Planning Commission that they will eventually find land to lease because they are offering a lot of money, and more hearings like this will come before the Planning Commission in the near future. He asked them to think about how they will handle these requests. Mr. Price stated that the findings talked about alternative sites available that would not require a Goal 3 Exception. He believes these alternative sites should be considered. He recognized the burden on UEC of meeting the renewable mandate, but they are talking about the need to expand in the future to meet that need, so there will be more applications like this in the future.

Commissioner Wysocki asked Mr. Price to provide some background on the Blue Mountain Alliance. Mr. Price stated that they are a resource issue group. They deal with many resource issues within Umatilla County including National Forest issues like the Forest Plan and the Columbia River Operations EIS. They have made attempts in the past to include hydro energy in the renewable resource category because they recognize the pressure it puts on those trying to comply. They are a 501c3 organization and got started because they were concerned about several land use issues within the county. They want to help in steering land management decisions.

APPLICANT REBUTTAL

Mr. Echenrode stated that this property, when fully developed, will only provide approximately 10 MW of the 100 MW needed. He acknowledges that they have a long way to go to achieve that mandate. This is their first attempt in learning the process and all the unique aspects so they can have a plan moving forward. They are trying to understand all the nuances involved with siting this solar project when it is not on industrial land or an outright use.

Mr. Brooks stated that the property does not have a history of farm use and is unlikely to go back to a productive use. He believes if they can concentrate their project onto fewer properties, they will have a smaller footprint in the farm zone. They are attempting to meet conflicting policies and Mr. Brooks believes that, on balance, this piece of property will serve more of those policies in a better way if it were developed into solar than it would be if it were left at the vacant status it had prior to their ownership. He encourages the Planning Commission to look at this as an opportunity. Their developer is a strong member of the community and is bringing to the table a broad outlook. If not developed by UEC, there may be individual developers who come in and want to make big money on a growing industry and don't need to ask for the same level of permission because they are seeking smaller projects scattered around the county. UEC represents a large part of the community with its membership and is able to propose something that works for everybody.

Commissioner Wysocki asked about what kind of infrastructural development is needed to link these solar panels to the grid. Mr. Echenrode stated that there is an existing high capacity underground distribution line that goes from the power line adjacent to Highway 730 on the south side of the Highway. This is on the property that currently develops 1 MW and it can handle approximately half of the full sites potential. They would need to develop another link, but not attached to the power line. They would use a sector or junction can like you see in residential neighborhoods with a long green box. They would run a cable off of that junction box and go further south on the property to pick up the second or third phase when that occurs. There would be no new transmission lines built.

Commissioner Rhinhart asked if they will raise rates on UEC membership to pay for the cost of this project. Mr. Echenrode said the membership is responsible for providing the equity, through rates or borrowing and paying off through rates. Commissioner Rhinhart stated that it would make sense to be the developer and runner of the project because they would qualify for federal programs or money back that would benefit the UEC membership. Mr. Echenrode stated that there are incentives for the program. UEC received some renewable energy bonds that offer subsidized interest rates in development of the 1 MW solar project. They hope to explore and use those rates, as they are not guaranteed forever.

Commissioner Danforth asked for more information about the bird study. She stated that page 36-37 of the packet shows a study that is not complete. She believes it is not an accurate reflection of the possibilities on that property. She recommends that, in future applications, UEC should conduct a full annual study so there is a true picture of wildlife and potential wildlife that will be impacted. Mrs. Mabbott stated that would be leading advice for UEC to do a more thorough analysis of the site as they develop in phases. Commissioner Danforth stated that it should be considered in making the Goal 3 Exception not just the CUP that comes after. She believes that, in making an exception we are changing legislation and all the information should be available to make that decision.

Commissioner Danforth pointed out that the findings from the county note that there was no inventory done. However, the paperwork distributed at the hearing says there was an inventory done, but there is nothing to back that up. She believes that is necessary information to provide in order to make an informed decision in taking high-value farmland out of production or possible future productions.

Chair Randall closed the hearing for deliberation.

Chair Randall stated that the fact that it runs along the highway and the BPA transmission line runs through it, it makes common sense to him. He doesn't feel this should be precedent setting but cringes at the fact of needing to install new transmission lines for 80-100 new sites. A BPA power line runs across this piece of ground and this particular exception makes sense to him. Chair Randall stated that he has lived on that end of the county for the last 25 years and has seen what has happened to that area over the years. This piece of property makes sense to be used in this way.

Commissioner Marlatt agreed with Chair Randall. He believes the cost of developing the property for solar power will be far less than if it were somewhere else. Commissioner Marlatt agrees that it wouldn't set precedence if approved, but worries that it may be an indicator to other developers that Umatilla County is willing to look at more development on high-value farmland. He believes that the 5 ac. water right can likely be claimed. Chair Randall stated that if the water right can be sold and put to good use then that should be considered in the upcoming phases of the project. Commissioner Wysocki stated that all Goal Exception applications should be judged on their individual merit; decisions are not precedents and have no bearing on future applications.

Commissioner Thorne stated that it's better to use this land that is close to transmission lines and has not been used for many years, than it would be to use someone else's farm ground which would require additional transmission lines to reach a service road.

Commissioner Kaiser stated that, if approved, he would like them to come back for a CUP and conditions are looked at very carefully. Mrs. Mabbott said, by code, a CUP would not automatically go before the Planning Commission, but if the Planning Commission is making that request she can make sure that happens.

Commissioner Rhinhart stated that he struggles anytime we lose farm ground. He believes, when changes are made to open space, it never goes back. Oregon loses 150,000 ac. per year to development and most of that development is in the western part of the state where they have excellent high-value farm ground. He believes at some point this piece of ground could be very valuable. He commends the UEC for attempting to find a location where the project would do the least amount of damage to farm ground but he continues to struggle with the decision.

Commissioner Wysocki moved to recommend approval of Text Amendment #T-16-067 to the Umatilla Board of County Commissioners. Commissioner Thorne seconded the motion. The motion was denied by a vote of 4 to 3.

OTHER BUSINESS:

Cities Urban Growth Areas (UGAs)

Mrs. Mabbott reviewed a spreadsheet outlining the Joint Management Agreements and Transportation Plans we have adopted with Cities to manage UGAs.

Mileage Reimbursement

Mrs. Mabbott spoke about the County's budget situation and the need to make cuts and decrease spending wherever possible. The County has issued a hiring freeze and asked departments to cease all spending that is not absolutely necessary. They hope to carry funds over for the next fiscal year. Several departments have submitted proposals to reduce our budget request but we are still about \$700,000 short of balancing the budget. When Julie Alford retires from the Land Use Planning office, we will not be replacing her. We also plan to cut some Code Enforcement hours. Mrs. Mabbott asked if the Planning Commissioners would be open to forgoing the reimbursement for mileage to and from Planning Commission hearings. Chair Randall stated that as a business person, he feels that the County administrative cost of preparing the reimbursement check is three times the amount of the actual check. Commissioner Danforth agreed that it is a waste of County resources and as a group they decided to forfeit the mileage reimbursement.

State Agency Coordination PowerPoint

Mrs. Mabbott presented her PowerPoint presentation on the State Agency Coordination (SAC) Program. She explained that, when the state adopts rules or programs that affect land use, they ask local government for input. This process works the same way when local departments reach out to the state and others agencies to provide input on decisions we are making. This process functions well with some agencies and not so well with others. In the past each agency had a designated land use person who coordinated with us on land use issues. Now, we send those notices to the agency in general, or to whoever we believe may be the person to notice within the agency. The institutional memory and need for that position has gone away so the funding has gone away and as a result, there is no identified person to coordinate with.

Mrs. Mabbott made some suggestions for Planners including obtaining a copy of SAC's and refer to them when coordination issues arise. She encourages them to be proactive and keep an updated local agency notice list with regional representative names and contact information. Eventually we hope to have additional legislation with funding available to update the SAC program.

ADJOURNMENT:

Chair Randall adjourned the meeting at 9:05 p.m.

Respectfully submitted,

Tierney Dutcher
Administrative Assistant

(Minutes adopted by the Planning Commission on _____)

Umatilla County

Department of Land Use Planning



DIRECTOR
TAMRA MABBOTT

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

MEMO

TO: Umatilla County Board of Commissioners

FROM: Bob Waldher, Senior Planner *BW*

DATE: March 8, 2017

**RE: March 15, 2017, Board of County Commissioners Hearing
Umatilla Electric Cooperative (UEC)
Statewide Planning Goal 3 Exception
Text Amendment, #T-16-067**

Background Information

Umatilla Electric Cooperative (UEC) has submitted an application for an exception to Statewide Planning Goal 3 to allow for solar development on approximately 80 acres of Exclusive Farm Use (EFU) zoned property. The Subject Property, owned by UEC, is described as Township 5N, Range 28E, Section 14; Tax Lot #1500.

Since a pre-application submitted in February 2016, the project and application has gone through several iterations. A sequence of events follows:

- Pacific Northwest Generating Cooperative (PNGC) submitted a Conditional Use Permit pre-application for a photovoltaic solar facility to the Umatilla County Planning Department (Planning) on February 2, 2016. Following review by Planning, on March 2, 2016, PNGC was notified by letter that additional criteria would need to be addressed prior to submitting an application.
- Subsequent to the completeness letter, County Planning notified PNGC that the proposed project (approximately 20 acres) exceeded the 12 acre threshold allowed by Oregon Administrative Rules (OAR) 660-033-0130(38)(f) which states... *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.*
- On August 12, 2016 PNGC submitted an application for a Conditional Use Permit #C-1253-16 and a Goal 3 Exception / Text Amendment #T-16-067. Planning determined the application to be complete on August 17, 2016. On September 14, 2017 Planning submitted the required 35-day DLCD notice for a proposed text amendment to the Comprehensive Plan.

Memo

Board of County Commissioners Public Hearing – March 15, 2017

Umatilla Electric Cooperative (UEC)

Statewide Planning Goal 3 Exception and Text Amendment, #T-16-067

- During the 35-day notice, Planning was notified of potential conflicts between the applicant's proposed solar facility and a PacifiCorp transmission line project that was permitted in 2016. Following communication with PNGC, the County was advised to hold the application until right-of-way issues could be addressed between PNGC, UEC, and PacifiCorp. On September 28, 2016 PNGC signed a 150-day waiver, extending the planning review period.
- On January 26, 2017, Elaine Albrich (attorney representing PNGC) notified Planning that PNGC was withdrawing its Conditional Use Permit but noted that UEC planned to file supplemental information to move forward as the applicant for the Goal 3 exception and associated text amendment. Planning closed the PNGC application for a Conditional Use Permit.
- The applicant submitted a supplemental narrative in support of the Goal 3 exception request on January 30, 2017. Planning revised the DLCDC 35-day notice and provided notice to adjacent property owners and agencies on February 3, 2017. A copy of the applicant's cover letter, confirming UEC as the applicant, was sent on behalf of Tommy Brooks (Cable Huston, LLP), is included as an attachment to this memo.

Land Use Hearings

The first public hearing for the proposed Goal 3 exception request was held February 23, 2017 at 6:30 PM at the Justice Center Media Room in Pendleton. The staff report was presented to the Planning Commission and additional information was added to the project record which included 1) email communication from Oregon Department of Transportation (ODOT) regarding an existing approach onto Highway 730, 2) letter from Brian Fritz (PacifiCorp) noting no objections to the proposed exception, 3) letter from Oregon Water Resources Department (OWRD) providing additional information about a historic water right located on southern portion of the subject property. Copies of the staff communication listed above are included as attachments.

Testimony in favor of the proposed exception was presented by the applicant. The applicant also provided written testimony in the form of a second supplemental to the application (see attached). Testimony in opposition was presented by Dave Price, representing Blue Mountain Alliance. Mr. Price included submitted written testimony (see attached) that was added to the project record.

Following the testimony and after deliberation, the Planning Commission voted 4-3 not to forward a recommendation of the proposed Goal 3 exception to the Umatilla County Board of Commissioners. Subsequent to the Planning Commission Hearing, the applicant provided additional supplemental materials which are attached to this memo.

Memo

Board of County Commissioners Public Hearing – March 15, 2017
Umatilla Electric Cooperative (UEC)
Statewide Planning Goal 3 Exception and Text Amendment, #T-16-067

Applicable Criteria

Approval of the proposed Goal 3 Exception request would provide relief from the criteria found in Oregon Administrative Rules (OAR) 660-033-0130(38)(f) which limit photovoltaic solar power generating facility(s) greater than 12 acres on high-value farmland, and would allow the owner to advance future siting of solar facilities on the subject property.

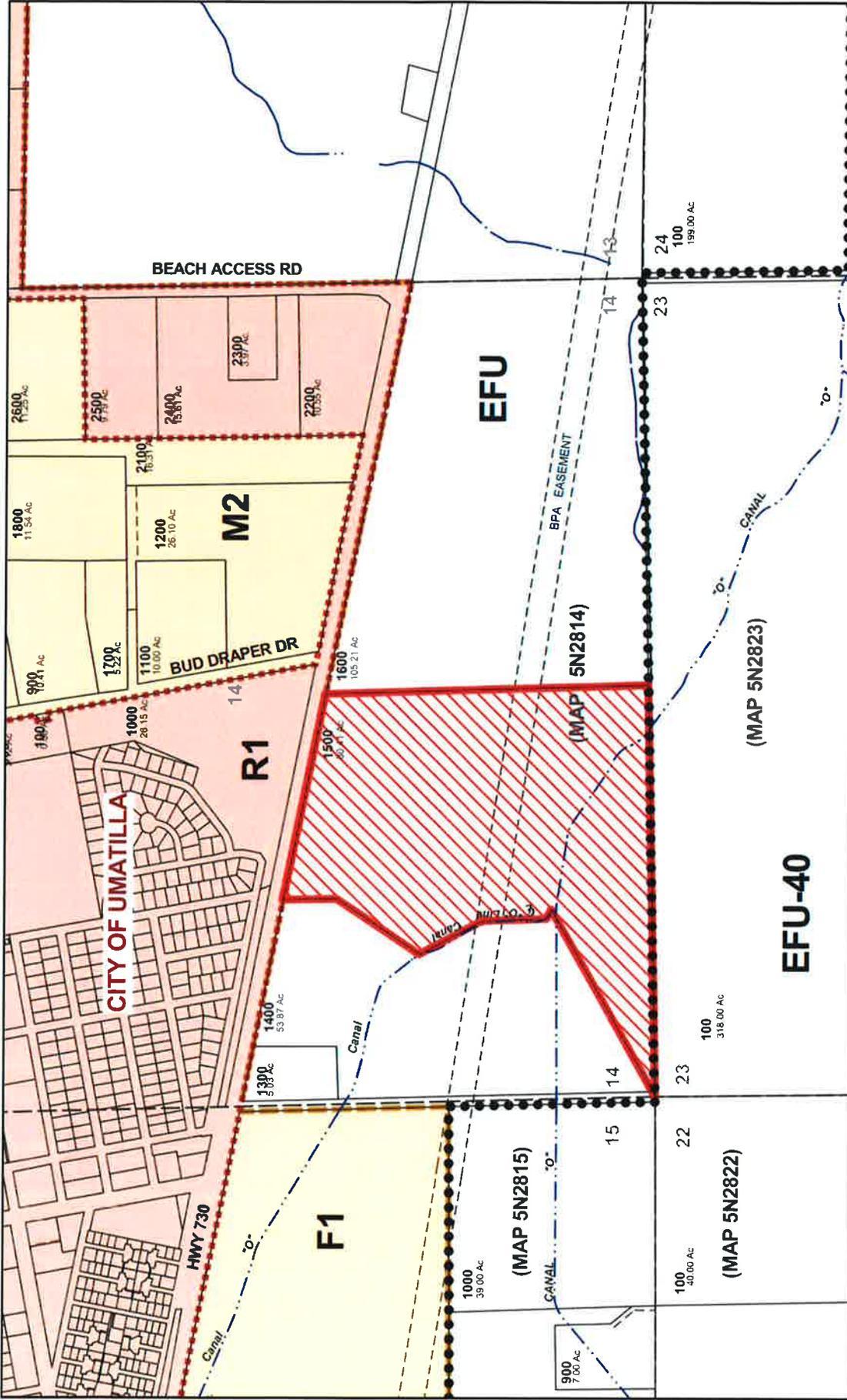
Document	Sections
Oregon Administrative Rules (OAR)	OAR 660-033-0130(38)
Oregon Revised Statute (ORS)	ORS 197.732
Umatilla County Development Code (UCDC)	UCDC Sections 152.750 through 152.755

Conclusion

The Board of County Commissioners are asked to refer to the Findings and Conclusions and supplemental materials provided in the project record to determine if the request is in compliance with the County Comprehensive Plan and the State Administrative Rules for an exception to Goal 3. The final local decision is made by the Board of Commissioners and based on substantial, factual, evidence in the record.

