

**Attachment 1: DPO Comments Received [to-date]**

**From:** [Hale, Kelly \(RBC Wealth Mgmt\)](#)  
**Sent:** Wednesday, May 29, 2024 12:46 PM  
**To:** [MCVEIGH-WALKER Chase \\* ODOE](#)  
**Subject:** FW: Wheatridge Renewable Energy/Wagon Trail Solar

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**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

You don't often get email from kelly.hale@rbc.com. [Learn why this is important](#)

May 29, 2024.

Chase McVeigh-Walker, Senior Siting Analyst  
Oregon Department of Energy-

Kelly Kilkenny Hale and Russell Kilkenny, Co-Trustees of the Robert J. Kilkenny Trust  
1124 SW Myrtle Drive  
Portland, OR 97201

Dear Chase,

Our comments regarding in support of the above mentioned project.

The Robert J. Kilkenny Trust is the sole owner of two LLCs created to hold two tracts of farm ground previously owned by our Dad: the Kilkenny Land Company, LLC., and the RJK Family, LLC. Russell and I became successor Trustees to Dad after he died in 2016. RJK Family, LLC has both Turbines and Solar panels on the land. Kilkenny Land Company, LLC has Wind Turbines only at this time.

The first year of operation after Dad's passing provided no ROI. The ground is a very fine Silt Loan. We have no access to water. The average yield is 30 bushels to the acre. The price for wheat in 1975 was similar to this year. Land values are roughly \$500 an acre for our ground vs Irrigated ground at \$12,000 an acre. The first year after the Turbine installation gave us an ROI of roughly 15%. It allowed us to increase acreage. We let our CRP contracts expire that totaled 700 acres and have begun the process of returning it to farm land. That increased our fertilizer bill to MCGG by \$40,000.00.

We are also working to make our existing acres more productive. We've began a double fallow rotation. This has many benefits: it allows us to kill more weeds and rye and boosts our average

yield. We realize that the solar leases will take acres out of production. It's important that you understand the extra revenue from the Wind revenue has given us the opportunity to add more acreage into production and increase our yields.

We will see a net gain in production from the Renewable Energy Partnership with NextEra. Our working relationship with NextEra has been extremely productive. They have paid to clean up our property. They are incredible stewards of the land. Also, they have provided additional jobs/tax revenues to Morrow County. They have also provided sponsorship to local events.

Thanks in advance for your support of the Wagon Trail Solar Facility. Please reach out with any additional questions.

Best,

**Kelly Kilkenny Hale** | Senior Vice President –Financial Advisor, Senior Portfolio Manager –  
Portfolio Focus / Firm CA License # 0C38863

**RBC Wealth Management, a division of RBC Capital Markets, LLC** |

805 SW Broadway, Suite 1800, Portland, OR 97205

Phone 503-833-5244 | Toll Free 800-319-6144 | Cell 503-780-5133 | Fax 503-295-5832

[Kelly.hale@rbc.com](mailto:Kelly.hale@rbc.com) | [https://www.rbcwmfa.com/gall\\_hale/](https://www.rbcwmfa.com/gall_hale/)

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**RUSSELL R. KILKENNY**  
**Scarborough, McNeese, Oelke & Kilkenny, P.C.**  
**Attorneys at Law**  
**5 Centerpointe Drive, Suite 240**  
**Lake Oswego, Oregon 97035-8682**  
**Tel: 503.601.3698**  
**Fax: 503.601-3699**  
**Email: [rrk@smoklaw.com](mailto:rrk@smoklaw.com)**  
**Web: [www.smoklaw.com](http://www.smoklaw.com)**

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PLEASE RETURN THIS FORM TO THE COUNCIL ASSISTANT

\*See reverse for tips on giving testimony

ENERGY FACILITY SITING COUNCIL (EFSC)  
Date: May 30, 2024 Location: Boardman, Oregon  
REGISTRATION FOR PUBLIC COMMENT ON WAGON TRAIL SOLAR PROJECT PROPOSED ORDER

Name: Tamra Wabbott  
Address: 216 SE Main St, Trigen, OR 97844  
I represent (if applicable) Morrow County  
Print your name OR your organization/business name.

Send me future notifications about Council meetings via email.  
My email address is: twabbott@co.morrow.or.us

I wish to address the Energy Facility Siting Council and/or  
 I wish to submit the following written comment:

Written comments to follow.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PLEASE NOTE: If there are a large number of speakers, it may be necessary to limit the amount of time each speaker is allowed.

PLEASE RETURN THIS FORM TO THE COUNCIL ASSISTANT

\*See reverse for tips on giving testimony

ENERGY FACILITY SITING COUNCIL (EFSC)  
Date: May 30, 2024 Location: Boardman, Oregon  
REGISTRATION FOR PUBLIC COMMENT ON WAGON TRAIL SOLAR PROJECT PROPOSED ORDER

Name: Cameron Krebs

Address: 68171 Kunze Lane, Boardman 97818

I represent (if applicable) Krebs Solar Crezins  
Print your name OR your organization/business name.

