Exhibit K

Land Use

Yellow Rosebush Energy Center
August 2024

Prepared for
Yellow Rosebush Energy Center, LLC

Prepared by

TETRA TECH

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Table of Contents

1.0 Introduction 1
2.0 Land Use Analysis Area – OAR 345-021-0010(1)(k)(A) 1
3.0 Local Land Use Approval – OAR 345-021-0010(1)(k)(B) 1
4.0 Council Determination on Land Use – OAR 345-021-0010(1)(k)(C) 2
4.1 Identification of Applicable Substantive Criteria – OAR 345-021-0010(1)(k)(C)(i) 2
4.2 Applicable Substantive Criteria from OAR 345-021-0010(1)(k)(C)(ii) 2
4.2.1 Wasco County Land Use Development Ordinance 4
4.2.2 Wasco County Comprehensive Plan 51
4.2.3 Sherman County Zoning Ordinance 61
4.3 Directly Applicable Rules, Statutes, and Goals – OAR 345-021-0010(1)(k)(C)(iii) 64
4.3.1 OAR 660-033-0130(5) 64
4.3.2 OAR 660-033-0130(38) 64
4.3.3 ORS 215.274 72
4.3.4 ORS 215.283 73
4.4 Non-compliance with Applicable Substantive Criteria – OAR 345-021-0010(1)(k)(C)(iv) 73
4.5 Statewide Planning Goal Exceptions – OAR 345-021-0010(1)(k)(C)(v) 74
4.5.1 Demonstration that a "Reasons" Exception is Appropriate 74
4.5.2 Evidence that Environmental, Socioeconomic, and Energy Consequences Favor the Exception 84
4.5.3 Compatibility with Adjacent Land Uses 85
5.0 Federal Land Management Plans 86
5.1 Identification of Applicable Land Management Plans – OAR 3450-021- 0010(1)(k)(D) 86
6.0 Summary 86
7.0 Submittal Requirements and Approval Standards 87
7.1 Submittal Requirements 87
7.2 Approval Standards 88
8.0 References 90

List of Tables

Table K-1. Homesites Located within 0.5 Miles of the Facility Site Boundary 17

Table K-2. Federal and State Threatened, Endangered, and Candidate Vascular Plant Species with the Potential to Occur within the Study Area 35

Table K-3. ODFW Raptor Nest Buffers and Seasonal Restrictions 38

Table K-4. Tract Analysis Predominance Test of Arable Land 65

Table K-5. Tract Analysis Predominance Test of High-Value Farmland Soils 66

Table K-6. High-Value Farmland in and around the Site Boundary 67

Table K-7. Overview of Landowner Farmland Characteristics 81

Table K-8. Submittal Requirements Matrix 87

Table K-9. Approval Standards 88

List of Figures

Figure K-1. Land Use Analysis Area

Figure K-2. Zoning and Comprehensive Plan Designations

Figure K-3. Tracts and Adjacent Facilities

Figure K-4. Existing Land Use

Figure K-5. Water Rights

Figure K-6. NRCS Soil Capability Classifications

Figure K-7. Arable and Non-Arable Soils

Figure K-8. One-mile Study Area

Acronyms and Abbreviations

A-1	Wasco County Exclusive Farm Use Zone
APLIC	Avian Powerline Interaction Committee
Applicant	Yellow Rosebush Energy Center, LLC
ASC	Application for Site Certificate
BESS	battery energy storage system
BMP	best management practice
BPA	Bonneville Power Administration
CRP	Conservation Reserve Program
EFSC	Oregon Energy Facility Siting Council
ERP	Emergency Response Plan
ESCP	Erosion and Sediment Control Plan
F-1	Sherman County Exclusive Farm Use Zone
Facility	Yellow Rosebush Energy Center
FEMA	Federal Emergency Management Agency
gen-tie	generation-tie
HEL	highly erodible land
MW	megawatt
NH	Natural Hazards
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
O&M	operations and maintenance
OAR	Oregon Administrative Rules
ODEQ	Oregon Department of Environmental Quality
ODFW	Oregon Department of Fish and Wildlife
ODOE	Oregon Department of Energy
ODOT	Oregon Department of Transportation
ORS	Oregon Revised Statutes
POI	point of interconnect
RFPA	Rangeland Fire Protection Association
RPS	Renewable Portfolio Standard

SCZO	Sherman County Zoning, Subdivision, Partitioning, and Land Development Ordinance
SHPO	State Historic Preservation Office
WCCP	Wasco County Comprehensive Plan
WCLUDO	Wasco County Land Use Development Code
WMP	Wildfire Mitigation Plan

1.0 Introduction

Yellow Rosebush Energy Center, LLC (Applicant) seeks to develop the Yellow Rosebush Energy Center (Facility), a solar energy generation facility, battery energy storage system, and related or supporting facilities in Wasco and Sherman counties, Oregon. Compliance with statewide and local land use regulations will be subject to an Oregon Energy Facility Siting Council (referred to as EFSC or Council herein) determination. This Exhibit K was prepared to meet the submittal requirements in Oregon Administrative Rules (OAR) 345-021-0010(1)(k). Sections of OAR 345-021-0010(1)(k) that do not apply to the proposal have been omitted from this exhibit.

2.0 Land Use Analysis Area – OAR 345-021-0010(1)(k)(A)

OAR 3450-021-0010(1)(k) Information about the proposed facility's compliance with the statewide planning goals adopted by the Land Conservation and Development Commission, providing evidence to support a finding by the Council as required by OAR 345-022-0030. The applicant must state whether the applicant elects to address the Council's land use standard by obtaining local land use approvals under ORS 469.504(1)(a) or by obtaining a Council determination under ORS 469.504(1)(b). An applicant may elect different processes for an energy facility and a related or supporting facility but may not otherwise combine the two processes. Once the applicant has made an election, the applicant may not amend the application to make a different election. In this subsection, "affected local government" means a local government that has land use jurisdiction over any part of the proposed site of the facility. In the application, the applicant must:

(A) Include a map showing the comprehensive plan designations and land use zones in the analysis area;

Response: In accordance with OAR 345-001-0010(35)(c), the analysis area includes the proposed Facility site boundary plus the area within 0.5 miles from the site boundary (Figure K-1) for land within Wasco County and Sherman County. Approximately 18,381 acres are located within the land use analysis area, 8,075 acres are located within the Facility site boundary, and 7,026 acres are located within the solar micrositing corridor. Figure K-2 shows the Wasco County and Sherman County land use zones and comprehensive plan map designations within the land use analysis area. Land within the Facility site boundary and land use analysis area is zoned Exclusive Farm Use in both counties (Figure K-2).

3.0 Local Land Use Approval – OAR 345-021-0010(1)(k)(B)

OAR 345-021-0010(1)(k)(B) If the applicant elects to obtain local land use approvals:

(i) Identify the affected local government(s) from which land use approvals will be sought;

(ii) Describe the land use approvals required in order to satisfy the Council's land use standard;

(iii) Describe the status of the applicant's application for each land use approval;

(iv) Provide an estimate of time for issuance of local land use approvals;

The Applicant has elected to address the Council's Land Use standard by obtaining a land use determination from the Council pursuant to ORS 469.504(1)(b) (see Section 4.0 for more information). Therefore, these standards do not apply.

4.0 Council Determination on Land Use – OAR 345-021-0010(1)(k)(C)

4.1 Identification of Applicable Substantive Criteria – OAR 345-021-0010(1)(k)(C)(i)

OAR 345-021-0010 (1)(k)(C) If the applicant elects to obtain a Council determination on land use:

(i) Identify the affected local governments;

Response: The Facility site boundary is located within Wasco County and the alternate generation-tie (gen-tie) line is located partially within both Wasco County and Sherman County.

4.2 Applicable Substantive Criteria from OAR 345-021-0010(1)(k)(C)(ii)

OAR 345-021-0010 (1)(k)(C)(ii) Identify the applicable substantive criteria from the affected local government's acknowledged comprehensive plan and land use regulations that are required by the statewide planning goals and that are in effect on the date the application is submitted and describe how the proposed facility complies with those criteria;

Response: The Facility site boundary is primarily located within the Wasco County Exclusive Farm Use Zone (A-1) zone with the alternate gen-tie line partially located within the Sherman County Exclusive Farm Use Zone (F-1) zone. The applicable substantive criteria from the Wasco County Land Use Development Code (WCLUDO) (Wasco County 2022), Wasco County Comprehensive Plan (WCCP) (Wasco County 2010), and Sherman County Zoning, Subdivision, Partitioning, and Land Development Ordinance (SCZO) (Sherman County 2003) are outlined below and addressed in Sections 4.2.1, 4.2.2, and 4.2.3, respectively.

In Wasco County, the proposed Facility falls under the use category of "Commercial Power Generating Facility (Utility Facility for the Purpose of Generating Power) subject to Section 19.030" in the A-1 zone per WCLUDO 3.215(M), which is a Type III conditional use review. In Sherman

County, the proposed Facility alternate gen-tie line falls under the use category of "associated transmission line" in the F-1 zone per ORS 215.283(1)(c) and ORS 215.274, which is outright permitted.

Wasco County Land Use Development Code

- WCLUDO 1.030 – Legal Parcel Status
- WCLUDO 3.212 – Uses Permitted Without Review (A-1 Zone)
- WCLUDO 3.214 – Uses Permitted Subject to Type I Review (A-1 Zone)
- WCLUDO 3.215(M) – Uses Permitted Subject to Conditional Use Review/Type III (A-1 Zone)
- WCLUDO 3.216 – Property Development Standards (A-1 Zone)
- WCLUDO 3.218 – Agricultural Protection (A-1 Zone)
- WCLUDO 3.720 – Geologic Hazards Overlay Zone (OZ-2)
- WCLUDO 3.800 – Sensitive Wildlife Overlay Zone (OZ-8)
- WCLUDO 3.840 – Sensitive Bird Site Overlay Zone (OZ-12)
- WCLUDO 3.870 – Military Airspace Overlay Zone (OZ-15)
- WCLUDO 5.020 – Authorization to Grant or Deny Conditional Uses, and Standards and Criteria Used
- WCLUDO 10.020 – 10.150 Fire Safety Standards
- WCLUDO 19.030 – Commercial Power Generating Facilities Review Process & Approval Standard
- WCLUDO 20.030 – 20.080 Site Plan Review

Wasco County Comprehensive Plan

- GOAL #1 – Citizen Involvement
- GOAL #3 – Agricultural Lands
- GOAL #5 – Open Spaces, Scenic and Historic Areas and Natural Resources
- GOAL #6 – Air, Water and Land Resources Quality
- GOAL #7 – Areas Subject to Natural Hazards
- GOAL #9 – Economic Development
- GOAL #11 – Public Facilities and Services
- GOAL #12 – Transportation
- GOAL #13 – Energy Conservation

Sherman County Zoning Ordinance

- SCZO 3.1(2) – Uses Permitted
- SCZO 3.1(4) – Dimensional Standards
- SCZO 3.7 – Natural Hazards Combining Zone

4.2.1 Wasco County Land Use Development Ordinance

4.2.1.1 Section 1.030 – Severability (Legal Parcel Status)

The provisions of this Ordinance are severable. If any section, sentence, clause, or phrase of this Ordinance is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of this Ordinance. The Director, the Director's designee or other Approving Authority shall not approve a development or use of land that has been previously divided or otherwise developed in violation of this Ordinance, regardless of whether the applicant created the violation, unless the violation can be rectified as part of the development proposal.

Response: Per WCLUDO 1.030, development shall not be approved if located on land that has been previously divided or otherwise developed in violation of the WCLUDO. The Applicant will work with the Wasco County Planning Department to complete due diligence for parcels included as part of the Facility site boundary at final design and prior to construction. Therefore, the Applicant will comply with this provision.

4.2.1.2 Section 3.212 – Uses Permitted Without Review

The following uses are permitted on lands designated Exclusive Farm Use (A-1) Zone without review:

TRANSPORTATION FACILITIES

G. Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way, but not resulting in any new land parcels.

Response: Improvements will be required for portions of Bakeoven Road where new access road approaches will be constructed or where existing access road approaches may need to be improved. The Applicant is coordinating with the property owner and Wasco County to vacate Wilson Road. If the Applicant does not vacate Wilson Road, the road may be improved where the existing roadbed is inadequate to accommodate construction equipment or where new access approaches will be required to accommodate new access roads within the micrositing corridor, as needed.

New service roads within the micrositing corridor may be constructed where no roads currently exist to provide internal circulation within the Facility fence line. The Applicant opts to analyze road improvements as an accessory use to the commercial power generation facility, which is a conditionally allowed use under WCLUDO 3.215.M (see Section 4.2.1.4 of this exhibit). For this reason, the Applicant does not evaluate the Facility's access roads under WCLUDO 3.212(G).

Improvements to existing county roads will not result in the creation of new land parcels. Therefore, the Applicant complies with this provision.

4.2.1.3 Section 3.214 – Uses Permitted Subject to Standards/Type II Review

The following uses may be permitted on a legal parcel on lands designated Exclusive Farm Use (A-1) Zone subject to the Section 3.216 - Property Development Standards, Section 3.218 - Agricultural Protection, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards:

> *UTILITY/ENERGY FACILITIES*
>
> *N. Utility facilities "necessary" for public service, including wetland waste treatment systems and Electrical Transmission Facilities under 200 feet in height, but not including commercial utility facilities for the purpose of generating electrical power for public use by sale, or Electrical Transmission Facilities over 200 feet in height, subject to Section 3.219 G below.*

Response: The Applicant is proposing two point of interconnect (POI) options for the Facility described in Exhibit B and shown on Exhibit C, Figure C-2.

The primary POI under consideration is at the proposed Bonneville Power Administration (BPA) switchyard that is within the Facility site boundary and will be developed by BPA. The Facility's collector substation will connect to the adjacent BPA switchyard. The BPA switchyard will then connect to the BPA 500-kV John Day to Grizzly transmission line located directly adjacent to the westernmost edge of the Facility. The Facility's collector substation will interconnect directly with the proposed BPA switchyard using a short overhead span of gen-tie line between the adjacent facilities.

The alternate POI under consideration will include an alternate up to 500-kV gen-tie line of 4.5 miles (approximately 2.6 miles within Wasco County and approximately 1.9 miles within Sherman County) and connect to BPA's existing Buckley Substation located in Sherman County north of the Facility. The alternate gen-tie line will start at the Facility's collector substation and run east of and parallel to the BPA's 500-kV transmission line corridor and connect to the Buckley Substation. The alternate gen-tie line is an associated transmission line and is not a transmission line within the meaning of EFSC jurisdiction. The alternate gen-tie line will be outside the fenced solar arrays but within the Facility site boundary (Exhibit C, Figure C-2). The 1.9-mile portion of the line in Sherman County is analyzed in Section 4.2.3.

The Facility's collector substation will interconnect directly with the proposed BPA switchyard using a short overhead span of gen-tie line between the adjacent facilities using an approximately 160 to 180-foot steel monopole. The alternate 500-kV gen-tie will be supported by approximately 160 to 180-foot steel monopoles that will be spaced approximately 1,000 feet apart. Each monopole will require a concrete caisson foundation that will be approximately 8 feet in diameter (larger for dead-end structures) with a foundation depth of between 40 and 60 feet. Custom structures may be required to accommodate larger spans to avoid sensitive resources or steep terrain. Tension

stringing equipment (i.e., pulling site) will be spaced approximately 10,000 feet apart and be 100-feet wide by 600-feet long and located within the gen-tie right of way.

Therefore, the Facility's proposed primary and alternate gen-tie lines are considered a "utility facility necessary for public service," because they are related to or supporting the Facility. Additionally, the gen-tie line is also considered an "associated transmission line" subject to Oregon Revised Statutes (ORS) 215.274. ORS 215.274 is addressed in Section 4.3.3.

4.2.1.4 Section 3.215 – Uses Permitted Subject to Conditional Use Review/ Type III

The following uses may be permitted on a legal parcel designated Exclusive Farm Use (A-1) Zone subject to Section 3.216 - Property Development Standards, Section 3.218 - Agricultural Protection, ORS 215.296, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking or is a commercial event (home occupation or agritourism), as well as any other listed, referenced, or applicable standards:

> *ENERGY/UTILITY/SOLID WASTE DISPOSAL FACILITIES*
>
> *M. Commercial Power Generating Facility (Utility Facility for the Purpose of Generating Power) subject to Section 19.030.*
>
> *. . .*
>
> *Except for wind facilities, transmission lines or pipelines, unless otherwise allowed by state regulations, the energy facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR Chapter 660-004, or 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR Chapter 660-004 and ORS 197.732.*

Response: The Applicant proposes to construct and operate an 800-megawatt (MW) solar photovoltaic power generation facility with related or supporting interconnection facilities and an up to 800-MW battery energy storage system (BESS) within the Facility site boundary. The proposed Facility meets the definition of a "Commercial Power Generating Facility (Utility Facility for the Purpose of Generating Power)" and therefore, WCLUDO 19.030 is addressed in Section 4.2.1.18. Additionally, the Facility will preclude more than 20 acres from use as a commercial agricultural enterprise. As a result, a Goal 3 Exception taken pursuant to OAR Chapter 660-004 and ORS 197.732 is proposed and discussed in Section 4.5.

4.2.1.5 Section 3.216 – Property Development Standards

Property development standards are designed to preserve and protect the character and integrity of agricultural lands, and minimize potential conflicts between agricultural operations and adjoining property owners. A variance subject to WCLUDO Chapter 6 may be utilized to alleviate an exceptional or extraordinary circumstance that would otherwise preclude the parcel from being utilized. A variance to these standards is not to be used to achieve a preferential siting that could otherwise be achieved by adherence to these prescribed standards.

A. Setbacks

1. Property Line

a. All dwellings and accessory structures not in conjunction with farm use, shall comply with the following property line setback requirements: [these criteria have been omitted, since no dwelling is proposed]

. . .

Response: No new dwellings or accessory structures to dwellings are proposed for the Facility, and therefore subpart (a) does not apply to the Facility.

b. All dwellings in conjunction with farm use shall comply with the following property line setback requirements: [these criteria have been omitted, since no dwelling is proposed]

. . .

Response: No new farm structures are proposed by the Facility, and therefore subpart (b) is not applicable to the Facility.

c. Farm structures shall be set back a minimum of 25 feet from the property line.

Response: The Applicant is not proposing any new farm structures. Therefore, subpart (c) does not apply to the Facility. At the end of the Facility's useful life, the landowner may opt to use the Facility's operations and maintenance (O&M) building for agricultural purposes rather than have the building demolished. Accordingly, the O&M building's proposed location complies with this standard, as it is set back at least 25 feet from the property line (see Figure C-2 in Exhibit C). If the O&M building is moved during micrositing, it will be sited to meet this standard to provide flexibility for future, potential agricultural use. Therefore, the Facility complies with this criterion.

d. Utility facilities necessary for public service shall be set back a minimum of 25 feet from the property line.

Response: Facility components will be sited to meet this standard. These components include the solar array, BESS, collector substation, O&M building, gen-tie line, and related or supporting infrastructure. For purposes of this standard, property line setbacks should be interpreted to be limited to the outside property lines of the Applicant's site boundary, not the internal property lines located within the site boundary. Therefore, the Facility complies with this criterion.

e. Additions, modifications or relocation of existing structures shall comply with all EFU setback standards. Any proposal that cannot meet these standards is subject to the following:

(1) Dwellings: The proposed addition modification or relocation shall not result in nonconformity or greater nonconformity to property line setbacks or resource buffer requirements unless the addition will extend a structure further away from and perpendicular to the property line or resource. Any proposal that would place a relocated dwelling or extend an existing dwelling into or further toward the property line or resource, or expand an existing dwelling parallel into a setback or buffer shall

also be subject to Chapters 6 & 7 - Variances and any other applicable review criteria. The provisions of Chapter 13 - Nonconforming Uses, Buildings and Lots are not applicable to replacement dwellings. (Added 4/12)

(2) Farm & Non-Farm buildings and structures: The proposed addition, modification or relocation shall not result in nonconformity or greater nonconformity to property line setbacks or resource buffer requirements. If the building or structure currently conforms to all setback standards and the proposal would result in non-conformity a Chapter 6 or 7 variance will be required. If the building or structure currently does not conform to all setback standards and the proposal would increase the non-conformity it shall be subject to the applicable provisions of Chapter 13 - Nonconforming Uses, Buildings and Lots.

Response: No additions, modifications, or relocation of existing structures are proposed by the Facility, and therefore subpart (e) does not apply.

f. Property line setbacks do not apply to fences, signs, roads, or retaining walls less than four (4) feet in height.

Front yard (road) property line setbacks do not apply to parking areas for farm related uses. However, parking areas for farm related uses must meet side and rear yard property line setbacks.

Response: Fences or signs over 4 feet in height will conform to the property line setbacks. For purposes of this standard, property line setbacks should be interpreted to be limited to the outside property lines of the Applicant's site boundary, not the internal property lines located within the site boundary. Therefore, the Facility complies with this criterion.

2. Waterways

a. Resource Buffers: All bottoms of foundations of permanent structures, or similar permanent fixtures shall be setback from the high water line or mark, along all streams, lakes, rivers, or wetlands.

(1) A minimum distance of one hundred (100) feet when measured horizontally at a right angle for all water bodies designated as fish bearing by any federal, state or local inventory.

(2) A minimum distance of fifty (50) feet when measured horizontally at a right angle for all water bodies designated as non-fish bearing by any federal, state or local inventory.

(3) A minimum distance of twenty-five (25) feet when measured horizontally at a right angle for all water bodies (seasonal or permanent) not identified on any federal, state or local inventory.

(4) If the proposal does not meet these standards it shall be subject to Section 3.216 A1c - Additions or Modifications to Existing Structures, above.

(5) The following uses are not required to meet the waterway setbacks, however they must be sited, designed and constructed to minimize intrusion into the riparian area to the greatest extent possible: (a) Fences; (b) Streets, roads, and paths; (c) Drainage facilities, utilities, and irrigation pumps; (d) Water-related and water-dependent uses such as docks and bridges; (e) Forest practices regulated by the Oregon Forest Practices Act; (f) Agricultural activities and farming practices, not including the construction of buildings, structures or impervious surfaces; and (g) Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.

Response: As described in Exhibit J, the Facility will avoid and have no adverse impacts to wetlands or other jurisdictional Waters of the State. No perennial streams and no fish-bearing streams occur within the proposed solar micrositing corridor (Exhibit J and P), and no riparian areas associated with fish-bearing streams will be impacted. If the alternate POI is selected, the alternate gen-tie line will span Buck Hollow Creek and avoid impacts to riparian areas. While waterway setbacks are not applicable to the Facility fence, roads, and utility lines, the Applicant has designed these related or supporting Facility components to minimize potential impacts to non-jurisdictional streams to the extent possible. Therefore, the Facility complies with these criteria.

b. Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.710 - Flood Hazard Overlay (OZ 1).

Response: No digital data is available for the Flood Insurance Rate Map panel (Panel No. 410229B effective 9/24/1984) for the Facility. The Wasco County Public Basemap (Wasco County 2024) shows the solar micrositing corridor is outside the Overlay Zone 1 Federal Emergency Management Agency (FEMA) Flood Zone. If the alternate POI is selected, the alternate gen-tie line will span Buck Hollow Creek and avoid impacts to the Overlay Zone 1 FEMA Flood Zone mapped along Buck Hollow Creek. Development associated with the Facility will avoid the County's Overlay Zone 1 FEMA Flood Zone. Therefore, WCLUDO 3.710 does not apply.

3. Irrigation Ditches: All dwellings and structures shall be located outside of the easement of any irrigation or water district. In the absence of an easement, all dwellings and structures shall be located a minimum of 50 feet from the centerline of irrigation ditches and pipelines which continue past the subject parcel to provide water to other property owners. Substandard setbacks must receive prior approval from the affected irrigation district. These setbacks do not apply to fences and signs.

Response: Facility components are located outside of irrigation and water district easements. No irrigation or water districts are known to occur within the Facility site boundary, and no easement of any irrigation or water district is identified within the site boundary; therefore, this setback does not apply to the Facility.

4. *Wasco County Fairground:* [these criteria have been omitted, since they do not apply]

. . .

Response: The Facility site boundary and solar micrositing corridor are not located in or near the Wasco County Fairground. Therefore, these criteria are not applicable to the Facility.

5. All development will be setback 25 feet from roads or access easements.

Response: The Facility components are not located within the 25-foot setback from roads and access easements, as shown on Figure C-2 in Exhibit C. Therefore, this setback criterion is satisfied.

B. Height: Except for those uses allowed by Section 4.070 - General Exception to Building Height Requirements, no building or structure shall exceed a height of 35 feet. Height is measured from average grade.