Attachments

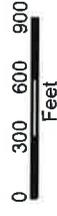
- Map of Proposed Goal Exception Area
- Final Findings and Conclusions with Supplemental Material Provided by Applicant
- Application Cover Letter Submitted by Tommy Brooks (Cable Huston, LLP)
- Staff Communication with ODOT, PacifiCorp, OWRD
- Second Supplemental Submitted by Applicant
- Written Testimony Provided by Mr. Price (Blue Mountain Alliance)
- Third Supplemental Submitted by Applicant
- Map of American Viticulture Area (AVA) for Umatilla County



PROPOSED GOAL EXCEPTION #T-16-067
UMATILLA ELECTRIC CO-OP, APPLICANT/OWNER
MAP 5N2814, TAX LOT 1500

Legend

-  City Limits
-  Property Boundaries
-  Proposed Goal Exception Area
-  Urban Growth Boundary
-  Zone Boundaries



MAP DISCLAIMER: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of this data. Parcel data should be used for reference purposes only. Not intended for legal use. Created by Julie Alford, Umatilla County Planning Department.

DATE: 2/2/17

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**UMATILLA COUNTY BOARD OF COUNTY COMMISSIONERS
FINAL FINDINGS AND CONCLUSIONS
EXCEPTION TO STATEWIDE PLANNING GOAL 3
TEXT AMENDMENT (File #T-16-067),
ASSESSOR'S MAP 5N 28 14; TAX LOT 1500, ACCOUNT NO. 133073**

I. OVERVIEW

Applicant: Umatilla Electric Cooperative, Inc.
PO Box 1148
Hermiston, OR 97838

Applicant Contact: Tommy A. Brooks
Cable Huston LLP
1001 SW 5th Avenue, 20th Floor
Portland, OR 97204
Phone: 503-224-3092
Email: tbrooks@cablehuston.com

Property Owner: Umatilla Electric Cooperative, Inc.
PO Box 1148
Hermiston, OR 97838

Proposed Action: Obtain a Goal 3 exception to allow for solar development on approximately 80 acres in the Exclusive Farm Use (“EFU”) zone.

Subject Property: Tax Lot 1500 in Township 5, Range 28 E, Section 14, Umatilla County, Oregon consisting of 80 acres (“Exception Property”).

Site Characteristics: The subject property consists of land with rocky soils, that without irrigation, would not be capable of producing farm crops. The entire subject property is unirrigated, and water rights are only located on the extreme southern portion of the subject property. Information provided by Oregon Water Resources Department (OWRD) shows that less than 5 acres of a “non-cancelled water right” exist on a sliver of the subject property. However, it is unlikely that the existing water right could be exercised since it has not been utilized in more than 5 years. An existing 500-kilovolt electrical transmission line runs east to west and an existing irrigation ditch runs east to southwest, both dividing the northern and southern portions of the Exception Property. A new 230 kV transmission has been permitted to cross the subject property, but has not yet been constructed. The Exception Property is currently accessed via a gravel access road off Highway 730. Data from the U.S. Geological Survey National Hydrography Dataset and the U.S. Fish and Wildlife Service National Wetlands Inventory

(NWI) show the Exception Property is devoid of permanent water bodies and there are no mapped intermittent, ephemeral streams onsite.

Public Hearings:

The first public hearing for the proposed Goal 3 exception request was held before the Planning Commission on February 23, 2017 at 6:30 PM at the Justice Center Media Room in Pendleton.

Testimony was heard from the applicant and one member of the public. Following the testimony and after deliberation, the Planning Commission voted 4-3 not to forward a recommendation of the proposed Goal 3 exception to the Umatilla County Board of Commissioners.

A subsequent Public Hearing before the Umatilla County Board of Commissioners will be held Wednesday, March 15, 2017 at 9:00 AM in Room 130 of the Umatilla County Courthouse 216 SE Fourth Street, Pendleton, OR.

II. GOAL 3 EXCEPTION

The applicant seeks approval to develop approximately 80 acres with a photovoltaic solar array. There is currently a solar array on approximately 5 acres, which was permitted as a Conditional Use in 2015. 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.

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: The Exception Property consists predominately of arable soils, with approximately 80 percent of NRCS soil type 1B and 20 percent of NRCS soil type 93B See Attachment A (Soils Map). The subject property is not irrigated and therefore, is not considered to be productive agricultural land. However, because the Exception Property is located within the Columbia Valley AVA, see Attachment C (AVA Map), the land is considered by law to be high-value farmland under ORS 195.300(10)(f)(C).

When UEC purchased the property, it was believed that the property had no associated water rights with it. See Attachment B (OWRD Map and Port of Umatilla Letter). UEC has since learned that a small, non-cancelled water right does exist on the southern portion of the property. Specifically, that water right is part of a larger water right for which the place of use is the adjacent southern property. A small sliver of that water right covers approximately 5 acres of the extreme southern portion of the subject property (See applicant's supplemental narrative submitted 03-07-17). It is the lack of water right on the remainder of the subject property that likely prevents this property from being developed for agricultural uses in the same manner as nearby properties. The existence of the non-cancelled water right, because of its location, does not make the subject property any more likely to be used for agricultural purposes. It is not clear if that water right could be developed. Even if it could be, the place of use is only a small portion of the subject property and exists where the soils are Class VIe and contain rock outcrops.

UEC acquired the Exception Property for the purpose of developing solar projects. In February 2016, UEC energized a 1.264 MW solar photovoltaic array as phase 1 of the total site development, occupying approximately 5 acres of the Exception Property. As part of a subsequent phase of development, UEC leased part of the Exception Property to Pacific Northwest Generating Cooperative (PNGC), which UEC is a member of, to develop a 3MW solar array. Development of such a project requires exceeding the 12-acre cap imposed by Goal 3. PNGC therefore initiated the Goal 3 Exception request in this matter. Although PNGC's specific project is no longer being proposed, UEC intends to continue developing solar projects of that size. See Attachment H (this is a new attachment not previously submitted to the record).

As noted in the original Narrative, development of a 3MW solar power generation facility may permanently impact up to 30 acres of land on the Exception. Accordingly, a Goal 3 Exception is required under OAR 660-033-0130(38)(f). The Applicant proposes to remove up to 80 acres from Goal 3 protection to make the entire property available for solar development (subject to specific development rules and limitations). BPA has no objection to this request. See Attachment D (BPA Letter).

The Goal 3 Exception request will facilitate construction of UEC’s planned facilities. By taking a Goal 3 exception for the entire Exception Property, UEC is attempting to reduce the need to process multiple Goal 3 Exception requests on the same parcel. This approach will also allow UEC to work with other stakeholders to design specific projects that meet both UEC’s needs and the needs of others, for example by designing a specific project that accommodates another transmission line that is planned in the area. Specific developments will be approved through conditional use permits. Therefore, the specific area of the Goal 3 Exception is described as the entirety of Tax Lot 1500 in Township 5 north, Range 28 east, Section 14, Umatilla County, Oregon.

Umatilla County Finding: As noted by the applicant, the subject property is classified as high-value farmland as defined under ORS 195.300(10)(f)(C). The following table provides an overview of the soil types and their Land Capability Class designation:

Soil Name, Unit Number, Description	Land Capability Class	
	Dry	Irrigated
1B: 75% Adkins Fine Sandy Loam, 0 to 5 percent slopes	IVe	Ile
93B: 75% Starbuck Very Fine Sandy Loam, 2 to 20 percent slopes	VIe	-
94A: Starbuck-Rock Outcrop Complex, 0 to 5 percent	VIe	-
4A – Adkins Fine Sandy Loam, Wet, 0 to 3 percent slopes	IIw	IIw

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).

Email communication between the County Planning Department and the Hermiston Irrigation District (HID) noted that the proposed Exception Property does not have (surface) irrigation water rights with HID. However, information provided by OWRD shows that less than 5 acres of a “non-cancelled water right” (classified by OWRD) exists on a sliver of the subject property. The County finds that it is unlikely that the existing water right could be exercised since it has not been utilized in more than 5 years. The applicant also has documented that there are no appurtenant groundwater rights for the property.

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 owner to advance future siting of photovoltaic solar power generating facility(s) greater 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

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 Property. **Umatilla County Findings** are included below each response.

A. Reasons to Justify the Exception

1) The Exception Property offers a good solar resource and is strategically located for interconnecting solar development to the regional grid.

Applicant's Response: The Exception Property is proven to provide a good solar resource with relatively flat topography and long sun exposure. An additional 9 to 11 MWs of solar generation could be developed on the site in addition to UEC existing solar project. See **Attachment E** (Conceptual Site Layout). Renewable energy development on agricultural land is considered "rural industrial development" under OAR 660-004-0022(3)(a) and allowing siting of rural industrial development on resource lands outside an urban growth boundary is a reason to support a Goal 3 Exception when "[t]he use is significantly dependent upon a unique resource located on agricultural or forest land." Here, there is evidence to conclude that the Exception Property offers a unique solar resource to support utility-scale solar development based on the existing and proposed solar development.

Other resources offered by the site are direct access from Highway 730 and the proximity to the existing transmission system. The Exception Property is located adjacent to UEC's electric distribution system line that connects to UEC's Power City substation and then to UEC's existing transmission line that connects to UEC's point of delivery at BPA's McNary substation. Solar development on the Exception Property can therefore be connected to an existing system without the need for new distribution or transmission lines, thus minimizing potential impacts to agricultural areas from solar development.

Umatilla County Finding: Umatilla County finds there is evidence supporting the fact that the proposed Exception Property provides a good solar resource. A 1 MW project was permitted through a Conditional Use Permit and constructed on the proposed Exception Property in 2015.

2) The Exception Property is undeveloped and viewed as unproductive farmland. A Goal 3 exception facilitates a higher, better use of the land and concentrates solar development off more productive farmland.

Applicant's Response: UEC purchased the Exception Property from the Port of Umatilla in 2015 and neither of the prior property owners utilized the land for agricultural purposes. The Exception Property is artificially categorized as high-value farmland because it is located in the Columbia Valley AVA, but the existing site-specific conditions demonstrate otherwise and are unlikely to support productive agricultural operations, let alone vineyard development. The primary policy of Goal 3 is to preserve land for agricultural production. Using unproductive agricultural land for solar development is a more productive use of the land and directs solar development away from more productive farmland.

Umatilla County Finding: Umatilla County finds that as noted above, a 1 MW (approximately 5 acres) project was permitted and constructed on the proposed Exception Property in 2015-2016. Evidence has been provided that shows a majority of the proposed Exception Property does not have irrigation water rights, and the soils on the subject property would not be productive without irrigation. The subject property has not been cultivated for farming but, according to the Port of Umatilla General Manager, may have been used for livestock grazing in the distant past, but not recently.

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 plans to develop future renewable energy appear to 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 can comply with development standards, the County can find that this exception application is compliant with the County Comprehensive Plan.

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

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 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 developing the property with additional solar facilities will provide a modest increase in tax revenue for the County. County finds that the project will provide jobs and economic growth. In terms of efficient development, county finds the project can be considered efficient given that the solar project is adjacent to existing transmission lines and therefore additional lines on adjacent farm ground will not be required. The proximity to transmission lines and other industrial development to the north establish qualification as efficient development.

B. Areas Not Requiring a New Goal Exception Cannot Accommodate Use

Applicant’s Response: Under this prong of the Goal 3 Exception analysis, it is appropriate to consider multiple factors when determining whether other land could “accommodate” solar development. It is not simply whether the zoning would allow the development without a Goal 3 Exception. The feasibility and practicality of successfully developing such lands must be considered. A Goal 3 Exception would not be required for urban land located within the cities of Umatilla County. A Goal 3 Exception may also not be required for rural land zoned industrial depending on the scope of the original Goal 3 Exception. For urban land, it is difficult to find the acreage needed to site utility-scale solar development on land with a viable solar resource.

These lands are often in close proximity to other uses which may be viewed as incompatible with utility-scale energy development. For industrially-zoned land within the County (as shown on the zoning maps in Attachment F), land may be limited and not offer the topography and proximity to existing energy infrastructure that makes solar development feasible. Urban and rural industrially-zoned land is also expensive and can make the economics of a solar project unworkable. For example, vacant industrial land to the north of the Exception Property could be purchased for \$30,000 per acre. In comparison, undeveloped rural agricultural land is available for approximately \$2,500 per acre. The Exception Property can accommodate solar development and offers optimal, accessible solar energy project sites, whereas other locations cannot.

Umatilla County Finding: Umatilla County finds that multiple industrial-zoned parcels are located to the south of the proposed Exception Property, primarily adjacent to Highway 395 North between the Urban Growth Boundaries of the Cities of Hermiston and Umatilla. For example, as noted in the *Highway 395 North Economic Development Study* (Hovee, 2015), approximately 37 percent of commercial and industrial zoned land within the study area is vacant.

A large parcel of industrial-zoned property located north of the subject property on land owned by the Port of Umatilla is under contract for sale to a solar developer for \$5,000 per acre. The land is void of utilities such as power and water and wastewater lines. Industrial zoned parcels with gas, water, wastewater and road service have been selling at the Port for \$20,000 per acre. This information was shared by the General Manager of the Port of Umatilla on February 14, 2017.

While the cost of land is certainly a factor in determining a location for a solar development, it is not germane to the specific goal exception criteria. And, while the applicant did not provide an inventory or analysis of sites that would not require an exception, county may find that the subject parcel is uniquely situated adjacent to existing transmission lines and an existing solar array, and there is not likely another parcel that has those two unique characteristics. Where cost of transmission and impacts of transmission are important considerations in energy development, county may find that other locations do not likely exist and therefore the subject parcel is most suitable for energy development.