- Send me future notifications about Council meetings via email.
- My email address is: \_\_\_\_\_

- I wish to address the Energy Facility Siting Council and/or
- I wish to submit the following written comment:

See Attached Vegetation Comparison on Operating Solar Panels

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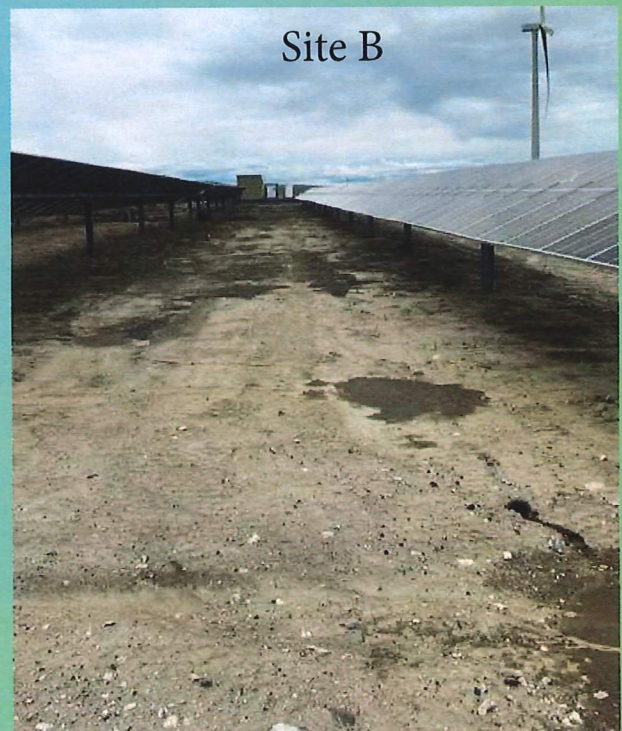
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PLEASE NOTE: If there are a large number of speakers, it may be necessary to limit the amount of time each speaker is allowed.

## Vegetation Comparison on Operating Solar Farms

- As defined by NRCS soil health is the continued capacity of soil to function as a vital living ecosystem that sustains plants, animals, and humans. Healthy soil gives us clean air and water, bountiful crops and forests, productive grazing lands, diverse wildlife, and beautiful landscapes.
- Both solar farm sites pictured are located in the Columbia Basin; one in Morrow County and the other in an adjoining county. Sites are similar in size and operational years. Pictures are from the spring 2024 growing season.
- Site A, on the left has a healthy vegetative cover across the entire site. Management practices have been mowing and grazing over the last two growing seasons.
  - **Benefits:** Soil with vegetative cover aids in water infiltration, prevention of water erosion, wind erosion and provides habitat.
- Site B, on the right has had at least two consecutive years of bare earth during the growing season. Perceived management practice is continuous chemical applications.
  - **Concerns:** What is the effect of long-term chemical applications to our drinking water, surface water, soil health, wildlife and natural environment.



**Please don't permit solar farms to use a bare earth approach to vegetation management.**

For more information contact  
Cameron Krebs, Krebs Solar Grazing  
541-760-0368 [Cameron.L.Krebs@gmail.com](mailto:Cameron.L.Krebs@gmail.com)

PLEASE RETURN THIS FORM TO THE COUNCIL ASSISTANT

\*See reverse for tips on giving testimony

ENERGY FACILITY SITING COUNCIL (EFSC)  
Date: May 30, 2024 Location: Boardman, Oregon  
REGISTRATION FOR PUBLIC COMMENT ON WAGON TRAIL SOLAR PROJECT PROPOSED ORDER

Name: Sam Myers  
Address: 68453 Little Butte Cr. Rd

I represent (if applicable) \_\_\_\_\_  
*Print your name OR your organization/business name.*

Send me future notifications about Council meetings via email.  
My email address is: \_\_\_\_\_

I wish to address the Energy Facility Siting Council and/or  
 I wish to submit the following written comment:

\_\_\_\_\_  
\_\_\_\_\_  
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PLEASE NOTE: If there are a large number of speakers, it may be necessary to limit the amount of time each speaker is allowed.





**AGENDA ITEM COVER SHEET**  
Morrow County Board of Commissioners

(for BOC Use)  
Item #  
7.e.

**Presenter at BOC:** Tamra Mabbott, Planning Director

**Date Submitted:** May 29, 2024

**Department:** Planning Department

**Requested Agenda Date:** June 5, 2024

**Short Title of Agenda Item:** Wagon Trail Solar Draft Proposed Order

**1. ISSUES, BACKGROUND, DISCUSSION AND OPTIONS (IF ANY):**

Comment Letter for Energy Facility Siting Council approval of Wagon Trail Solar Project Draft Proposed Order

**2. FOR CONTRACTS AND AGREEMENTS:**

Contractor/Entity:

Contractor/Entity Address:

Effective Dates - From:

Through:

Total Contract Amount:

**3. FISCAL IMPACT:**

N/A

**4. SUGGESTED ACTION(S)/MOTION(S):**

Approve Wagon Trail Solar DPO Comment Letter

**5. ATTACHMENTS:**

1. 6.5.24 ASC\_BOC Letter
2. Attachment A- Jan. 2021
3. Attachment B- June 2021
4. Attachment C- Oct. 2022
5. Attachment D- Feb. 2024