Response: The Facility is considered a commercial power generating facility and utility facility necessary for public service, which are listed uses under WCLUDO 4.070 and subject to the standards in WCLUDO Chapter 19. Therefore, the 35-foot height limitation is not applicable to the Facility. However, the property owner may retain the O&M building as an agricultural building once the Facility is decommissioned. The O&M building will not exceed 35 feet in height.

C. Vision Clearance: Vision clearance on corner properties shall be a minimum of thirty (30) feet.

Response: WCLUDO 4.090 describes the vision clearance area as a triangular area measured from the corner intersection of the street lot lines, and requires this area to contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding 2.5 feet in height. Wilson Road provides access to the site; the only intersections present would be internal. There are no corner lots intersecting with a public road. Therefore, the criterion is not applicable to the Facility.

D. Signs

1. Permanent signs shall not project beyond the property line.

2. Signs shall not be illuminated or capable of movement.

3. Permanent signs shall describe only uses permitted and conducted on the property on which the sign is located.

4. Size and Height of Permanent Signs:

a. Freestanding signs shall be limited to twelve square feet in area and 8 feet in height measured from natural grade.

b. Signs on buildings are permitted in a ratio of one square foot of sign area to each linear foot of building frontage but in no event shall exceed 32 square feet and shall not project above the building.

5. Number of permanent signs:

a. Freestanding signs shall be limited to one at the entrance of the property. Up to one additional sign may be placed in each direction of vehicular traffic running

parallel to the property if they are more than 750 feet from the entrance of the property.

b. Signs on buildings shall be limited to one per building and only allowed on buildings conducting the use being advertised.

Response: The Applicant is proposing one permanent sign at the Bakeoven Road entrance to the Facility. This sign will be attached to the perimeter fence adjacent to the entrance driveway and include the site name and emergency contact information. If needed, additional signage may be located every 750 feet along the perimeter fencing of the site and the collector substation to provide facility-related warning and safety information to visitors. The Facility will comply with these sign criteria.

6. Temporary signs such as signs advertising the sale or rental of the premise are permitted provided the sign is erected no closer than ten feet from the public road right-of-way. Election signs are permitted but shall not be set in place more than 45 days prior to an election and shall be removed within 45 days after an election.

Response: The Applicant is proposing up to three temporary signs to identify the Facility. These signs will be used during Facility construction and will be at least 10 feet from any public right-of-way. The temporary signs will be removed once construction is complete and the Facility is under operation. Therefore, the Facility complies with this criterion.

E. Lighting: Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and waterways. Shielding and hooding materials shall be composed of non-reflective, opaque materials.

Response: The Facility is proposing permanent outdoor lighting at the BESS, collector substation, and O&M building. Lighting will use LED down-lit fixtures with backlight shield kits that prevent glare and projection onto nearby properties and public rights-of-way. Lighting will be motion activated, with one light at each entrance and one on each side without an entrance. The Applicant is proposing temporary lighting to be strategically located for safety and security during Facility construction. Once the Facility is under operation, temporary lighting will be removed from the site. Therefore, the Facility complies with this criterion.

F. Parking: Off street parking shall be provided in accordance with Chapter 20.

Response: Parking standards for commercial and industrial uses are included in WCLUDO 20.05. Commercial energy facilities, utility facilities, and transportation facilities are not listed uses in this section. As a result, there is no minimum or maximum parking dictated by WCLUDO. The Applicant is proposing an approximately 350 foot by 480 foot gravel enclosure around the O&M building. This gravel area will provide enough space for up to 20 parking stalls and will be used by the 10 to 15 employees during Facility operations.

G. New Driveways: All new driveways and increases or changes of use for existing driveways which access a public road shall obtain a Road Approach Permit from the appropriate

jurisdiction, either the Wasco County Public Works Department or the Oregon Dept. of Transportation.

Response: The transportation route to the Facility is Bakeoven Road, and the Facility will be accessed from Wilson Road (Exhibit C; Figure C-2). New service roads will be constructed within the Facility site boundary to provide access to Facility infrastructure. The Applicant is not proposing any new driveways at this time. The Facility may require improvements to existing driveways from the existing Bakeoven Road to Wilson Road. If improvements are made to existing driveways, the Applicant will obtain a Road Approach Permit, prior to construction, from the Wasco County Public Works Department or the Oregon Department of Transportation (ODOT). Therefore, the Applicant demonstrates that this criterion will be met.

4.2.1.6 Section 3.218 – Agricultural Protection

The uses listed in Section 3.214 - Uses Allowed Subject to Standards and Section 3.215 -Conditional Uses must meet the following standards:

A. Farm-Forest Management Easement: The landowner is required to sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or case of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

B. Protection for Generally Accepted Farming and Forestry Practices - Complaint and Mediation Process: The landowner will receive a copy of this document.

Response: The Facility is permitted as a conditional use under WCLUDO 3.214 and 3.215. Therefore, the Applicant will ensure a Farm-Forest Management Easement is signed and recorded with the County by each of the landowners within the site boundary. The criteria will be satisfied.

4.2.1.7 Section 3.720 – Geologic Hazards Overlay (OZ-2)

Section 3.721 – Purpose

The purpose of the Geologic Hazards Overlay District is to protect the public health, safety and welfare by assuring that development in hazardous or potential hazardous areas is appropriately planned to mitigate the threat to man's life and property.

B. Approval Standards

Prior to development, the following measures shall be utilized:

1. *Any proposed developments on slopes greater than 25% shall be reviewed to ensure site suitability. Such review shall be conducted in the process for building permit approval and, unless the site has been identified as a geologic hazard area, shall rely on provisions of the Uniform Building Code for the protection of the public health, safety and welfare.*

Response: According to Exhibit H, slopes within the Facility site boundary range from zero to 95 percent, with an average of 7.6 percent. The steepest slopes are located along the drainages on the

northern and eastern boundaries along Buck Hollow Creek and the tributary drainage. The solar micrositing corridor is set back from these drainages to prevent Facility components within the site boundary from being located on slopes greater than 25 percent. However, the alternate gen-tie line will span Buck Hollow Creek and may have support structures on slopes greater than 25 percent. Any portion of the Facility located on slopes greater than 25 percent shall adhere to the criterion above and meet the provisions of the Uniform Building Code for the protection of the public health, safety and welfare. Therefore, the Applicant demonstrates that this standard will be met.

2. *Any proposed development in an identified geologic hazard area shall be preceded by a written report by an engineering geologist or an engineer who certifies he is qualified to evaluate soils for suitability. For purposes of this section, development shall include any excavation or change in topography, such as home construction, associated roads, driveways, septic tank disposal fields, wells and water tanks. The written report of the engineering geologist or engineer shall certify that the development proposed may be completed without threat to public safety or welfare and shall be used in ministerially reviewing the development proposal.*

Response: As described in Exhibit H, there are potential geologic hazards identified along the proposed alternate gen-tie line route. The Applicant is proposing to perform site-specific geotechnical work in this area to inform the final design of the proposed alternate gen-tie line. Therefore, the Applicant will satisfy this standard.

3. *In approval of a development permit, whether ministerial or through the Administrative Action procedures of Chapter 2 of this Ordinance, the following conditions may be imposed at the time of approval to ensure site and area stability:*

    a. Maintain vegetation and eliminate widespread destruction of vegetation.

    b. Carefully design new roads and buildings with respect to:

        i. Placement of roads and structures on the surface topography.

        ii. Surface drainage on and around the site.

        iii. Drainage from buildings and road surfaces.

        iv. Placement of septic tank disposal fields.

    c. Careful construction of roads and buildings.

        i. Avoid cutting toeslopes of slump blocks.

        ii. Careful grading around the site, especially avoiding over steepened cut banks.

        iii. Re-vegetating disturbed areas as soon as possible.

    d. Other conditions may be imposed to reasonably assure that the development is protected from damage by mass movement.

Response: The Applicant understands the above conditions may be imposed upon the Facility if development occurs in a geologic hazard area.

4.2.1.8 Section 3.800 - Sensitive Wildlife Habitat Overlay (OZ-8)

Section 3.805 – Siting Standards

A. Within [OZ-8], subject to standards uses permitted in the underlying zone are subject to notice to and comment from the Oregon Department of Fish and Wildlife.

B. Within [OZ-8], conditional uses permitted in the underlying zone are subject to notice and comment from the Oregon Department of Fish and Wildlife. This includes conditional use requirements per Section 5.020 F.

Response: The proposed Facility is within the Sensitive Wildlife Habitat Overlay. The Oregon Department of Fish and Wildlife (ODFW) was notified of the proposed Facility on or before November 10, 2023, by the Oregon Department of Energy (ODOE) in accordance with OAR 345-015-0120 and 345-020-0040. Comments were received on November 30, 2023. Responses to WCLUDO 5.020(F) are provided below in Section 4.2.1.11.

4.2.1.9 Section 3.840 – Sensitive Bird Site Overlay (OZ-12)

Section 3.842 – Applicability

Sensitive bird site protection measures are applicable to all uses in the underlying zone(s).

A. Any use permitted or permitted conditionally in the zone is subject to the sensitive resource review procedure if located within the sensitive habitat protection area identified for the inventoried significant site.

B. The sensitive resource review requirement and resulting protection measures are applicable in addition to and shall be applied concurrently with all other applicable standards and criteria in the county WCLUDO.

If setbacks or buffers specified in this ordinance overlap or conflict, they should be varied in a manner to achieve, to the greatest extent possible, the overall protection of affected resources and public interest.

Response: Exhibit P describes the desktop analysis and field survey results for state sensitive species and eagle species that have the potential to occur within the 0.5-mile analysis area of the Facility site boundary (Exhibit P, Table P-4). Ten state sensitive bird species and two eagle species have the potential to occur within the 0.5-mile analysis area of the Facility site boundary (Table P-4). Adverse impacts to bald eagles (*Haliaeetus leucocephalus*) and golden eagles (*Aquila chrysaetos*) are not expected due to Facility construction and operations. Bald eagles were not observed within the analysis area during 2023 raptor nest surveys. Surveys occurred during the breeding period when this species was most likely to be observed. No bald eagle nests are located within 5 miles of the proposed micrositing corridor (ORBIC 2023a). ORBIC and USFWS data identified two golden eagle nests within 0.5 miles of the Facility site boundary and one additional nest just north of the 0.5-mile raptor nest survey buffer along Buck Hollow Canyon (ORBIC 2023a, Leal 2020). The proposed alternate gen-tie line is approximately 1.2 miles from the nearest golden eagle nest, and the proposed micrositing corridor boundary is approximately 0.3 miles from the nearest mapped

nest. The three golden eagle nest record locations were visually inspected from a distance with binoculars; the nest outside of the 0.5-mile analysis area was found to be intact and in good condition but unoccupied, and the other two nests within the 0.5-mile analysis area were no longer present.

While not identified within the Sensitive Bird Site Overlay (OZ-12), field surveys identified one Swainson's hawk (*Buteo swainsoni*) nest within the proposed micrositing corridor, and occurrences of Brewer's sparrow (*Spizella breweri*), ferruginous hawk (*Buteo regalis*), grasshopper sparrow (*Ammodramus savannarum*), and loggerhead shrike (*Lanius ludovicianus*) were observed within the 0.5-mile analysis area (Exhibit P; Table P-4). Section 9 of Exhibit P identifies the avoidance, minimization, and mitigation measures that have been and will be implemented to avoid, minimize, and mitigate potential adverse impacts to state sensitive species and eagles. As recommended by ODFW, the Applicant will apply the buffers and seasonal restrictions in Exhibit P, Table P-6 around raptor nests identified during pre-construction surveys to avoid disturbance to nesting raptors as practicable. The Applicant will consult with ODFW for prior approval for exceptions to nest buffers during construction if needed. For these reasons, the Facility will not conflict with the County's Sensitive Bird Site Overlay (OZ-12).

4.2.1.10 Section 3.870 – Military Airspace Overlay Zone (OZ-15)

Section 3.873 – Notification

A. Any applicable development or use shall be required to submit a pre-application conference request at least one month ahead of submitting a complete application. The pre-application conference shall include:

1. Early notification to the Department of Defense about the proposed development or use;

2. Allow for a 15-day review by the NW Regional Coordination Team or local military representative of the proposed development or use;

3. Potential mitigation measures for a complete application recommended by the applicant, Department of Defense, or Planning Director.

Section 3.874 – Mitigation Measures

A. Proposed development or uses that have identified impacts shall be permitted conditionally with the mitigation measures agreed upon by the Department of Defense, Planning Department, and applicant or developer.

Response: A majority of the Facility site boundary is located within Wasco County's Military Airspace Overlay Zone (OZ-15) and the 500-feet Above Ground Level (AGL) airspace (Wasco County 2024). Pursuant to WCLUDO 3.872(A), this overlay zone is only applicable to structures over 400 feet in height if located within the 500-feet AGL airspace. No portion of the Facility will be more than 200 feet tall. As a result, the OZ-15 Overlay Zone is not applicable to the Facility.

The Applicant notified the Department of Defense on July 7, 2023, of the proposed Facility and that a glare analysis would be completed. In an email dated November 11, 2023, the Community

Planning and Liaison Officer from the Northwest Training Range Complex confirmed the Department of Defense does not anticipate concerns from the glare analysis because the lowest the pilots are authorized to fly is 11,000 feet (Kimberly Preacher, US Navy, pers. comm., e-mail message to author, November 21, 2023). Therefore, the Facility is not anticipated to effect military flight paths in the OZ-15.

4.2.1.11 Section 5.020 – Authorization to Grant or Deny Conditional Uses, and Standards and Criteria Used

Conditional uses listed in this Ordinance shall be permitted, enlarged or otherwise altered or denied upon authorization by Administrative Action in accordance with the procedures set forth in Chapter 2 of this Ordinance. In judging whether or not a conditional use proposal shall be approved or denied, the Administrative Authority shall weigh the proposal's appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed, and to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable.

> *A. The proposal is consistent with the goals and objectives of the Comprehensive Plan and implementing Ordinances of the County.*

Response: See Section 4.2.2 for a discussion of the Facility's consistency with the Wasco County Comprehensive Plan. The Facility is consistent with the implementing ordinances of Wasco County as evidenced by the responses to the applicable WCLUDO sections in Section 4.2.1 of this application.

> *B. Taking into account location, size, design and operational characteristics of the proposed use, the proposal is compatible with the surrounding area and development of abutting properties by outright permitted uses.*

Response: For purposes of analyzing this standard, the "surrounding area" is defined as the Facility site boundary plus 0.5 miles from the site boundary; "abutting properties" are those properties adjacent to the Facility site boundary. The Facility site boundary encompasses 8,075 acres, which includes the solar micrositing corridor within which the Facility components will be constructed. The Sunset, Daybreak and Bakeoven solar projects are located within the surrounding area. The Daybreak Solar Project and Bakeoven Solar Project both extend west and south on the south side of Bakeoven Road.

The Facility site boundary, surrounding area, and abutting properties are within the A-1 zone, which is an exclusive farm use zone with a purpose of preserving farm and forest uses. Outright permitted uses are those listed in WCLUDO 4.212. These include farm use, forest use, transportation projects within existing rights-of-way, utility facility service lines under 200 feet in height, irrigation infrastructure and minor home occupation, among others.

The general character of the surrounding area is rural agricultural and grazing/rangeland with flat gently sloping scabland terrain characterized by a mixture of sagebrush steppe and grasslands, and

limited stands of juniper trees. The flat terrain is frequently interspersed with steep drainages resulting from rivers, creeks and their tributaries. Within and adjacent to the Facility site boundary are Hauser Canyon and Buck Hollow Creek (USGS 2024). Uses on the surrounding land, including abutting properties, are generally agricultural with some mixed residential/agricultural uses associated with ranch homesites and will include solar panels and associated equipment once the Sunset, Daybreak and Bakeoven solar projects are constructed.

Table K-1. Homesites Located within 0.5 Miles of the Facility Site Boundary

Homesite Property Owner	Homesite Tax Lot	Distance Between Homesite and Facility Site Boundary (miles)
Levi Chrisman Family LLC	5S 16E 0 1300	Inside Facility site boundary, outside of micrositing corridor
Vicky Ashley	5S 15E 0 1100	0.3
Vicki Ashley	5S 15E 0 1201	0.4
Steven L Ashley et al.	5S 15E 0 100	0.5
Carver Family Ranches LLC	5S 16E 0 600	0.5

The solar panels will be the most visible components of the solar arrays and will consist of panel strings mounted on single-axis tracker systems. The visibility of the solar arrays will depend primarily on topographic or other view obstructions and the distance from the viewer to the solar arrays. With a maximum height of 12 feet, the solar arrays will not be visible from sites lower in elevation than the area on which the array is constructed. From sites that are similar in elevation to the arrays, viewers will see only a line on the horizon, and not individual solar panels. Depending on the viewing distance, viewers at sites higher in elevation may have views of the panels. Anti-reflective coating will be used on the solar panels to reduce glare and reflectivity. The surface of the panels will have high transmittance to increase the amount of light reaching the photovoltaic cells. With these methods, the panels will be less reflective than a natural water body or a coated glass surface that is not anti-reflective.

As shown in Table K-1, there are four homesites within the surrounding area and one homesite within the Facility site boundary. The homesites owned by Vicky Ashley and Steven L Ashley et al. are surrounded by the EFSC-approved Sunset and Daybreak solar projects and as a result have been deemed compatible with adjacent solar energy generating facilities. The Levi Chrisman Family LLC homesite is owned by property owners who have a lease agreement with the Facility. Carver Family Ranches LLC does not have a lease with the Applicant; however, while the homesite is about 0.5 miles from the Facility site boundary, it is over 1.4 miles (approx. 7,300 feet) away from the solar micrositing corridor and Facility components. Additionally, Hauser Canyon physically separates the homesite from the solar micrositing corridor. The solar panels may be visible to the

Carver Family Ranches LLC homesite, but due to the distance and topographic and physical separation the impact will be minimal.

Structures and buildings within the Facility site boundary will be setback from adjacent properties as required by code. As described in Exhibit B and confirmed in Exhibits I, R, and U, daily operational activities and the design and location of Facility components such as the solar panels, BESS, transformers and inverters are such that potential impacts to the surrounding area including glare, dust, and traffic will be minimal and, if necessary, will be mitigated through best management practices (BMPs). Fencing will enclose the entire Facility and dust will be managed as provided by Exhibit I. In this manner, farming operations in the surrounding area and future outright permitted uses on adjacent properties may occur undisturbed.

Prior to construction of each phase, the final Facility design, equipment specifications, and noise warranty data will be modeled and reviewed by an acoustician to demonstrate compliance with OAR 340-035-0035. Based on the results of the modeling, the Applicant will provide legally effective easements or real covenants [as available under Oregon Department of Environmental Quality (ODEQ) Noise Rules], or noise mitigation implementation, as necessary, to demonstrate compliance with OAR 340-035-0035. On this basis, the Facility will be compatible with the surrounding area from a noise impact perspective.

In conclusion, based on the above analysis of visual impacts, traffic, dust, noise, homesite locations and existing solar energy projects, the Facility is compatible with the surrounding area and development of abutting properties by outright permitted uses.

> *C. The proposed use will not exceed or significantly burden public facilities and services available to the area, including, but not limited to: roads, fire and police protection, sewer and water facilities, telephone and electrical service, or solid waste disposal facilities.*

Response: The Facility will not exceed or significantly burden the following public facilities and services in the area:

- **Roads:** The Facility will be accessed from Bakeoven Road and Wilson Road. The Applicant will obtain Road Use Agreements and Road Approach Permits from Wasco County, as required, for the construction or improvement of Bakeoven Road and the intersection with Wilson Road prior to construction. The Applicant will be responsible for the costs associated with improving County-owned roads and for building and maintaining road approaches. Financial security regarding County road use, maintenance, and repair related to construction will be described in the Road Use Agreement as agreed to by Wasco County and the Applicant.
- **Fire and Police Protection**: Wildfire prevention and risk mitigation is addressed in Exhibit V. Prior to construction and operations, the Applicant will coordinate with the Bakeoven-Shaniko Rural Fire Protection Association (RFPA) to update the draft construction and operations Wildfire Mitigation Plans (WMP), provided in Exhibit V, Attachments V-1 and V-2, respectively. The Applicant will follow the mitigation measures outlined in the plans; the

Facility will be equipped with fire protection equipment in accordance with the Oregon Fire Code and will comply with Wasco County's Fire Safety Standards.

The Wasco County Sheriff's Office, headquartered in The Dalles, Oregon, is the primary provider of police service in the rural area surrounding the facility. The Applicant anticipates minimal need for police services at the Facility because the Facility will be located on private land, accessed via private service roads, and the solar arrays, BESS, collector substation, and O&M building will be secured by fencing and locked gates (see Exhibit U).

- **Sewer and Water Facilities**: During construction, sanitary wastes will be collected onsite in portable toilets obtained from a licensed contractor. During operations, the O&M building will discharge domestic wastewater to a licensed onsite septic system. The Applicant anticipates that the limited needs for sewage disposal will not require a connection to sewers or sewage treatment facilities. Therefore, the Facility will not burden local sewer systems.

  Water for construction will be supplied from an existing municipal water source with existing water rights, most likely from the City of Maupin, and trucked to the Facility site. See Exhibit O for more information regarding construction water needs. The Applicant intends to obtain this water from the City of Maupin using a bulk water agreement. The City of Maupin has confirmed that they sell bulk water (Exhibit O, Attachment O-1). The Applicant may construct either an exempt well, allowed under ORS 537.545, or obtain bulk water from a municipal water source with existing water rights (i.e., City of Maupin) for the O&M building. Therefore, no adverse impacts to water use and supply are anticipated during Facility construction or operations.

- **Telephone and Electrical Service**: The Applicant will contract with local service providers to supply electricity and communications to the O&M building. The Applicant does not anticipate significant adverse impacts to existing telephone or electrical services.

- **Solid Waste Disposal Facilities**: Solid waste disposal for the Facility during construction and operations will be provided through a private contract with local commercial haulers and is not anticipated to disrupt services already being provided in any incorporated communities or in the larger Wasco County area. The Wasco County Landfill has confirmed that it has sufficient capacity to accommodate the Facility's solid waste (see Exhibit U). The Facility will create limited demands for solid waste disposal and will not burden existing solid waste disposal facilities.

For the reasons outlined above, the Applicant demonstrates that the Facility will not exceed the carrying capacities of the area's public facilities and services.

D. The proposed use will not unduly impair traffic flow or safety in the area.

Response: Exhibit U demonstrates that Facility operations will not unduly impair traffic flow or safety in the area. For the purpose of evaluating this standard, "area" is determined to be the site

boundary plus the area within 0.5 miles of the site boundary. Facility operations will result in up to 15 full-time employees visiting the Facility site daily. These employees will travel using their personal vehicles, which may include light-duty trucks. Occasionally, additional vehicles or trucks may be required for deliveries, maintenance, and operations. Daily traffic generated by the Facility will result in minimal impacts to the existing traffic using county roads in the Facility area. As a result, adverse impacts to the transportation network and traffic safety or travel times are not anticipated.

As described in Exhibit U, approximately 200 to 300 workers will be on-site per temporary construction phase, peaking at 400 workers on-site at once per phase. For the purposes of the traffic impact analysis in this section, the Applicant uses a peak workforce of 400 people per phase when multiple disciplines of contractors complete their work simultaneously during periods of the highest activity. Truck traffic will also be generated as a result of materials and equipment delivery during the Facility's construction. This estimate is conservative and based on the maximum peak workforce. During Facility construction, it is estimated that 870 trips (435 roundtrips) will be generated daily during the peak of construction (Exhibit U). Approximately 800 of these trips are commuting trips by the workforce. The remaining 70 trips are from truck traffic generated by material and equipment deliveries and water trucks. Bakeoven Road will see the largest number of trips, as delivery of aggregate, concrete, and water may originate within the length of Bakeoven Road. Overall, construction activities may cause short-term traffic delays, but they will be temporary and can be minimized by implementing specific measures outlined in Exhibit U and in the Applicant's draft Construction Traffic Management Plan (Exhibit U, Attachment U-7). Road Approach Permits from Wasco County and ODOT will be obtained prior to construction. Prior to construction, a Road Use Agreement with Wasco County will be obtained to mitigate for potential damage to county roads that may be caused by Facility construction and repair or restore county roads to pre-construction conditions or better. For these reasons, the Facility will not unduly impair traffic flow or safety in the area and this criterion is met.

E. The effects of noise, dust and odor will be minimized during all phases of development and operation for the protection of adjoining properties.

Response: For purposes of evaluating this standard, the "adjoining properties" are considered properties immediately adjacent to the Facility site boundary.