C. ESEE Consequences Favor the Exception

Applicant's Response: *Environmental.* The Exception Property is located on unproductive agricultural land categorized as Habitat Category 6 per the ODFW Habitat Mitigation Policy set forth in OAR 635-415-0000 through -0025. The Exception Property will not cause significant adverse environmental consequences because Category 6 habitat has a low potential to become essential or important habitat for fish and wildlife, and no habitat mitigation is required per the ODFW Habitat Mitigation Policy. See the 2015 Habitat and Wildlife Assessment in Attachment G. Further, any construction on the Exception Property must adhere to the solar siting standards in OAR 660-033-0130(38), which require a project-specific erosion control plan. The erosion control plan will use general "best management practices" for erosion control during and after construction. The plan will also provide for permanent drainage and erosion control facilities as necessary to allow stormwater passage without damage to local roads or to adjacent areas and without increasing sedimentation of intermittent streams.

The Applicant does not anticipate any unmitigated adverse impacts on soils, wetlands, protected areas, water resources, threatened and endangered species, scenic resources, historic and cultural and archaeological resources, or public services as a result of this Goal 3 Exception request, particularly given that each individual solar project will be subject to conditional use review. Because of the relatively low presence of habitat, water, and other environmental resources present on the site, 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. The potential impacts on the Exception Site are therefore no greater than they would be on other sites requiring a Goal 3 Exception, especially in light of the fact that all sites would have to implement the same siting standards noted above.

Socioeconomic. The socioeconomic consequences of removing the Exception Property from Goal 3 protection will not be adverse because the land is unproductive agricultural land and no income is generated from agricultural operations. The income generated by solar development will improve the local tax base.

Energy. Up to approximately 8-11 MW of solar generation could be developed on the Exception Property, with 1 MW already constructed. Thus, the energy consequences of removing the Exception Property from Goal 3 protection will be positive, as is the fact that it will produce renewable, emissions-free energy. The clean energy produced on the Exception Property will help the region meet increasing energy demands.

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, future solar development on the subject property would require 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).

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

Applicant's Response: Solar development on the Exception Property is compatible with adjacent land uses. The Exception Property and adjacent lands are predominately underutilized agricultural land with varying topography and vegetation. Areas to the west, east, and south of the Exception Property consist primarily of undeveloped land with sparse sagebrush and tree cover, with some instances of standing water to the east and south. Areas to the west and southwest are used for grazing cattle and what appears to be periodic flood irrigation. Solar development on the site will have no impact on the inventoried agricultural uses in the surrounding area given the nature and intensity of the agricultural uses. A solar facility already exists on this site and has been compatible with other adjacent uses.

There is some residential and commercial/industrial development to the north of the Exception Property across from Highway 730. With Highway 730 and the earthen berm along the northern boundary of the Exception Property, solar development on the site will have little impact on the residential and commercial/industrial uses.

Any solar development on the Exception Property will be set back to avoid the existing BPA transmission line easement and the irrigation ditch located on the southern portion of the site. UEC will also work with others who may seek to use the property (e.g. for a transmission line) to site specific projects in a manner that reasonably accommodates those uses. Setbacks are sufficient to ensure that solar development is compatible with these existing uses. Of note, each specific development UEC pursues will have to obtain a conditional use permit. That process will allow the County to address compatibility issues on a project-by-project basis and to incorporate then-existing conditions.

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

IV. CONCLUSION AND REQUEST FOR EXCEPTION

Applicant's Response: In sum, there are compelling reasons that justify removing the Exception Property from Goal 3 protection, including the unavailability of other areas that do not require a new exception and that could otherwise reasonably accommodate the use, and that doing so will not create any significant adverse economic, social, environmental, or energy consequences. Solar development on the Exception Property will be compatible with adjacent land uses. For these reasons and those set forth in the record, Applicant respectfully requests approval of the Goal 3 exception request.

VI. BOARD OF COMMISSIONERS DECISION OPTIONS

A. Denial

Based upon the foregoing Findings of Fact and Conclusions of Law, where it has not been demonstrated the request is in compliance with the County Comprehensive Plan and the State Administrative Rules for an exception to Goal 3, the applicant's request is denied.

B. Approval

Based upon the foregoing Findings of Fact and Conclusions of Law, where it has been demonstrated the request is in compliance with the County Comprehensive Plan and the State Administrative Rules for an exception to Goal 3, the applicant's request is approved.

DATED this ____ day of _____, 20____.

UMATILLA COUNTY BOARD OF COMMISSIONERS

W. Lawrence Givens, *Commissioner*

William J. Elfering, *Commissioner*

George L. Murdock, *Commissioner*

Attachments

Attachment A

NRCS Soil Survey Summary 6_29_2016



1B – 75% Adkins Fine Sandy Loam, 0 to 5 percent slopes

93B – 75% Starbuck Very Fine Sandy Loam, 2 to 20 percent slopes

94A – Starbuck-Rock Outcrop Complex, 0 to 5% slopes (55% Starbuck, 25% Rock Outcrop)

3A – Adkins Fine Sandy Loam, Wet, 0 to 3% slopes (80% Adkins, 4% Wanser)

Approximation:

80% of the project on 1B

20% of the project on 93B

Attachment B

 Oregon Water Resources Department
Water Rights Mapping Tool

Search

Identify Non-Water Right Features

Tools

Layers

Water Rights by Type

- Water Rights by Type
 - Storage Water
 - Points of Diversion - ST
 - Places of Use - ST
 - Surface Water
 - Points of Diversion - SW
 - Places of Use - SW
 - Groundwater
 - Points of Diversion - GW
 - Places of Use - GW
- Water Rights by Use
- Water Rights by Type-Use
- Water Rights by Prim./Suppl'
- Water Rights - Municipal Only

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- Main
- Return
- Help
- Contact Us

725 Summer St NE, Sal





PORT OF UMATILLA

May 6, 2015

To: Whom it May Concern

From: Kim B. Puzey

RE: Municipal Water Rights

The Port of Umatilla recently entered into an Option Agreement with Umatilla Electric Cooperative for a plus/minus 80 acre parcel of property located south of US Highway 730. The legal description is (Section 14 T5N R28E; Lot Number 1500).

I have no knowledge of any Municipal Water Rights associated with this property.

Please contact me if you have questions.

Sincerely,

Kim B. Puzey
General Manager
1-541-922-3224

Attachment C

Attachment D



Department of Energy

Bonneville Power Administration
2211 North Commercial Avenue
Pasco, WA 99301

Transmission Services

July 12, 2016

In reply refer to: Goal 3 Exception, Parcel ID: 5N28140001500

Tract No.: UMAT-COR-W
Line Name: Lower Monumental-McNary No. 1
Location: LOMO-MCNY 62/6-7

Mr. Kevin Ince
Umatilla Electric Cooperative
750 W. Elm Ave.
Hermiston, OR 97838

Dear Kevin:

The Bonneville Power Administration (BPA) has reviewed the request for consideration of concurrence with an exception to Goal 3 for the 80 acre Port of Umatilla project in Section 14, T5N, R28E of Umatilla County, known as Parcel ID: 5N28140001500.

Although BPA has no objection to an exception to Goal 3 of Oregon's Statewide Planning Goal and Guideline OAR 660-015-0000(3), pertaining to preservation of agricultural lands, the subject area is perpetually encumbered by BPA easement, known as Tract ID: UMAT-COR-W.

The easement granted on this right-of-way specifies uses and privileges. As such, a BPA land use application will need to be submitted by or on behalf of the landowner to insure BPA's secured rights are protected. If it determined that the proposed use will not interfere with the safe operation or maintenance of the BPA right-of-way, the approved use will be subject to the conditions of a Land Use Agreement. It is recommended that BPA be contacted early in process in order to avoid/minimize easement area modifications at the landowner and/or developer's expense.

If you have any questions please contact me at (509) 544-4748 or selorenz@bpa.gov.

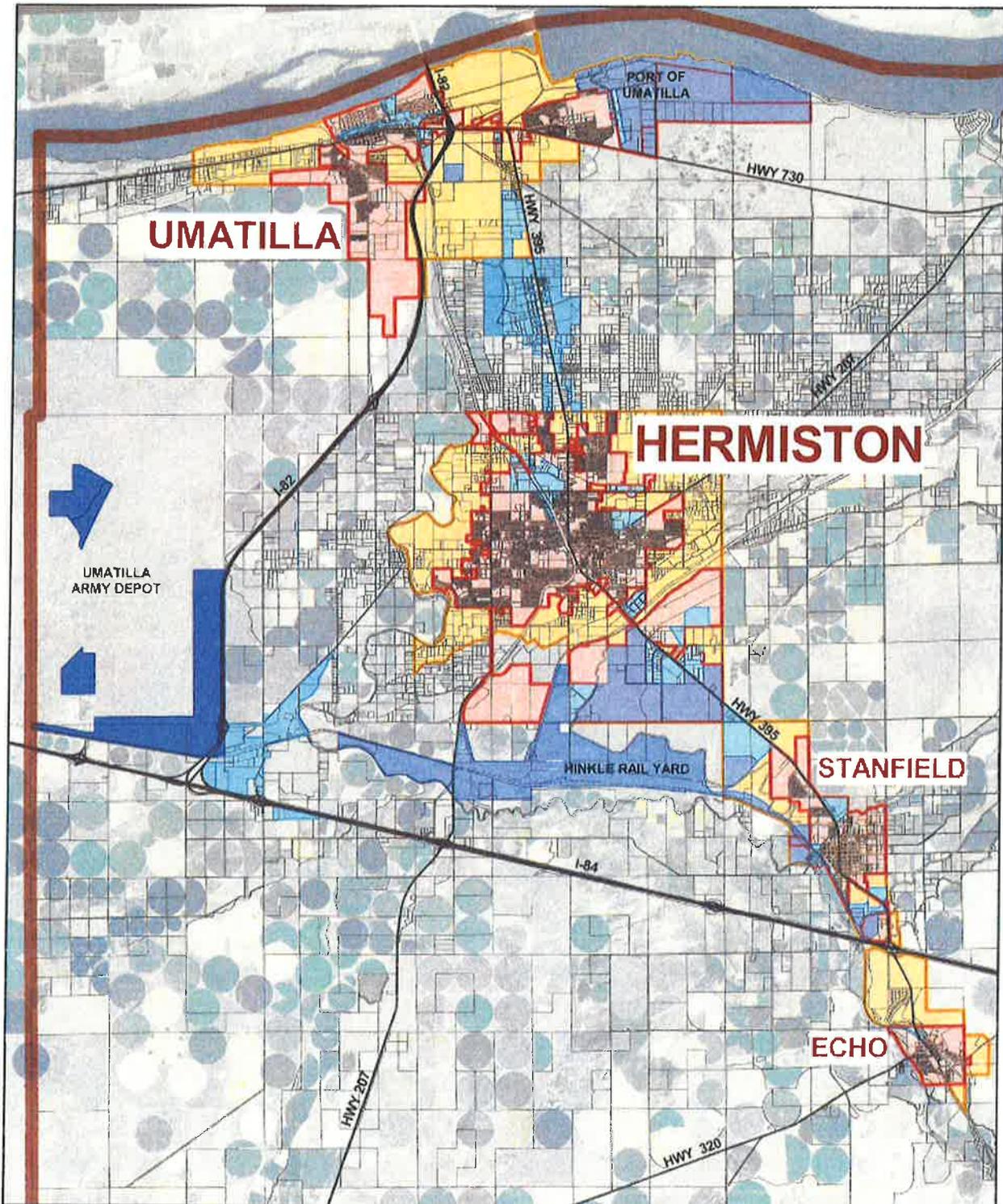
Sincerely,

A handwritten signature in cursive script, appearing to read "S. Lorenz".

Stephanie E. Lorenz
Field Realty Specialist

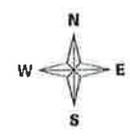
Attachment E

Attachment F

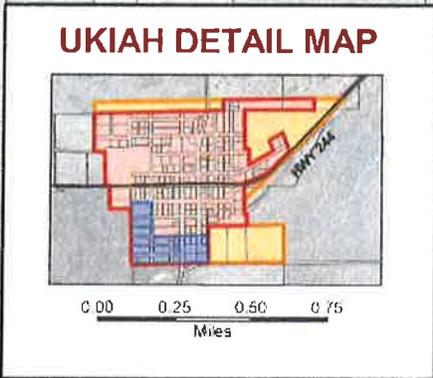
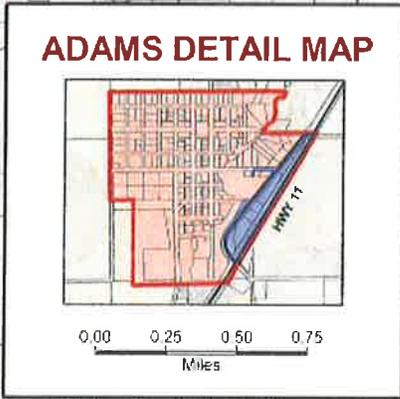
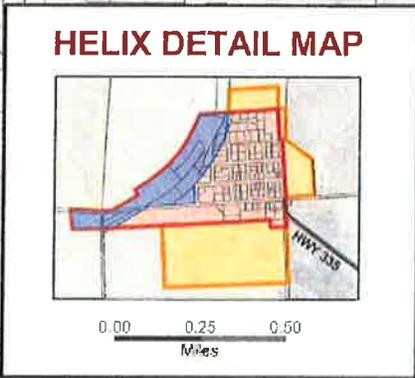
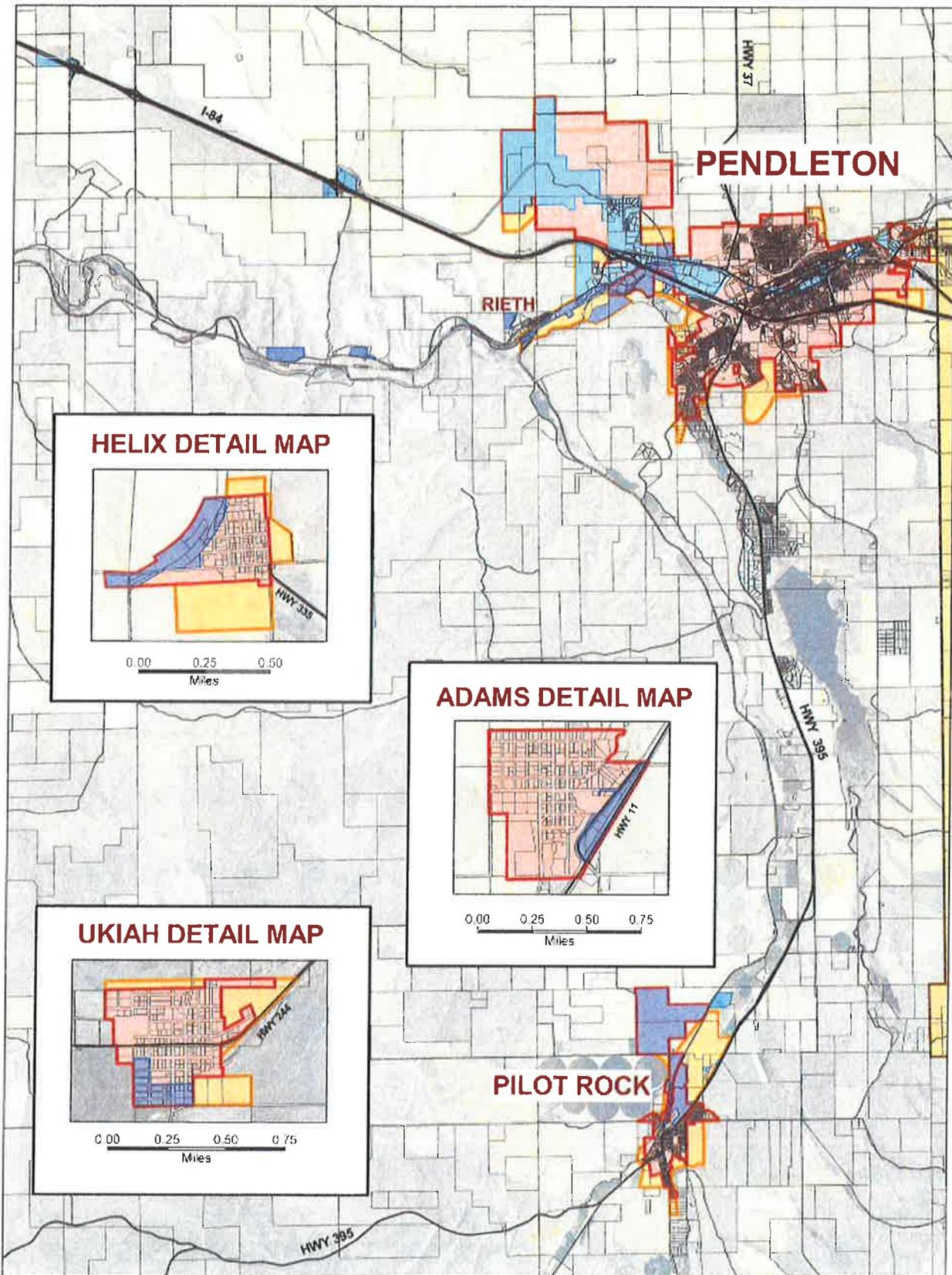