## PLANNING DEPARTMENT

P.O. Box 40 • 215 NE Main Ave. Irrigon, Oregon 97844  
(541) 922-4624 • [www.morrow.or.us/planning](http://www.morrow.or.us/planning)

May 31, 2024

Chase McVeigh Walker  
Senior Siting Analyst, Oregon Department of Energy  
550 Capitol Street N.E., 1st Floor  
Salem, OR 97301

**RE: Wagon Trail Solar Project, Comments on Draft Proposed Order (DPO)**

Dear Mr. McVeigh Walker:

Thank you for the opportunity to provide comments on the Draft Proposed Order for Wagon Trail Solar. Morrow County has participated throughout the review process and provided comments as the appointed Special Advisory Group on the NOI as well as the draft site certificate. Previous comment letters are included as Attachments A-D to this correspondence.

It is our understanding that Wagon Trail Energy Center seeks Energy Facility Siting Council (EFSC) approval to construct the following:

- 500 MW PV facility
- 3,852.5 acres of impacted area
- 7,450-acre Site Boundary (1,705 HVF)
- 604 BESS units (35 total acres of batteries)
- 2 Substations (16 acres)
- 0.6 mile above-ground transmission line
- 47 miles of new roads (not including previously approved Wheatridge roads)
- 6-8 ft. fencing (potentially up to 40 miles of perimeter fencing)

As part of our ongoing engagement, Morrow County appreciates the responsiveness of the Oregon Department of Energy (ODOE) in addressing concerns raised during the Application for Site Certificate (ASC) process, particularly regarding issues such as noxious vegetation and wildfire risks. We are strongly supportive of the project and anticipate continued collaboration with the Department and the Applicant to ensure its successful establishment in Morrow County.

Our comments at this time focus on the Goal 3 exception justification addressed on pages 103-116 of the WTSP Draft Proposed Order (DPO) for Site Certificate. Morrow County requested a more robust Goal 3 exception justification in a comment letter, dated October 12, 2022, as well as the ASC comment letter dated February 7, 2024 (included as Attachments C and D to this letter.) Morrow County has not found that the final version of the application sufficiently

demonstrates that an exception to Statewide Planning Goal 3 is justified. The County disagrees with ODOE's findings related to several elements of the Applicant's goal 3 reasons justification, as outlined below:

1. **The Facility responds to important state and county goals and priorities.** *Department rejects Applicant's argument- consistency with local and state energy policies is not an adequate reason to justify taking an exception to Goal 3.*  
Morrow County agrees with ODOE that this justification is insufficient and should be rejected.
2. **The Facility is locationally dependent.** *Department accepts the Applicant's argument that proximity to existing or approved renewable energy development and an existing transmission line satisfies the criteria for being locationally dependent.*  
County concurs with ODOE that this reason is sufficient and should be accepted.
3. **Minimal Impacts to Agriculture.** *Department rejects two of the Applicant's justifications demonstrating minimal agricultural impacts.*
  - a. Minimal direct impacts on agriculture. *(ODOE Rejected)*
  - b. Minimal indirect and induced impacts on agriculture. *(ODOE Accepted)*
  - c. Water availability. *(ODOE Accepted)*
  - d. Farmland preservation and temporary land conversion. *(ODOE Rejected)*County concurs with ODOE's rejection of items a and d above as well as ODOE's acceptance of item c. However, County disagrees with ODOE's finding on item b above and finds, in the alternative that the project will have substantial indirect and induced impacts on the local agriculture economy. Similar to wetland mitigation, county supports agricultural mitigation as way to approve an exception to Statewide Planning Goal 3.
4. **Local Economic Benefits.** *Department rejects Applicant's argument that the economic benefits of the project constitute a reason justifying taking a goal exception, however Department finds that the economic benefits of related to the agricultural mitigation fund are sufficient for justifying such an exception.*  
County does not agree with ODOE's finding that the project's local economic benefit is a sufficient reason to justify the Applicant's requested Goal 3 Exception. There is indeed general economic benefit with the construction and operation of a solar facility. There is not, however, a direct nexus between those general economic benefits and benefit (or impacts) to farmland. As a remedy, to offset net impacts to agricultural lands, County supports a robust farm mitigation program.
5. **Minimal Impacts to Other Environmental Resources.** *Department agrees that minimal impacts to other environmental resources is a sufficient justification for approving a Goal 3 exception.*  
County concurs with ODOE that this reason is sufficient and should be accepted.

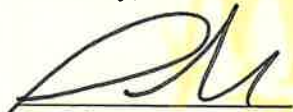
The DPO includes land use conditions 14 and 15, which require the applicant to contribute \$170,000 to the Oregon State Agricultural Research Program and \$300,000 to the Morrow County Grain Growers Association. While County strongly supports the identified projects,

those contributions fall short in addressing the substantial impact of lost agricultural land. Morrow County believes that the ODOE conditions undervalue the impact on Morrow County's agricultural economy. By comparison, a similar project under EFSC review (Sunstone Solar) found a much higher value per acre in establishing the mitigation methodology. Both projects relied on the same consultant, ECONorthwest, to conduct that analysis. The analysis for the Sunstone project reflects a more comprehensive understanding of the anticipated direct and indirect economic implications. Morrow County believes it is important to establish a consistent and robust methodology for assessing agricultural mitigation, particularly as used to justify a Goal 3 exception. Mitigation for removal of wetlands is a well-established practice which is a model for agricultural lands mitigation. While appreciative of the efforts thus far, the proposed conditions represent a nominal contribution per acre comparatively.