Exhibit Y demonstrates that prior to construction of each phase, the final Facility design, equipment specifications, and noise warranty data will be modeled and reviewed by an acoustician to demonstrate compliance with OAR 340-035-0035. Based on the results of the modeling, the Applicant will provide legally effective easements or real covenants (as available under ODEQ Noise Rules), or noise mitigation implementation, as necessary, to demonstrate compliance with OAR 340-035-0035. On this basis, the Facility will minimize the effects of noise on adjoining properties.

The Facility does not generate air emissions and no unusual odors are expected from Facility construction and operations.

Excavation and other soil-disrupting activities associated with Facility construction will result in the generation of some airborne dust particles. Exhibit I and Attachment I-2 (draft Fugitive Dust Control Plan) demonstrate that BMPs will be implemented to minimize the effects of the dust, including the application of water to disturbed ground during construction, graveling of permanent roadways, revegetation, and imposition of construction and operation speed limits on Facility service roads.

For these reasons, the Facility will minimize the effects of noise, dust and odor on adjoining properties and this criterion is met.

F. The proposed use will not significantly reduce or impair sensitive wildlife habitat, riparian vegetation along streambanks and will not subject areas to excessive soil erosion.

Response: For the purpose of evaluating this standard, "area" is determined to be the site boundary plus the area within 0.5 miles of the site boundary. The Applicant designed the Facility solar array within the solar micrositing corridor to locate Facility components at least 500 feet from Hauser Canyon and at least 1,200 feet from Buck Hollow Creek. Soil erosion prevention and mitigation methods are discussed in Exhibit I. The Applicant conducted field surveys within the solar micrositing corridor in spring and summer 2023. The Applicant did not have land access to the alternate generation-tie line corridor area during the 2023 survey season, but this area did receive a desktop review in June 2023 and will have field surveys completed prior to construction if the alternate POI is selected. An in-depth review of the field survey findings is provided in Exhibit P and a general overview is provided below.

The Applicant conducted wildlife surveys in order to locate special status species within the analysis area (Exhibit P, Attachment P-1). No surveys were conducted specifically for state listed or candidate wildlife species, as none are expected to occur within the Facility site boundary. A total of six state sensitive species and one ODFW species of concern were observed during surveys. No federal or state threatened or endangered species were observed. Additionally, no threatened, endangered, or candidate plants were observed at the Facility during the 2023 botanical survey (Exhibit P, Attachment P-1).

Construction of the Facility will result in temporary and permanent impacts to habitat as discussed in Exhibit P; however, these will not be located within or along streambanks. Measures to avoid, reduce, and mitigate impacts within the entire micrositing corridor are provided in Section 9.0 of Exhibit P, which discusses the methods used during Facility design and micrositing, prior to construction, during construction, and during operation. The primary potential impact of Facility operations is expected to be habitat loss associated with ODFW-designated big game winter range. After avoidance and minimization measures have been implemented, some impacts to wildlife habitat will remain. Temporary and permanent habitat loss will be mitigated in accordance with ODFW Habitat Mitigation Policy goals and standards, as described in the draft Habitat Mitigation Plan (Exhibit P, Attachment P-2).

In conclusion, the Facility is designed to avoid impacts to riparian vegetation and sensitive wildlife habitat within or along stream banks associated with the Facility. The potential impacts from

erosion during Facility construction are anticipated to be minimal and are addressed through erosion-control measures described in Exhibit I and in the draft Erosion and Sediment Control Plan (ESCP) (Exhibit I, Attachment I-1). Revegetation efforts identified in the draft Revegetation and Reclamation Plan (Exhibit P, Attachment P-3) will provide for long-term soil stability during Facility operations. For these reasons, the Applicant demonstrates compliance with this criterion.

G. The proposed use will not adversely affect the air, water, or land resource quality of the area.

Response: For the purpose of evaluating this standard, "area" is determined to be the site boundary plus the area within 0.5 miles of the site boundary. The Applicant does not anticipate the construction or operation of the Facility to adversely impact air, water, or land resource quality.

The proposed Facility is a solar power generating facility, that will produce clean power to be distributed to the grid. Air quality during construction of the Facility will be minimally impacted by exhaust emissions produced by trucks driving to and from the site and equipment traveling around the Facility. Only 10 to 15 operations staff are expected to commute to the Facility site from nearby communities. Operational trips include employees traveling to work in their personal vehicles, as well as specialized personnel required for periodic inspections of Facility components who may travel in light-duty trucks. The occasional delivery truck may also access the site during operations and limited trucks may visit during outages and repowering efforts annually. Other emission sources are not anticipated during Facility operations. As described above, Facility construction will result in the generation of some airborne dust particles. Exhibit I and Attachment I-2 (draft Fugitive Dust Control Plan) demonstrate that BMPs will be implemented to minimize the effects of the dust, including the application of water to disturbed ground during construction, graveling of permanent roadways, revegetation, and imposition of construction and operation speed limits on Facility service roads.

As described in Exhibit I, the Applicant will obtain a National Pollutant Discharge Elimination System (NPDES) 1200-C permit prior to construction of the Facility. This permit will contain BMPs to keep stormwater runoff from flowing into waterbodies and to minimize potential stormwater impacts to water quality in the area. Impacts to the area's water quality will be further avoided and minimized through the implementation of the Facility's erosion control measures and BMPs. The Facility design and construction methods will minimize grading and changes to the natural drainage pattern and contain stormwater flow to the extent practicable (Exhibit I, Attachment I-1). Additionally, as described in Exhibit J, the Facility will avoid and not adversely affect wetlands and other jurisdictional waters of the state. Therefore, the Facility will not adversely affect water quality in the area.

The Facility will not adversely affect the agricultural land resources of the area, as it will not impact the ability of existing farms and ranches in the area to continue operation. The Facility will convert approximately 7,026 acres of land within the solar micrositing corridor that is currently zoned for agricultural use to use by the Facility; however, no high-value farmland is included in the solar micrositing corridor. Section 4.5 describes that up to 160 acres, or 2.3 percent, of land within the solar micrositing corridor is in active dryland crop production. The yield from these crops is not

grown for sale, but instead provides supplemental feed for an on-site cattle herd during the winter. In addition, BMPs and mitigation measures to protect the soil from erosion and compaction are discussed in Exhibit I. Upon retirement of the Facility, the land within the Facility site boundary will be regraded and restored to be used for agricultural purposes in accordance with landowner agreements and as discussed in Exhibits I and X. Further, landowners will be compensated for the use of their land through lease payments. For these reasons, the Facility complies with this criterion.

H. The location and design of the site and structures for the proposed use will not significantly detract from the visual character of the area.

Response: For the purpose of evaluating this standard, "area" is determined to be the site boundary plus the area within 0.5 miles of the site boundary. The visual character of the area consists of relatively flat and gently sloping terrain, with interspersed slopes that provide intermittent topographic relief. Surrounding lands to the north and east of the Facility site boundary consist of a variety of drainage areas, creeks, tributaries and canyons (these include Hauser Canyon, Buck Hollow Creek, Finnegan Canyon, White Canyon, Bronx Canyon, Karlen Draw, Rogers Canyon). The canyon of Buck Hollow Creek is the significant topographic feature in the northern portion of the analysis area. In these areas slopes are generally too steep for crop production or cattle grazing and the land is vacant. Vegetation conditions within the area reflect the predominant use as open rangeland.

The visual character of land to the west and south of the Facility site boundary includes human development activity consisting of widely dispersed ranch homes and structures, some areas of cultivated land, fencing and roads, electrical transmission infrastructure, and solar energy generation development. BPA's Bakeoven Substation is on the south side of Bakeoven Road and southwest of the proposed solar arrays. The substation is intersected by three major high-voltage transmission lines supported on lattice-steel structures. EFSC-approved solar energy generating facilities are directly south and west of the Facility site boundary along Bakeoven Road (Sunset Solar Project, Daybreak Solar Project, and Bakeoven Solar Project) as shown on Figure K-3. The solar development, BPA substation, and existing transmission lines are prominent features of the visual character of the area.

The Applicant is proposing a solar energy generating facility. The presence of the Facility components will not significantly change the visual character of the area. If selected, the alternate gen-tie line will occur adjacent and parallel to the existing BPA transmission corridor and the components will be similar and subordinate to existing infrastructure. The Facility components will create visual contrast and added modifications to the natural landscape on the east side of Bakeoven Road, but they will be similar in nature to existing solar development modifications and the underlying visual character of the area will remain. The landscape will continue to provide open, expansive views to the surrounding region. Based on the considerations above, the Applicant concludes that the Facility will have a limited change on the visual character of the landscape east of Bakeoven Road, the degree of visual change created will not significantly detract from the visual character of the area, and the Facility complies with this criterion.

I. The proposal will preserve areas of historic value, natural or cultural significance, including archaeological sites, or assets of particular interest to the community.

Response: As described in Exhibit S, surveys were conducted within the analysis area and identified a total of 90 cultural resources. This includes 64 archaeological sites, 2 historic built environment sites, 2 sites with both archaeological and historic built environment components, and 22 isolates. A total of 51 of the resources in the direct analysis area (27 archaeological sites, 1 archaeological/built environment site, 2 built environment sites, and 21 isolates) have been recommended not eligible for listing on the National Register of Historic Places (NRHP). The remaining 39 resources in the direct analysis area (38 archaeological sites and 1 isolate) have been left unevaluated for NRHP-listing. All NRHP-eligible cultural resources will be directly avoided by the Facility. If avoidance is not practicable in the final design, any significant resources (i.e., NRHP-eligible or unevaluated resources) will be mitigated to reduce impacts to a status of less than significant. On this basis, the Facility will preserve areas of historic value, natural or cultural significance, including archaeological sites, or assets of particular interest to the community and therefore, the Facility complies with this criterion.

J. The proposed use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to or available for farm and forest use. (Revised 1-92)

K. The proposed use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to or available for farm or forest use. (Revised 1-92)

Response: For purposes of evaluating WCLUDO 5.020.J and 5.020.K, "surrounding lands" are defined as parcels within Wasco County immediately adjacent to the Facility site boundary plus parcels within an area 0.5 miles from the Facility site boundary (see "Analysis Area" within Wasco County on Figure K-4).

As shown on Figure K-4, a good portion of the surrounding lands to the north and east of the Facility site boundary consist of drainage areas, creeks, tributaries and canyons (these include Hauser Canyon, Buck Hollow Creek, Finnegan Canyon, White Canyon, Bronx Canyon, Karlen Draw, Rogers Canyon) where slopes are generally too steep for crop production or cattle grazing (USGS 2024). On the less steep portions of the surrounding lands within Tract 1, the landowner has been grazing cattle for five months out of the year while vegetation is available and leases grazing land elsewhere the remainder of the year (Section 4.5.1.2, Table K-7). According to the landowner, the cattle operation is operated on land outside the Facility site boundary and will be unaffected by the proposed Facility. Land within the southwestern portion of the surrounding lands is located within the Sunset, Daybreak and Bakeoven solar project boundaries. The Applicant does not have leases with the landowners within these boundaries and cannot confirm farming activities in these areas. Other active crop production within the surrounding lands is shown south and east of Tract 2. The land to the east of Hauser Canyon outside the Facility site boundary is primarily in the ownership of Carver Family Ranches LLC, which is not a leaseholder with the Applicant. Carver Family Ranches LLC does lease 240 acres of land within Tract 2 located on the east side of Hauser Canyon adjacent to their land. According to the landowner of Tract 2, Carver Family Ranches LLC uses approximately 70 of the 240 acres for dryland crop production with intermittent cattle grazing when vegetation is

available. These farming activities are expected to continue and remain unaffected by the proposed Facility.

As discussed in Exhibit U, construction activities may cause short-term traffic delays but they will be temporary and can be minimized by implementing specific measures outlined in Exhibit U and in the Applicant's draft Construction Traffic Management Plan (Exhibit U, Attachment U-7). The Applicant will complete consultation with landowners to minimize disruptions to ranching and farming operations due to construction activities such as equipment delivery. The Applicant or its contractor will also provide advance notification to adjacent landowners and farmers through mailing, informal meeting, open house or other similar methods, when construction takes place in the vicinity of their homes and farms to help minimize access disruptions. The Applicant or its contractor will specify timing of deliveries of heavy equipment and building materials to the extent feasible. After construction is complete, 10 to 15 full-time employees are anticipated to be visiting the site daily. This will result in minimal impacts to the existing traffic using the roads in the vicinity of the Facility and any impacts to ongoing agricultural activities would be insignificant.

A Farm-Forest Management Easement will be signed and recorded by each landowner with property within the Facility site boundary, as required per WCLUDO 3.218. This easement provides legal protections to allow farming activities to continue whether or not they disrupt activities on adjacent properties. The proposed use will be compatible with adjacent agricultural uses, as it will not limit or impact current or future farm activities on the surrounding land and will not diminish the opportunity for neighboring parcels to expand, purchase, or lease any vacant land available for agricultural uses. In addition, the current agricultural uses within the Facility site boundary will continue to operate during construction and operation of the Facility.

As discussed in Exhibit V, the Facility will be equipped with fire protection equipment in accordance with the Oregon Fire Code. Construction and operations at the Facility will be performed in accordance with the respective Wildfire Mitigation Plans (WMP; Exhibit V, Attachments V-1 and V-2). See the response to WCLUDO Chapter 10 (Section 4.2.1.12 below) regarding the Facility's compliance with fire safety standards. Through compliance with fire safety standards and the implementation of the WMPs, the Applicant will minimize the risk of wildland fire during Facility construction and operations.

For these reasons, the County may find that the Facility will not significantly change the accepted farming practices within the surrounding area. Because the Facility will not result in significant impacts, the County can draw the conclusion that the Facility will also not result in significant costs to accepted farming practices. The Facility complies with these criteria.

4.2.1.12 Section 10.020 – Applicability of Fire Safety Standards

A. Applicability of Fire Safety Standards in Different Rural Zones: County Ordinances affect all rural zones (all zones outside an Urban Growth Boundary). All rural zones are subject to fire standards but the applicability of the specific standards varies by zone and by use type. Zoning terms used to classify groups of land use designations in the Fire Safety Standard Checklist, Sections 10.110 to 10.150, are

defined in the following table (any more specific distinctions based on parcel shape or specific zoning designation are also called out in the checklist):

Response: The proposed Facility is a commercial power generating facility located within the EFU (A-1) zone, which is considered a rural zone in Wasco County. Therefore, the Fire Safety Standards are applicable to the Facility and have been addressed below.

B. Applicability of Fire Standards to Different Types of Land Uses

1. Zones affected by Fire Standards

Fire standards are applicable in all rural zones, but different standards may apply in different types of zones. The applicability of fire standards by zone is discussed in (A) above and noted in the fire safety standards checklist below, Sections 10.110 to 10.150. The checklist also highlights any specific differences in the applicability of the standard due to size of lot or specific zoning.

2. Uses affected by Fire Standards

Some fire standards are applicable only to new dwellings while others are applicable to all kinds of structures and alterations to structures. The following table lists the fire safety standards applicable to different types of development.

Response: As previously mentioned, the proposed Facility is within the A-1 zone, a rural zone in Wasco County. Therefore, the fire safety standards are applicable to the Facility and have been addressed below.

4.2.1.13 Section 10.110 – Siting Standards – Locating Structure for Good Defensibility

Response: Under the WCLUDO, a "building" includes the O&M building whereas a "structure" includes other Facility components like the solar arrays, collector substation and alternate gen-tie line support structures. The Fire Siting Standards are specific to "buildings." A full assessment of wildfire risks and measures to reduce fire risk is provided in Exhibit V. Draft Construction and Operations WMPs are included as Attachment V-1 and V-2, respectively. These plans describe procedures for Facility inspection and vegetation management to reduce the availability of fuels for wildfire near Facility electrical components, including both the O&M building and Facility structures.

A. Does your building avoid slopes steeper than 40% (more than 40-foot elevation gain over 100 feet horizontal distance)?

Response: Slopes within the Facility site boundary range from zero to 95 percent. The proposed O&M building will be developed on land flatter than a 40 percent slope. Therefore, this standard is satisfied.

B. Is your building set back from the top of slopes greater than 30% by at least 50 feet? Or, is your building set back from the top of slopes greater than 30% at least 30 feet? And, no structures or other extensions closer than 30 feet from top of slope?

Response: Slopes within the vicinity of the site boundary range from approximately zero to 95 percent, with an average slope of 7.6 percent. The O&M building will be set back at least 50 feet from slopes greater than 30 percent. Therefore, this standard is satisfied.

4.2.1.14 Section 10.120 – Defensible Space – Clearing and Maintaining a Fire Fuel Break

A. Is your building surrounded by a 50-foot wide fire fuel break?

B. Is dense unmanaged vegetation beyond 50 feet from the outer edges of your buildings, including any extensions such as decks or eaves, kept to a MINIMUM? If located on steeper ground, have you created and maintained some clearings beyond the 50 feet fire fuel break?

Response: The Applicant is proposing at least a 50-foot-wide fire fuel break around the proposed O&M building. Additionally, to the extent feasible, vegetation will be cleared and maintained along perimeter roads to provide a vegetation clearance area for fire safety. Use of the service roads may continue after construction, or new service roads may be removed, and the land restored to pre-construction conditions.

4.2.1.15 Section 10.130 – Construction Standards For Dwellings And Structures – Decreasing The Ignition Risks By Planning For A More Fire-Safe Structure

A. Is your building designed, built, and maintained to include the following features and materials necessary to make the structure more fire resistant?

1. Roof Materials: Do you or will you have fire resistant roofing installed to the manufacturers specification and rated by Underwriter's Laboratory as Class A, B, or its equivalent (includes but not limited to: slate, ceramic tile, composition shingles, and metal)? NOTE: To give your structure the best chance of surviving a wildfire, all structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the uniform building code.

Response: The O&M building will have fire-resistant roofing, such as a metal roof. The Applicant is not proposing any structural projections on the O&M building. Therefore, the proposed O&M building is compliant with this standard. Additionally, no other standards under this section apply.

4.2.1.16 Section 10.140 – Access Standards - Providing safe access to and escape from your home

Response: The Facility does not involve a dwelling and therefore the residential driveway standards in subsections (A)-(H) do not apply. However, as discussed in response to Section 3.216(G) above, the Facility will be accessed from Wilson Road. New service roads will be constructed within the Facility site boundary to provide access to Facility infrastructure. The Applicant is not proposing any new driveways at this time. The Facility may require improvements to existing driveways from the existing Bakeoven Road or Wilson Road. If improvements are made

to existing driveways, the Applicant will obtain a Road Approach Permit, prior to construction, from the Wasco County Public Works Department or ODOT. The Facility is in compliance with access standards; therefore, this standard is satisfied.

4.2.1.17 Section 10.150 – Fire Protection or On-Site Water Required

Ensuring dwellings have some fire protection available through manned or unmanned response.

Response: Subsection (B) of WCLUDO 10.150 requires that dwellings constructed outside a structural fire protection district must provide a National Fire Protection Association-compliant sprinkler system and if located in the Forest zones, to provide an on-site water source. The Facility is not proposing any dwellings (as defined by WCLUDO 1.090). Therefore, the Facility is not subject to fire safety standards of Section 10.150. Notwithstanding the applicability of this standard, the Applicant proposes to install a sprinkler system within the O&M building based on the Applicant's standard practices for fire protection.

The Applicant understands that wildland fire is a concern for the community. Landowners involved in the Facility are members of the proposed Bakeoven-Shaniko RFPA and the Applicant has coordinated with the RFPA Chairperson regarding ways the Applicant could support fire response activity. A service letter confirmation from RFPA is included as Attachment U-4 in Exhibit U confirming that the Facility is on land owned by members of the RFPA and that wildland fire response will be provided in coordination with the Applicant and their partners.

4.2.1.18 Section 19.030 – Commercial Power Generating Facilities Review Process & Approval Standard

C. General Standards - The following standards apply to energy facilities as outlined in Section A above, in addition to meeting the Conditional Use Standards listed in Chapter 5:

1. Air Safety - All structures that are more than 200 feet above grade or, exceed airport imaginary surfaces as defined in OAR 738-070, shall comply with the air hazard rules of the Oregon Department of Aviation and/or Federal Aviation Administration. The applicant shall notify the Oregon Department of Aviation and the Federal Aviation Administration of the proposed facility and shall promptly notify the planning department of the responses from the Oregon Department of Aviation and/or Federal Aviation Administration.

Aerial Sprayers and operators who have requested to be notified will receive all notifications associated with the energy facility as required by Chapter 2, Development Approval Procedures.

Response: All proposed structures will be less than 200 feet in height and will not exceed airport imaginary surfaces as defined under OAR 738-070. Therefore, this standard is not applicable to the Facility.

2. Interference with Communications – The energy facility shall be designed, constructed and operated so as to avoid any material signal interference with communication systems such as,

but not limited to, radio, telephone, television, satellite, microwave or emergency communication systems. Should any material interference occur, the permit holder must develop and implement a mitigation plan in consultation with the planning department.

Response: The solar arrays will be no more than 12 feet tall. The tallest proposed structures are the gen-tie line support monopoles that will be approximately 160 to 180 feet in height. Each monopole will require a concrete caisson foundation. No proposed structures are anticipated to interfere with communication systems. Therefore, the Facility complies with this standard.

3. Noise - The energy facility shall comply with the noise regulations in OAR 340-035. The applicant may be required to submit a qualified expert's analysis and written report.

Response: Noise would be generated during both construction and operation of the Facility. Exhibit Y provides an assessment of the existing acoustical environment and anticipated Facility sound levels; the methodology for noise modeling is discussed in detail in that exhibit. Construction activities associated with the Facility have the potential for localized noise on a temporary basis as construction activities progress through certain locations within the site boundary. Noise could result from the use of heavy machinery, such as heavy trucks, bulldozers, and graders. Pursuant to OAR 340-035-0035(5), noise from construction activities is exempt from the state Noise Standards.

Exhibit Y demonstrates that prior to construction of each phase, the final Facility design, equipment specifications, and noise warranty data will be modeled and reviewed by an acoustician to demonstrate compliance with OAR 340-035-0035. Based on the results of the modeling, the Applicant will provide legally effective easements or real covenants (as available under ODEQ Noise Rules), or noise mitigation implementation, as necessary, to demonstrate compliance with OAR 340-035-0035.

4. Visual Impact

a. Scenic Resources – To issue a conditional use permit for an energy facility, the county must find that the design, construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to scenic resources or values identified as significant or important in the Wasco County Comprehensive Plan.

Response: As discussed in Exhibit R, the analysis area for scenic resources is 2 miles from the Facility site boundary.[1] There is one scenic area within the analysis area (see Figures R-2 and R-3).

OR-216 within Sherman County is located in the middle ground distance of 1.84 miles from the gen-tie line and 4.43 miles from the solar arrays. From this scenic area, there is a greater potential for visibility of the Facility gen-tie line, though views of the gen-tie line would be similar to the other power lines in the area. Views of the solar array are at a background distance. In addition, potential Facility views from this scenic area are partially to fully screened by vegetation, terrain, and

[1] Oregon Department of Energy, Project Order for Yellow Rosebush Energy Center (January 2024), pg.48

human-made structures. Therefore, the Facility will not result in a significant adverse impact to important scenic resources in Wasco County and is compliant with this standard.

b. Protected Areas - Except as provided in subsections (b) and (c) below, an energy facility shall not be located in the areas listed below:

(1) National recreation and scenic areas, including but not limited to the Columbia River Gorge National Scenic Area;

Response: According to Exhibit L, the Facility is not located in a national recreation and scenic area. Therefore, the standard does not apply.

(2) Scenic waterways designated pursuant to ORS 390.826, wild or scenic rivers designated pursuant to 16 U.S.C. 1271 et seq., and those waterways and rivers listed as potentials for designation;

Response: As described in Exhibit L, the Facility is not located within a scenic waterway. Therefore, this standard does not apply.

(3) State parks and waysides as listed by the Oregon Department of Parks and Recreation;

Response: The Facility is not located in a state park or wayside. Therefore, this standard does not apply.

(4) State wildlife areas and management areas identified in OAR 635-008;

Response: The Facility is not located within a state wildlife area or management area. Therefore, this standard does not apply.

(5) National and state fish hatcheries or national and state wildlife refuges;

Response: The Facility is not located within a national or state fish hatchery or national or state wildlife refuge. Therefore, this standard does not apply.

(6) State natural heritage areas listed in the Oregon Register of Natural Heritage Areas pursuant to ORS 273.581;

Response: The Facility will not be located within a state natural heritage area. Therefore, this standard is not applicable.

(7) Wilderness areas established pursuant to The Wilderness Act, 16 U.S.C. 1131 et seq. and areas recommended for designation as wilderness areas pursuant to 43 U.S.C. 1782; and

Response: The Facility will not be located within a wilderness area. Therefore, this standard does not apply.