West Umatilla County Industrial Zoned Areas

- Legend**
- City Limits
 - Urban Growth Boundary
 - Light Industrial Zone
 - Heavy & General Industrial Zone
 - Depot Industrial Zone



2014 Aerial Photography
 MAP DISCLAIMER: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of this data.

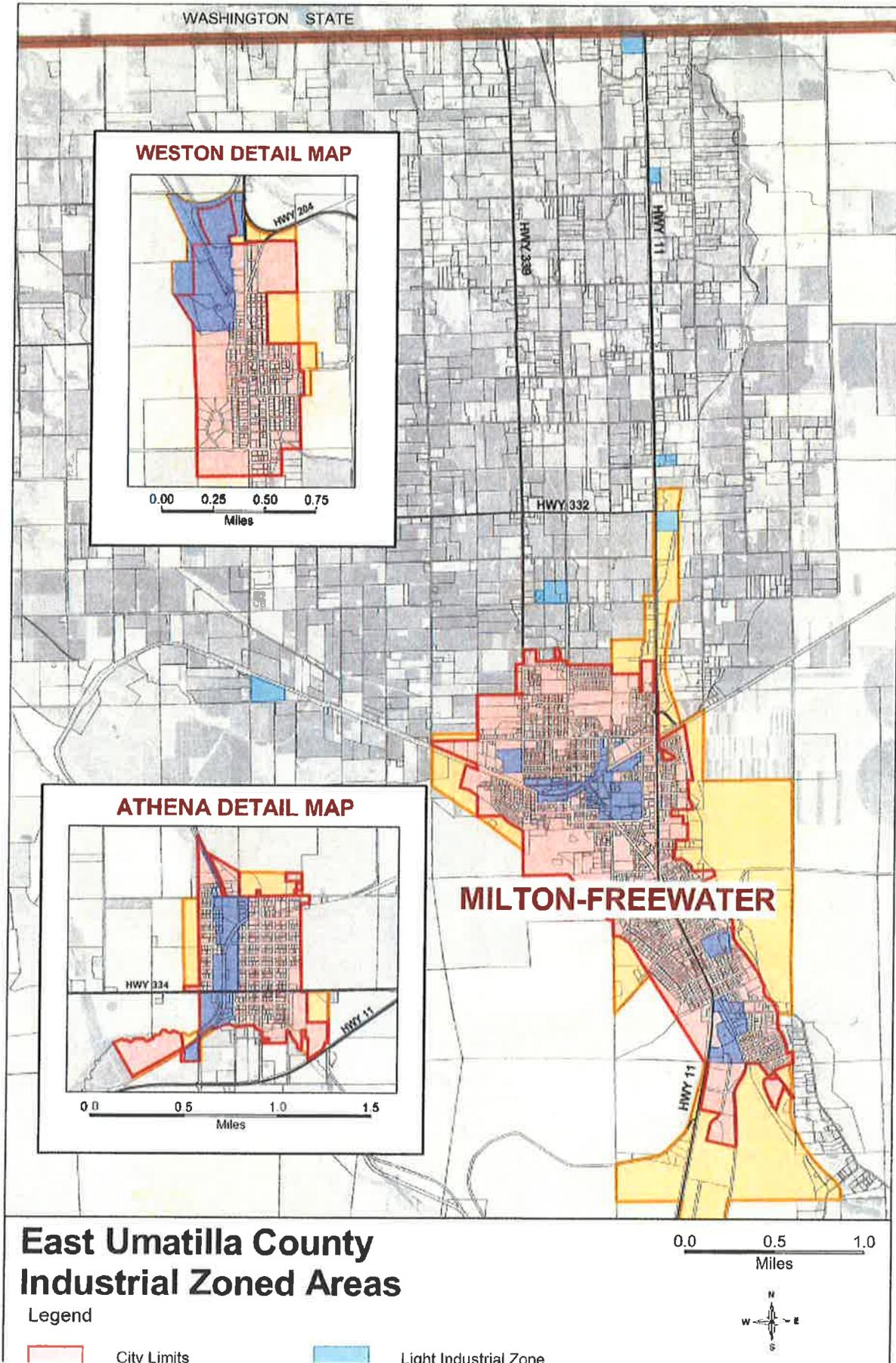


Central & South Umatilla County Industrial Zoned Areas

Legend



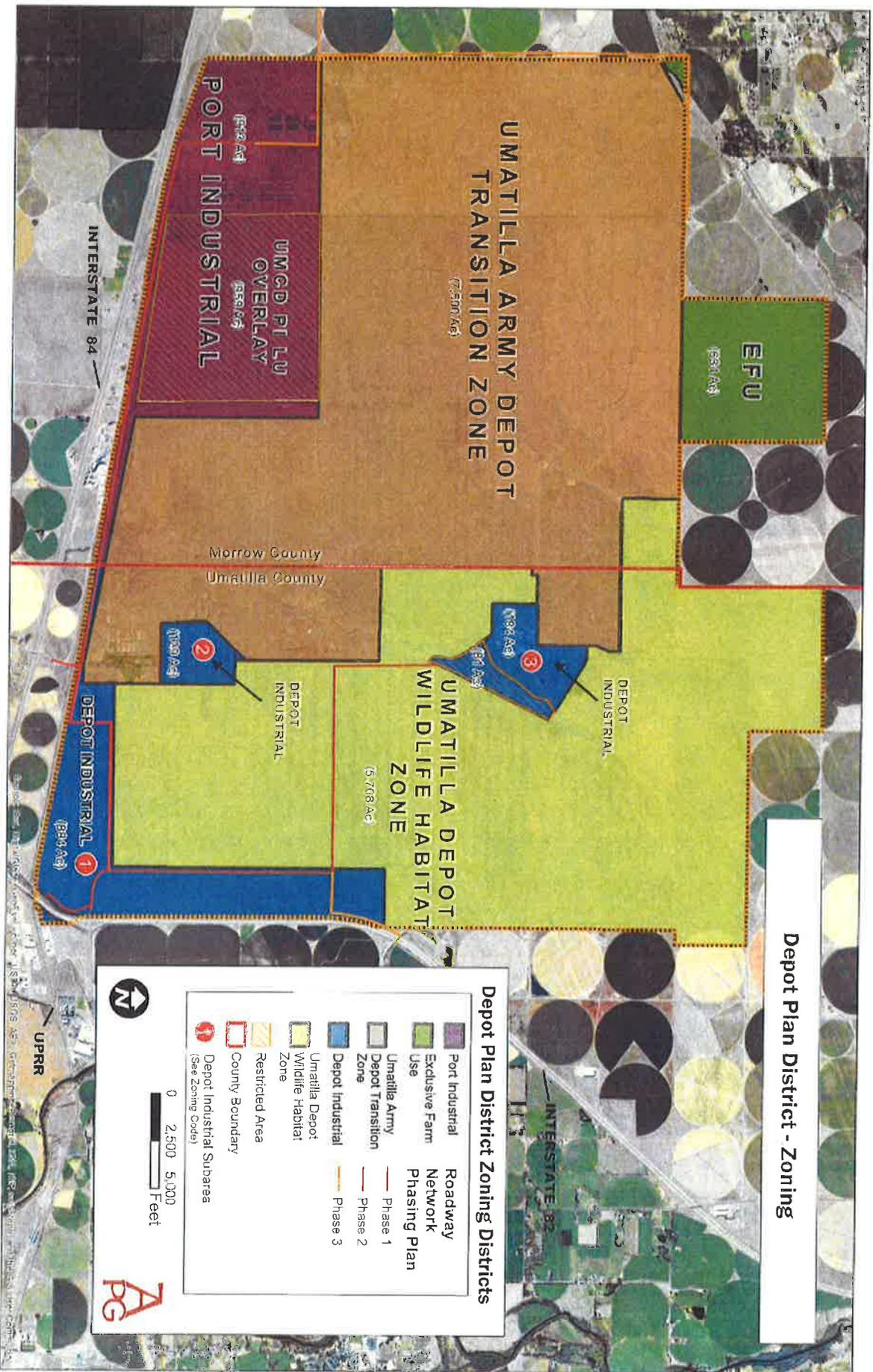
MAP DISCI AIMER No warranty is made by Umatilla County



East Umatilla County Industrial Zoned Areas

- Legend
- City Limits
 - Light Industrial Zone

Depot Plan District - Zoning



Depot Plan District Zoning Districts

	Port Industrial		Roadway Network
	Exclusive Farm Use		Phase 1
	Umatilla Army Depot Transition Zone		Phase 2
	Umatilla Depot Wildlife Habitat Zone		Phase 3
	Restricted Area		County Boundary
	County Boundary		Depot Industrial Subarea (See Zoning Code)

0 2,500 5,000 Feet

Attachment G

**2015
Habitat and Wildlife Assessment
of the
Umatilla Electric Cooperative Solar Project Area**



Prepared for

Umatilla Electric Cooperative
750 W. Elm Avenue
Hermiston, OR 97838

Prepared by:
Robert Gritski and Karen Kronner

Northwest Wildlife Consultants, Inc.
815 NW 4th St.
Pendleton, Oregon 97801



August 14, 2015

Introduction

Northwest Wildlife Consultants, Inc. (NWC) was contracted by Umatilla Electric Cooperative (UEC) in the summer of 2015 to conduct a habitat assessment as it relates to wildlife on an 80 acre parcel of land (the "Project area") that is intended for UEC's future solar project. For the purposes of this summary, the Project area refers to the land within the Project boundary as provided by e-mail to NWC on July 14, 2015 by Darryla Zabransky representing UEC (Figure 1). This habitat assessment is intended to characterize the proposed UEC Solar Project with regard to habitat and general wildlife use. It contains results of an assessment of the Project area conducted on July 28, 2015 by Northwest Wildlife Consultants, Inc. biologists. The two biologists have extensive experience in the habitat of the general Project area. The area that biologists concentrated on most was the area to the north of the canal (shown in Figure 1) where future facilities are to be constructed however the following assessment includes the entire 80 acre Project area.

Findings

Although no known wildlife species of concern (species with special status, state and/or federal) were detected during the survey (Table 1, Appendix A) conducted on July 28, 2015, it should be noted that this is to be considered an off-season survey and review of habitat and its wildlife use—the timing was after the typical breeding season period and not during migration or wintering periods. Through NWC's extensive experience in the Umatilla County area and surrounding counties over the last 28 years, general assessments can be made to inform UEC and its management team on potential interactions or conflicts with special status wildlife habitat and wildlife species likely to be on-site (see Appendix A for species and status), in particular for the critical time period, breeding season (nesting, denning, fledging).

Washington Ground Squirrel (WGS)

Soil profile (depth and stability) is believed to be important for WGS occupancy of up to two meters in depth (Marr, 2001). That soil type is limited in the Project area. Areas of shallow, sandy soil are often favored by Ord's kangaroo rat (*Dipodomys ordii*) and presence of this species (burrows and scat) was frequently noted in this area. Studies have shown that Washington ground squirrels are typically associated with shrub-steppe with perennial grasses (Carlson et al., 1980 and NWC field survey notes 1992–2014). There are small portions of the survey area that have shrub-steppe characteristics; big sagebrush (*Artemisia tridentata*), gray rabbitbrush (*Ericameria nauseosa*), and native perennial grasses such as Western needle-and-thread grass (*Hesperostipa comata*). These sites have the most suitability within the survey area but are very small in size, however the heavy sand component of the soil, makes the overall suitability low for Washington ground squirrel. Most of the Project area is not in shrub-steppe vegetation and is heavily infested with annual grasses (cheatgrass, cereal rye) and weedy plant species (tumbleweed, thistle, knapweed), which are not preferred by Washington ground squirrels.

White-tailed Jackrabbit

Although one group of aged jackrabbit pellets were detected it is highly unlikely that they were from this species. This area has historically been the habitat of black-tailed jackrabbits and the pellets were likely of this species. No live jackrabbits were detected during the survey.

Northern Sagebrush Lizard

Because of lack of large stands of sagebrush and the abundant cheatgrass on the Project area it is highly unlikely that northern sagebrush lizards are present. This survey was conducted during the proper time of year and day for detection of this species and no lizards or sign were found. Historically there likely has been northern sagebrush lizards present in this area but due to the lack of shrub steppe habitat and the introduction of cheatgrass and invasive weed species it is highly unlikely that they exist now.

Burrowing Owl

No sign of burrowing owl was found however they are present in this type of habitat elsewhere. No holes, pellets or feathers were detected. Due to the lack of shrub steppe habitat and the extent of non-native cheatgrass and invasive weed species there is low potential for nesting on the parcel. They could however hunt and roost on the Project area.

Raptor Species

Two species of special status raptors in Oregon are ferruginous and Swainson's hawk. Both of these species have been known to nest in the area. No raptor nests were located during the survey. The only trees and large shrubs with nesting potential are introduced Russian olive trees and deciduous tree along the canal. Several black-billed magpie nests were located in a couple of these trees which in later years could be used by Swainson's hawk. No raptor nests were detected. One American kestrel (a small falcon) was observed flying through the area.

By late July ferruginous hawks would have vacated the area and the majority of the Swainson's hawk should have fledged and vacated the area. It is possible that some Swainson's hawk could still be present, however none were detected.