We urge ODOE and the Applicant to reconsider the justification for the requested Goal 3 exception and enhance the agricultural mitigation proposal. This would include formalizing the mitigation proposal with a Memorandum of Agreement which may also include the appointment of a committee to identify projects and distribute the funds to agricultural programs that serve to mitigate impacts to farmland.

We hope the county's solution will not create an undue burden on NextEra nor disrupt the project timeline. Thank you for considering our input on this matter. We remain committed to constructive engagement and look forward to further discussions to address these concerns. For questions or additional information, please contact Tamra Mabbott, Planning Director, at 541-922-4624 or [tmabbott@co.morrow.or.us](mailto:tmabbott@co.morrow.or.us).

Sincerely,

  
David Sykes  
Chair

*Recused*  
  
Jeff Wenholz  
Commissioner

  
Roy Drago Jr.  
Commissioner

Cc: Tamra Mabbott, Planning Director  
Eric Imes, Public Works Director  
Corey Sweeney, Weed Coordinator

Attachments:

- A. 1.20.2021 NOI Comment Letter
- B. 6.23.2021 NOI Amendment Letter
- C. 10.12.2022 pASC Comment Letter
- D. 2.7.2024 ASC Comment Letter



January 20, 2021

P.O. Box 788 • Heppner, OR 97836  
541-676-5613  
www.co.morrow.or.us

## Board of Commissioners

Commissioner Don Russell, Chair  
Commissioner Jim Doherty  
Commissioner Melissa Lindsay

Chase McVeigh Walker, Senior Siting Analyst  
Oregon Department of Energy  
550 Capitol Street NE  
Salem, OR 97301

RE: Request for Comments on the Notice of Intent submitted by Wheatridge East Wind, LLC for the proposed Wagon Trail Solar Project in Morrow County.

Dear Mr. McVeigh Walker,

Thank you for the opportunity to comment on the Notice of Intent and to provide the applicable substantive criteria for the Wagon Trail Solar Project. The Morrow County Board of Commissioners also acts as the Special Advisory Group (SAG) as appointed by the Energy Facility Siting Council (EFSC). As requested in your December 21, 2020 letter, Morrow County provides a response in accordance with OAR 345-015-0120, below.

**OAR 345-015-0120 standards are shown below in bold, followed by a response in standard font.**

- (a) The name, address and telephone number of the agency contact person assigned to review the application.** The local contact person is Tamra Mabbott, Planning Director, [tmabbott@co.morrow.or.us](mailto:tmabbott@co.morrow.or.us), (541) 922-4624.
- (b) Comments on aspects of the proposed facility that are within the particular responsibility or expertise of the reviewing agency.** Morrow County has responsibility for land use planning and regulation, county road maintenance, construction and access management, weed control and solid waste. As part of our land use review process, we coordinate with local, state and federal agencies.
- (c) Recommendations regarding the size and location of analysis area.** Figure 4 in the NOI shows proposed study areas. For public services, study area includes the Town of Lexington. Morrow County recommends the study area be expanded to include the Town of Ione and the Cities of Heppner and Boardman. Ione, Heppner and Boardman offer more services such as food, dining, hotel and RV camping and will likely be impacted. The project is located in a remote, rural area and based on experience with other renewable energy construction projects in Morrow County, all towns within a 30-mile area are impacted. Some of those impacts are positive, for example, additional commerce for grocery and lodging businesses. Some of the impacts have had negative impacts, for example temporary construction workers occupying non-permitted camping areas which presents public health and fire and safety concerns.

Other analysis areas proposed appear to be adequate.

**(d) A list of studies that should be conducted to identify potential impacts of the proposed facility and mitigation measures.** Based on adopted Morrow County ordinances, policies and plans, we would require the following: wildlife and habitat studies; an analysis of current noxious and invasive weeds and a mitigation plan; Traffic Impact Analysis; a review of possible flood and other hazards; a cultural resource analysis of the lands; an assessment of socioeconomic impacts.

**(e) If the applicant has identified one or more proposed corridors in Exhibit D of the NOI as required by OAR 345-020-0011(1)(d), a discussion of the relative merits of the corridors described in the NOI and recommendations, if any, on the selection of a corridor; Can you give some examples?**

Page 8 of the NOI claims the “facility will utilize up to 8 miles of 230-kV transmission line. Morrow County requests additional information about the transmission lines and their proposed locations. Additionally, where new transmission lines will be constructed as part of this solar facility, Morrow County requests that the transmission lines be permitted as part of this project in order to fully assess the impacts of the entire project, including the transmission lines.