(a) Exceptions to Protected Areas - Except where the following uses are regulated by federal, state or local laws, including but not limited to the Columbia River Gorge National Scenic Area Act and implement land use

ordinances, the following may be approved in a protected area identified in subsection b above if other alternative routes or sites have been studied and been determined to have greater impacts

- *An electrical transmission line;*
- *A natural gas pipeline; or*
- *An energy facility located outside a protected area that includes an electrical transmission line or natural gas or water pipeline as a related or supporting facility located within a protected area.*

(b) Transmission Line & Pipeline Exception - The provisions of subsection b above do not apply to electrical transmission lines or natural gas pipelines routed within 500 feet of an existing utility right-of-way containing at least one transmission line or one natural gas pipeline.

Response: The Applicant is proposing to construct a commercial power generating facility outside protected and scenic areas. Therefore, an exception to the protected and scenic area standard is not necessary.

(c) Additional Visual Mitigation Impacts for all Facilities - The design, construction and operation of the energy facility, taking into account mitigation, are not likely to result in significant adverse impact to scenic resources and values identified in subsection (b) above. Methods to mitigate adverse visual impacts could include but are not limited to:

(8) Building the energy facility near the edge of contiguous timber areas or using the natural topography to obscure the energy facility;

(9) Using materials and colors that blend with the background unless otherwise required by the Federal Aviation Administration or the Oregon Department of Aviation; and

(10) Retaining or planting vegetation to obscure views of the energy facility.

Response: As described in Exhibit R, because the Facility would be located outside protected and scenic areas and have no significant adverse impacts on scenic resources, no additional measures would be necessary to avoid or minimize impacts.

5. Natural Resource/Wildlife Protection - Taking into account mitigation, siting, design, construction and operation the energy facility will not cause significant adverse impact to important or significant natural resources identified in the Wasco County Comprehensive Plan, Wasco County Land Use and Development Ordinance or by any jurisdictional wildlife agency resource management plan adopted and in effect on the date the application is submitted. As appropriate, the permit holder agrees to implement monitoring and mitigation actions that Wasco County determines appropriate after consultation with the Oregon Department of Fish

and Wildlife, or other jurisdictional wildlife or natural resource agency. Measures to reduce significant impacts may include, but are not limited to the following:

Response: Biological surveys were conducted to assess the potential impacts of the Facility on Wasco County's natural resources (Exhibit P, Attachment P-1). Habitat types and wildlife and fish species known to occur in Wasco County are identified in Tables 13, 14, and 15 of the Wasco County Comprehensive Plan. For the purposes of this analysis, Table P-4 of Exhibit P identifies state sensitive species with the potential to occur within 0.5 miles of the Facility site boundary (also referred to as the fish and wildlife habitat analysis area in Exhibit P). Big game winter range and riparian and fisheries habitat are identified as sensitive wildlife habitats in the Wasco County Comprehensive Plan. The Facility overlaps with big game winter range as designated by ODFW and as such, habitat field-categorized as Category 3, 4, or 5 has been mapped as Category 2 habitat per ODFW's recommendation. Potential impacts from the construction and operation of the Facility to important or significant natural resources identified in the Wasco County Comprehensive Plan, WCLUDO, or by ODFW will be avoided or minimized through design, micrositing, timing of construction, and other conditions that will continue to be developed in coordination with ODFW.

Measures to avoid, reduce, and mitigate impacts within the entire micrositing corridor are provided in Section 9.0 of Exhibit P. The primary potential impact of Facility operations is expected to be habitat loss associated with ODFW designated big game winter range. After avoidance and minimization measures have been implemented, some impacts to wildlife habitat will remain. Temporary and permanent habitat loss will be mitigated in accordance with ODFW Habitat Mitigation Policy goals and standards, as described in the draft Habitat Mitigation Plan (Exhibit P, Attachment P-2). The Applicant has been in consultation with ODFW and Wasco County concerning Facility plans and will continue to work with ODFW to determine appropriate monitoring and mitigation actions for the Facility.

a. Providing information pertaining to the energy facility's potential impacts and measures to avoid impacts on:

(1) Wildlife (all potential species of reasonable concern);

Response: The following wildlife reports have been completed for the Facility as follows:

- 2023 Wildlife, Habitat, and Raptor Nest Survey Report (Exhibit P, Attachment P-1)
- 2023 Botanical Survey Report (Exhibit P, Attachment P-1)
- Wetlands and Other Waters Delineation Report (Exhibit J, Attachment J-1)

Before the 2023 surveys, the Applicant conducted a desktop review to identify all potential species of reasonable concern with the potential to occur at the Facility (see Exhibit P). For this analysis "species of reasonable concern" were defined as those species listed under federal or state Endangered Species Acts or listed on ODFW's list of Species of Concern. Table P-4 of Exhibit P provides a list of sensitive species that could potentially occur at the Facility, as well as notes on whether or not they have been documented in the site boundary during the various survey efforts.

No federal or state-endangered or threatened species were documented during surveys; no field studies were conducted for fish because the construction and operation of the Facility will not result in any temporary or permanent impacts to intermittent or perennial fish-bearing streams (Exhibit Q, Figure Q-1). State sensitive species in the Columbia Plateau Ecoregion were documented in the fish and wildlife habitat analysis area (see Exhibit P, Table P-4). Bald eagles and golden eagles were not documented within the fish and wildlife habitat analysis area during surveys, but golden eagles have known nesting occurrences in Buck Hollow Canyon between 0.3 and 1.2 miles from the Facility micrositing corridor and alternate gen-tie line, respectively. Bald eagles and golden eagles are not state sensitive species but are protected under the Bald and Golden Eagle Protection Act (BGEPA). Potential Facility-related impacts to state sensitive species and to bald and golden eagles are discussed in Section 8.0 of Exhibit P. In general, potential construction-related impacts include permanent and temporary loss of habitat, introduction of noxious weeds, potential nesting and breeding disturbance, collisions, disturbance to wintering big game, and entrapment within fenced areas. These potential impacts are not anticipated to be significant and will be limited by avoidance and minimization measures described in Section 9.0 of Exhibit P.

After avoidance and minimization measures have been implemented, some impacts to wildlife habitat and sensitive species will remain (Exhibit P, Sections 9.0 and 10.0). Temporary and permanent habitat loss will be mitigated for according to the draft Habitat Mitigation Plan (Exhibit P, Attachment P-2). The Applicant will conduct revegetation monitoring as described in the draft Revegetation and Reclamation Plan (Exhibit P, Attachment P-3). The Applicant will conduct noxious weed monitoring as described in the draft Noxious Weed Control Plan (Exhibit P, Attachment P-4). Mitigation and monitoring methods will continue to be developed in coordination with ODFW.

(2) Wildlife Habitat;

Response: The Applicant mapped 10 habitat types within the micrositing corridor:

1. Seasonal ponds;
2. Intermittent or ephemeral streams;
3. Emergent wetlands;
4. Forested wetlands;
5. Eastside grasslands;
6. Shrub-steppe grassland;
7. Planted grassland;
8. Orchards, vineyards, wheat fields, other row crops;
9. Cliffs, caves, and talus; and
10. Urban and mixed environs.

These habitat types can be categorized as Category 2, 3, 4, 5, or 6 per ODFW's Fish and Habitat policy; however, the analysis area is located entirely within the ODFW Mule Deer Winter Range, and

as such, all habitat field-categorized as Category 3, 4, or 5 has been mapped as Category 2 habitat regardless of habitat quality per ODFW's recommendation. Based on post-field processing of the habitat categorization field data, wetlands and waters field survey data, and the previously surveyed areas, the proposed micrositing corridor includes Category 2 through 6 habitats (see Exhibit P, Table P-2). Preliminary results from the wetland delineation surveys indicated that palustrine emergent wetland is the only wetland habitat type, most of the waters are ephemeral, and two are intermittent waterways (Exhibit J, Table J-1). The Facility will have no adverse impacts to wetlands or other jurisdictional Waters of the State. Therefore, no monitoring or mitigation is proposed.

The installation of infrastructure will cause some permanent wildlife habitat loss within the site boundary. Mitigation and monitoring methods will continue to be developed in coordination with ODFW.

No OZ-7 natural areas listed in the Comprehensive Plan overlap with the micrositing corridor or the site boundary. The closest natural area to the Facility is the Tygh Valley State Natural Area, approximately 9 miles west of the site boundary (Exhibit L, Table L-1). The Facility will have no direct impact on this or any other natural area.

As discussed in Section 4.2.1.9, Exhibit P and the Wildlife, Habitat, and Raptor Nest Survey Report (Exhibit P, Attachment P-1) confirm that no bald eagle nests occur within 5 miles of the Facility site boundary, and the two mapped golden eagle nests in the fish and wildlife habitat analysis area are either gone or no longer in use. No nests occur within 0.3 to 1.2 miles of proposed Facility components. Furthermore, the Applicant will continue to coordinate with ODFW regarding the existing nests. Therefore, no conflicts with the OZ-12 Sensitive Bird Overlay are expected.

As a result of considerations and modifications through consultation with ODFW (Exhibit P), the Applicant anticipates impacts to big game will be minimized by siting facilities set back from the canyons to maintain habitat connectivity, and unavoidable impacts will be mitigated consistent with the ODFW Fish and Wildlife Habitat Mitigation Policy goals and standards (OAR 635-415-0025).

(3) Endangered Plants; and

Response: Botanical field surveys were conducted within the majority of the proposed micrositing corridor in June 2023 for the Facility to determine the presence of endangered plants (Exhibit Q), which could include the following sensitive species that have the potential to occur near the Facility (Table K-2). None were found during field surveys.

Table K-2. Federal and State Threatened, Endangered, and Candidate Vascular Plant Species with the Potential to Occur within the Study Area

Common Name	Scientific Name	Federal Status[1]	State Status[2]	Flowering Period[3]
Tygh Valley milk-vetch	*Astragalus tyghensis*	SOC	T	Late May to mid-June. Flowering from May to early June and Fruiting in July.
Dwarf evening primrose	*Eremothera [Camissonia] pygmaea*	-	C	June - August
Henderson's ricegrass	*Eriocoma [Achnatherum] hendersonii*	-	C	May-June
Disappearing monkeyflower	*Erythranthe inflatula [Mimulus evanescens]*	-	C	May - June
Hepatic monkeyflower	*Erythranthe [Mimulus] jungermannioides*	-	C	June – August (as long as water is present)
Diffuse stickseed	*Hackelia diffusa* var. *diffusa*	-	C	May - July
Sessile mousetail	*Myosurus sessilis*	SOC	C	March-May (depending on hydrology)

Sources: ORBIC 2019, ORBIC 2023a, ORBIC 2023b, ORBIC 2023c.

1. USFWS: SOC = Species of Concern.

2. ODA: T = Threatened; C = Candidate for Listing.3. Species may bloom anytime within the range presented; peak blooming periods (i.e., prime survey periods), are included where applicable.

Surveys were conducted in June of 2023. No federal or state-listed endangered, threatened, or candidate plant species were observed within the survey area. Habitat for sessile mousetail was located within the survey area, but there was no evidence of the plant in the vicinity.

(4) Wetlands & Other Water Resources.

Response: The Facility will have no adverse impacts on wetlands or other jurisdictional Waters of the State. All fish-bearing streams are located in Buck Hollow Canyon, north of the Facility.

Preliminary results from wetland delineation surveys indicate that approximately 11 wetlands were delineated within the Wetland Delineation Study Area, of which all were Palustrine emergent wetlands. This wetland classification included vernal pools. The preliminary wetland delineation surveys also documented 51 waterways in the Wetland Delineation Study Area (Exhibit J). Except for two intermittent waterways, other waterways were ephemeral. Exhibit J includes acres for each wetland as well as stream length and classification data. The Applicant has submitted the report to the Oregon Department of State Lands for concurrence. No state removal-fill and federal Clean Water Act Section 404 authorization is required since there will be no impact to wetlands or waters.

b. Conducting biologically appropriate baseline surveys in the areas affected by the proposed energy facility to determine natural resources present and patterns of habitat use.

Response: The following biologically appropriate baseline surveys, conducted to determine natural resources present and patterns of habitat use, have been completed in the areas potentially affected by Facility and the survey reports are as follows:

- 2023 Wildlife, Habitat, and Raptor Nest Report (Exhibit P, Attachment P-1)
- 2023 Botanical Survey Report (Exhibit P, Attachment P-1)
- 2023 Wetlands and Other Waters Delineation Report (Exhibit J, Attachment J-1)

c. Selecting locations to reduce the likelihood of significant adverse impacts on natural resources based on expert analysis of baseline data.

Response: The micrositing corridor represents areas of the Facility site boundary with topographic features suitable for solar energy and battery storage, and areas that are technically feasible for construction. In developing the solar micrositing corridor, the Applicant considered the following factors:

- Avoidance of fish bearing waters, vernal pools, and large wetland complexes to the extent practicable;
- Spiral markers will be installed on the ground wire of the alternate generation-tie line in areas over canyons or within 2 miles of a known eagle nest;
- The Applicant will use Facility-specific measures that follow Avian Powerline Interaction Committee (APLIC) guidelines for minimizing avian electrocutions (APLIC 2006). This is expected to minimize the risk of electrocution to raptors generally, and to bald eagles, golden eagles, Swainson's hawks, and ferruginous hawks in particular;
- The Applicant will implement down-shield lighting for permanent lighting at the BESS, collector substation, and O&M building. Outdoor lighting will be sited, limited in intensity, shielded, and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. This is expected to minimize the risk of avian collision with Facility infrastructure for birds and bats in general, but to nocturnal migrant species (including Brewer's sparrows, sagebrush sparrows, grasshopper sparrows) and to the crepuscular, insectivorous common nighthawk in particular. Down-shield lighting will be in place year-round, mitigating impacts to birds and bats both during migration and while foraging for insects at any time of the year;
- The Applicant will cap or otherwise modify vertical pipes and piles to prevent cavity-dwelling and nesting birds from entering. This also prevents any perching bird from inadvertently falling into pipes. These caps are expected to minimize the risk of fatalities to all birds (including the cavity-nesting Lewis's woodpecker), as well as small mammals and lizards such as the northern sagebrush lizard;

- Facility components will be fenced to exclude big game;
- The Applicant will microsite the Facility layout to set back from Buck Hollow and Hauser canyons where feasible to reduce impacts to Priority Wildlife Connectivity Areas and shrub-steppe Strategy Habitats;
- Avoidance of ODFW Category 1 habitat;
- To the extent feasible, siting on previously disturbed habitat, including dryland wheat and planted grassland, and minimizing impacts to sagebrush steppe, which is an ODFW conservation strategy habitat;
- Co-location of access roads and electrical lines with existing farm roads; and
- Minimize the use overhead collection lines to the extent possible.

These voluntary measures demonstrate the Applicant's interpretations of baseline surveys and application of the *Oregon Columbia Plateau Ecoregion Wind Energy: Siting and Permitting Guidelines* (CPET 2008) to minimize significant impact on wildlife. As the micrositing process continues, the Applicant will balance a number of technical and engineering factors to select locations that reduce impacts on natural resources to the extent practicable. The ultimate location of facility components within the solar micrositing corridor will be determined through a detailed environmental and engineering evaluation at pre-construction and final design, prior to the issuance of construction permits.

> *d. Utilizing turbine towers that are smooth steel structures that lack features that would allow avian perching. Where horizontal surfaces cannot be avoided, antiperching devices shall be installed where it is determined necessary to reduce bird mortality.*

Response: The Facility is a solar power generating facility. Therefore, no turbine towers are proposed and this standard does not apply.

> *e. Designing and installing all aboveground transmission line support structures following the current suggested practices for avian protection on power lines published by the Avian Power Line Interaction Committee.*

Response: As discussed in Exhibit P, the Applicant will use Facility-specific measures that follow APLIC guidelines for minimizing avian electrocutions (APLIC 2006). This is expected to minimize the risk of electrocution to raptors generally, and to bald eagles, golden eagles, Swainson's hawks, and ferruginous hawks in particular. The proposed transmission line and gen-tie line will follow committee guidelines. Therefore, this standard is satisfied.

> *f. Utilizing towers and transmission line support structures designed so the foundation area and supports avoid the creation of artificial habitat or shelter for raptor prey.*

Response: After construction, the restored area around each transmission structure will be designed to avoid creation of artificial habitat or shelter for raptor prey. Temporarily impacted areas within non-agriculture and non-developed habitat types will be replanted with a native, low-

growing seed mix that is compatible with adjacent land uses. Seed mixes and techniques are described in the Draft Revegetation and Reclamation Plan (Exhibit P, Attachment P-3).

g. Controlling weeds to avoid the creation of artificial habitat suitable for raptor prey such as spreading gravel on turbine pad.

Response: As mentioned above, the Facility is a solar power generating facility and will not have turbine pads onsite. However, a draft Noxious Weed Control Plan is included in Exhibit P, Attachment P-4. The plan describes the noxious weed control measures that will be implemented during construction and operation of the Facility. Overall, the Applicant will follow the measures and prevention procedures outlined within the draft Noxious Weed Control Plan throughout the lifetime of the Facility. The standard is satisfied.

h. Avoiding construction activities near raptor nesting locations during sensitive breeding periods and using appropriate no construction buffers around known nest sites.

Response: As described in Exhibit P, the Applicant has worked with ODFW to establish the following buffers and seasonal restrictions listed in Table K-3 below. These buffers will help to avoid disturbance to nesting raptors as practicable. The Applicant will consult with ODFW for prior approval for exceptions to nest buffers during construction.

Table K-3. ODFW Raptor Nest Buffers and Seasonal Restrictions

Species	Spatial Buffer	Seasonal Restriction	Release Date if Unoccupied
western burrowing owl	0.25 mile	April 1 to Aug 15	May 31
golden eagle	0.5 mile	Feb 1- Aug 15	May 15
red-tailed hawk	300-500 feet	Mar 1- Aug 15	May 31
ferruginous hawk	0.25 mile	Mar 15- Aug 15	May 31
Swainson's hawk	0.25 mile	April 1- Aug 15	May 31
prairie falcon	0.25 mile	Mar 15- Jul 1	May 15
peregrine falcon	0.25 mile	Jan 1- Jul 1	May 15
American kestrel	0.25 mile	Mar 1- Jul 31	May 15

i. Locating transmission lines or associated transmission lines with the energy facility to minimize potential impacts (e.g., 50 feet from the edge of the nearest wetland or water body except where the line is required to cross the wetland or water body; or separating transmission lines or associated transmission lines with the energy facility from the nearest wetland or water body by topography or substantial vegetation to the extent practical, except where the line is required to cross the wetland or water body).

Response: The Facility was sited to avoid wetlands and other waterbodies. Therefore, the Facility will have no adverse impacts to wetlands or other jurisdictional Waters of the State. In conclusion, no monitoring or mitigation is proposed. The standard is satisfied.

> *j. Locating transmission towers or associated transmission towers outside of Class I or II streams unless:*
>
> *(1) Adjoining towers and conductors cannot safely and economically support the line(s) that span the stream without an in stream tower; and*
>
> *(2) The lines cannot be safely and economically placed under the water or streambed.*

Response: As mentioned above, the Facility (including associated transmission towers for the alternate gen-tie line) will avoid wetlands and jurisdictional waters within the Facility site boundary. Therefore, these standards are met.

> *(3) Developing a plan for post-construction monitoring of the facility site using appropriate survey protocols to measure the impact of the project on identified natural resources in the area.*

Response: The Applicant will conduct revegetation monitoring as described in the draft Revegetation and Reclamation Plan (Exhibit P, Attachment P-3). Monitoring related to mitigation success is described in the draft Habitat Mitigation Plan (Attachment P-2). If recommended by ODFW, the Applicant will conduct post-construction monitoring as described in a Wildlife Post-construction Monitoring Plan, which would be provided at final design prior to construction.

> *6. Protection of Historical and Cultural Resources - The applicant shall complete a cultural resources survey of areas where there will be temporary or permanent disturbance. During construction, cultural resources included in the Wasco County Comprehensive Plan shall be flagged and avoided in areas of potential temporary or permanent disturbance, and construction activities monitored to ensure all cultural resources in such areas are avoided, unless appropriate permits are obtained from the Oregon State Historic Preservation Office. Prior to construction an Inadvertent Discovery Plan (IDP) shall be developed that must outline the procedures to be followed in the case previously undiscovered archeological, historical or cultural artifacts are encountered during construction or operation of the energy facility, in compliance with ORS 358.905-358.955 and any other applicable local, state and federal law.*

Response: As described in Exhibit S, surveys were conducted within the analysis area and identified a total of 90 cultural resources. This includes 64 archaeological sites, 2 historic built environment sites, 2 sites with both archaeological and historic built environment components, and 22 isolates. A total of 51 of the resources in the direct analysis area (27 archaeological sites, 1 archaeological/built environment site, 2 built environment sites, and 21 isolates) have been recommended not eligible for listing on the NRHP. The remaining 39 resources in the direct analysis area (38 archaeological sites and 1 isolate) have been left unevaluated for NRHP-listing. If the resources or any other NRHP-eligible or unevaluated resources cannot be avoided the final design, they will be mitigated in consultation with ODOE, the State Historic Preservation Office

(SHPO), and Tribes to reduce impact significance to the extent practicable. Therefore, the Facility complies with this standard.

> *7. Fire Protection & Emergency Response - A fire protection and emergency response plan shall be developed and implemented in consultation with the applicable fire district or department and/or land management agency to minimize the risk of fire and respond appropriately to any fire or emergency that occurs onsite for all phases of the life of the facility. In developing the plan the applicant shall take into account, among other things, the terrain, dry nature of the region, address risks on a seasonal basis, and identify the locations of fire extinguishers, nearby hospitals, telephone numbers for emergency responders, and first aid techniques.*

Response: As discussed in Exhibit V, draft Construction and Operations WMPs are included with this ASC (Exhibit V; Attachments V-1 and V-2, respectively). Exhibit V assesses the wildfire risk for the Facility and within the site boundary. The WMPs discuss wildfire prevention and protection measures. The final plans will be developed with input from the Bakeoven-Shaniko RFPA. The Applicant's employees and contractors will be trained on the procedures for wildfire outlined in the plans. A copy of the plans will remain onsite to be used in the event of an emergency.

> *8. Public Safety - A public safety plan shall be developed and implemented to exclude members of the public from hazardous areas within the Energy Facility Project Area.*

Response: The Applicant will develop an Emergency Response Plan (ERP) for the Facility prior to construction of the Facility. The ERP will consist of procedures for Facility employees to follow in the event of an emergency. A copy of the ERP will be kept onsite at all times.

The solar array areas, BESS, collector substation, and BPA's switchyard will be appropriately fenced to restrict public access during construction and operations. A chain-link security fence will be installed around these areas requiring controlled access. The security fence around the BESS, collector substation, O&M building and BPA's switchyard is anticipated to be up to 8 feet in height (6 to 7 feet of fence, crowned with 1 foot of barbed wire [three strands]), mounted on 45-degree extension arms facing outwards. The solar arrays will be enclosed by fixed-knot (or a similar wildlife-friendly option) or chain-link perimeter fencing up to 8 feet in height. The fence posts will be set in concrete and/or driven into the ground. Fencing may be raised off the ground approximately 6 to 8 inches to accommodate small animal movement under the fence. The Facility site will be locked and gated. If first responders needed to access the site for any reason, a key will be available in a lock box or some other approved method. The perimeter fence will have 24-foot-wide security gates installed at various locations for ingress and egress. Controlled access gates will be located at the entrances to the Facility. Site access gates will be swing- or rolling-type. Access through the main gates will require an electronic swipe card to prevent unaccompanied visitors from accessing the Facility. Facility personnel, contractors, agency personnel, and visitors will be logged in and out at the O&M building during normal business hours. Visitors and non-Facility employees (except agency personnel on government business) will be allowed entry only with approval from a staff member at the Facility. Additional security may be provided by closed-circuit video surveillance cameras and anti-intrusion systems, as required, for protection of the Facility as

well as for the safety of visitors. These Facility design features will help to ensure public safety and therefore, the Facility complies with this standard.

9. Transportation Plan - A transportation plan shall be developed and implemented in consultation with the Wasco County Road Department and/or the Oregon Department of Transportation (ODOT). The plan shall be consistent with any applicable requirements from the Wasco County Transportation System Plan and shall also provide or address:

a. The size, number, and location of vehicle access points off of public roads.