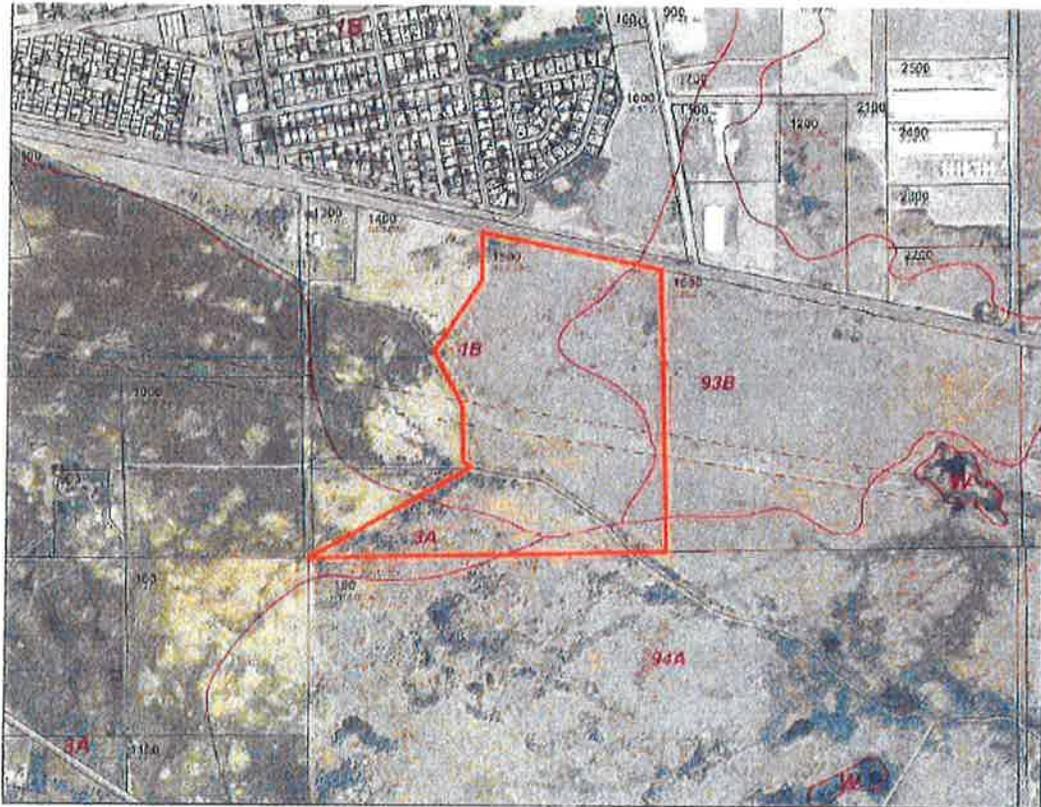
Recommendations

This survey is to be considered an off season survey and surveys during the breeding season are recommended. These seasons would run from March through June; confirmed nesting could be documented by early May. Before any cutting of trees it is recommended to search each tree for nests, preferably during the spring and summer nesting season. If nests are located consultation with Agencies is recommended. Any construction or disturbance should be conducted outside the breeding/nesting seasons for raptor species*. If construction needs to take place during the nesting/breeding season surveys should be conducted to determine if any wildlife species are present and what impacts (if any) might occur from construction activity.

* This summary report does not address potential seasonal restrictions due to nesting of native birds protected by the federal Migratory Bird Treaty Act or protected mammals, reptiles and amphibians

Figure 1

Approximate 80 acre Project Area south of McNary, Oregon



2014 AERIAL PHOTO, MAP 5N2814 TAX LOT 1500

Appendix A. Special status vertebrate wildlife species of potential occurrence in the UEC Solar Project Area

Common Name and Scientific Name	Federal Status	ODFW Status	Occurrence In Project Boundary P=Potential to Occur N=No Potential to Occur
Mammals			
White-tailed Jackrabbit <i>Lepus townsendii</i>	–	SV	P—Although one group of aged Jackrabbit pellets were detected it is highly unlikely that they were from this species. This area has traditionally been the habitat of black-tailed Jack rabbits and the pellets were probably of this species. No live Jackrabbits were detected during the survey. Low potential to occur.
Washington ground squirrel <i>Urocyon washingtoni</i>	C Priority List 2	E	P—No holes, pellets or sign of Washington Ground Squirrel (WGS) were detected during the survey. Soils and degraded habitat were not conducive for supporting WGS. Not active during survey time period. Very low potential to occur.
Birds			
Northern goshawk <i>Accipiter gentilis</i>	SoC	SV	P—Hunts in open woodlands and forest edges. Prefers to nest in dense mature forests. This species has low potential to occur within Project boundary during migration, no potential to nest.
Swainson's hawk <i>Buteo swainsoni</i>	–	SV	P—Nests in open grassland steppe areas and agricultural settings. Prefers isolated scattered trees known to nest in shrubs or on small rock outcrops. Has moderate potential to occur on any given year.
Ferruginous hawk <i>Buteo regalis</i>	SoC BoCC	SC	P—No nests documented on the Project area. Has low potential to occur on any given year.
Golden eagle <i>Aquila chrysaetos</i>	EPA BoCC	–	P—Not documented on Project. Has low potential as a fly over year round.
Bald eagle <i>Haliaeetus leucocephalus</i>	NW EPA BoCC	–	P—Known to occur in the immediate area, especially during winter. High potential to occur as a fly over.
Peregrine falcon <i>Falco peregrinus</i>	NW BoCC	SV	P—Low potential to occur during migration.
Mountain quail <i>Oreortyx pictus</i>	SoC	–	N—Utilizes shrubby ravines, draws, and ditches, forest edges and slopes. Descends to lower elevations in the winter. No suitable habitat within Project boundary.
Greater Sandhill crane <i>Grus canadensis tabida</i>	–	SV	P—Occurs during seasonal migrations, when it typically only flies over the Project area. Low potential to occur on the Project area.
Long-billed curlew <i>Numenius americanus</i>	BoCC	SV	P—Nests in grassland flats and plateaus. Considered "Highly Imperiled" (U.S. and Canadian shorebird conservation plans) due to declines throughout its geographic range. Could occur on project area from March through mid-July. Degraded habitat not likely to support nesting birds.
Western burrowing owl <i>Athene cunicularia hypugaea</i>	SoC	SC	P—In shrub-steppe and grassland areas, traditionally occurs nearby uses existing burrows of coyotes, badgers, and small mammals for nesting. Potential to occur although during the off-season survey no burrows were located.
Lewis' woodpecker <i>Melanerpes lewis</i>	SoC BoCC	SC	P—Utilizes riparian corridors, Douglas-fir, ponderosa pine, and oak habitats. Likely passes through Project area infrequently during dispersal.
White-headed Woodpecker <i>Picoides albolarvatus</i>	SoC	–	N—Utilizes open coniferous forests in mountains; prefers ponderosa pine. No suitable habitat on Project.
Olive-sided Flycatcher <i>Contopus cooperii</i>	SoC	SV	N—Utilizes montane coniferous forests, clearing edges, and wooded borders of bogs. No suitable habitat on Project
Willow flycatcher <i>Empidonax traillii adastus</i>	SoC BoCC	SV	P—Prefers willow and other riparian shrub thickets along streams and brushy uplands. This species has very low potential to occur within Project boundary.
Loggerhead shrike <i>Lanius ludovicianus</i>	BoCC	SV	P—Suitable nesting habitat—sagebrush is limited within the Project boundary. Low potential to occur.
Yellow-breasted chat <i>Icteria virens</i>	SoC	–	N—Utilizes dense undergrowth thickets, forest edges, low wet areas and stream and pond edges. Not likely to occur.

Common Name and Scientific Name	Federal Status	ODFW Status	Occurrence in Project Boundary P=Potential to Occur N=No Potential to Occur
Sagebrush sparrow <i>Artemisiospiza nevadensis</i>	BoCC	SC	P—May occur during migration. Sagebrush habitat on Project is limited, not extensive enough to support breeding. Observed rarely in nearby portions of the Columbia Plateau.
Grasshopper sparrow <i>Ammodramus savannarum</i>	—	SV	P—Low potential to occur on the Project area.
Tricolored blackbird <i>Agelaius tricolor</i>	SoC	—	P—Breeds in marshy areas and pond edges, but may forage and disperse into grassland and shrub-steppe habitats. This species has very low potential to occur within Project boundary.
Amphibians, Reptiles, and Turtles			
Northern sagebrush lizard <i>Sceloporus graciosus graciosus</i>	SoC	SV	P—Prefers shrub-steppe habitats and open forests of juniper, ponderosa and lodgepole pine that have open, brushy understories. This species has low potential to occur within Project boundary due to lack of suitable habitat (suitable soil types but too much weedy vegetation cover).
Western painted turtle <i>Chrysemys picta</i>	—	SC	P—No suitable habitat within Project boundary. May occasionally be found in canal.

Status Key

Federal:

- T Threatened SoC Species of Concern
- E Endangered NW Not Warranted; delisted
- C Candidate EPA Bald and Golden Eagle Protection Act
- BoCC USFWS Birds of Conservation Concern (BCR 9, Great Basin)
- No special status

Note: All native migratory birds are protected by the federal Migratory Bird Treaty Act (MBTA).

Oregon (ORBIC, 2010):

- T Threatened
- E Endangered
- SC "Critical" sensitive species are those for which listing as Threatened or Endangered would be appropriate if immediate conservation actions were not taken. Some peripheral species which are at risk throughout their range and some disjunct populations (those that are geographically isolated from other populations) are also considered "Critical."
- SV "Vulnerable" sensitive species are not in imminent danger of being listed as Threatened or Endangered, but could become Sensitive-critical, Threatened, or Endangered with changes in populations, habitats or threats.

Sources for status = CBMRCD/NWPPC, 2004; ODFW, 2012; ORBIC, 2010; USFWS, 2008b; USFWS, 2012b and 2012c

Table 1. Comprehensive species list for all vertebrate wildlife detected during wildlife habitat survey on July 28, 2015.

Common Name <i>(In taxonomic order)</i>	Scientific Name
Birds	
California quail	<i>Callipepla californica</i>
ring-necked pheasant	<i>Phasianus colchicus</i>
rock pigeon	<i>Columba livia</i>
mourning dove	<i>Zenaida macroura</i>
northern flicker	<i>Colaptes auratus</i>
western kingbird	<i>Tyrannus verticalis</i>
black-billed magpie	<i>Pica pica</i>
horned lark	<i>Eremophila alpestris</i>
European starling	<i>Sturnus vulgaris</i>
western meadowlark	<i>Sturnella neglecta</i>
Bullock's oriole	<i>Icterus bullockii</i>
American kestrel	<i>Falco sparverius</i>
Mammals	
Unknown jackrabbit (pellets)	<i>Lepus (species)</i>
Northern pocket gopher	<i>Thomomys talpoides</i>
Ord's kangaroo rat (tracks)	<i>Dipodomys ordii</i>
deer mouse	<i>Peromyscus maniculatus</i>
Coyote (tracks)	<i>Canis latrans</i>
raccoon (tracks)	<i>Procyon lotor</i>
mule deer (tracks)	<i>Odocoileus hemionus</i>

REFERENCES

- Carlson L., G. Geupel, J. Kjølmyr, J. Maciver, M. Morton, and N. Shishido. 1980. Geographical range, habitat requirements, and a preliminary population study of *Spermophilus washingtoni*. Final Technical Report, National Science Foundation Student-originated Studies Program. 24 pp.
- Columbia-Blue Mountain Resource Conservation and Development Area, Inc. (CBMRCD) and Northwest Power and Conservation Council (NWPPC). 2004. John Day Subbasin Draft Plan.
- Marr, V. 2001. Effects of 1998 wildfire on Washington ground squirrels and their habitat at Naval Weapons Systems Training Facility, Boardman, Oregon.
- Oregon Biodiversity Information Center (ORBIC). 2010. Rare, threatened, and endangered plants and animals of Oregon. ORBIC, Portland, Oregon. 2010 updates to rare species lists available online at <http://orbic.pdx.edu/index.html>
- Oregon Department of Fish and Wildlife (ODFW). 1994. Survey methodologies for sensitive, threatened, and endangered species in Oregon. Habitat Conservation Division, Salem, Oregon.
- Oregon Department of Fish and Wildlife (ODFW). 2012. Oregon Department of Fish and Wildlife Threatened, Endangered, and Candidate Fish and Wildlife Species in Oregon. Available online at: http://www.dfw.state.or.us/wildlife/diversity/species/threatened_endangered_candidate_list.asp
- U.S. Fish and Wildlife Service (USFWS). 2008. Birds of Conservation Concern 2008 (BCR 9, Table 7). United States Department of Interior, Fish and Wildlife Service, Division of Migratory Bird Management, Arlington, Virginia. 85pp. Online version available at: <http://www.fws.gov/migratorybirds/NewReportsPublications/SpecialTopics/BCC2008/BCC2008.pdf>
- U.S. Fish and Wildlife Service (USFWS). 2012. Federally listed, proposed, candidate, delisted species, and species of concern under the jurisdiction of the Fish and Wildlife Service which may occur within Oregon. Available online at: <http://www.fws.gov/oregonfwo/Species/Lists/RequestList.asp>

Attachment H

2017 01 003
UMATILLA ELECTRIC COOPERATIVE, INC
BOARD RESOLUTION
FOR INVESTIGATION OF SOLAR PROJECT EXPANSION

WHEREAS, Umatilla Electric Cooperative (UEC) owns an approximately 80 acre parcel of land at the Port of Umatilla; and

WHEREAS, UEC owns and operates the Moyer-Tolles Solar Station on a portion of the property; and

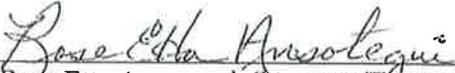
WHEREAS, UEC entered into an Option Agreement with the Pacific Northwest Generating Cooperative (PNGC) for the lease and potential sale of the remaining portion of the property for a solar project to be owned and operated by PNGC; and

WHEREAS, PNGC has informed UEC that it has abandoned its solar project and the Option Agreement has expired and is terminated.

NOW, THEREFORE, BE IT RESOLVED that the UEC Board of Directors hereby directs the General Manager and CEO to investigate the feasibility of expanding the Moyer-Tolles Solar Station onto the remaining property or to otherwise lease or sell the remaining property to a third party for the development of a solar project.

CERTIFICATION OF SECRETARY

I, Rose Etta Ansotegui, Secretary of Umatilla Electric Cooperative do hereby certify that the above is a true and correct excerpt from the Minutes of the meeting of the Board of Directors of Umatilla Electric Cooperative held on **January 25, 2017**, at which meeting a quorum was present.



Rose Etta Ansotegui, Secretary/Treasurer





RECEIVED

JAN 31 2017

**UMATILLA COUNTY
PLANNING DEPARTMENT**

TOMMY A. BROOKS

tbrooks@cablehuston.com
www.cablehuston.com

January 30, 2017

**VIA E-MAIL
AND FEDERAL EXPRESS**

Tamra Mabbott
Planning Director
Umatilla County
216 SE Fourth Street
Pendleton, OR 97801

RE: T-16-067 - Applicant Change and Supplemental Material

Dear Ms. Mabbott:

This office represents Umatilla Electric Cooperative, Inc. ("UEC"). Please include this letter and its attachments in the record for this matter.

As you are aware, UEC owns the property on which the Pacific Northwest Generating Cooperative ("PNGC") applied for a Goal 3 Exception Request and Conditional Use Permit application initiating this matter. The property is located on Tax Lot 1500 in Township 5, Range 28 East, Section 14 in Umatilla County ("County") ("Property").

On January 26, 2017, PNGC notified the County that PNGC is withdrawing its application for a Conditional Use Permit. PNGC further notified the County that PNGC reached an agreement with UEC for UEC to continue as the Applicant for the pending Goal 3 Exception Request ("Goal 3 Request"). This letter confirms that such an agreement was reached and that UEC desires to continue as the Applicant for the Goal 3 Request.

Included with this letter is a Supplemental Narrative in support of the Goal 3 Request. The Supplemental Narrative updates the record to reflect UEC's status as the Applicant. The Supplemental Narrative also removes most references to PNGC's Conditional Use Permit Application, which has now been withdrawn, and addresses the Goal 3 Request criteria in the absence of that permit application. UEC requests that the Supplemental Narrative be used as a replacement to the original Narrative. The attachments included with the original Narrative, however, remain valid and are referenced in the Supplemental Narrative where appropriate. The Supplemental Narrative includes one new exhibit (Attachment H) that should be added to the original exhibits.