**(f) A list of statutes, administrative rules and local government ordinances administered by the agency that might apply to construction or operation of the proposed facility and a description of any information needed for determining compliance.** Morrow County applicable ordinances include the following: Morrow County Comprehensive Plan, Morrow County Zoning Ordinance, Morrow County Subdivision Ordinance, Morrow County Transportation System Plan, Morrow County Public Works Policy on Renewable Energy Development, Morrow County Solid Waste Ordinance, Morrow County Code Enforcement Ordinance, Morrow County Weed Control Ordinance, and the Morrow County Natural Hazard Mitigation Plan. A detailed list is attached and is also accessible on the county website.

**(g) A list of any permits administered by the agency that might apply to construction or operation of the proposed facility and a description of any information needed for reviewing a permit application.**

Conditional Use Permit (including Articles 3, 4 and 6 standards)

Site Plan Review

Zoning Permit

Road Use Agreement (to be provided by County after completion of Traffic Analysis)

**(h) For tribes affected by the proposed facility, a list of tribal codes that the tribe recommends to the Council for its review of the application and specific information regarding the proposed facility or study areas described in the NOI that is necessary for determining compliance with those tribal codes.** Morrow County is not a tribal entity. This standard does not apply.


Thank you for your consideration of comments regarding the Notice of Intent submitted by Wheatridge East Wind, LLC for the Wagon Trail Solar Project in Morrow County.

If you have any comments or questions about this or the Ordinances, Plans and Policies

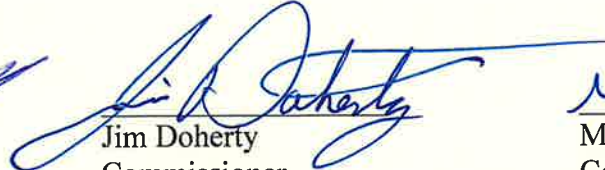
referenced herein, please contact Tamra Mabbott, Planning Director, (541) 922-4624, [tmabbott@co.morrow.or.us](mailto:tmabbott@co.morrow.or.us), or Matt Scrivner, Public Works Director, (541) 989-8584 [mscrivner@co.morrow.or.us](mailto:mscrivner@co.morrow.or.us).

Thank you for your outreach consideration of applicable Morrow County Policies, Standards, Plans and Regulations.

Sincerely,



Don Russell  
Chair



Jim Doherty  
Commissioner



Melissa Lindsay  
Commissioner

**Applicable Plans, Ordinances, Policies, Morrow County**

Morrow County Comprehensive Plan (MCCP)

- Citizen Involvement Policies
- General Land Use Policies
- Agricultural Lands Policies
- Economic Policies
- Housing Policies
- Public Facilities and Services Policies
- Energy Policies

<https://www.co.morrow.or.us/planning/page/comprehensive-plan>

Morrow County Zoning Ordinance (MCZO)

- Article 3 Section 3.00 Exclusive Farm Use Zone
  - Section 3.010(B)24 and (25), 3.010 (D)(9) and D(10) Utility Facility Service Lines and Utility Facilities Necessary for Public Service
  - Section 3.010(N) Transportation Impacts
- Article 3.010(C)(24) Solar Facilities and (K)(3) Commercial Facilities for Generating Power, Photovoltaic Solar Power Generation Facility
- Article 4 Supplementary Procedures (relative to access, parking and related measure)
  - Section 4.165 Site Plan Review
  - Section 4.170 Site Development Review
- Article 6 Conditional Uses
  - Section 6.020 General Criteria
  - Section 6.025 Resource Zones Standards for Approval (same as ORS 215.296)
  - Section 6.030 General Conditions
  - Section 6.040 Permit and Improvements Assurance

<https://www.co.morrow.or.us/planning/page/zoning-ordinance>

Oregon Revised Statutes and Oregon Administrative Rules

ORS 215.243 Agricultural Lands Policy

ORS 215.296 Standards for Approval of Certain Uses in EFU Zones

[https://www.oregonlegislature.gov/bills\\_laws/ors/ors215.html](https://www.oregonlegislature.gov/bills_laws/ors/ors215.html)

OAR 660-033-0130 (38) Standards for Solar Facilities

<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=3083>

OAR 660-004 Exception Process for Goal 3 Exception

<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=3054>

Morrow County Transportation System Plan (TSP)

Chapter 6 Transportation System Plan

Appendix D Traffic Impact Analysis Guidelines

Road Use Agreement (sample to be provided)

[https://www.co.morrow.or.us/sites/default/files/fileattachments/planning/page/12211/tsp\\_complete\\_document.pdf](https://www.co.morrow.or.us/sites/default/files/fileattachments/planning/page/12211/tsp_complete_document.pdf)

Morrow County Public Works Renewable Energy Project Development Policy

[https://www.co.morrow.or.us/sites/default/files/fileattachments/public\\_works/page/1141/renewable\\_energy\\_development\\_policy\\_september2010.pdf](https://www.co.morrow.or.us/sites/default/files/fileattachments/public_works/page/1141/renewable_energy_development_policy_september2010.pdf)

Morrow County Solid Waste Management Ordinance, Section 5.000 Public Responsibilities