Response: Transportation routes used for construction and operation of the Facility are discussed in Exhibit U. The route for construction vehicles and workforce traffic will be via I-84 and exit southbound on US-97 (Sherman Highway) at Biggs Junction, southbound through the town of Shaniko, and continue west and north on Bakeoven Road to the proposed site boundary. As previously mentioned, the Facility will take access from Wilson Road, a public right-of-way. No other vehicle access points are proposed for the Facility.

b. Use of existing roads to the extent practical to minimize new access roads.

Response: Existing roads will be used to the extent practical to minimize construction of new access roads. As previously mentioned, the Facility will take access from Wilson Road, an existing public right-of-way. The Applicant is proposing to construct 24.8 miles of new access roads to provide connection to facility components and existing roads. Overall, employees will use existing roads to the extent practical.

c. Restoring the natural grade and revegetating all temporary road cuts, used during construction of the energy facility. The applicant shall specify the type and amount of native seed or plants used to revegetate the disturbed areas and a timeline to complete this work.

Response: After construction is completed, the Applicant will restore temporary access roads to their pre-construction condition. As discussed in the draft Revegetation and Reclamation Plan (Exhibit P, Attachment P-3), revegetating temporarily disturbed areas will occur post-construction. The Applicant will use an approved seed mix for revegetation efforts. Therefore, the Facility complies with this standard.

d. A Road Impact Assessment/Geotechnical Report for roads to be used by the project. Said report should include an analysis of project-related traffic routes to be used during phases of construction, project operation and decommissioning. The report and any subsequent amendments shall be used as a discipline study and shall be incorporated into the Road Use Agreement between the Applicant and the County.

Response: The Applicant provided an overview of the transportation route that will be used for construction, operation, and decommissioning of the Facility in Exhibit U. Additionally, a Road Use Agreement will be developed in coordination with the Wasco County Public Works Department for the Facility. Therefore, the Applicant complies with this standard.

10. Road Use Agreement - Where applicable, the Wasco County Road Department shall require the applicant to enter into a Road Use Agreement with the County to ensure that project construction traffic is mitigated and any damage to county roads that is caused by the construction of the energy facility or its related or supporting facilities is repaired by the applicant, and such county roads are restored to pre-construction conditions or better (this includes a weed plan and providing for re-vegetation).

- *General design standards for roads shall, in general, conform to policies set forth in Chapter 21.*
- *As part of the Road Use Agreement the applicant shall also obtain a utility permit for all project utility installation and approach permits for road approach access to county roads.*

Response: As previously mentioned, a Road Use Agreement will be developed in coordination with the Wasco County Public Works Department for the Facility. The Applicant will comply with the terms of the agreement that will require the Applicant to make any improvements to County roads that are damaged during construction of the Facility. Prior to construction the Applicant will obtain a utility permit and Road Approach Access permit. Therefore, the Applicant will comply with this standard.

11. Onsite Access Roads and Staging Areas - The impact of onsite access roads and staging areas within the Energy Facility Project Area shall be limited by:

a. Constructing and maintaining onsite access roads for all-weather use to assure adequate, safe and efficient emergency vehicle and maintenance vehicle access to the site;

b. Using existing onsite access roads to the extent practical and avoiding construction of new on-site access roads as much as possible; and

c. Restoring the natural grade and revegetating all temporary access roads, road cuts, equipment staging areas and field office sites used during construction of the energy facility. The applicant shall specify the type and amount of native seed or plants used to revegetate the disturbed areas and a timeline to complete this work.

Response: As mentioned above, the Facility will use existing access roads to the extent practicable. New service roads will be constructed within the Facility site boundary to provide access to Facility infrastructure. The interior roads within the solar array will be 20-feet wide with up to 48-foot turning radius to be consistent with Oregon Fire Code requirements and applicable standards (i.e., access for first-responder apparatus), which conform to the 2018 International Fire Code. The surface will be composed of gravel, compacted aggregate base, or another commercially available suitable surface and be able to support 75,000 pounds. The roads will accommodate Facility construction and O&M activities, such as cleaning the photovoltaic panels and facilitating on-site circulation and adequate turnarounds for emergency vehicles. Facility roads will be treated to create a durable, generally dustless surface for use during construction and operation. Dust

abatement treatments will involve surfacing interior roads with gravel combined with the use of an approved dust palliative or water. To the extent feasible, vegetation will be cleared and maintained along perimeter roads to provide a vegetation clearance area for fire safety. Use of the service roads may continue after construction, or new service roads may be removed, and the land restored to pre-construction conditions. Therefore, the Facility complies with these standards.

> *12. Dust Control - All approved non-paved temporary or permanent roads and staging areas within the Energy Facility Project Area shall be constructed and maintained to minimize dust, which may be addressed through the Road Use Agreement. If roads and staging areas are not construct with material that would prevent dust, the permit holder must regularly water roads and staging areas as necessary or apply an approved dust suppression agent such as Earthbind 100 to minimize dust and wind erosion.*

Response: As discussed in Exhibit I and Attachment I-2, the Applicant will implement BMPs to control any dust generated by construction activities. BMPs that may be implemented include appropriate dust abatement measures such as restricting vehicle speeds; watering active areas, stockpiles, and roadways; track-out control at site exits; tackifiers to reduce and avoid water use; and/or other measures may be used. The standard is satisfied.

> *13. Erosion and Sediment Control - All ground disturbing activities shall be conducted in compliance with a National Pollutant Discharge Elimination System (NPDES) permit as may be required by Oregon Department of Environmental Quality. Where applicable, an NPDES permit must be obtained. The plan must include best management practices for erosion control during construction and operation and permanent drainage and erosion control measures to prevent damage to local roads or adjacent areas and to minimize sediment run-off into waterways.*

Response: As discussed in Exhibit I, the Applicant will obtain a NPDES 1200-C permit from ODEQ prior to construction of the Facility. As part of the NPDES 1200-C permit application, the Applicant will submit an ESCP for the Facility. The Applicant will follow the BMPs listed in the 1200-C permit to ensure construction and operation of the Facility will comply with erosion control measures. The standard is satisfied.

> *14. Weed Control - A weed plan shall be developed in consultation with the Wasco County Weed Department and implemented during construction and operation of the energy facility.*

Response: As discussed in Exhibit P, the Applicant has developed a draft Noxious Weed Control Plan (Exhibit P; Attachment P-4) using the County's weed list and classifications (Wasco County Weed Department 2008). This Plan was submitted to the Wasco County Weed Department on August 7, 2024, for review and comment. No comments have been received at the time of submission of this ASC. The standard is satisfied.

> *15. Signs - Outdoor displays, signs or billboards within the energy facility project boundary shall not be erected, except:*

a. Signs required for public or employee safety or otherwise required by law; (e.g., OSHA or compliance with the Manual of Uniform Traffic Control Devices (MUTCD) administered through the County Road Department); and

b. No more than two signs relating to the name and operation of the energy facility of a size and type to identify the property for potential visitors to the site, but not to advertise the product. No signs for advertising of other products are permitted.

Response: As discussed in Section 3.216(D) of this narrative, the Applicant is proposing up to three temporary signs during construction and one permanent sign. The permanent sign will be attached to the perimeter fence adjacent to the entrance driveway at Wilson Road and will include the site name and emergency contact information. Additional signage for public or employee safety will be located every 750 feet along the perimeter fencing of the site and the substation. This signage will provide Facility-related warning and safety information. All proposed signage will comply with this standard.

16. Underground Systems - Where reasonably practicable, power collector and communication systems shall be installed underground, at a minimum depth of 3 feet. Shallower depths may be authorized where notification and safety measures are taken and wires are placed in schedule 40 conduit. The cable collector system shall be installed to prevent adverse impacts on agriculture operations and natural resources.

Response: As discussed in Exhibit B, the proposed 34.5-kv collector lines will run underground for improved reliability. The underground collector lines will be directly buried at a depth of approximately 3 feet. The underground collector lines will generally be within the solar array fence line area, including at road crossings (see Exhibit C, Figure C-2). Additionally, cables used for the solar array inverters will be underground. These cables will be installed to transmit the direct current electricity from the panels via combiner boxes throughout the solar array to inverters. No other underground systems are proposed at this time. The Facility complies with this standard.

17. Operation & Maintenance Buildings - Permanent maintenance/operations buildings shall be located in the same zone as the principal energy facility, except that such buildings may be constructed in a separate zone if:

a. The building is designed and constructed generally consistent with the character of similar buildings used in the surrounding area; and

b. The building will be removed or converted to another approved use upon decommissioning of the energy facility consistent with the provisions of this ordinance.

Response: The majority of the Facility is located within the A-1 zone in Wasco County, except for a portion of the proposed gen-tie line which is located in Sherman County. However, the proposed O&M building is located within the Facility site boundary within Wasco County and therefore is also within the A-1 zone. These standards are satisfied.

18. Coordination and Documentation - Prior to commencement of any construction, all other necessary permits shall be obtained, e.g. building permit, rural address, road approach, utility

and other permits from the Wasco County Public Works Department, and/or from ODOT as well as any other applicable local, state or federal permits or approvals.

Response: Exhibit E lists all potential permits required for the proposed Facility. Prior to construction of the Facility, the Applicant will obtain all necessary local, state, and federal permits. The Facility will comply with this standard.

19. Termination and Decommissioning. For an energy facility sited through EFSC, compliance with EFSC's financial assurance and decommissioning standards shall be deemed to be in compliance with these requirements.

a. The applicant shall prepare a decommissioning plan that describes the actions to restore the site to a useful, non-hazardous condition, including options for postdismantle or decommission land use, information on how impacts on fish, wildlife and the environment would be minimized during the dismantling or decommissioning process, and measures to protect the public against risk or danger resulting from post-decommissioning site conditions in compliance with the requirements of this section.

b. The applicant shall provide a detailed cost estimate, a comparison of that estimate with funds to be set aside, in the form of a financial assurance (bond, letter of credit, insurance policy other such form of guarantee acceptable to Wasco County), and a plan for assuring the availability of adequate funds for completion of dismantling or decommissioning. The cost estimate and financial assurance may take into account salvage value associated with the project, and can be requested for review and update by Wasco County at their discretion (e.g., every 5 years).

c. The following shall be required as conditions of the Wasco County approval:

(1) If operation of the energy facility ceases or begins construction of the project, but does not complete it, the permit holder shall restore the site according to a plan approved by Wasco County. A plan shall be submitted that ensures the site will be restored to a useful, non-hazardous condition without significant delay, including but not limited to the following:

(a) Removal of aboveground and underground equipment, structures and foundations to a depth of at least three feet below grade (four feet if cropland). Underground equipment, structures and foundations need not be removed if they are at least three feet below grade and do not constitute a hazard or interfere with agricultural use or other resource uses of the land. Restoration of the surface grade and soil after removal of aboveground structures and equipment.

(b) Removal of graveled areas and access roads and restoration of surface grade and soil.

(c) Revegetation of restored soil areas with native seed mixes, plant species suitable to the area, consistent with Wasco County's weed control plan.

(d) For any part of the energy facility on leased property, the plan may incorporate agreements with the landowner regarding leaving access roads, fences, gates or buildings in place or regarding restoration of agricultural crops or forest resource land. Said landowner will be responsible for maintaining said facilities for purposes permitted under applicable zoning.

(e) The underground power collector and communication lines need not be removed if at a depth of three feet or greater. These cables can be abandoned in place if they are deemed not a hazard or interfering with agricultural use or other consistent resource uses of the land.

(f) The plan must provide for the protection of public health and safety and for protection of the environment and natural resources during site restoration.

(g) The plan must include a schedule for completion of site restoration work.

(2) Before beginning construction of the energy facility, the permit holder must submit in a form and amount satisfactory to Wasco County, assuring the availability of adequate irrevocably committed funds to restore the site to a useful, non-hazardous condition naming Wasco County as beneficiary or payee. The form may include posting a bond, issuing an irrevocable letter of credit, purchasing a paid up insurance policy or by other means acceptable by Wasco County and shall ensure continuity between owners.

(3) The amount of the financial assurance (bond or other such form of guarantee) shall be annually adjusted for inflation using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast," or by any successor agency (the "Index"). The permit holder (including possible successor if sold or transferred) shall increase the amount of the financial assurance annually by the percentage increase in the Index and shall pro-rate the amount within the year to the date of retirement. If at any time the Index is no longer published, Wasco County shall select a comparable index for adjusting the amount. The amount of the financial assurance shall be prorated within the year to the date of decommissioning.

(4) Per the request of Wasco County, the permit holder (including possible successor if sold or transferred) shall describe the status of the financial assurance in a report (e.g., annual update report submitted to Wasco County).

(5) The financial assurance shall not be subject to revocation or reduction before retirement of the energy facility site.

Response: Exhibit X includes the Facility retirement plan. The plan addresses WCLUDO 19.030(C)(19) provisions and the applicable OAR standards. Therefore, the Facility complies with these standards.

20. Final Location - The actual latitude and longitude location or Oregon State Plane NAD83 HARN (international feet) coordinates of the energy facility and related or supporting facilities shall be provided to the County GIS Department once commercial electrical power production begins. Alternatively, this information could be provided in GIS layer consistent with the datum referenced above or any other datum deemed acceptable by the Wasco County GIS Department.

Response: Within 90 days of operation, the Applicant will provide the Facility's final latitude and longitude or Oregon State Plan NAD83 HARN coordinates to the Wasco County GIS Department. The standards will be satisfied.

21. Power Production Reporting - The County may require a report of nonproprietary power production for any time frame after the energy facility first begins production if permitted through the County. If requested, the permit holder shall have 180 days to produce said report.

Response: If required by Wasco County, the Applicant will provide a nonproprietary power production report prior to operation of the Facility.

D. Specific Standards - The following standards apply to specific types of energy facilities as described, in addition to the General Standards in Section C above.

1. Solar Energy Facilities

a. Ground Leveling – The solar energy facility shall be designed and constructed to minimize ground leveling and to the extent reasonably practicable, limit ground leveling to those areas needed for effective solar energy collection.

Response: As previously mentioned, slopes within the Facility site boundary range from 0 to 95 percent. Therefore, the Facility will require grading prior to construction of the Facility components. All clearing and grading activities will follow the BMPs listed in the NPES 1200-C permit that will be obtained from ODEQ prior to construction to help with erosion control. In areas that are flatter, grading will not be necessary. The Applicant will attempt to limit the amount of ground leveling needed for construction of the Facility. Therefore, this standard is satisfied.

b. Misdirection of Solar Radiation - The solar energy facility shall be designed, constructed, and operated to prevent the misdirection of concentrated solar radiation onto nearby properties, public roadways or other areas accessible to the public, or mitigated accordingly.

Response: The Facility will use solar panels to produce energy. No concentrated solar radiation equipment is proposed for the site. Therefore, this standard is not applicable.

c. Glare - The solar energy facility shall be designed, constructed and operated such that any significant or prolonged glare is directed away from any nearby properties or public roadways, or mitigated accordingly.

Response: As discussed in Exhibit R, to the extent practicable, reflectivity of the solar arrays will be minimized. Anti-reflective coating will be used to reduce glare and the surface of the panels will

have high transmittance to increase the amount of light reaching the photovoltaic cells. With these methods, the panels will be less reflective than a natural water body or a coated glass surface that is not antireflective. Additionally, the solar panels will be on tracker systems which will help ensure the panels are faced towards the sun at all times. Overall, the Applicant does not anticipate a significant amount of glare to be produced from the Facility due to the antireflective coating on the panels. Any minimal amount of glare produced will be directed back towards the sun. Therefore, the standard is satisfied.

> *d. Cleaning Chemicals and Solvents - During operation of the solar energy facility, all chemicals or solvents used to clean solar panels or heliostats shall be low in volatile organic compounds and to the extent reasonably practicable, the permit holder shall use recyclable or biodegradable products.*

Response: While not anticipated, the Applicant may need to complete annual panel washing for portions of the solar array during Facility operations. The Applicant will use non-toxic and recyclable products to clean the panels to the extent reasonable. The Facility will comply with this standard.

> *e. Wildlife - Measures to reduce wildlife impact may include using suitable methods such as coloration or sound producing devices to discourage birds from entering areas of concentrated solar energy near solar-thermal mirrors or other devices that concentrate solar radiation.*

Response: The Facility will generate energy by using solar panels. Solar thermal mirrors or other solar concentration devices will not be used. Therefore, this standard is not applicable.

4.2.1.19 Chapter 20 – Site Plan Review

Section 20.040 – Approval Standards

Upon completion of the Site Plan Review, the Approving Authority shall approve, approve with conditions, or disapprove the site plan. In approving the plan, the Approving Authority shall find that:

A. All provisions of this ordinance and other applicable ordinances are complied with.

B. Elements of the site plan are arranged so that:

1. *Traffic congestion is avoided.*
2. *Pedestrian and vehicular safety and welfare are protected.*
3. *Significant features and public amenities are preserved and maintained.*
4. *There will be minimal adverse effect on surrounding property.*

C. Proposed lighting is arranged to direct light away from adjoining properties.

D. Proposed signs will not interfere with traffic or limit visibility by size, location or illumination.

Response: See the responses to WCLUDO Chapter 3.216 and Chapter 19.030 standards for evidence that the Facility meets the approval standards under Section 20.040. A site plan compliant

with WCLUDO 20.030 has not been included with this application as this provision is procedural and not applicable substantive criteria to the ASC.

Section 20.050 - Off Street Parking

At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure, off street parking spaces shall be provided in accordance with this Section. In an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this Section. Where square feet are specified the area measured shall be the gross floor area necessary to the functioning of the particular use of the property but shall exclude space devoted to off street parking or loading. Where employees are specified, persons counted shall be those working on the premises during the largest shift at peak season, including proprietors. The following are the uses and minimum standards provided for off street parking:

> *G. Industrial*
>
> *1. Storage warehouse, manufacturing establishment, rail or trucking freight terminal: One space per employee.*
>
> *2. Wholesale establishment: One space per employee plus one space per 700 square feet of patron serving area.*

Response: As previously described, commercial energy facilities are not a listed use under WCLUDO 20.050. The O&M building area is approximately 350 feet by 480 feet and will contain up to 20 parking stalls. The Applicant anticipates 10-15 employees during operation. The proposed number of parking spaces exceeds that required for industrial storage warehouses, manufacturing establishments, and rail or trucking freight terminals. An all-weather gravel surface will be used for the parking area. Therefore, off-street parking standards are met.

Section 20.055 - Bicycle Parking Requirements

At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure, bicycle parking shall be provided in accordance with the following standards:

A. Number of Bicycle Parking Spaces - A minimum of two bicycle parking spaces per use is required for all uses with greater than ten vehicle parking spaces. The following additional standards apply to specific types of development:

> *1. Multi-Family Residences - Every residential use of four or more dwelling units provides at least one sheltered bicycle parking space for each dwelling unit. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.*
>
> *2. Parking Lots - All public and commercial parking lots and parking structures provide a minimum of one bicycle parking space for every ten motor vehicle parking spaces.*

. . . [criteria omitted as they are not applicable]

B. Exemptions - This Section does not apply to single family, two-family, and three-family housing (attached, detached or manufactured housing), home occupations, agriculture and livestock uses, or other developments with fewer than ten vehicle parking spaces.

C. Location and Design - Bicycle parking shall be conveniently located with respect to both the road right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). It should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided. Street furniture includes benches, street lights, planters and other pedestrian amenities.

D. Visibility and Security - Bicycle parking shall be visible to cyclists from roadway sidewalks or building entrances, so that it provides sufficient security from theft and damage;

E. Options for Storage - Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building;

F. Lighting - Bicycle parking shall be least as well-lit as vehicle parking for security.

G. Reserved Areas - Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.

H. Hazards - Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located to avoid conflict with vision clearance standards (Section 4.090 Vision Clearance).

Response: The Applicant proposes to provide secure storage space for two bicycles within the O&M building.

Section 20.070 - Off Street Loading

I. Merchandise, materials or supplies: Buildings or structures to be built or substantially altered to receive and distribute materials or merchandise by truck shall provide and maintain off street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. Off street parking areas used to fulfill the requirements of this Ordinance shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

Response: The Applicant does not anticipate trucks will be visiting the site daily during operation of the Facility. Up to 10 trucks may visit during outages and repowering efforts annually. The interior roads within the solar array will be 20-feet wide with an up to 48-foot turning radius to be consistent with Oregon Fire Code requirements and applicable standards (i.e., access for first-responder apparatus), which conform to the 2018 International Fire Code. The surface will be

composed of gravel, compacted aggregate base, or another commercially available suitable surface and be able to support 75,000 pounds. The access roads have been designed to allow for trucks carrying construction materials to access the site. Therefore, the proposed access roads will be able to accommodate off-street loading during construction and operation of the Facility.

Section 20.080 - General Provisions - Off Street Parking and Loading

Response: As described above, the Facility will comply with the general provisions for off-street parking and loading.

4.2.2 Wasco County Comprehensive Plan

WCLUDO 5.020.A requires a proposal under a conditional use review to be consistent with the goals and objectives of the Comprehensive Plan (Wasco County 2010). The following section provides the Comprehensive Plan provisions that are applicable to the Facility followed by a response describing the Facility's consistency with the provisions.

4.2.2.1 Goal 1: Citizen Involvement

To ensure opportunities for citizens to be involved in the development of public policies and all phases of the planning process.

Policy 1.1.1 Encourage involvement of citizens and property owners in the land use planning process.

Response: The Applicant has elected to seek a Council determination of compliance under ORS 469.504(1)(b). ODOE provides several opportunities for citizens to partake in the application review process for new EFSC applications. Once an Applicant submits a project Notice of Intent (NOI) to EFSC, ODOE sends out a public notice to affected landowners, reviewing agencies, and parties on EFSC's general mailing list. Then, a public informational meeting is held where parties are allowed to attend, ask questions, and give their input on the proposed Facility. The NOI Project Order includes comments from both the public notice and informational meeting. The Applicant is responsible for incorporating and addressing these comments in the ASC. The Yellow Rosebush NOI public information meeting was held on November 2, 2023. Sixteen reviewing agency comment letters, including the Wasco County Board of Commissioners, were received during the NOI comment period, and the Final Order was issued on January 26, 2024. Seven members of the public also provided comments. Responses to comments presented in these letters are incorporated in the Applicant's analysis presented in this application.

Once the ASC has been submitted, ODOE schedules a public hearing for the draft proposed order. During the public hearing, members of the public and reviewing agencies have the opportunity to testify at the hearing or submit written comments by the comment deadline.

Therefore, Wasco County Goal 1 and policies are satisfied because the public has several opportunities to participate in the application and decision process for EFSC applications.

4.2.2.2 Goal 3: Agricultural Lands

To preserve and maintain agricultural lands.

Policy 3.1.1 Maintain Exclusive Farm Use zoning consistent with state law for continued preservation of lands for resource uses.

Response: The Facility does not require adjustments to any existing property line locations nor the creation of any new parcels or lots within the EFU zone. All minimum lot sizes will remain unchanged. No zone change is requested as part of the Facility proposal.

The "Commercial Power Generating Facility (Utility Facility for the Purpose of Generating Power)" use category under WCLUDO 3.215.M is a non-farm use permitted through a conditional use review, which was locally adopted pursuant to ORS 215.283(2)(g). The micrositing corridor, within the Facility site boundary allows for siting and design that minimizes footprint and impacts to the greatest extent possible. Crop cultivation and ranching activities may occur on undeveloped portions of the site and on adjacent lands. As shown on Figure K-4 and discussed in the landowner surveys (Section 4.5.1.2, Table K-7), only 160 acres of land located within Tract 3 are currently cultivated within the solar micrositing corridor. A portion of Tract 2 is also cultivated, but this land is located outside the solar micrositing corridor on the east side of Hauser Canyon. Further, following decommissioning, the site can be used for agricultural activities at the end of the Facility's useful life. Therefore, to the extent it applies, the Facility is consistent with this policy.

4.2.2.3 Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

To conserve open space and protect scenic, historic and natural resources.

Riparian Corridor Policies

Policy 5.1.1 Preserve riparian areas to provide for productive ecological function.

Response: As discussed in Exhibit J, the Facility will have no adverse impacts to wetlands or other jurisdictional Waters of the State. A total of 11 palustrine emergent wetlands, one desktop delineated riverine wetland, 49 ephemeral waterways, two intermittent waterways, and four livestock ponds were found within the wetland and waters survey area (also the micrositing corridor). Pedestrian surveys to delineate wetlands and other waters were performed on June 26 and 30, and July 17-21, 2023. As mentioned in Exhibit P, no perennial streams or fish-bearing streams occur within the proposed micrositing corridor, and no riparian areas associated with fish-bearing streams will be impacted. For these reasons detailed above, the Facility is consistent with Goal 5 and Policy 5.1.1.

Wetland Policies

Policy 5.2.1 Preserve wetland areas to provide for productive ecological function.