CABLE HUSTON

January 30, 2017
Page 2

It is my understanding that this matter has been scheduled before the Planning Commission on February 23, 2017 at its regular meeting. If this is incorrect, or if you require any additional information from UEC prior to that time to keep that date in place, please do not hesitate to contact me directly.

I am providing this letter and its attachment by email, but am also having an original and two copies, along with disc delivered to the County on January 31, 2017. Thank you for your attention to this matter.

Sincerely,



Tommy A. Brooks

TAB:

Attachments

cc: Robert Echenrode, UEC
Elaine Albrich, Davis Wright Tremaine LLP (via email)



Robert Waldher <robert.waldher@umatillacounty.net>

Umatilla Electric solar site US730.

1 message

LAPP Thomas <Thomas.Lapp@odot.state.or.us>

To: Robert Waldher <robert.waldher@umatillacounty.net>

Mon, Feb 13, 2017 at 8:08 AM

Bob,

I have the hearing notice for the request from UEC to expand their renewable solar energy site on tax lot #1500, on 5N2814 in McNary. This may not be the correct time to comment on the ruling but I want to let you know that ODOT has already permitted one rural highway approach for the initial phase of the project. ODOT would prefer that the existing approach be utilized for the additional development if the county approves their request. A second approach to a rural property is not guaranteed but possible, so please be aware that the department will need to consider any new request for an additional approach to this site.

Thanks,

Thomas Lapp

District 12 Permit Specialist

1327 SE 3rd Street

Pendleton, OR 97801

Ph (541)278-3450

Fax (541)276-5767



Oregon

Kate Brown, Governor

RECEIVED

FEB 22 2017

**UMATILLA COUNTY
PLANNING DEPARTMENT**

Water Resources Department

Watermaster

116 S.E. Dorion Avenue

Pendleton, OR 97801

Phone (541) 278-5456

Fax (541) 278-0287

www.wrd.state.or.us

February 21, 2017

Mr. Bob Walder
Umatilla County Senior Planner
216 SE 4th Street
Pendleton, Oregon 97801

Re: Water Right Research for Tax Lot 5N 28E 14 – Tax Lot 1500

Dear Mr. Walder,

Thank you for your recent inquiry to water rights for the property legally described as 5N 28E Section 14 – Tax Lot 1500 within Umatilla County.

Our office has completed your research request. We found a non-cancelled water right from the Columbia River, Certificate 87776, which includes a place of use on the south side of this property. I have attached the Certificate and Final Proof Survey Map.

5N 29E Section 14 W.M.
SWSW - 5.5 acres - Mostly Tax Lot 1500.
SESW - .6 acres - All within Tax Lot 1500.

Please let me know if you have any questions or need anything further. I may be reached at (541)276-5456 or Greg.M.Silbernagel@oregon.gov.

Sincerely,

Greg Silbernagel
Watermaster – District 5

Cc: Mike Ladd, OWRD North Central Region Manager

Attachments:

- A) Certificate 87776
- B) Final Proof Survey Map – Application 46253
- C) Disclaimer



STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JACKEL AND ROGERS; SEVEN H RANCHES
UMATILLA, OR 97882

confirms the right to use the waters of the COLUMBIA RIVER, a tributary to the PACIFIC OCEAN for IRRIGATION of 257.6 ACRES.

This right was perfected under Permit S-34557. The date of priority is JULY 28, 1969. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 5.79 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 N	29 E	WM	7	NW SE	2	1930 FEET NORTH AND 2720 FEET EAST FROM THE SW CORNER OF SECTION 7

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	29 E	WM	14	SW SW	5.5
5 N	29 E	WM	14	SE SW	0.6
5 N	29 E	WM	20	SW NW	0.3
5 N	29 E	WM	20	NE SE	31.4
5 N	29 E	WM	20	NW SE	31.4
5 N	29 E	WM	20	SW SE	31.4
5 N	29 E	WM	20	SE SE	31.4
5 N	29 E	WM	21	NE SW	31.4
5 N	29 E	WM	21	NW SW	31.4
5 N	29 E	WM	21	SW SW	31.4
5 N	29 E	WM	21	SE SW	31.4

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

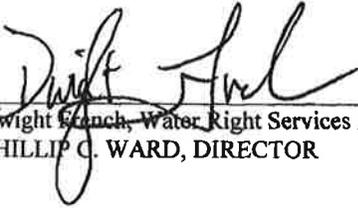
This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

This certificate is issued to correct scrivener's errors in the number of acres, rate, and place of use listing described on Certificate 75803. This Certificate supersedes Certificate 75803, and describes the portion of water right Certificate 44659, NOT modified by the provisions of an order of the Water Resources Director entered September 24, 1998, and recorded at Volume 52, Page 836, approving Transfer Application T-6930.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed SEPT 14, 2012.



Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

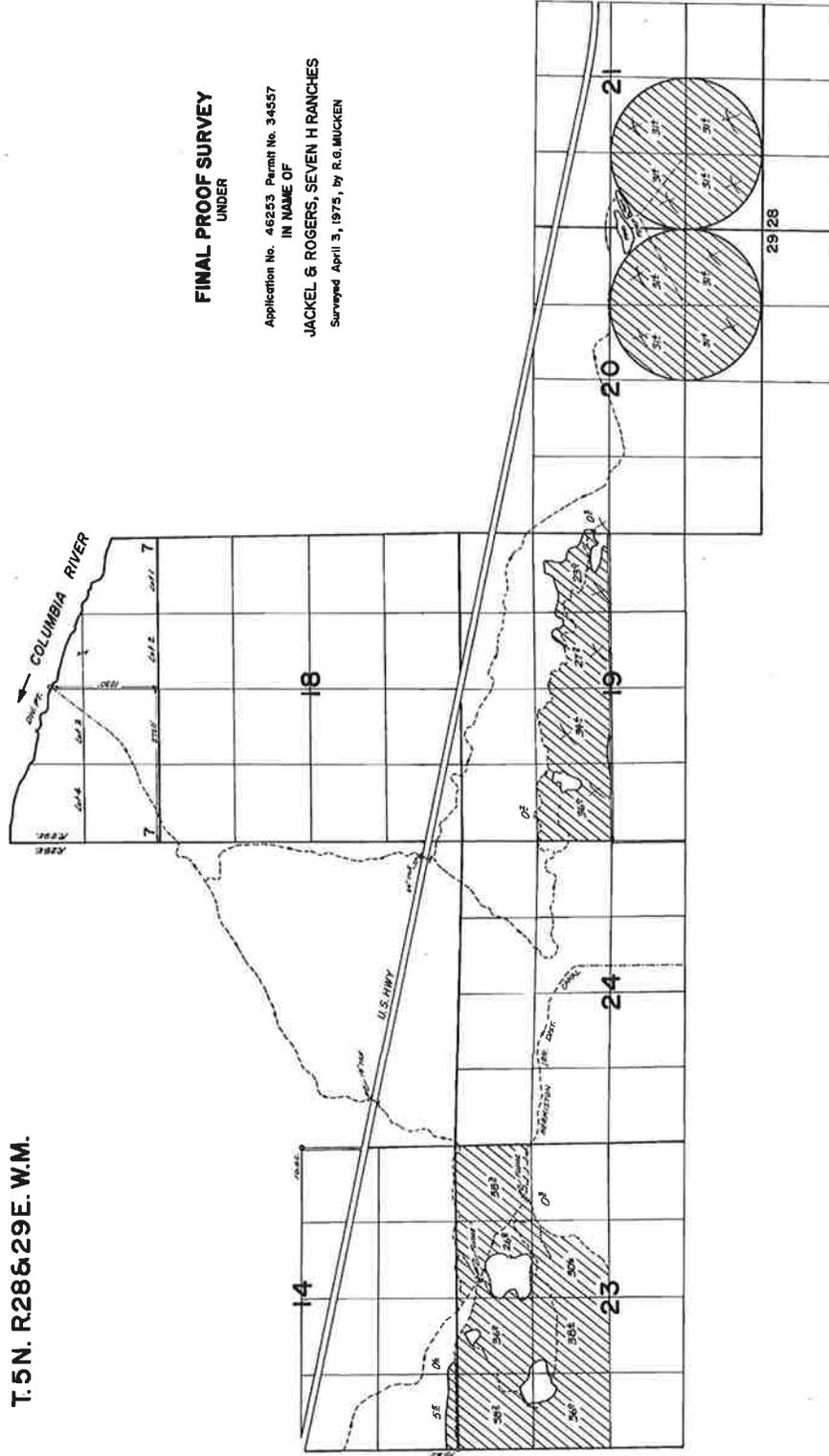
NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

T.5N. R.28&29E. W.M.

FINAL PROOF SURVEY
UNDER

Application No. 46253 Permit No. 34557
IN NAME OF
JACKEL & ROGERS, SEVEN H RANCHES
Surveyed April 3, 1975, by R.G. MUCKEN



The information provided is the result of a search of the Department records. The listing has not been field checked. It is critical that the person requesting the research carefully check any research conducted by this office to be sure that the right is appurtenant to the property of interest. Although a property may have water rights of record, if the water right has undergone five successive years of non-use it may be subject to cancellation under ORS.540.610. Department records are generally listed by the 40.0 (forty) acre quarter-quarter within a section. If the water right listed within a quarter-quarter is on more than one tax lot, this office has not itemized water rights for each tax lot - only a survey could accurately depict how much of the water rights are on each tax lot. The official water right of record is kept in Salem where certified copies may be obtained.



825 NE Multnomah St
Portland, OR 97232

February 17, 2017

Mr. Robert Waldher, Senior Planner
Umatilla County Planning Department

Ref: Public hearing for text amendment #T-16-067, Umatilla Electric Cooperative, Inc. applicant

Mr. Waldher,

As an affected party, in reference to Umatilla County conditional use permit C-1248-15 Wallula – McNary 230 kilovolt transmission line, we received the notice of public hearing for the Umatilla Electric Cooperative request for a Statewide Planning Goal 3 exception that would allow the development on a parcel that the Pacific Power transmission line will cross. As allowed under the county's planning process, Pacific Power is providing this letter as comment to the proposed action.

Pacific Power does not object to the action providing the Goal 3 exception to Umatilla Electric for Tax Lot #1500 that will then allow for development on the property. However, Pacific Power requests that Umatilla Electric, or any developer of any type of development on the property, consult with Pacific Power on any plans for development. We need to insure any plans do not encroach on the Wallula to McNary 230 kilovolt transmission line easement or impact the operation and maintenance of the line. Additionally the review is necessary to ensure that any proposed development does not create violations of Pacific Power or National Electric Safety Code standards, or other reliability requirements.

If you have questions please contact me with any questions at 503-813-7237.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian Fritz".

Brian Fritz
Pacific Power Director of Transmission Services



TOMMY A. BROOKS

tbrooks@cablehuston.com
www.cablehuston.com

February 23, 2017

VIA HAND DELIVERY

Tamra Mabbott
Planning Director
Umatilla County
216 SE Fourth Street
Pendleton, OR 97801

RE: T-16-067 – Applicant’s Second Supplemental Material

Dear Ms. Mabbott:

As you know, this office represents Umatilla Electric Cooperative, Inc. (“UEC”), the Applicant in this matter. Please include this letter and its attachments in the record for consideration by the Planning Commission.

UEC has reviewed the Staff Report. We appreciate Staff’s very thorough review of the request. UEC believes that the record in this matter, as described in the Staff Report, is sufficient to support a favorable recommendation by the Planning Commission. That being said, Staff’s review has highlighted a few areas where UEC believes the record can be clarified, or where the points made in the application can be better articulated. This letter provides additional information for those purposes.

Current and Prior Use of the Exception Property

In the original and supplemental application materials, the Applicant indicated that the Exception Property is undeveloped. The Staff Report correctly notes that there is some development on the property in the form of the existing 1 MW solar project that was recently permitted and constructed. Applicant’s statement regarding the lack of development on the property was in the context of agricultural uses. That statement should have been more precise and noted that the Exception Property is currently undeveloped for agricultural uses and that neither the current nor the prior owner (the Port of Umatilla) utilized the property for such purposes. The Applicant did not intend to leave the impression that there is no development at all on the property.

Statewide Planning Goal 13

As part of the approval process in this matter, the Applicant and the County are required to address whether the proposal will advance state and county policies. In partial response to that criterion, the Applicant noted that Statewide Planning Goal 13 is relevant. The Staff Report indicates that the development of renewable resources has never been incorporated into Statewide Planning Goal 13.

The Staff Report is correct with respect to state administrative rules that implement Goal 13. However, Goal 13 itself does expressly include a policy preference for renewable energy. The text of Goal 13 is attached as **Exhibit A**. The policy guidelines in the text of Goal 13 provide that “The allocation of land and uses permitted on the land should seek to minimize the depletion of non-renewable sources of energy.” Similarly, the guidelines encourage the development of plans for energy conservation and that “land conservation and development actions provided for under such plans should utilize renewable energy sources.” The Applicant believes that the requested Goal 3 Exception, which will allow the continued development of a renewable resources, helps implement these policies found in Goal 13.

Property Tax Status

The original and supplemental application materials address the economic benefits associated with granting the Applicant’s request. That material notes that the taxable value of the Exception Property will increase. However, as the Staff Report notes, that material erroneously described the property as being in a farm deferral status. This error was caused by a misreading of a County Assessor’s Summary Report for 2015 which noted the property was exempt from taxes and that it is in the farm zone. It is true that the Exception Property was exempt from taxes at that time, but that exemption was related to the fact that the property was not assessable because it was owned by the Port of Umatilla. However, that is a mechanism distinct from the farm deferral mechanism. UEC regrets the error. UEC continues to agree with the Staff Report, however, that the net economic value to the County will increase as a result of the Goal 3 Exception.

Availability of Non-Exception Sites

As part of the consideration of a Goal 3 Exception, the Applicant and the County must address the availability of other sites that do not require a Goal Exception. Specifically, the consideration must address whether other such properties can “accommodate” the use. As the Staff Report notes, cost is a consideration of siting, but whether or not other sites can accommodate a use depends on several other factors. Although the Applicant did not include an inventory of other sites in the application, and explain why those sites were not available to accommodate the use, such an analysis was performed. The Applicant considered several sites to determine if development would actually be feasible.

CABLE HUSTON

February 23, 2017

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During the Applicant's investigation and site selection, the Applicant did speak with the Port of Umatilla regarding industrial parcels that are located to the north of Hwy 730. These parcels (referred to as the "Long Subdivision") were all zoned industrial and the Port indicated a price of \$20,000-\$30,000 per acre. The investigation of these parcels did not go any further because the economics of the project could not support that high of a cost for land and those parcels, but also because many were not oriented in a manner that works for solar, or had other dimensional constraints. At the time of the application, the Applicant was not aware of any parcels for sale by the Port for less than that amount that could also accommodate a solar project. There was an additional parcel that was identified by the Port as a potential site, on the North end of Beach Access Road towards the river, but that site did not pass the initial evaluation due to its size and proximity to existing distribution facilities. The Applicant also determined that several parcels were already developed with residential or commercial uses, making them unavailable.

Sincerely,



Tommy A. Brooks

TAB:

Attachment

Oregon's Statewide Planning Goals & Guidelines

GOAL 13: ENERGY CONSERVATION

OAR 660-015-0000(13)

To conserve energy.