[https://www.co.morrow.or.us/sites/default/files/fileattachments/public\\_works/page/2181/ordinance2008\\_update-1.pdf](https://www.co.morrow.or.us/sites/default/files/fileattachments/public_works/page/2181/ordinance2008_update-1.pdf)

Morrow County Code Enforcement Ordinance

[https://www.co.morrow.or.us/sites/default/files/fileattachments/planning/page/11881/2019\\_code\\_enforcement\\_final.pdf](https://www.co.morrow.or.us/sites/default/files/fileattachments/planning/page/11881/2019_code_enforcement_final.pdf)

Morrow County Weed Control Ordinance

[https://www.co.morrow.or.us/sites/default/files/fileattachments/public\\_works/page/2361/morrow\\_county\\_weed\\_ordinance.pdf](https://www.co.morrow.or.us/sites/default/files/fileattachments/public_works/page/2361/morrow_county_weed_ordinance.pdf)

Morrow County Multi-Jurisdictional Natural Hazard Mitigation Plan

[https://www.co.morrow.or.us/sites/default/files/fileattachments/planning/page/2451/nhmp\\_2016\\_-\\_final\\_adoption.pdf](https://www.co.morrow.or.us/sites/default/files/fileattachments/planning/page/2451/nhmp_2016_-_final_adoption.pdf)





## Board of Commissioners

P.O. Box 788 • Heppner, OR 97836  
541-676-5613  
[www.co.morrow.or.us](http://www.co.morrow.or.us)

Commissioner Don Russell, Chair  
Commissioner Jim Doherty  
Commissioner Melissa Lindsay

June 23, 2021

Chase McVeigh Walker, Senior Siting Analyst  
Oregon Department of Energy  
550 Capitol Street N.E.  
Salem, OR 97301

RE: Request for Comments on the Amended Notice of Intent submitted by Wheatridge East Wind, LLC for the proposed Wagon Trail Solar Project in Morrow County

Dear Mr. McVeigh Walker,

Thank you for the opportunity to comment on the Amended Notice of Intent (NOI) and to provide the applicable local substantive criteria for the Wagon Trail Solar Project. The Morrow County Board of Commissioners also acts as the Special Advisory Group (SAG), as appointed by the Energy Facility Siting Council (EFSC). As requested in your June 18, 2021 memorandum, Morrow County provides a response in accordance with OAR 345-015-0120.

County understands that the amendment, in summary, will add approximately 1,382 acres, or 2.17 square miles, to the footprint of the project. The additional area is contiguous to the boundary of the original NOI facility site boundary and roughly parallels State Highway 207 north of the Town of Lexington. The new project total will result in a generating capacity of up to 500 megawatts (MW) of energy.

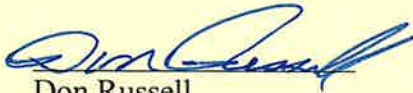
The local applicable standards are the same as those outlined in the January 20, 2021 letter for the original NOI.

Additionally, Morrow County encourages siting staff and the developer to coordinate with the Oregon Department of Transportation Region 5 and Morrow County Public Works to address any concerns regarding glare from the solar panels. Where the project boundary is due south of the U.S. Naval Bombing Range, we also encourage you to coordinate with the Community Planning and Liaison Officer.

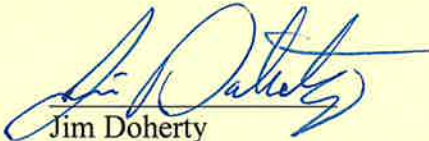
If you have any comments or questions about this or the Ordinances, Plans and Policies referenced herein, please contact Planning Director Tamra Mabbott, 541 922-2624, [tmabbott@co.morrow.or.us](mailto:tmabbott@co.morrow.or.us) or Public Works Director Matt Scrivner, 541-989-8584, [mscrivner@co.morrow.or.us](mailto:mscrivner@co.morrow.or.us).

Thank you for your outreach consideration of applicable Morrow County Policies, Standards, Plans and Regulations.

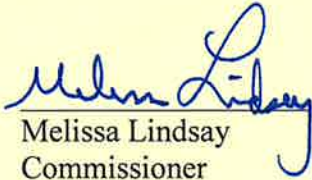
Sincerely,



Don Russell  
Chair



Jim Doherty  
Commissioner



Melissa Lindsay  
Commissioner





## Board of Commissioners

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Commissioner Jim Doherty, Chair  
Commissioner Melissa Lindsay  
Commissioner Don Russell  
October 12, 2022

Chase McVeigh-Walker, Siting Officer  
Oregon Department of Energy  
550 Capitol Street NE 1<sup>st</sup> Floor  
Salem, Oregon 97301

RE: Wagon Trail Solar Project Preliminary Application for Site Certificate Comment Letter

Dear Mr. McVeigh-Walker:

Morrow County submits this letter to provide comments on the completeness of the Exhibits included in the Preliminary Application for Site Certificate (PaSC). Our comments focus on local interpretation of the Oregon Department of Energy (ODOE) Siting Council Standards as well as local applicable Ordinances. Our comments do NOT include Conditions of Approval rather, we will reserve those to include in our comments on the draft Proposed Order.