Response: As discussed above in Section 19.030, the wetland and waters survey area identified palustrine emergent wetland as the only wetland habitat type, most of the waters are ephemeral, and two are intermittent waterways (Exhibit J, Table J-1). The Facility will have no adverse impacts

to wetlands or other jurisdictional Waters of the State. Therefore, no monitoring or mitigation is proposed and the Facility is consistent with Goal 5 and Policy 5.2.1.

Wildlife Habitat Policies

Policy 5.3.1 Preserve wildlife habitat to provide for productive ecological function.

Response: This policy is implemented, in part, in section WCLUDO 19.030.C.5, which is addressed in Section 4.2.1.18. The Applicant demonstrates in the response to WCLUDO 19.030.C.5 that avoidance and minimization of impacts to fish and wildlife were considered in developing the solar micrositing corridor, after the completion of substantial resource surveys to identify fish, wildlife, and associated habitat and habitat use. In addition, the response to WCLUDO 19.030.C.5 provides design features and other measures to protect fish and wildlife species and habitat. On this basis, and in consideration of the complete response to WCLUDO 19.030.C.5, the Facility is consistent with Policy 5.3.1.

Oregon Scenic Waterways

Policy 5.5.1 The Deschutes and John Day Scenic Waterways shall be maintained and protected consistent with respective management plans and OAR 660-023-0130.

Response: No portion of the site boundary is located in the Deschutes or John Day Scenic Waterway. The Lower Deschutes River Scenic Waterway is located 9.0 miles NW of the gen-tie/collector lines and 9.9 miles northwest of the solar array. The John Day River Scenic Waterway is located 16.5 east of the Facility's alternate gen-tie line and 13.3 miles east of the solar array. Therefore, to the extent it applies, the Facility is consistent with this policy.

Groundwater Resources

Policy 5.6.1 Maintain quantity and quality of water in compliance with state and federal standards.

Response: As discussed in Exhibit O, water used during construction is anticipated to be obtained from an existing municipal water source with existing water rights, most likely from the City of Maupin, and trucked to the site. The Applicant anticipates either constructing an exempt well allowed under ORS 537.545 or obtain bulk water from a municipal water source with existing water rights for the O&M building. The City of Maupin has confirmed they sell bulk water that can be used for operation of the Facility (Exhibit O, Attachment O-1). Prior to construction, as discussed in Exhibit I, the Applicant will obtain a NPDES 1200-C permit from ODEQ prior to construction of the Facility. As part of the NPDES 1200-C permit application, the Applicant will submit an ESCP for the Facility. While not anticipated, the Applicant may conduct annual panel washing for portions of the solar array during Facility operations. The Applicant will use non-toxic products to clean the panels to the extent reasonable. Wastewater generated during construction will be disposed of by a portable toilet subcontractor, and during operation will be discharged into a licensed onsite septic system. For the reasons outlined above, the Facility is not anticipated to have an impact on quantity

and quality of groundwater resources within the Facility site boundary and is, therefore, consistent with Policy 5.6.1.

Natural Areas

Policy 5.8.1 Protect identified natural areas from conflicting uses and activities.

Response: No designated OZ-7 Comprehensive Plan Natural Areas are located within the Facility site boundary and none are anticipated to be impacted by construction and operation of the Facility, as it will be located within the site boundary. Therefore, the Facility is consistent with Policy 5.8.1.

Mineral Resources

Policy 5.9.1 Protect and utilize appropriately the mineral and aggregate resources of Wasco County, and minimize conflict between surface mining and surrounding land uses.

Response: No Facility structures or activities are proposed within the OZ-5 overlay, which denotes County-designated significant or mineral aggregate sites. "County ID: 154," a County-designated mineral aggregate site, is located southeast of the Facility site boundary, on two adjacent parcels. However, since no Facility structures or activities are proposed within this aggregate site, construction and operation of the Facility will not impact the future use of resources on these two parcels. Therefore, the Facility is consistent with Policy 5.9.1.

Energy Sources

Policy 5.10.1 Promote energy conservation and limit conflicting uses of significant energy source sites.

Response: Once constructed, the Facility will generate clean renewable solar energy and be considered a new significant energy source. The Facility site boundary is primarily undeveloped and does not contain an existing significant energy source; therefore, construction and operation of the Facility will not result in a new conflicting use. Therefore, the Facility is consistent with Policy 5.10.1.

Historic, Cultural, And Archeological Resources

Policy 5.11.1 Preserve the historical, archaeological, and cultural resources of the County.

Response: This policy is implemented in response to WCLUDO 5.020(I), which is addressed in Section 4.2.1.12. As discussed in response to WCLUDO 19.030(C)(6), all NRHP-eligible cultural resources will be directly avoided by the Facility. If avoidance is not practicable in the final design, any significant resources (i.e., NRHP-eligible or unevaluated resources) will be mitigated to reduce impacts to a status of less than significant. Therefore, the Facility is consistent with this policy.

Scenic Views and Sites

Policy 5.13.1 Protect scenic views and areas identified in the 1983 Comprehensive Plan inventory.

Response: This policy is implemented in response to WCLUDO 19.030(4). As previously mentioned, the Facility would not have a significant adverse impact on scenic resources. Therefore, no mitigation measures are necessary to avoid or minimize impacts. The Facility is consistent with Policy 5.13.1.

4.2.2.4 Goal 6: Air, Water, and Land Resources Quality

To maintain and improve the quality of the air, water, and land resources of the County.

Policy 6.1.1 Encourage land uses and land management practices which preserve both the quantity and quality of air, water and land resources.

Response: The Facility will have little impact to air, water, and land resources. Solar energy provides air quality and greenhouse gas emission benefits, as it reduces reliance on combustion-based electricity generation. In addition, following the end of the Facility's useful life and completion of decommissioning, agricultural activities can resume on the land within the site boundary. The Applicant will obtain the proper permits for the onsite septic system supporting the O&M building. Solar arrays and other Facility components, such as the collector substation and O&M building, will be set back to the extent practicable a minimum distance of 50 feet for water bodies designated as non-fish bearing, and 25 feet for all other water bodies (seasonal or permanent) not identified on any federal, state or local inventory. In addition, the Facility will require minimal water use, and is being sited to avoid impacts to water resources to the extent practicable. For the reasons outlined above, the Facility is consistent with Policy 6.1.1.

Policy 6.1.3 Maintain quantity and quality of water in compliance with state and federal standards.

Response: The proposed Facility will not impact quantity or quality of water within the Facility site boundary. As described in Exhibit I, the Applicant will obtain a NPDES 1200-C permit prior to construction of the Facility. This permit will contain BMPs to help ensure any stormwater runoff is managed and will not flow into any waterbodies and affect water quality in the area. Additionally, as described in Exhibit J, the Facility will not adversely affect Waters of the State. The Facility will avoid impacting any wetlands or waters and a Wetland and Waters Report has been submitted to ODSL for concurrence.

4.2.2.5 Goal 7: Areas Subject to Natural Hazards

To protect life and property from natural disaster and hazards

Policy 7.1.1 Mitigate flood hazards through active management of water resources, soil and water conservation techniques, and flood plain identification.

Response: As described in Exhibit H, areas of the 100-year floodplain are mapped along Buck Hollow Creek and within the tributary located in the eastern portion of the site boundary. The transmission line corridor crosses Buck Hollow Creek. Other portions of the Facility would avoid the 100-year floodplain. The mapped floodplain was compared to the temporary and permanent disturbance areas in the site boundary to evaluate flood hazards. No temporary or permanent

disturbance areas associated with the Facility are located in areas of mapped floodplains. The Facility will be designed and engineered to comply with applicable zoning ordinances and building codes that establish flood protection standards for all construction to avoid dangers to the infrastructure, as well as human safety and the environment, including criteria to ensure that the foundation will withstand flood forces. The engineered service roads and drainages will direct stormwater runoff away from structures and into drainage ditches and culverts as required in the ESCP. Therefore, the risks and potential impacts to the Facility, human safety, and the environment from flood hazards are expected to be low. The Facility is consistent with the above flood hazard policy.

Policy 7.1.2 Mitigate geologic hazards through active management of development and landform alterations in identified geologic hazard prone areas.

Response: As described in Exhibit H, the Applicant's geologist completed a limited geological site reconnaissance on July 8, 2023, to observe the existing features at the site and look for evidence of past or potential geologic hazards. The site reconnaissance did not bring up any specific concerns, although steep slopes were observed along drainages. As previously mentioned, the steepest slopes are located along the drainages on the northern and eastern boundaries along Buck Hollow Creek and Hauser Canyon. The Applicant will perform site-specific geotechnical work along the alternate gen-tie line where potential geologic hazards have been identified to inform the final design of the proposed Facility and POI.

Other geologic hazards identified in Exhibit H are historic earthquake locations and magnitudes, and landslide susceptible areas (Exhibit H, Figures H-2 and H-3). The Facility solar micrositing corridor was adjusted to locate Facility components outside of landslide susceptible areas. Further, all structures will be built as required by Oregon building codes and recommended by the geotechnical report to ensure their ability to withstand earthquake activity. No other geologic hazards were identified within the Facility site boundary; therefore, no other mitigation measures are proposed. The Facility is consistent with WCCP Goal 7, Policy 7.1.2.

Policy 7.1.3 Mitigate wildfire hazards through enhanced fire safety development standards.

Response: As discussed in Exhibit V, the Facility has been designed to mitigate wildfire hazards. Draft Construction and Operations WMPs are included with this ASC (Exhibit V, Attachments V-1 and V-2, respectively). The WMPs discuss wildfire prevention and protection measures for the Facility. The final plans will be developed with input from the Bakeoven-Shaniko RFPA. The Applicant's employees and contractors will be trained on the procedures for wildfire that are outlined in the plans. A copy of the plans will remain onsite to be used in the event of an emergency. Therefore, the Facility is consistent with Policy 7.1.3.

4.2.2.6 Goal 9: Economic Development

To diversify and improve the economy of Wasco County

Policy 9.1.1 Maintain commercial agriculture as the basis for the County's rural economy.

Response: The Facility is entirely located within the EFU zone. No portion of the micrositing corridor contains high-value farmland as defined by ORS 195.300(10) or irrigation water rights. There are three property owners within the Facility site boundary. Cattle ranching operations occur on both Tracts 1 and 3 (approximately 100 and 217 head of cattle, respectively). Up to 160 acres (80-acres summer fallow rotation) of Tract 3 are used to grow dryland wheat and triticale/barley to supplement feed the on-site herd during the winter. The landowners of Tract 2 do not operate a cattle ranch or crop growing operation. Two hundred and forty acres of Tract 2 are subleased to an adjacent landowner to the east; 70 of these 240 acres are used for dryland crop production with intermittent cattle grazing when vegetation is available (Section 4.5.1.2, Table K-7). As provided by the landowner surveys, the cattle ranching operation on Tract 1 and the crop production on Tract 2 will continue unaffected during construction and operation of the Facility. The cattle ranching operation on Tract 3 may be reduced, moved or discontinued depending on the final design of the Facility and other business factors at the time of Facility construction. In 2022, there were 17,134 head of cattle and calves in Wasco County (USDA 2022). Using the number of cattle on Tract 3 (217 head), that ranch operation would have contributed approximately 1.3 percent of the total cattle in Wasco County. The reduction or discontinuation of this herd would be de minimus to the county's agricultural economy.

Crop production and cattle operations are limited within the Facility site boundary due to a lack of irrigation water rights and the poor productivity of the soils according to the landowners (Section 4.5.1.2, Table K-7). All three landowners have relied on the Conservation Reserve Program (CRP) to produce income from the portions of their land that qualify.

According to landowner surveys (Section 4.5.1.2, Table K-7), only 70 acres on Tract 2 and up to 160 acres on Tract 3 for a total of 230 acres of the 8,075 acres, or 2.8 percent, of land within the Facility site boundary is in dryland wheat and other dryland crop cultivation. Within the solar micrositing corridor, dryland crop cultivation reduces to a maximum of 160 acres. Within the 160 acres on Tract 3, 80 acres follows a summer fallow rotation to provide feed for their cattle during the winter. As a result of the Facility, the cattle operation on Tract 3 will be moved to a different location or discontinued. A&K Ranches (Tract 1) does not use the land within the Facility site boundary for their cattle operation due to its enrollment in the CRP and the rockiness of the soil. Instead, they run their cows on their land outside the Facility site boundary for about five months of the year and then lease pastureland for the remainder of the year. The Levi Chrisman Family LLC does not farm their land and instead leases 240 acres on their land on the east side of Hauser Canyon to a neighboring property owner. Of the 240 acres, approximately 70 acres is used for dryland crop production and, when vegetation is available, cattle grazing. These 70 acres are not located within the micrositing corridor, and the farming activities will remain unchanged due to operation of the Facility.

As discussed above, due to no irrigation rights and the low productivity of the soil[2] in the Facility site boundary, the landowners primarily leave their land fallow, use it to support cattle operations or enroll it in the CRP. The landowners reported that no jobs within their agricultural businesses would be lost as a result of the Facility; instead, it would allow them to maintain current staffing and potentially increase wages. The Facility will help maintain agricultural uses in Wasco County by providing stable revenue for Facility landowners, who will receive lease payments for use of their land. The additional revenues received by the ranchers from Facility lease payments will supplement or bolster farm/ranch revenues beyond what low-density grazing, fallow fields, or CRP income are currently providing. With the additional revenue, the landowners will be able to reinvest in their agricultural and ranching operations, complete delayed capital improvement projects, move cattle to more productive fields, and remain viable in years with lower crop and cattle yields or prices.

Further, at the end of the Facility's life, Facility components will be removed and the land will be returned to farmable condition as provided by Exhibits I and X. As a result, the County's rural economy will continue to be based on commercial agriculture.

Policy 9.1.2 Encourage commercial and industrial development compatible with the County's agricultural based economy.

Response: The Facility is a commercial use that will benefit Wasco County's agriculturally based economy by providing a net benefit to the agricultural incomes of the farmers and ranchers involved with the Facility. As described above in response to Policy 9.1.1, the income from agricultural activities is minimal with a large percentage of that income coming from CRP-enrolled land. The landowners state that they do not anticipate any farm management jobs will be lost as a result of the Facility, and any grazing activities will continue at alternate locations (Section 4.5.1.2, Table K-7). Any loss of CRP or agricultural income due to establishment of the Facility will be more than offset by revenue to local farmers from land leases. Also, the Facility supports Wasco County's Goal #13, which identifies the county's policy to identify, protect, and develop potential renewable energy resources within the county boundaries. The Facility supports this goal by developing an energy facility that is renewable and nonpolluting.

Policy 9.1.3 Wasco County will support the expansion and increased productivity of existing industries and businesses as a means to strengthen local and regional economic development.

Response: Through the Facility's lease payments, landowners will receive a stable, long-term income for their farming operations. As described in response to Policy 9.1.1, the low productivity of the soils has resulted in the landowners growing crops on less than 3 percent of the Facility site boundary and relying instead on income from CRP-enrolled land and/or low density cattle grazing. Lease payments are dependable sources of income and improve the ability for landowners and

[2] Don Phillips states in Wasco County average yields reported by OSU Extension Service are: Barley 40-80 bu per acre and wheat 60-70 bu per acre. His land has a USDA rated yield base of Barley 45 bu per acre and Wheat 49 per acre. 100 percent of the tillable property has been enrolled in CRP for 33 years of his 34-year ownership.

farm operators to purchase additional equipment and hire staff, as needed, to support their existing operations and potentially expand or lease or purchase more productive land within the county. This directly supports the local economy.

The Facility will benefit the local economy in the short term by providing short-term construction-related employment. During construction, workers and their employers will purchase goods and supplies, stay in area hotels, and eat at local restaurants, all of these providing an economic benefit to the local and regional economy by supporting area businesses. Development of the Facility will increase economic diversity within Wasco County and offer nonagricultural employment opportunities for local residents. When operational, the Facility will add approximately 10 to 15 full-time jobs within Wasco County; preference will be given to local candidates.

Facility operations are also anticipated to produce additional revenue for Wasco County through the community service fee the Facility will pay directly to Wasco County under a tax abatement agreement. This additional revenue will contribute to improved local services such as roads, schools, police, and fire that benefit Wasco County and the region. This also provides predictable and reliable income to farmers and ranchers. The Applicant will also coordinate with Wasco County and supporting associations to identify appropriate sponsorships, donations and financial agreements to benefit local organizations.

4.2.2.7 Goal 11: Public Facilities and Services

To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Policy 11.1.1 Ensure development is concentrated in areas with appropriate levels of fire and emergency services.

Response: The Facility is located within the Bakeoven-Shaniko RFPA. RFPAs operate as independent associations of landowners volunteering to provide their own local wildfire protection. The cities of Bakeoven and Shaniko both have fire departments; however, these fire departments are small, with limited resources (WCPD 2022). The Applicant will work with the Bakeoven-Shaniko RFPA and the Bakeoven and Shaniko fire departments to determine which entity will be willing to assist with fire protection for the Facility. The Applicant will notify the RFPA and fire departments of construction plans and phasing, identify the location of and access to Facility structures, and provide mutual assistance in the case of fire in or around the Facility site boundary. The Facility will be equipped with fire protection equipment in accordance with the Oregon Fire Code. Draft Construction and Operations WMPs (Exhibit V; Attachments V-1 and V-2, respectively) have been developed to reduce the causes of fire, prevent loss of life and property by fire, and to comply with the Wasco County Fire Safety Standards in WCLUDO Chapter 10. Section 4.2.1.13 of this application further addresses the Facility's compliance with the additional Wasco County Fire Safety Standards under WCLUDO 10.020. For the reasons detailed above, the Facility is consistent with Policy 11.1.1.

Policy 11.1.3 Minimize adverse impacts resulting from power line corridor and utility development.

Response: The alternate gen-tie line required for interconnection to the BPA Buckley substation qualifies as an "associated transmission line" as defined by ORS 469.300(3) and subject to ORS 215.274. To minimize adverse impacts that would result from this gen-tie line, it will be constructed parallel to BPA's existing 500-kV transmission line corridor with the minimum separation necessary for safety. The proposed gen-tie line is evaluated further in Section 4.3.3 of this exhibit.

4.2.2.8 Goal 12: Transportation

To provide and encourage a safe, convenient and economic transportation system.

Policy 12.1.1 Plan for and maintain an interconnected system of roads that will link communities for all users and that will provide for the existing and future needs for transportation of goods and people in the region.

Response: The Applicant will ensure Wasco County roads used for construction and operation of the Facility will be maintained in as good or better quality than prior to the Facility's construction. As discussed in Section 4.2.1.4, the primary transportation corridor to the Facility is Bakeoven Road, and the Facility will be accessed from Wilson Road (see Figure C-2 in Exhibit C). New service roads will be constructed within the Facility site boundary to provide access to Facility infrastructure. The Applicant is not proposing any new driveways at this time. The Facility may require improvements to existing driveways from the existing Bakeoven Road. Prior to construction, the Applicant will coordinate with the Wasco County Planning Department to vacate the portion of the road right-of-way associated with Wilson Road that occurs within the Facility site boundary. If improvements are made to existing driveways, the Applicant will obtain a Road Approach Permit, prior to construction, from the Wasco County Public Works Department or ODOT.

If deemed necessary by Wasco County, the Applicant will enter into a Road Use Agreement and will implement the Construction Traffic Management Plan (Exhibit U, Attachment U-7). This plan will be finalized in consultation with the Wasco County Road Department and ODOE. For these reasons, the Facility is consistent with this policy.

4.2.2.9 Goal 13: Energy Conservation

To conserve energy, reduce waste, and increase self-sufficiency.

Policy 13.1.1 The County will work with appropriate State and Federal agencies to identify and protect, and if feasible, develop potential energy resources, especially renewable energy resources.

Response: This policy is a directive to Wasco County and is not directly applicable to the Facility. However, the policy does identify the importance that Wasco County places on developing renewable energy resources within the county boundaries. The Facility supports this goal by developing an energy facility that is renewable and nonpolluting.

Policy 13.1.2 Reduce the consumption of non-renewable sources of energy whenever possible.

Response: The Facility is a renewable solar energy generating facility, and while it does not propose to convert nonrenewable energy sources to renewable energy, the Facility will provide additional capacity from renewable energy sources so that non-renewables, such as coal and fossil fuels, may be needed less than if the Facility were not constructed. For these reasons, the Facility is consistent with this policy.

Policy 13.1.6 Use of renewable energy shall be encouraged.

Response: The Facility is a solar energy generating facility and once operational will generate clean renewable energy. Therefore, the Facility is consistent with this policy.

Policy 13.1.7 New energy facilities shall meet the requirements in State Law.

Response: The Facility is being permitted through the EFSC process. The Applicant has demonstrated the Facility's compliance with applicable state laws through responses to the criteria included within this exhibit, specifically Sections 4.3, 4.4 and 4.5, and throughout the broader ASC. Therefore, the Facility is consistent with this policy.

4.2.3 Sherman County Zoning Ordinance

As described in Exhibit B, the majority of the Facility is located in Wasco County and if the alternate POI is selected, a portion of the proposed alternate gen-tie line is located in Sherman County. As a result, when the "Facility" is referenced in the responses to the criteria in this section, the findings will be specific to the development associated with the portion of the alternate gen-tie line proposed in Sherman County.

The SCZO does not contain provisions adopting "utility facilities necessary for public service" ORS 215.283(1)(c). As discussed below, given the lack of County code provisions implementing the statute, ORS 215.283(1)(c) and ORS 215.274 are directly applicable to the gen-tie line of the Facility proposed under these provisions.

4.2.3.1 Article 3 Use Zones

Section 3.1 – Exclusive Farm Use, F-1 Zone

<u>Section 3.1(2) – Uses Permitted</u>

Response: The only portion of the Facility that may be located in Sherman County is approximately 1.9 miles of the alternate gen-tie line, connecting the Facility's collector substation (located in Wasco County) to the BPA's existing Buckley Substation located directly northeast of the Facility in Sherman County. The alternate gen-tie line is proposed to start in Wasco County, adjacent to the collector substation, and travel east of and parallel to the existing BPA's 500-kV transmission line corridor where it will connect to the Buckley Substation. The alternate gen-tie line will be constructed on approximately 160 to 180-foot-tall steel structures that will be spaced

approximately 1,000 feet apart. As a result, the alternate gen-tie line does not meet the SCZO definitions or use categories for a *commercial utility facility* (SCZO 3.1(3)(q)) or a *transmission tower over 200 feet in height* (SCZO 3.1(3)(x)).

The Applicant proposes the alternate gen-tie line be considered a permitted use under ORS 215.283(1)(c) [statute text provided below].

ORS 215.283(1)(c)

Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height. A utility facility necessary for public service may be established as provided in:

(A) ORS 215.275; or

(B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and 469.300.

The alternate gen-tie line required for interconnection to the BPA Buckley substation is considered part of the related and supporting facilities category, but is evaluated separately under ORS 215.283(1)(c), as determined by EFSC. ORS 215.283(1)(c) provides for "Utility facilities necessary for public service…not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height. A utility facility necessary for public service may be established as provided in…If the utility facility is an associated transmission line, as defined in ORS 215.274 and 469.300." Since the transmission support structures will not be over 200 feet in height, they fall within the ORS 215.283(1)(c) threshold and not the SCZO 3.1(3) threshold.

Therefore, the Facility's alternate gen-tie line falls within the "utility facility necessary for public service," use category and more specifically meets the definition of an "associated transmission line" subject to ORS 215.274. The standards of ORS 215.274 are addressed in Section 4.3.3 below.

Section 3.1(4) – Dimensional Standards

In an F-1 (EFU) Zone, the following dimensional standards shall apply:

(a) New farm parcels shall be a minimum of 80 acres.

(b) MINIMUM LOT SIZE-NON-FARM PARCELS. Non-farm parcels allowed pursuant to the provisions of this Ordinance and more specifically this Section, shall meet the following standards:

(1) Shall be of adequate size and dimensions to meet applicable setback requirements.

(2) Shall be of the minimum size necessary to accommodate the intended use and provide for subsurface sewage disposal thereof.

(3) Each such parcel shall contain a minimum of I Net Buildable Acre as defined in section 1.4 of this Ordinance.

Response: The Applicant is not proposing to create any new parcels nor proposing to construct the Facility components on non-farm parcels. Therefore, these dimensional standards are not applicable to the proposed Facility.

(c) SETBACK (YARD) REQUIREMENTS. In an F-l (EFU) Zone, the minimum setback requirements shall be as follows:

(1) The front and rear yard setbacks from the property line shall be 30 feet, except that the front yard setback from the right-of-way line of an arterial or major collector road or street shall be 50 feet unless approved otherwise by the Planning Commission.