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

GUIDELINES

A. PLANNING

1. Priority consideration in land use planning should be given to methods of analysis and implementation measures that will assure achievement of maximum efficiency in energy utilization.

2. The allocation of land and uses permitted on the land should seek to minimize the depletion of non-renewable sources of energy.

3. Land use planning should, to the maximum extent possible, seek to recycle and re-use vacant land and those uses which are not energy efficient.

4. Land use planning should, to the maximum extent possible, combine increasing density gradients along high capacity transportation corridors to achieve greater energy efficiency.

5. Plans directed toward energy conservation within the planning area should consider as a major determinant the existing and potential capacity of the renewable energy sources to yield useful energy output. Renewable energy sources include water, sunshine, wind, geothermal heat and municipal, forest and farm waste. Whenever possible,

land conservation and development actions provided for under such plans should utilize renewable energy sources.

B. IMPLEMENTATION

1. Land use plans should be based on utilization of the following techniques and implementation devices which can have a material impact on energy efficiency:

a. Lot size, dimension, and siting controls;

b. Building height, bulk and surface area;

c. Density of uses, particularly those which relate to housing densities;

d. Availability of light, wind and air;

e. Compatibility of and competition between competing land use activities; and

f. Systems and incentives for the collection, reuse and recycling of metallic and nonmetallic waste.

UMATILLA COUNTY PLANNING COMMISSIONERS - FEBRUARY 23,2017

UMATILLA ELECTRIC COOPERATIVE – STATEWIDE PLANNING GOAL 3 EXCEPTION
TEXT AMENDMENT #T-16-067

Provided by Dave Price; presented to Planning Commission

Purpose: Request for a Goal 3 Exception of EFU, AVA, High value land in Umatilla County.

There is a significant amount of EFU, AVA and high value land in the county. The objective of this land use designation is to preserve farmland for future needs. While the intent of this designation has not always been met, it has for the most part, been strictly adhered to by county's land use decisions in the past.

As this issue is the core of why we are here, one has to ask the question, that if this land parcel was originally designated EFU, AVA, and determined to be "High Value Farm Land", what has changed since the original Land Use Designation, and what makes this parcel not qualify for this designation today? The document shows no change has occurred that would affect the classification. It still meets the criteria, just as it did originally.

This makes one wonder which EFU, AVA, High Value Farmland in the county will be next for a Goal 3 exception proposal. If this exception is approved, what reasons could be used to deny the next proposal? This proposal has far reaching precedent setting impacts for the county EFU, AVD, High Value Farmland.

As the document points out, there are other alternatives in the near proximity that could be used, that would not require a Goal 3 exception – (Reference pages 7 and 8) other than the cost differences, there appears to be no reason another alternative could not be selected that would not affect the loss of EFU, AVA. High Value Farm Lands.

There appears to be some question as to the need for this additional energy at this time. Recent reports indicate that the future power needs are adequate through 2028. The point of encouraging Renewable Energy is difficult to defend when our Hydro Energy Resource is designated as "Non Renewable" and is not considered in the Renewable Portfolio Standard.

Summary:

BMA has a concern as to the precedent setting nature of this proposal for future similar proposals on Umatilla County EFU, AVA, High Value Farm Lands, will this be the last encroachment, or the first?

There are other viable alternatives available, as discussed on Pages 7 and 8 of the document. They were not adequately evaluated nor considered.

The need for the project hinges on the need to meet Renewable mandates, and future power needs. Information available indicate that energy needs are adequate through 2028 . Where a large portion of our energy comes from “Non-Renewable” sources such as Hydro Energy, do we need to deplete our EFU, AVA ,High Value land in Umatilla county ,when we have readily available lands that will meet the renewable mandate?

Blue Mountain Alliance does not recommend approval of the exemption request.

**Prepared by Dave Price
Representing Blue Mountain Alliance**



TOMMY A. BROOKS

tbrooks@cablehuston.com
www.cablehuston.com

March 7, 2017

VIA HAND DELIVERY

Tamra Mabbott
Planning Director
Umatilla County
216 SE Fourth Street
Pendleton, OR 97801

RE: T-16-067 – Applicant’s Pre-Hearing Supplemental

Dear Ms. Mabbott:

As you know, this office represents Umatilla Electric Cooperative, Inc. (“UEC”), the Applicant in this matter. Please include this letter and its attachments in the record for consideration by the Planning Commission.

The Planning Commission narrowly voted 4-3 to not recommend UEC’s proposal to the Umatilla County Board of Commissioners (“Board”). Because of the nature of the proceeding, it is difficult to determine the precise basis on which the Planning Commission recommendation was made. That is, there are several approval criteria relevant to the application and it is not clear which, if any, criteria the various Planning Commissioners felt were not supported by substantial evidence in the record. That being said, we were able to identify a few areas of the application that, at a minimum, may have prevented the Planning Commissioner from making a positive recommendation and which the Planning Commission did discuss in its deliberation. The purpose of this letter is to address those areas and to provide the Board with additional information to better address the issues the Planning Commission discussed.

Agricultural Productivity of the Subject Site

As an initial matter, UEC would like to note that a Goal 3 Exception does not require a finding that the subject property cannot be a productive agricultural parcel under all circumstances. As the Board is no doubt aware, many area of Umatilla County can be productive if the right investments are made. Instead the Goal 3 Exception process recognizes that land in the EFU zone is important to meet Goal 3’s agricultural policies and goals, but asks the County to determine if a better use can be made of the subject property in order to meet any of the State’s or the County’s other important policies and goals.

CABLE HUSTON LLP

March 7, 2017

Page 2

It is UEC's position that, with regard to the subject property, the County can better meet the County's and the State's other goals by allowing the continued development of solar energy on the property, and do so without preventing the County from maintaining its productive agricultural land. This position is based in part on the existing conditions of the subject property. For example, there is no recent history of agricultural uses of the site. Moreover, the site has been used for other non-farm uses. The property contains several other characteristics that the Board can rely on to conclude that the site is unlikely to ever be developed for agricultural uses.

Attached as **Exhibit A** is an aerial photo that shows the current and approved development of the site. The aerial photos in the record before the Planning Commission likely left the wrong impression that the property is completely undeveloped. In fact, there are three significant developments associated with the site. The first is the existing 1MW solar array on the northwest portion of the property. This is the recent project that was allowed by right because of its relatively small footprint. The second is the existing BPA transmission line that runs generally east to west and that bisects the property. The third development is the line approved for PacifiCorp. Although the precise location of that line on the subject property has not yet been determined, it is expected to run parallel to the BPA line as shown on Exhibit A.

The configuration of the existing and authorized development of the Property limits what agricultural activities could be reintroduced to the site, even assuming all other conditions were in place to make the property productive. Continued development of solar generation, however, can occur harmoniously with that existing development, without impacting property in the County's inventory of agricultural lands that is already employed for agricultural uses.

Soil Conditions

The Planning Commission deliberations included discussion of the soil types found on the subject property. Some of those soil types are considered arable and, through irrigation, could support some crop production. The arable soils, however, are not found throughout the entire site and tend to exist on the northern portion of the subject property. The Planning Commission also questioned whether there were any rocky outcroppings on the subject property because such features were difficult to identify on the aerial photos. Attached as **Exhibit B** are recent photos taken from ground level. Those photos show the site has a mix of conditions, with some areas indeed containing rocky outcroppings.

Water Rights

When UEC purchased the property, it was believed that the property had no associated water rights with it. UEC has since learned that a small, non-cancelled water right does exist on the portion of the property. Specifically, that water right is part of a larger water right for which the place of use is the adjacent southern property. A small sliver of that right covers approximately 5 acres of the extreme southern portion of the subject property. This is depicted on Exhibit A on the lower portion of the property.

CABLE HUSTON LLP

March 7, 2017

Page 3

It is the lack of a water right on the remainder of the subject property that likely prevented this property from being developed for agricultural uses in the same manner as nearby properties. The existence of the non-cancelled water right, because of its location, does not make the subject property any more likely to be used for agricultural purposes. It is not clear if that water right could be developed. Even if it could be, the place of use is only a small portion of the subject property and exists where the soils are Class VIe and contain rock outcrops.

Alternative Sites

Under the administrative rules applicable to Goal 3 Exceptions, the Applicant and the County must address whether other areas not requiring a Goal Exception can “accommodate” the use. OAR 660-004-0020(2)(b)(B). Under that rule, the standard can be met “by a broad review of similar types of areas rather than a review of specific alternative sites.” OAR 660-004-0020(2)(b)(C). Site specific comparisons are required only if a specific site is identified by another party to the proceeding. *Id.*

As part of the Planning Commission’s deliberations, some Planning Commissioners expressed an interest in knowing more about the alternative sites UEC considered. Attached as **Exhibit C** is a list of sites that were considered along with the other industrial sites UEC identified in its previous submittals.

Some of those alternative sites were not pursued further because they also exist in the EFU zone and would require a Goal Exception just like the subject property. Other sites were determined to be unable to accommodate the proposed use for a variety of reasons. The primary limit on many properties was a lack of access to a good point of interconnection, which is a necessary component of a solar project. Other factors included site size, configuration, and current use. Economic factors were also taken into consideration. For example, a high land value would not make a project feasible on that site.

There was some discussion by the Planning Commission that land values could not or should not be taken into account when determining if an alternative site could accommodate the proposed use. This is true for some non-farm uses, but OAR 660-004-0020 expressly allows economic factors to be taken into consideration when assessing an alternative site’s ability to accommodate the use. Economic factors are also relevant when addressing the required ESEE analysis (environmental, social, economic, and energy impacts). Economic factors were therefore a consideration for UEC, but that was not the only factor. The subject property is adjacent to UEC’s system and requires no immediate additional infrastructure development to allow additional solar development to interconnect to UEC’s system. The interconnection is a necessary component of the project. Most other sites simply do not share that quality.

CABLE HUSTON LLP

March 7, 2017

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UEC looks forward to presenting this information to the Board at the hearing on March 15th and can answer any questions at that time.

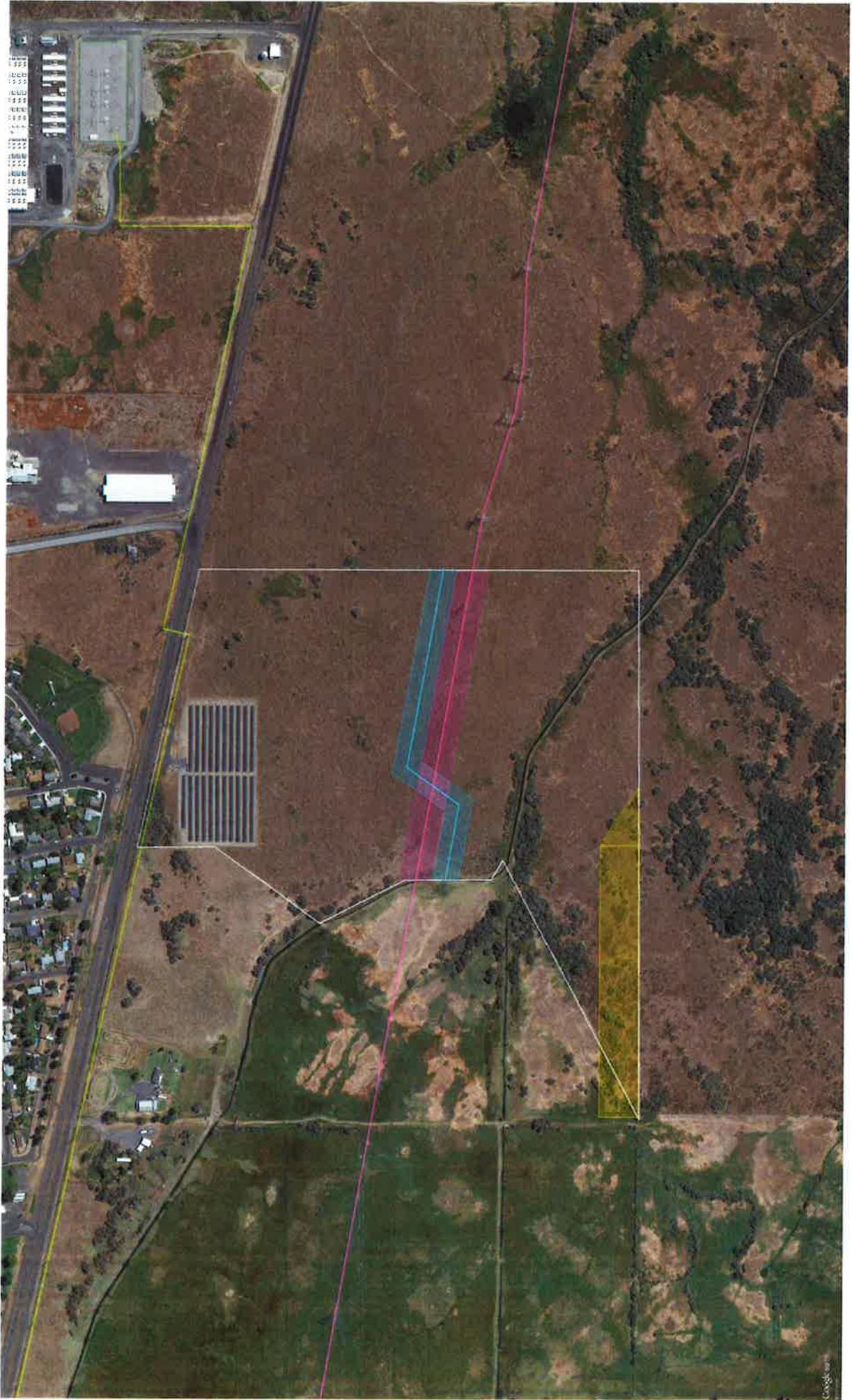
Sincerely,

A handwritten signature in blue ink, appearing to read 'TAB', with a long horizontal flourish extending to the right.