**Exhibit E Permits Required:**

Permits listed in the application accurately reflect the requirements from Morrow County. Please update contact information for Morrow County Public Works Director to Eric Imes, [eimes@co.morrow.or.us](mailto:eimes@co.morrow.or.us).

The northern portion of Morrow County is host to the Boardman Military Operations Area (MOA). This Special Use Airspace is essential to National Defense and is mission critical to Naval Air Station (NAS) Whidbey Island and the Oregon Military Department (OMD). Morrow County requests review from both NAS Whidbey Island and OMD for their determination of no hazard to the future use of the MOA.

**Exhibit K Land Use:**

The land use analysis excludes maps or data to show the specific areas that qualify as "arable" under OAR 660-033-0130(38) or areas that are considered "high value farmland" according to ORS 195.300. The goal 3 exception analysis is not specific to lands and includes only general reasons for granting a Goal 3 exception. Further, Exhibit K does not address cumulative impacts of this project, combined with other adjacent existing and future projects and the relationship to the agricultural economy. Morrow County recommends Exhibit K provide more detailed mapping, data and analysis and a more robust Goal 3 exception justification.

Exhibit K page 40 includes general conclusions about complying with screening, drainage, lighting, etc. Morrow County requests more detail on lighting and mitigation. Any project lighting should be limited as to not interfere with the night sky, such lighting be shielded and directed downward.

Fencing that is at or over six feet in height will be subject to a Morrow County Zoning Permit as a structure. This should be identified in the exhibit.

Parking within the project area and at the O&M facility must meet building and ADA standards.

**Exhibit P Fish and Wildlife:**

At Exhibit P 9.1.4 PaSC mentions weed control. Morrow County incorporated weed abatement in the Code Enforcement Ordinance effective January 2015. Application would be improved if it included explicit mention of compliance with all local and state weed control rules, in particular addressing the identified Noxious Weeds and Weeds of Economic Importance and treatment as part of the Revegetation and Noxious Weed Control Plan. Additionally, Morrow County requests consultation with the Morrow County Weed Inspector and that the Weed Inspector be a reviewer of the applicant's Revegetation and Noxious Weed Control Plan.

**Exhibit U Public Services.** Exhibit U describes impacts to the community. There is an analysis of truck traffic but no analysis of transportation of employees. This exhibit warrants additional consideration of transit, carpooling and other modes of transportation for construction workers and maintenance workers.

At Exhibit U 2.3.2.4 Housing, the analysis is only very general and relies on outdated data. The exhibit warrants a more robust analysis and provision of specific solutions for providing housing, particularly for lands within the 30-mile study area. For example, South Morrow County is experiencing a severe housing shortage. Simply mentioning availability of rental units in remote areas does not appear to be adequate. Applicant is strongly encouraged to consult with the Town of Lexington, City of Lone and City of Heppner to identify housing options and solutions.

County notes that the Exclusive Farm Use Zone does not allow occupancy of an RV other than for temporary use. County has experienced such code violations associated with other renewable energy projects during the construction period. In order to avoid violations with this project, we encourage developer to meet with local cities and identify locations for longer term occupancy of Recreation vehicles.

**Exhibit V Generation of Solid Waste and Wastewater:**

The Morrow County Solid Waste Ordinance was adopted in 2006 and is applicable to the preliminary Application for Site Certificate. Morrow County requests the applicant address the Solid Waste Ordinance with particular focus on assuring that recyclables be disposed of in such a way to benefit the Morrow County waste shed through reporting as well as complying with requirements that solid waste be transported either by a franchised hauler or by complying with self-haul requirements. Contractor will be required to contract with a licensed solid waste handler or haul directly to an approved recycling facility.

**Exhibit W Facility Retirement and Site Restoration:**

Morrow County requests that the PaSC address final Retirement Plan and note that it will be

drafted in consultation with the Morrow County Weed Inspector as related to revegetation of the site at the time of decommissioning. Exhibit should also note that decommissioning financial assurances as presented in the Final Site Certificate will be in place prior to the start of construction.

**OTHER**

We note the application does not address fire and wildfire prevention. County requests this be included and that the applicant consult with local fire departments. County strongly encourages the applicant consult with Paul Gray, Morrow County Emergency Manager at (541) 676-5605.

Thank you for the opportunity to comment on the Wagon Trail Solar Generating Facility Request for Preliminary Application for Site Certificate. Should you have any questions about these comments please contact our Planning Director, Tamra Mabbott at 541-922-4624 or by email at [tmabbott@co.morrow.or.us](mailto:tmabbott@co.morrow.or.us).

Sincerely,

Morrow County Board of Commissioners



Jim Doherty, Chair

Jim Doherty, Chair



Melissa Lindsay, Vice-Chair

Melissa Lindsay, Vice-Chair



Don Russell, Commissioner

Don Russell, Commissioner

Cc: Eric Imes, Public Works Director  
Paul Gray, Emergency Manager  
Dave Pranger, Weed Supervisor  
Town of Lexington  
City of Heppner  
City of Lone



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Jeff Wenzholz, Commissioner  
Roy Drago Jr., Commissioner

February 7, 2024

Chase McVeigh-Walker, Senior Siting Analyst  
Oregon Department of Energy  
550 Capital Street NE  
Salem, OR 97301

RE: Application for Site Certificate  
Wagon Trail Solar

Dear Mr. McVeigh-Walker:

This letter is intended to provide comments and recommendations for the proposed 500 MW Wagon Trail Solar Application for Site Certificate (ASC). Morrow County generally supports conditions recommended by EFSC staff but shares additional recommendations about certain specific standards.