(2) Each side yard setback from a property line shall be a minimum of 25 feet, and for parcels or lots involving a non-farm residential use with side yard(s) adjacent to farm lands, said adjacent side yards shall be a minimum of 50 feet unless approved otherwise by the Planning Commission.

Response: The proposed alternate gen-tie line will meet the setback requirements listed above. Therefore, the setback criterion is satisfied.

Section 3.7 – Natural Hazards Combining Zone (NH)

In any Zone that is combined with the (NH) Combining Zone, the requirements and standards of this Section shall apply in addition to those set forth in the primary zone, provided that if a conflict occurs, the more restrictive provisions shall govern.

1. *Purpose - The purpose of the (NH) Combining Zone is to promote and protect the public health, safety and general welfare and to minimize potential losses by providing guidelines for development in hazard areas. Development limitations are applicable to developments in areas of surface water accumulations and high groundwater, unstable or fragile soils, geological hazards, and steep slopes, generally those of 30 percent or greater.*

Response: The Natural Hazards (NH) Combining Zone associated with Buck Hollow Canyon is crossed by the proposed alternate gen-tie line corridor (Figure K-2). The support structures for the alternate gen-tie line will be located on the plateau above the canyon with slopes less than 30 percent rather than on the steep slopes and valleys where the NH zone is located. These structures will also be located outside of the high landslide susceptibility areas shown on Figure H-3 in Exhibit H. The Applicant will perform site-specific geotechnical work along the alternate gen-tie line where potential geologic hazards have been identified to inform the final design of the proposed Facility. See also Exhibit H, which indicates that the gen-tie line has been sited to avoid potential geologic hazard areas that could become destabilized by a seismic event (Exhibit H, Figures H-1 and H-2). In addition, rock is present at shallow depths, and the groundwater table is deep. Considering these site conditions, the potential for earthquake-induced landslides, lateral spreading, liquefaction and settlement/subsidence at the site are low. Moreover, Exhibit H also concludes that non-seismic geologic hazards, including slope instability and landslides, are not geologic hazards that will impact the Facility due to site conditions. Therefore, it is assumed that the Facility will not be built on any identified hazard area and the NH zone would not apply. If it is determined that the Facility

cannot avoid the NH zone, the Applicant will apply for a Permit for Use or Development in an NH Zone to Sherman County, subject to SCZO Section 3.7.

4.3 Directly Applicable Rules, Statutes, and Goals – OAR 345-021-0010(1)(k)(C)(iii)

OAR 345-021-0010(1)(k)(C)(iii) Identify all Land Conservation and Development Commission administrative rules, statewide planning goals and land use statutes directly applicable to the facility under ORS 197.646(3) and describe how the proposed facility complies with those rules, goals and statutes;

Pursuant to OAR 660-033-0120, photovoltaic solar power generation facilities must comply with the standards set forth in OAR 660-033-0130(5) and (38). The standards of OAR 660-033-0130(5) are discussed in Section 4.2.1.11 in response to WCLUDO 5.020. The standards of OAR 660-033-0130(38) are discussed in Section 4.3.2. The alternate gen-tie line is an "associated transmission line" pursuant to ORS 215.274 and is discussed under Section 4.3.3. For a use located within an EFU zone, the applicable statewide planning goal is Goal 3, which is the State's Agricultural Lands goal. As provided in Section 4.5, a goal exception is being requested from this goal.

4.3.1 OAR 660-033-0130(5)

OAR 660-033-0130 Minimum Standards Applicable to the Schedule of Permitted and Conditional Uses

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

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

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

Response: The Applicant demonstrates in response to WCLUDO 5.020 (see Section 4.2.1.11) that the Facility complies with the standards of OAR 660-033-0130(5).

4.3.2 OAR 660-033-0130(38)

OAR 660-033-0130 Minimum Standards Applicable to the Schedule of Permitted and Conditional Uses

(38) A proposal to site a photovoltaic solar power generation facility shall be subject to the following definitions and provisions:

(a) "Arable land" means land in a tract that is predominantly cultivated or, if not currently cultivated, predominantly comprised of arable soils.

(b) "Arable soils" means soils that are suitable for cultivation as determined by the governing body or its designate based on substantial evidence in the record of a local land use application, but "arable soils" does not include high-value farmland soils described at ORS 195.300(10) unless otherwise stated.

(c) "Dual-use development" means developing the same area of land for both a photovoltaic solar power generation facility and for farm use.

(d) "Nonarable land" means land in a tract that is predominantly not cultivated and predominantly comprised of nonarable soils.

(e) "Nonarable soils" means soils that are not suitable for cultivation. Soils with an NRCS agricultural capability class V–VIII and no history of irrigation shall be considered nonarable in all cases. The governing body or its designate may determine other soils, including soils with a past history of irrigation, to be nonarable based on substantial evidence in the record of a local land use application.

Table K-4. Tract Analysis Predominance Test of Arable Land

Tract	Owner	Total Tract Acreage	Acreage of Arable Soils[1]	Acreage of Cultivated Land and Arable Soils[2]	Percent of Tract Area
1	ASHLEY L STEVEN ET AL	4,985	3,548	3,548	71%
2	CHRISMAN LEVI FAMILY LLC	2,548	1,392	1,449	55%
3	PHILLIPS DON W ET AL	4,940	3,261	3,289	66%

1. Per OAR 660-033-0130(38)(b), "'arable soils' means soils that are suitable for cultivation as determined by the governing body or its designate based on substantial evidence in the record of a local land use application, but 'arable soils' does not include high-value farmland soils described at ORS 195.300(10) unless otherwise stated." Per the USDA Soil Conservation Service, NRCS Class I through IV soils are considered suitable for cultivation or arable soils while Class V and higher are considered non-arable soils (Helms 1992). As Class I and II soils are considered high-value farmland soils per ORS 195.300(10) and the definition of arable soils per OAR 660-033-0130(38)(b) excludes high-value farmland soils, the predominance test included only NRCS Class III and IV soils.
2. OAR 660-033-0130(38)(a) defines arable land as "land in a tract that is predominantly cultivated, or if not cultivated, predominantly comprised of arable soils.

Response: The above definitions are used to determine the land categories for the Facility site boundary. Table K-4 above, shows that each tract associated with the Facility site boundary is predominantly comprised of arable soils. Figure K-4 shows some currently cultivated lands are located within tracts 2 and 3. As a result, the Facility is located on "arable land." No dual-use development is proposed as part of the Facility. While some nonarable soils exist within the site boundary, there is no "nonarable land."

(f) "Photovoltaic solar power generation facility" includes, but is not limited to, an assembly of equipment that converts sunlight into electricity and then stores, transfers, or both, that electricity. This includes photovoltaic modules, mounting and solar tracking equipment, foundations, inverters, wiring, storage devices and other components. Photovoltaic solar power generation facilities also include electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, all necessary grid integration

equipment, new or expanded private roads constructed to serve the photovoltaic solar power generation facility, office, operation and maintenance buildings, staging areas and all other necessary appurtenances. For purposes of applying the acreage standards of this section, a photovoltaic solar power generation facility includes all existing and proposed facilities on a single tract, as well as any existing and proposed facilities determined to be under common ownership on lands with fewer than 1320 feet of separation from the tract on which the new facility is proposed to be sited. Projects connected to the same parent company or individuals shall be considered to be in common ownership, regardless of the operating business structure. A photovoltaic solar power generation facility does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.

Response: The proposed solar array and associated facilities meet the definition of "photovoltaic solar power generation facility." This includes the BESS, Facility collector substation and interconnection equipment (including overhead cables connecting the substation to the existing BPA switchyard or proposed alternate gen-tie line within the site boundary), and O&M building. The Facility's aboveground components will be within the fence line of the solar facility (with possible exception of interconnection cables extending over the collector substation fence line to the proposed BPA switchyard and the alternate gen-tie line). In addition, the 34.5-kV collector lines are part of the Facility as they will collect the energy from the solar panels and transfer it to the Facility collector substation.

(g) For high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not use, occupy, or cover more than 12 acres unless:

(A) The provisions of paragraph (h)(H) are satisfied; or

(B) A county adopts, and an applicant satisfies, land use provisions authorizing projects subject to a dual-use development plan. Land use provisions adopted by a county pursuant to this paragraph may not allow a project in excess of 20 acres. Land use provisions adopted by the county must require sufficient assurances that the farm use element of the dual-use development plan is established and maintained so long as the photovoltaic solar power generation facility is operational or components of the facility remain on site. The provisions of this subsection are repealed on January 1, 2022.

Table K-5. Tract Analysis Predominance Test of High-Value Farmland Soils

Tract	Owner	Water Right[1]	Total Tract Acreage	Acreage of High Value Soils (HVS; NRCS Soils Class I, II, Prime, or Unique)			
				Irrigated Acreage of Tract[2]	Non-Irrigated Acreage of Tract	Total	Percent of Tract Area
1	ASHLEY L STEVEN ET AL	Permit: G 17321 * IR[3]	4,985	0	0	0	0%

Tract	Owner	Water Right[1]	Total Tract Acreage	Acreage of High Value Soils (HVS; NRCS Soils Class I, II, Prime, or Unique)			
				Irrigated Acreage of Tract[2]	Non-Irrigated Acreage of Tract	Total	Percent of Tract Area
2	CHRISMAN LEVI FAMILY LLC		2,548	0	0	0	0%
3	PHILLIPS DON W ET AL	Cert: 42677 OR * IR[4]	4,940	0	73	73	1%

1. The locations of the place of use of these water rights are not located within the Facility site boundary (OWRD 2024b).
2. According to the definition of "irrigated" in OAR 660-033-0020(9).
3. This water right place of use is located outside the Facility site boundary. This is confirmed by the tract owner (Section 4.5.1.2, Table K-7).
4. This certificate is associated with the Estate of Joseph Bibby (OWRD 2024b). George Bibby owns land along Buck Hollow Creek adjacent to the Don Phillips tract. The OWRD water rights map shows overland between this water right and Tract 3; however, Mr. Phillips has confirmed that no portion of his property contains water rights (Section 4.5.1.2, Table K-7).

Table K-6. High-Value Farmland in and around the Site Boundary

Land Type	Analysis Area		Site Boundary		Estimated Permanent Disturbance of HVF within Site Boundary (Acres/%)	
	Acres	Percent	Acres	Percent	Acres	Percent
High-value farmland Per ORS 195.300(10)(a) (i.e., Class 1 or 2 soils)[1]	336.68	2%	0.00	0%	0.00	0%
High-value farmland Per ORS 195.300(10)(c) (i.e., within place of use water right or irrigation district)	111.44	1%	0[2]	0%	0.00	0%
High-value farmland Per ORS 195.300(10)(f) (i.e., within AVA and meets slope, elevation, aspect criteria.	0.00	0%	0.00	0%	0.00	0%
High-value farmland/high-value soils (merged all 3 HVFs)[2]	416.39	2%	0	0%	0.00	0%

1. ORS 195.300(10)(a) cites ORS 215.710, which defines high-value farmland as land within a tract comprised predominantly of soils that are irrigated or not irrigated, and classified as prime, unique, Class I, or Class II. This row shows high-value farmland as result of predominance test that examines soils across tracts that intersect the site boundary. Portions of the analysis area may not include the high-value farmland soils tract analysis per ORS 195.300(10)(a) if the tract boundary does not extend fully across the analysis area. In this case, the analysis area column accounts for the raw acreage of Class 1 and 2 soils present regardless of predominance throughout the tracts that extend further beyond the analysis area boundary.
2. This certificate is associated with the Estate of Joseph Bibby (OWRD 2024b). George Bibby owns land along Buck Hollow Creek adjacent to the Don Phillips tract. The OWRD water rights map shows overland between this water right and Tract 3, however, Mr. Phillips has confirmed that no portion of his property contains water rights (Section 4.5.1.2, Table K-7).
3. High-value farmland designations per ORS 195.300(10)(a), (c), and (f)

Response: When determining how much Facility land meets the definition of high-value farmland described in ORS 195.300(10), there are six categories to consider. Of these six, only ORS 195.300(10)(a) and (c) are applicable due to no wine grape cultivation and the location of the Facility. As shown in Table K-5 above, none of the tracts associated with the Facility site boundary meet the definition of high-value farmland under ORS 195.300(10)(a). The Facility site boundary is not located in an irrigation district nor a diking district. As provided by Table K-6 above, no land within the Facility site boundary qualifies as high-value farmland under ORS 195.300(10)(c). As a result, no land within the Facility site boundary qualifies as high-value farmland pursuant to ORS 195.300(10); therefore, the criteria of OAR 660-033-0130(38)(g) and (h) do not apply.

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

Response: As discussed above and as shown in Table K-5, the area within the Facility site boundary is predominantly composed of arable soil and therefore qualifies as arable land. As the Facility will use more than 20 acres of arable land for a commercial solar energy facility, the Applicant seeks a Goal Exception to Goal 3. However, because the Facility falls under EFSC's jurisdiction, it is EFSC's statutes and rules that govern the goal exception process, ORS 469.504(2) and OAR 345-022-0030(4), rather than ORS 197.732 (see Section 4.5).

> *(A) Except for electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, the project is not located on those high-value farmland soils listed in OAR 660-033-0020(8)(a);*
>
> > *OAR 660-033-0020(8)(a) "High-Value Farmland" means land in a tract composed predominantly of soils that are:*
> >
> > *(A) Irrigated and classified prime, unique, Class I or II; or*
> >
> > *(B) Not irrigated and classified prime, unique, Class I or II.*

Response: None of the landowners associated with the Facility have irrigation water rights within the Facility site boundary or micrositing corridor that is subject to the Goal 3 exception request. The water rights shown on Figure K-5 occur within the land use analysis area but do not apply to land within the Facility site boundary and do not belong to the landowners associated with the Facility (OWRD 2024a). As noted in Table K-5, the water right along Buck Hollow Creek (Cert: 42677 OR * IR) is associated with the Estate of Joseph Bibby (OWRD 2024b). George Bibby owns land along Buck Hollow Creek adjacent to the Don Phillips tract. The OWRD water rights map shows overland between this water right and Tract 3; however, Mr. Phillips has confirmed that no portion of his property contains water rights (Section 4.5.1.2, Table K-7). In addition, no portion of the Facility will be located on these soils. As identified on Table K-6 and shown on Figure K-6, Class II soils listed in OAR 660-033-0020(8)(a) are mapped adjacent to Buck Hollow Creek, within a few

patches near the northern end of the alternate gen-tie line and in the land use analysis area but outside the Facility site boundary. The micrositing corridor is set back from both Buck Hollow Creek and Hauser Canyon to prevent encroachment into the high value soils. For these reasons, the Facility is not located on the high-value farmland soils listed in OAR 660-033-0020(8)(a) and complies with these criteria.

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

Response: OAR 660-033-0020(8)(c) through (e) are for land located within the Willamette Valley, west of the summit of the Coast Range, or west of U.S. Highway 101 and, therefore, do not apply to the Facility. OAR 660-033-0020(8)(b) is for land that grew "specified perennials," which means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees or vineyards <u>but not including seed crops, hay, pasture or alfalfa</u>[3][underline added]. As provided by the landowners (Section 4.5.1.2, Table K-7), only 230 acres of dryland crops are currently grown within the Facility site boundary and of those acres only 160 are grown within the solar micrositing corridor. These crops consist of dryland wheat, triticale and barley crops, which do not qualify as "specified perennials." As a result, the Facility will not be located on those high-value farmland soils listed in OAR 660-033-0020(8)(b)-(e).

As shown on Figure K-7, the Facility is located on both arable and nonarable soils. The nonarable soils are generally located along the creeks, canyons, and drainages where the slopes are not conducive to solar panel placement (see slopes on Figure H-3 in Exhibit H). This figure also shows significant portions of the nonarable soils as having a high or moderate susceptibility to landslides. Figure P-4 in Exhibit P shows the nonarable soils as either primarily shrub-steppe or cliffs, caves and talus, with some portions as eastside grasslands and all non-cultivated lands as habitat Category 2. Due to the topographical restrictions and geologic instability of a majority of the nonarable soils within the Facility site boundary, siting the Facility on only nonarable soils would shrink the Facility's energy generating capability by more than half. It would also fracture the Facility components in such a way as to significantly reduce the Facility's ability to operate successfully.

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

[3] As defined by ORS 215.710(2).

Response: As discussed previously, the Facility will not use high-value farmland soils described under ORS 195.300(10) for a commercial solar energy facility.

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

Response: Approximately 39 acres of the Sunset Solar Project are located within the one-mile study area (see Figure K-8). The Sunset Solar Project is an EFSC-approved photovoltaic solar power generation facility.[4] No other photovoltaic solar power generation facilities have been constructed or received land use approvals, or obtained building permits within the study area. No further action is necessary.

> *(E) The requirements of OAR 660-033-0130(38)(h)(A), (B), (C) and (D) are satisfied. OAR 660-033-0130(38)(h):*
>
> > *(A) The proposed photovoltaic solar power generation facility will not create unnecessary negative impacts on agricultural operations conducted on any portion of the subject property not occupied by project components. Negative impacts could include, but are not limited to, the unnecessary construction of roads dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing photovoltaic solar power generation facility project components on lands in a manner that could disrupt common and accepted farming practices;*

Response: See the response to the Wasco County Conditional Use Review (WCLUDO 5.020, Section 4.2.1.11 of the exhibit) for an analysis of potential impacts to the agricultural uses within the

[4] Project Order Issued December 23, 2001, https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-12-23-SSP-Project-Order.pdf

micrositing corridor. Specifically, see the response to WCLUDO 5.020 subparts (G), (J), and (K). Therefore, the Facility will comply with this standard.

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

Response: The potential impacts from erosion during construction are anticipated to be minimal, due to construction primarily happening in the dry months and the majority of the soils within the Facility site boundary having a moderate to low susceptibility to wind erosion. Additional soil analysis and BMPs and erosion-control measures during construction and operation are described in Exhibit I and in the draft ESCP (Attachment I-1). Revegetation efforts outside of the Facility's fence line are identified in the Draft Revegetation and Reclamation Plan (Exhibit P, Attachment P-3) to provide for long-term soil stability during operation. Restricting operational activity to permanent roads will minimize erosion. The Facility will comply with the ODEQ erosion control measures, and the Applicant will obtain a NPDES 1200-C permit from ODEQ through the submittal and approval of the ESCP. Therefore, the Facility will comply with this standard.

> *(C) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval;*

Response: Impacts to soils during construction are described in Exhibit I, Section 5.1. These impacts include mass grading to result in a balanced cut-fill quantity of earthwork for the establishment of new service roads, solar arrays, the BESS, the O&M building, the staging areas, and the collector substation. Along the alternate gen-tie line, the Applicant will minimize grading to the extent practicable but localized grading may be needed at pole locations or portions of access routes. Whenever possible, construction activities will be scheduled in the dry season when soils are less susceptible to compaction. Similarly, soil disturbance will be postponed when soils are excessively wet (e.g., following a precipitation event). Driving routes for construction vehicles will be limited to access roads and approved routes, and off-road travel outside the fence line will be prohibited.

By limiting the extent of grading to specific areas needed for construction and performing work during the dry season, the Facility will not result in unnecessary soil compaction that would reduce the productivity of soils for crop production or grazing. Maintenance activities will be limited to Facility components within the fence line with maintenance vehicles using existing roads whenever practicable. During both construction and maintenance, soil compaction in agricultural areas

outside the fence line will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices agreed upon with the landowner. Therefore, the Facility will comply with this standard.

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

Response: A draft Noxious Weed Control Plan is included in Exhibit P (Attachment P-4). This plan provides the steps the Applicant will take to prevent, minimize, and control the establishment and spread of noxious weed species during both construction and operation of the Facility. Measures to minimize the spread of noxious weeds were developed to address the noxious weeds identified by both the Wasco County Weed Department and the Sherman County Weed District. Weed control measures will follow the Applicant's Noxious Weed Control Plan. Therefore, the Facility will comply with this standard.

4.3.3 ORS 215.274

215.274 Associated transmission lines necessary for public service; criteria; mitigating impact of facility.

(1) As used in this section, "associated transmission line" has the meaning given that term in ORS 469.300.

ORS 469.300(3): "Associated transmission lines" means new transmission lines constructed to connect an energy facility to the first point of junction of such transmission line or lines with either a power distribution system or an interconnected primary transmission system or both or to the Northwest Power Grid.

(2) An associated transmission line is necessary for public service if an applicant for approval under ORS 215.213(1)(c)(B) or 215.283(1)(c)(B) demonstrates to the governing body of a county or its designee that the associated transmission line meets:

(a) At least one of the requirements listed in subsection (3) of this section; or

. . .

(3) The governing body of a county or its designee shall approve an application under this section if an applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements:

(a) The associated transmission line is not located on high-value farmland, as defined in ORS 195.300, or on arable land;

(b) The associated transmission line is co-located with an existing transmission line;

(c) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or

(d) The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground.

Response: The alternate gen-tie line required for interconnection to the BPA Buckley substation qualifies as an "associated transmission line" as defined by ORS 469.300(3) and subject to ORS 215.274. The proposed gen-tie line will be a new transmission line constructed solely for the purpose of connecting an energy facility to the first point of junction (BPA Buckley substation) connected to the Northwest Power Grid.

The alternate gen-tie line will be (c) parallel to the existing BPA 500-kV transmission line corridor with the minimum separation necessary for safety. The existing transmission line corridor consists of three 500-kV transmission lines (John Day 2 to Grizzly; John Day 2 to Grizzly; and Grizzly to Buckley [United States 2024]). The proposed alternate gen-tie line centerline is within 60 to 250 feet of the easternmost of the three existing BPA 500-kV transmission lines. If the alternate POI is selected, the Applicant will work with BPA to ensure that design for the entire route of the alternate gen-tie line maintains a minimum safe separation from BPA infrastructure. Therefore, the alternate gen-tie line will meet ORS 215.274(3)(c) and no additional analysis in needed under ORS 215.274.

4.3.4 ORS 215.283

(1) The following uses may be established in any area zoned for exclusive farm use:

(c) Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height. A utility facility necessary for public service may be established as provided in:

(A) ORS 215.275; or

(A) If the utility facility is an associated transmission line, as defined in ORS 215.274 and 469.300.

Response: As discussed above in Section 4.3.3, the alternate gen-tie line qualifies as an "associated transmission line" and is addressed under the requirements of ORS 215.274.

4.4 Non-compliance with Applicable Substantive Criteria – OAR 345-021-0010(1)(k)(C)(iv)

OAR 345-021-0010(1)(k)(C)(iv) If the proposed facility might not comply with all applicable substantive criteria, identify the applicable statewide planning goals and describe how the proposed facility complies with those goals;

Response: As discussed in Section 4.3.2, the Facility does not meet the standards under OAR 660-033- 0130(38)(g) and (i) as the Facility will permanently occupy more than 20 acres of arable land for the commercial solar energy facility. Because the Facility does not comply with all applicable local land use criteria, Section 4.0 provides analysis, under ORS 469.504(1)(b)(B), on whether the proposed Facility "does otherwise comply with the applicable statewide planning goals." For a use located within an EFU zone, the applicable statewide planning goal is Goal 3, which is the state's Agricultural Lands goal. Thus, the Facility requires an exception to Statewide Planning Goal 3 pursuant to ORS 469.504(2) and OAR 345-022-0030(4). The justification for an exception to Statewide Planning Goal 3 is set forth in Section 4.5 below.

4.5 Statewide Planning Goal Exceptions – OAR 345-021-0010(1)(k)(C)(v)

> *OAR 345-021-0010(1)(k)(C)(v) If the proposed facility might not comply with all applicable substantive criteria or applicable statewide planning goals, describe why an exception to any applicable statewide planning goal is justified, providing evidence to support all findings by the Council required under ORS 469.504(2);*

The Applicant demonstrates below that a reason exception is warranted under ORS 469.504(2)(c) and OAR 345-022-0030(4)(c). Further, the Applicant demonstrates that locating the solar array anywhere within the solar micrositing corridor, subject to the proposed conditions, will be compatible with adjacent farm uses. The solar micrositing corridor consists of approximately 7,026 acres within the 8,075-acre Facility site boundary. The Applicant is requesting maximum flexibility of site design within the solar micrositing corridor. As a result, while the actual footprint of the Facility will likely be less than the solar micrositing corridor (estimated as 5,012.9 acres in Exhibit C), the Goal 3 exception analysis assumes the entire micrositing corridor can be developed and removes 7,026 acres of arable land from Goal 3 protection.[5]

4.5.1 Demonstration that a "Reasons" Exception is Appropriate

ORS 469.504(2)(c)(A); OAR 345-022-0030(4)(c)(A) Reasons justify why the state policy embodied in the applicable goal should not apply;

In accordance with OAR 660-015-0000(3), the policy of Goal 3 is:

> *To preserve and maintain agricultural lands.*

In the following discussion, the Applicant provides the following reasons to justify why Goal 3 should not apply to the agricultural lands that will be impacted by the Facility:

> 1. The Facility is locationally dependent because of its proximity to the regional grid for interconnection, energy supply end users, and major transportation corridors.