Tommy A. Brooks

3 Attachments

Exhibit A



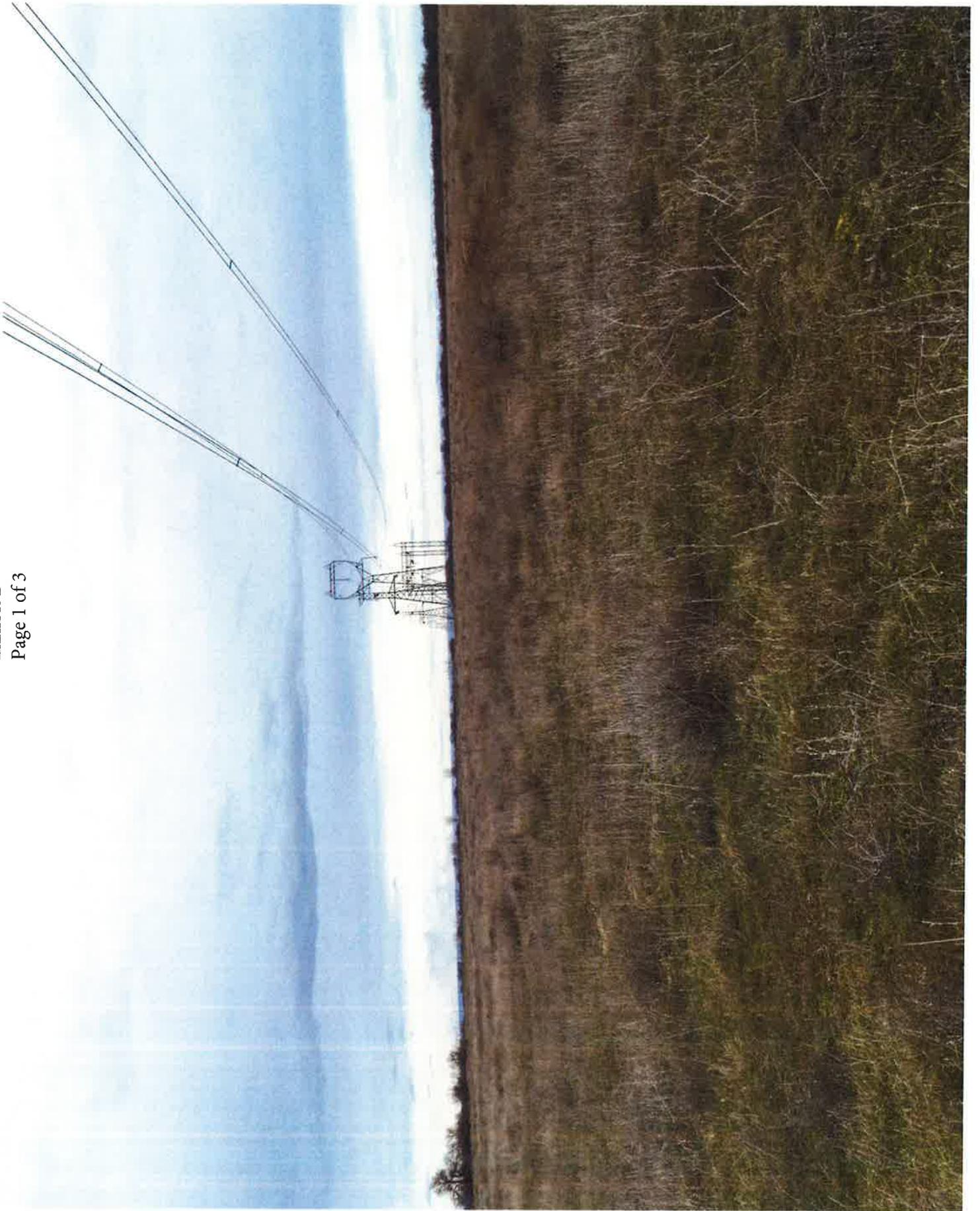


Exhibit B
Page 2 of 3

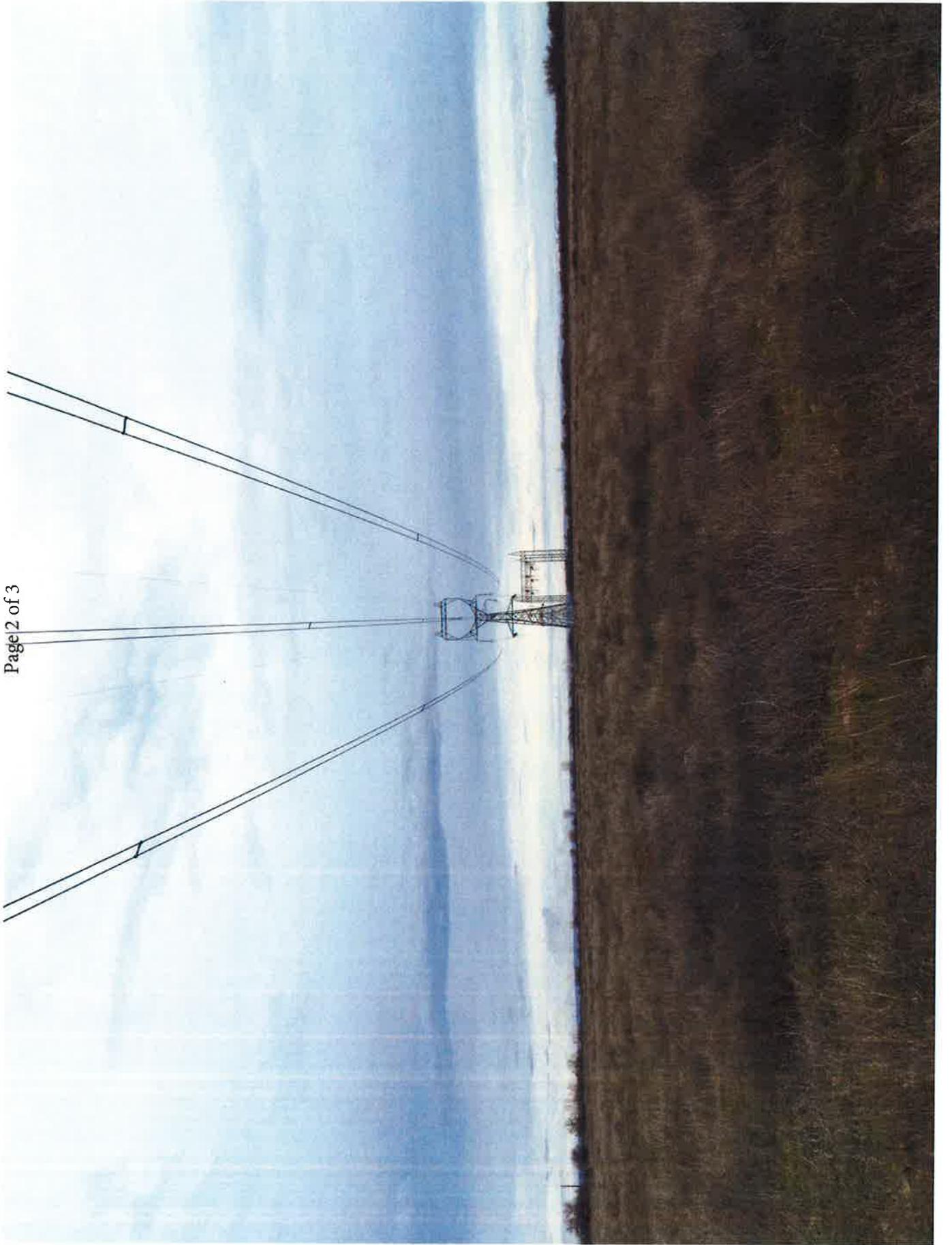




Exhibit C

Alternative Sites

The following sites are some of the sites that were part of UEC's and PNGC's initial analysis for other sites that might accommodate solar development.

1. 5N282300

Parcel 100 (BIA owned land)

This parcel is mostly sagebrush, some trees and some standing water in places. There is a BPA transmission line across the property. This parcel is accessible from a gate on Bowdin Lane.

2. 5N282200

a. Parcel 1100 (privately owned)

This parcel is being used for grazing cattle. This parcel is accessible from Bowdin Lane.

b. Parcel 100 (privately owned)

This parcel is being used for grazing cattle and possible flood irrigation. This parcel is accessible from adjoining property on the south from Bowdin Lane, or adjoining property on the north from Highway 730.

c. Parcel 200 (privately owned)

This parcel is being used for farming, grazing. Multiple outbuildings as pasture areas. This parcel is accessible from Bowdin Lane.

d. Parcel 300 (privately owned)

This parcel is residential and pastureland. This parcel is accessible from Bowdin Lane.

3. 5N281500

a. Parcel 1000 (privately owned)

This parcel is being used for grazing cattle and possible flood irrigation. This parcel is accessed by a long drive from the north off of Highway 730.

b. Parcel 900 (privately owned)

This property is residential and has arena and livestock area. The parcel is accessed on long drive from Bowdin Lane.

c. Parcel 800 (privately owned)

This parcel is being used for grazing cattle and possible flood irrigation. This parcel is accessible from Bowdin Lane or same owner property to the north from Highway 730.

d. Parcel 500 (privately owned)

This parcel is being used as farmland. This parcel is accessible from Bowdin Lane.

e. Parcel 100 (privately owned)

This parcel is being used for grazing cattle and possible flood irrigation. This parcel is accessible from Highway 730.

- f. Parcel 200 (privately owned)
This parcel is being used as a business "Golf Center" and also has a manufactured home on it. This parcel is accessible from Highway 730.
 - g. Parcel 400 (privately owned)
This parcel is residential, livestock, multiple outbuildings, grazing. There is a BPA transmission line crossing property. This parcel is accessible from Wildwood Lane off of Highway 730.
4. 5N281400
- a. Parcel 1400 (privately owned)
This parcel is being used for cattle grazing and possible flood irrigation. There is a BPA transmission line crossing property. This parcel is accessible from Highway 730.
 - b. Parcel 1600 (BLM)
This parcel is bare land with sagebrush, trees and some standing water. There is a BPA transmission line crossing property. This parcel is accessible from Highway 730.
5. 5N281400
- a. Parcel 1300 (privately owned)
This parcel is residential with go-cart track in front. This parcel is accessible from Highway 730.
 - b. Parcel 2200 (privately owned)
This parcel is has commercial well on it for the Data Centers to the north. Accessible from Beach Access Road.
 - c. Parcel 2400 (privately owned)
These parcels are for Data Centers. Accessible from Beach Access Road.
 - d. Parcel 2300 (Umatilla Electric Coop)
This parcel has an electrical substation on it. Accessible from Beach Access Road.
 - e. Parcel 2100 (Port of Umatilla)
This parcel is bare land and designated for RR corridor and access tract.
 - f. Parcel 1200 (privately owned)
This parcel has storage shed for agricultural use. Accessible from Bud Draper Road
 - g. Parcel 1100 (privately owned)
This parcel has storage facility for agricultural use. Accessible from Bud Draper Road.
 - h. Parcel 1700 (Port of Umatilla)
This parcel is bare land. Accessible from Bud Draper Road.
 - i. Parcel 900 (privately owned)
This parcel has a commercial delivery business on it. Accessible from Bud Draper Road.
 - j. Parcel 800 (privately owned)
This parcel has a commercial truck business on it. Accessible from Bud Draper Road.

k. Parcel 1000 (City of Umatilla)

This parcel is bare land, has a walking path along the westerly and northerly boundaries and a park area on the southwesterly portion. There is a cellular/communication building on the southeastern part of the property. There is no driveway access to this property.

5N2814B

a. Parcel 800 (City of Umatilla)

This parcel is bare, with the exception of a walking path along the west side and across the northerly side to Bud Draper Rd. There is no driveway access to this property.

b. Parcel 100 (Port of Umatilla)

This parcel has a fenced in area with equipment; appears to be water or well related.

c. Parcel 700 (privately owned)

This parcel has a commercial business located on it. Property accessibility from Bud Draper Road.

5N2814BD

All of Parkside Estates (McNary Townside Subdivision)

This parcel contains multiple residential home sites

5N28A00

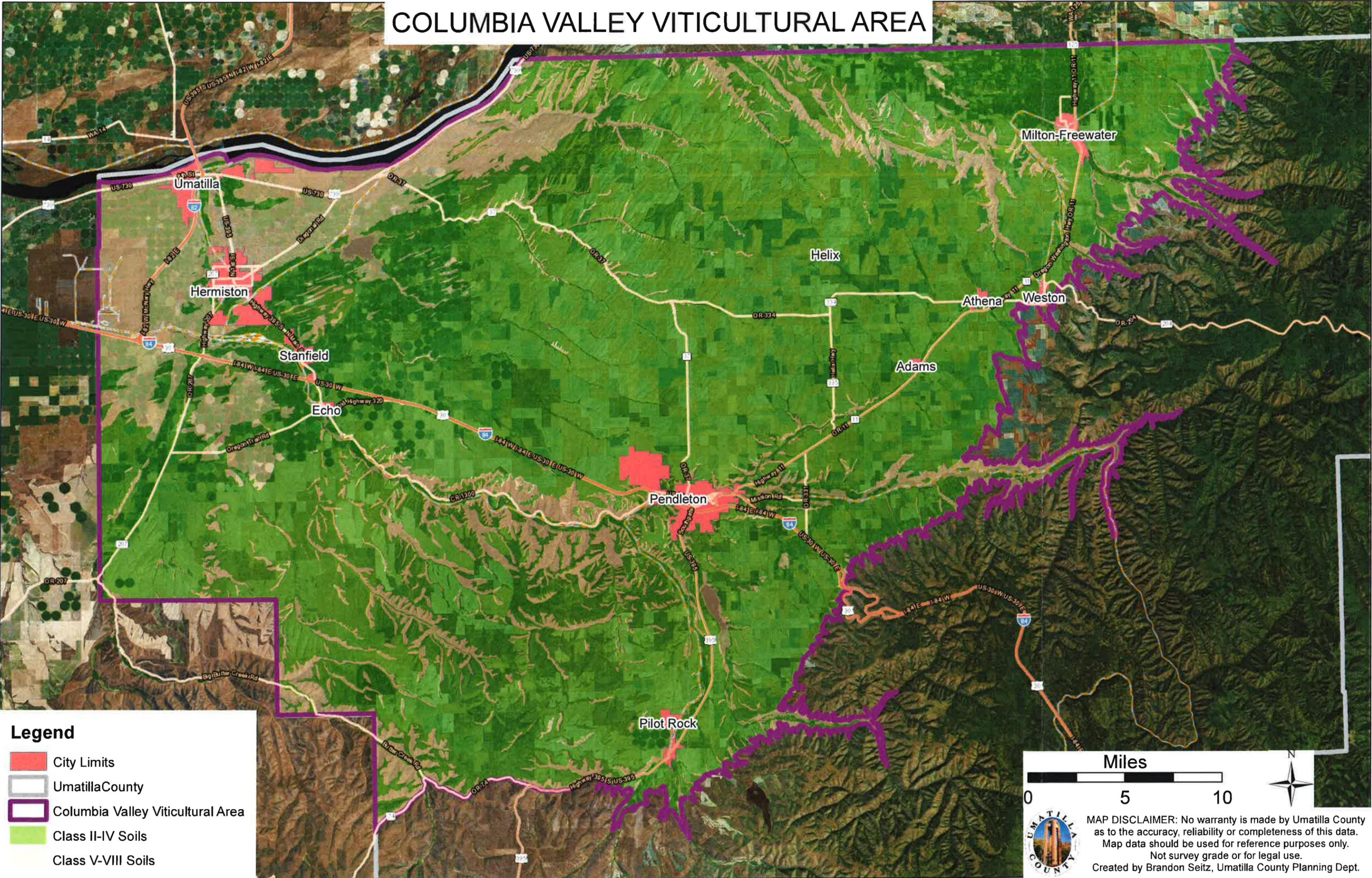
a. Parcel 1300 (BIA)

This parcel is tribal land with Wanuka wildlife refuge on part of it. The parcel is on the north and south sides of Hwy 730. The southerly portion has BPA transmission line crossing. Both portions are accessible from Highway 730.

b. Parcel 1301 (State of Oregon-ODOT)

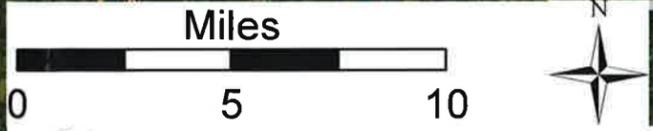
This parcel is bare ground. This is accessible from Highway 730.

COLUMBIA VALLEY VITICULTURAL AREA



Legend

- City Limits
- Umatilla County
- Columbia Valley Viticultural Area
- Class II-IV Soils
- Class V-VIII Soils



MAP DISCLAIMER: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of this data. Map data should be used for reference purposes only. Not survey grade or for legal use.
 Created by Brandon Seitz, Umatilla County Planning Dept.