County agrees with the draft conditions of approval to ensure compliance with Land Use Standards found in OAR 345-022-0030 relating to county permits, a right to farm disclaimer, a final noxious weed plan, and compliance with recommendations of underlying landowners regarding final facility layout and design.

County notes that compliance with a weed plan, per Condition #Pre-LU-04, is problematic to enforce and to that end recommends that EFSC also require that the final noxious weed plan be reviewed and approved by county Weed Supervisor. That plan will, at minimum, require the certificate holder to fund at least one FTE County position to implement the weed abatement program and ensure compliance with planned noxious weed and native re-vegetation requirements. In addition, the noxious weed plan may require the certificate holder to employ personnel, hire a third party or fund additional county employee(s) to carry out the weed abatement program. The certificate holder's annual monitoring report required per EFSC's operational conditions should include a report identifying the ratio of noxious weeds to native vegetation to ensure compliance with the noxious weed plan.

To ensure appropriate coordination of construction traffic, County recommends EFSC include a condition requiring a Traffic Management Plan (TMP) and Road Use Agreement (RUA) to be approved by Morrow County. As part of the TMP and RUA, County will require the developer conduct a pre-construction survey of anticipated construction routes and implement road improvements identified in the survey prior to construction.

Additional detail about dust management during construction is warranted. Specifically, application should provide documentation about source of water supply to ensure water is from an appropriate source (well or city supply). Relatedly, developer claims no adverse impacts to water supply yet estimates 40-70 million gallons of water per phase during construction, and 1 million gallons per year after construction. Water is also required during drought conditions to wash solar panels. County recommends a condition of approval requiring the certificate holder to verify local capacity.

Exhibit U Socioeconomic Impacts includes a summary of housing Impacts that is not substantiated with current data. Morrow County, like much of Oregon, is experiencing a serious housing shortage. While temporary workforce housing may be permitted through the county CUP process, the ASC does not specify properties. Further, while county supports allowing temporary workforce housing on lands zoned Exclusive Farm Use, as part of the county CUP process, there is no evidence in the record that quantifies expected number of specific RV sites. Housing vacancy information is outdated. County recommends developer conduct a housing needs and impacts analysis specifically for temporary construction period and a mitigation plan for any downstream impacts to the local housing supply. The application does not identify cumulative impacts of multiple major construction projects. Several pending energy projects are claiming “no significant impacts” to local housing/water/services and are relying on the same baseline data.

Cities have also expressed concern about impacts to housing supplies and cumulative housing impacts. In addition to providing updated and current housing data, county recommends developer consult with cities in Morrow County and identify housing specifically for the Wagon Trail project.

With regard to Statewide Planning Goal 3, County does not support the conclusion that “[t]he site boundary includes an area of 7,450 acres, or approximately 1 percent of land on farms in Morrow County, and therefore a de minimis removal of land from agricultural use.” Exhibit K page 50. This is particularly problematic to prove where the analysis fails to consider the cumulative impacts to agricultural land from the many large and small-scale energy generating facilities sited on farmable land in Morrow County.

The applicant’s analysis relies on presumptive tax revenue to offset local agricultural and economic impacts, which is not consistent with the intent of Statewide Planning Goal 3. In Exhibit K Applicant relies upon a “reasons exception” per ORS 469.504 and concludes that the “exception is warranted to allow a locationally dependent facility that will fulfill important state and county goals by providing renewable energy while minimizing impacts on local farming practices.” Exhibit K page 71. That statement does not account for the specific impacts on the subject property i.e. where there is a solar array constructed no farming is possible. County agrees generally that the development could take place in such a way that minimizes impacts to *adjacent* farming practices, however, the application provides no examples of how the development will minimize or mitigate impacts to the subject property underneath the solar array.

Applicant relies primarily on proximity to existing infrastructure and the overall economic benefit to county in general, as reasons to justify the exception. County suggests additional

detail be included to show how the proposed solar is compatible with adjacent farm use. Additionally, county recommends the ASC explore specific ideas to mitigate impacts to the farmland and the farming economy rather than relying on general financial contribution to county which may or may not mitigate farmland specifically.

As recognized by Goal 3, the value of agricultural land extends far beyond the taxable value of the property and as such, prospective tax revenue should not be the sole consideration when evaluating agricultural impact mitigation. County notes that the Agricultural Impact Analysis by ECONorthwest is similar to an analysis submitted for another project who has proposed a special fund be set aside earmarked for agriculture mitigation.

Sincerely,



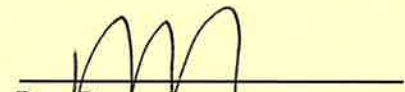
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David Sykes  
Chair

RECUSED

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Jeff Wenholz  
Commissioner



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Roy Drago Jr.  
Commissioner