[5] Based on permanent impact calculations (see Exhibit C; Table C-2), the Applicant anticipates impacting less than 7,026 (estimated as 5,012.9 acres in Exhibit C) acres of arable lands in the final design and the final acreage requested to be removed from Goal 3 protection will be provided with the Facility's as-built drawings.

2. The Facility does not impact any high-value farmland or irrigated crops and imposes minimal direct impacts to agricultural activities.

4. The Facility creates local economic benefit.

5. The Facility imposes minimal impacts to resources protected by Council standards.

6. The Facility responds to important state and county goals and priorities.

4.5.1.1 The Facility is Locationally Dependent

Locational dependency refers to the unique proximity and interrelatedness of operations of the proposed solar facility and components or facilities necessary to construct and operate the project (ODOE 2021a). EFSC has previously found that locational dependency is a "reason" to justify why Goal 3 should not apply, including for solar and hybrid projects.[6] Specifically, a solar project is locationally dependent when it is sited in "proximity to" other key project components (like substations and transmission lines) and "share[d] energy infrastructure," and avoids impacts to agriculture, and when it provides unique suite of geographic features that support the project's specific goals.[7]

Proximity to the Regional Transmission Grid.

Higher transmission line voltage allows for more efficient energy movement across long distances without significant energy loss (TANC 2023). Of the 38 power authorities in the Western Interconnection Balancing Authorities group, Bonneville Power Administration Transmission (BPAT) covers the majority of Oregon and Washington in addition to portions of California, Idaho and Wyoming (WECC 2017). 230-kV or 500-kV transmission lines are the most commonly used in the United States to transport energy through the different regions. Of the available high powered transmission lines managed by BPAT, the two available generally north-south running corridors are along the Willamette Valley (I-5) and between The Dalles, Bend and Klamath Falls (US-97) (U.S. Energy Atlas 2024).

An objective of BPA's 2024-2028 Strategic Plan is to support regional carbon reduction efforts (BPA 2024a and 2024b). "Going forward, BPA will strive to complement the existing system by acquiring additional cost-effective carbon-free resources and enabling delivery of increasingly decarbonized power to the region." Since 2018, BPA has been focused on increasing available transmission service by joining the Western Energy Imbalance Market and increasing energy efficiency of its

[6] See Final Orders on Boardman Solar (ODOE 2018a), Carty Generating Station Amendment 1 (ODOE 2018b), Montague Wind Amendment 4 (Pachwaywit Fields and Oregon Trail) (ODOE 2019a), Wheatridge Wind Energy Facility Amendment 4(ODOE 2019b), Bakeoven Solar (ODOE 2020), Madras Solar (ODOE 2021b), West End Solar (ODOE 2023a), and Nolin Hills Wind (ODOE 2023b).

[7] Nolin Hills Wind (ODOE 2023b); see also Madras Solar (ODOE 2021b) (facility was locationally dependent based on proximity to transmission interconnection) and Bakeoven Solar (ODOE 2020) (facility was locationally dependent based on proximity to transmission interconnection and because site "provide[d] unique geographic features including slopes below 15 percent and sufficient space away from objects or landforms that would cause shading").

existing transmission system. Through these efforts BPA has been able to offer 11,000 MW of transmission service, of which almost half has been used by customers to start new service. One of BPA's many grid improvement and de-carbonization projects is a rebuild of the Buckley Substation, which is estimated for completion in 2027. This rebuild will involve the retirement of the existing gas-insulated substation and replace it with an air-insulated 500-kV substation. Additional projects in the vicinity of the Facility are upgrades to the Rock Creek-John Day 500-kV transmission line (estimated completion 2029) and Big Eddy-Chemawa 500-kV transmission line (estimated completion 2031/2032).

In concert with obtaining an interconnection agreement with BPA, the Applicant sited the proposed Facility to be directly adjacent to an existing BPA 500-kV transmission line corridor and to be within close vicinity to a BPA substation that will be receiving reinvestment. The Facility is locationally dependent on the existing 500-kV BPA transmission line corridor (and specifically BPA's John Day to Grizzly 500-kV transmission line) that runs north-south connecting the Bakeoven Substation in Wasco County to the Buckley Substation in Sherman County. This transmission line corridor, which contains three high powered 500-kV transmission lines, is a major piece of energy infrastructure with the combined ability of transmitting 1500-kV. For the alternate POI, the Facility is locationally dependent on developing a new 500-kV gen-tie line adjacent and parallel to the existing transmission line corridor for connection with the BPA Buckley Substation.

This transmission corridor along US-97 is a critical path for BPA to move renewable energy from Central Oregon to the Columbia River Gorge. Not only is there substantial existing transmission that moves this energy from generation areas to load centers like Portland and Seattle, but there are growing power demands for clean energy. The Facility was sited in order to move power to the Columbia River corridor, where it can support these power demands and contribute towards Oregon's renewable energy goals by providing clean energy to major cities on the western slope of the Cascades. The amount of power the Facility will be adding to the corridor at full build-out will be equivalent to powering cities the size of Eugene and Salem (approximately 180,000 homes).

Proximity to Existing Energy Infrastructure.

This portion of Wasco County contains three EFSC-approved solar energy generating facilities directly south of the Facility (Sunset Solar Project, Daybreak Solar Project, and Bakeoven Solar Project) as shown on Figure K-3. The Facility is locationally dependent upon the existing BPA John Day to Grizzly 500 kV transmission line and the Buckley substation to allow for efficient use of existing transmission infrastructure.

Proximity to Major Transportation Corridors.

The Facility is locationally dependent on existing transportation corridors and infrastructure. Bakeoven Road runs alongside the Facility site boundary and connects the Facility to US-97

(Sherman Highway), which connects to I-84.[8] This transportation route has been tested and vetted through the construction of the adjacent solar projects. Roads have been improved where necessary to support construction material weight and trucks. Wilson Road provides direct access from Bakeoven Road into the center of the Facility. Private unpaved farm roads provide access throughout the Facility site boundary, and these existing roads will be used to the greatest extent practical.

Locating the Facility next to this existing energy infrastructure and transportation corridors consolidates potential impacts to a specific area, rather than spreading those impacts in a dispersed manner throughout the county. This preserves higher-quality agricultural soils elsewhere in the county for agricultural use. Additionally, potential impacts to habitat and sensitive species are also minimized by consolidating energy facility components and supporting infrastructure to a specific area.

4.5.1.2 The Facility does not impact any high-value farmland or irrigated crops and imposes minimal direct impacts to agricultural activities.

High-Value Farmland

As discussed above in Section 4.3.2 in response to OAR 660-033-0130(38)(g), no high-value farmland defined by ORS 195.300(10) is located within the Facility site boundary and, therefore, not within the solar micrositing corridor. Non-irrigated soil capability classes are shown in Table K-5 and discussed in detail in Sections 4.2.1.11, 4.2.2.2, 4.2.2.6, and 4.3.2. There is no high-value farmland in the Facility site boundary under any of the applicable tests under ORS 195.300(10). Table K-5 demonstrates that none of the tracts associated with the Facility site boundary meet the definition of high-value farmland under ORS 195.300(10)(a). The Facility site boundary is not located in an irrigation district nor a diking district and does not contain irrigation water rights. As provided by Table K-6, no land within the Facility site boundary qualifies as high-value farmland under ORS 195.300(10)(c). The Facility site boundary is not located within an American Viticulture Area. Further, the soil classifications within the Facility site boundary do not reach the threshold of high-value farmland pursuant to ORS 195.300(10)(a). The small areas of Class II soils shown on Figure K-6 are not located within the solar micrositing corridor. The lack of high-value farmland within the micrositing corridor distinguishes the Facility from eight solar projects that contained high-value farmland and were approved by and received Goal 3 exceptions from EFSC.[9]

[8] The Facility is also located near US-197, however, in consultation with Wasco County, construction traffic will be routed through US-97 due to tight turns and traffic concerns through Maupin. Limited workforce travel may occur on US-197 traveling south and turning east on to Bakeoven Road to the Facility.

[9] See Final Orders on Boardman Solar (ODOE 2018a), Carty Generating Station Amendment 1 (Carty Solar Farm) (ODOE 2018b), Montague Wind Amendment 4 (Pachwaywit Fields and Oregon Trail) (ODOE 2019a), Wheatridge Wind Energy Facility Amendment 4 (ODOE 2019b), Madras Solar (ODOE 2021b), West End Solar (ODOE 2023a), and Nolin Hills Wind (ODOE 2023b).

No Irrigated Crops

None of the landowners associated with the Facility have irrigation water rights within the Facility site boundary or micrositing corridor that is subject to the Goal 3 exception request. The water rights shown on Figure K-5 occur within the land use analysis area but do not apply to land within the Facility site boundary and do not belong to the landowners associated with the Facility (OWRD 2024a). Landowner surveys were conducted and confirmed that no water rights exist within the Facility site boundary (Table K-7).

Obtaining a new surface water right for irrigation within the site boundary is also not feasible. OWRD's Water Availability Analysis data for the areas within the site boundary indicate that no surface water is available for new appropriations from Buck Hollow Creek at any time during the year, when irrigation water would be needed (OWRD 2024a).

Active Crop Production

As shown in Table K-7 below, the landowners enrolled between 46 and 48 percent of their lands in CRP.[10] According to the landowners and as confirmed by the Farm Service Agency, much of the soil on these tracts qualified for CRP because it has been deemed as Highly Erodible Land (HEL) by USDA. According to the Natural Resources Conservation Service (NRCS), HEL "is land that can erode at an excessive rate because of soil properties, leading to long-term decreased productivity" (NRCS 2024). Fields within a farm ownership are designated as HEL if "33.3 percent or more of the total field acreage has HEL soils, or 50 acres or more of the field has HEL soils" (NRCS 2024). Levi Chrisman Family LLC (Tract 2) says their land has not been farmed since early 1980s, and Don Phillips (Tract 3) enrolled his tillable acreage in CRP as soon as it was eligible after he purchased the land in 1989 due to the poor productivity of the soils (Table K-7). Levi Chrisman Family LLC has primarily left their land fallow, while leasing 240 acres of their land east of Hauser Canyon[11] to an adjacent property owner, Carver Family Ranches LLC, which is not involved with the Facility. Carver Family Ranches LLC cultivates approximately 70 of these 240 acres with dryland crops, with intermittent cattle grazing when vegetation allows. As shown on Figure K-4, this cultivated area is within the Facility site boundary but outside the solar micrositing corridor and will not be disturbed by the Facility.

Up to 160 acres (all located on Tract 3), or 2.3 percent, of land within the micrositing corridor is in active dryland crop production (Table K-7, Don Phillips). The yield from these crops is not grown for sale, but instead provides supplemental feed for an on-site cattle herd during the winter. The 70 acres of land in active dryland crop production by Carver Family Ranches LLC on the east side of Hauser Canyon (within the Facility site boundary outside the micrositing corridor) will remain in production during the life of the Facility. A&K Ranches and Levi Chrisman Family LLC do not grow crops on their land.

[10] Don Phillips unenrolled most of his CRP as a result of the proposed Facility lease agreements with the Applicant as of 2022.
[11] These 240 acres include the 70 acres in cultivation discussed earlier in this paragraph.

As described in Section 4.2.2.6, the low productivity of the soil and the lack of irrigation water rights has made it unprofitable to grow dryland crops, which is the cause for enrollment in CRP and operation of cattle ranches to bring in income.

Cattle Ranching and Grazing

Cattle ranch operations exist on Tracts 1 and 3 with approximately 100 and 217 head of cattle, respectively. According to the landowner of Tract 1, the quality of the soil is poor enough and the climate dry enough that cattle can only be supported for up to five months of the year (Table K-7, A&K Ranches). The rest of the year grazing land is leased elsewhere to support the herd. The cattle on Tract 3 remain on the tract year-round and are fed through an intensive grazing rotation, with the addition of the supplemental feed grown on-site as discussed above (Table K-7, Don Phillips). The cattle operation on Tract 1 will continue during construction and operation of the Facility. Due to the majority of Tract 3 being located within the solar micrositing corridor, the cattle ranching operation may be reduced, moved or discontinued depending on the final design of the Facility and other business factors at the time of Facility construction. In 2022, there were 17,134 head of cattle and calves in Wasco County (USDA 2022). Using the current number of cattle on Tract 3 (217 head), that ranch operation would have contributed approximately 1.3 percent of the total cattle in Wasco County. The relocation, reduction, or discontinuation of this herd would be a de minimus change to the county's agricultural economy.

In conclusion, the Facility will not occur on high value agricultural soils or irrigated crops and will have minimal impact on agricultural activities due to the dearth of dryland crop production and cattle grazing occurring within the Facility site boundary. The potential loss of the cattle grazing that is occurring within the Facility site boundary will be a de minimus impact to agricultural activities. Furthermore, Facility construction will result in a net benefit to the landowner's agricultural incomes, as the revenue generated from the Facility leases will more than compensate the minimal loss of agricultural income from the removal of the solar array area from ranching and grazing uses. The additional revenues received by the landowners from lease payments will provide a stable and predictable source of income that will supplement ranch revenues and help ensure these properties can stay in these ranchers' families' hands rather than being sold or subdivided.

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Table K-7. Overview of Landowner Farmland Characteristics

Landowner & Tract Acreage	USDA Farmland and CRP/Marginal Pastureland (MPL) Acreage	Irrigation Water Rights	Crop Practices	Crop Schedule	Cattle Ranching & Grazing	Direct Jobs Currently Supported by Operations	Spending on Labor, Supplies, and Services for Agricultural Operations (estimated reductions)	Range of Crop Yields over the Past 5-10 Years	Plans for Land Outside of Site Boundary during Facility Operation
STEVEN L ASHLEY ET AL (aka A&K RANCHES) (Tract 1) **4,985 Tract acres** **881 acres inside micrositing corridor**	Current Tract Land in • CRP: 2,037.75 acres • MPL: 240.4 acres • 46% of land in CRP/MPL	None	No crops are grown. Approximately half of land is in CRP and 1,200 acres are in Sunset Solar Project.	None. CRP land is minimally mowed and sprayed infrequently as needed.	~100 head of livestock graze within Tract 1 for 5 months each year. Grazing land is leased for the remainder of the year.	Two ranch employees	No reductions are expected.	None	Winter cattle grazing will continue on land outside the Facility site boundary within Tract 1.
LEVI CHRISMAN FAMILY LLC (Tract 2) **2,548 Tract acres** **1,799 acres inside micrositing corridor**	Current Tract Land in • CRP: 1,181.25 • 46% of land in CRP	None	None by the Levi Chrisman Family LLC and none have been grown since the early 1980s. 240 acres are subleased to the Carver Family Ranches LLC. Approximately 70 acres of these acres grow dryland wheat/barley or support intermittent cattle grazing when vegetation is available.	None	None	One manager	None	None	Land currently being subleased will continue to be farmed by the Carver Family Ranches LLC.
DON W PHILLIPS ET AL (Tract 3) **4,940 Tract acres** **4,331 acres inside micrositing corridor**	1989-2022 Tract Land in • CRP: 2,388.4 acres • 48% of land in CRP Current Tract Land in • CRP: 30.11 acres (reduced due to Facility lease) • MPL: 51.62 acres	None	80 acres dryland wheat and triticale/barley (160 acres with 80 acres summer fallow rotation) to feed on-site cattle herd during winter.	Planted November Harvested June No fertilizer or spraying	~217 livestock grazing year-round	Family members only	No reductions are expected.	No crops have been grown for sale only for cattle operation feed. All tillable acreage has been in CRP since 1989.	Crop production will cease. Cattle grazing will be moved outside of Facility site boundary or discontinued.

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4.5.1.3 The Facility creates local economic benefit.

Construction and operation of the Facility promotes rural economic development by creating jobs and adding to the tax base of Wasco and Sherman counties. Based on tax assessments of similar solar energy generation facilities, it is anticipated that estimated tax revenues would be significantly higher than the estimated tax revenues generated by the Facility's underlying agricultural lands over the same period if there was not a solar facility. Construction and operation of the Facility will also generate local economic benefits through direct expenditures for materials and services in the local area and new payroll income. For example, the Facility will need products like herbicide to manage noxious weeds, fuel to supply vehicles and machinery, and machinery to mow and remove vegetation. These estimated benefits are anticipated to be a significant gain compared to the current agricultural activities outlined in Table K-7.

It is also anticipated that Wasco County's rural economy will benefit from the Facility under a tax abatement agreement. Although the Applicant has not yet entered into a tax abatement agreement with Wasco County or Sherman County, it anticipates doing so. The tax abatement agreement will likely provide a property tax incentive to the Facility while requiring payment of a community service fee to the participating county. In addition, the availability of reliable renewable energy produced by the Facility will help attract, recruit, and retain energy-dependent businesses to Oregon that have renewable energy procurement policies. The Applicant will provide supplemental information supporting the Facility's economic benefit to the local economy.

4.5.1.4 The Facility imposes minimal impacts to resources protected by Council standards.

The Goal 3 exception does not seek to permanently remove land from agricultural use. Per the terms of the lease, the land will be returned to agricultural use following decommissioning of the solar array and restoration of the site. The Facility is also sited to avoid sensitive environmental features, including FEMA 100-year floodplains, U.S. Fish and Wildlife Service-designated critical habitat, and jurisdictional wetlands or waters. The Facility's environmental consequences are discussed primarily in Exhibit I (Soils), Exhibit J (Wetlands), Exhibit P (Fish and Wildlife Habitats and Species), Exhibit Q (Threatened and Endangered Plant and Animal Species), Exhibit R (Scenic Resources), and Exhibit S (Cultural Resources). These exhibits demonstrate that the Facility will avoid or minimize impacts to such resources. The Applicant will also mitigate for impacts to ODFW-designated big game winter ranges as is required under ODFW policy (see Exhibit P and Attachment P-2). The Facility, as proposed, is not anticipated to have significant adverse impacts to soils, wetlands, protected areas, water resources, threatened and endangered species, scenic and aesthetic resources, recreational opportunities, or historic, cultural, and archaeological resources.

4.5.1.5 The Facility responds to important state and county goals and priorities.

The Facility supports Wasco County's Comprehensive Plan Goal 13 that states the County's intent to facilitate and support the development of renewable energy resources within their jurisdictions. By

being a solar energy generating facility that is renewable and nonpolluting, the Facility intrinsically supports these goals.

Oregon's Renewable Portfolio Standard (RPS) establishes a requirement for how much of Oregon's electricity must come from renewable resources like solar. The current RPS is set at 50 percent by 2040 (ODOE 2024).

In addition to Oregon's RPS, private companies, such as PacifiCorp, have their own renewable energy procurement policies, which increase the demand for renewable energy in Oregon (PacifiCorp 2024). These public and private policies are intended to reduce greenhouse gas emissions, mitigate climate impact, and reduce reliance on carbon-based fuels. Solar generation, like the proposed solar array, helps further these public and private policies and outweigh temporarily removing up to 7,026 acres from Goal 3 protection.

4.5.2 Evidence that Environmental, Socioeconomic, and Energy Consequences Favor the Exception

ORS 469.504(2)(c)(B); OAR 345-022-0030(4)(c)(B) The significant environmental, economic, social and energy consequences anticipated as a result of the proposed facility have been identified and adverse impacts will be mitigated in accordance with rules of the Council applicable to the siting of the proposed facility;

4.5.2.1 Environmental

Environmental consequences result from factors such as (1) water quality, (2) environmental safety and spill prevention, (3) soil erosion, (4) stormwater and wastewater management, (5) air emissions, and (6) habitat management. These factors have been analyzed and discussed in Exhibit I (Soils), Exhibit J (Wetlands), Exhibit P (Fish and Wildlife Habitats and Species), Exhibit Q (Threatened and Endangered Plant and Animal Species), and Exhibit U (Public Services, related to wastewater and stormwater) to confirm that the potential environmental adverse impacts associated with the solar array and associated components have been identified and will be mitigated.

Since 1895, Oregon's average annual temperature has risen 2.2 degrees Fahrenheit (°F) per century and is projected to increase by 5 °F by the 2050s (Dalton et al. 2021). This warming reduces snowpack and increases regional surface water temperatures that affect both river and coastal ecosystems, threatening salmon runs and other important marine and freshwater species. The number of days with temperatures over 90 °F is increasing in frequency and magnitude with overnight temperatures also increasing (Dalton et al. 2021). Specifically in eastern Oregon, large mountain areas have been hit by mountain pine beetle infestations, wildfires, or both, causing widespread shifts in forest ecosystems (Dalton et al. 2021). A mission of Oregon's Climate Action Plan is to achieve a reduction in greenhouse gas emissions levels to at least 45 percent below 1990 emissions levels by 2035, and at least 80 percent below 1990 emissions levels by 2050. One of the measures identified to accomplish this is through supporting renewable energy development such

as solar facilities (Oregon Environmental Council 2020). Therefore, the Facility may contribute to the reduction of greenhouse gas emissions, which thereby may result in a beneficial environmental impact.

4.5.2.2 Socioeconomic

When considering the economic consequences, EFSC takes into consideration actors such as (1) any increased burden on public services, (2) benefits to the rural tax base (3) job creation, and (4) revenue for area landowners. Exhibit U contains a discussion on the potential impacts on public services, including fire, safety, and transportation. It also provides information on job creation during construction and operation. Exhibit W discusses retirement and restoration of the Facility and demonstrates that no burden will be placed on the area landowners or the County because the Applicant is obligated to retire and restore the site and will have a financial assurance in place to guarantee such work.

When considering the social consequences, EFSC takes into consideration factors such as access and impact to resources of importance to the public such as protected areas, recreation, cultural resources, and scenic areas. EFSC also takes into consideration impacts to public and community services. Exhibit L demonstrates that the Facility will not adversely impact protected areas within the analysis area and, similarly, Exhibits R, S, and T demonstrate the same for scenic resources, cultural resources, and recreation, respectively. Exhibit U demonstrates that the solar array will not result in adverse impacts on public or community services such as health care, education, housing, water supply, waste disposal, transportation, or fire and safety.

4.5.2.3 Energy

The energy consequence resulting from the Facility will be the influx of up to 800 MW of renewable energy entering the regional power grid and available for consumption by the public. It will do so using existing an energy interconnection point and either an existing transmission line or new gen-tie line parallel to an existing corridor.

4.5.3 Compatibility with Adjacent Land Uses

ORS 469.504(2)(c)(C); OAR 345-022-0030(4)(c)(C) The proposed facility is compatible with other adjacent uses or will be made compatible through measures designed to reduce adverse impacts.

Uses on the surrounding land, including abutting properties, are generally agricultural ranching with some mixed residential/agricultural uses associated with ranch homesites. Adjacent uses include solar energy generation facilities and ongoing farming operations. Section 4.2.1.11, in response to WCLUDO 5.020, discusses the Facility's compatibility with adjacent uses including efforts to avoid, minimize, and mitigate adverse impacts to farm uses within the land use analysis area. The solar array will remove up to 7,026 acres from agricultural use for the life of the Facility but will not adversely impact ongoing adjacent cattle ranching and dryland crop cultivation operations.

5.0 Federal Land Management Plans

5.1 Identification of Applicable Land Management Plans – OAR 3450-021-0010(1)(k)(D)

OAR 345-021-0010(1)(k)(D) If the proposed facility will be located on federal land:

(i) Identify the applicable land management plan adopted by the federal agency with jurisdiction over the federal land;

(ii) Explain any differences between state or local land use requirements and federal land management requirements;

(iii) Describe how the proposed facility complies with the applicable federal land management plan;

(iv) Describe any federal land use approvals required for the proposed facility and the status of application for each required federal land use approval;

(v) Provide an estimate of time for issuance of federal land use approvals; and

(vi) If federal law or the land management plan conflicts with any applicable state or local land use requirements, explain the differences in the conflicting requirements, state whether the applicant requests Council waiver of the land use standard described under paragraph (B) or (C) of this subsection and explain the basis for a waiver.

There are no applicable federal management plans. Therefore, these standards do not apply.

6.0 Summary

The information provided in this exhibit demonstrates the Facility's compliance with all applicable substantive criteria. Therefore, EFSC may find that the Facility, as proposed, meets the land use standard set forth in OAR 345-022-0030.

7.0 Submittal Requirements and Approval Standards

7.1 Submittal Requirements

Table K-8. Submittal Requirements Matrix

Requirement	Location
OAR 345-021-0010(1)(k) Information about the proposed facility's compliance with the statewide planning goals adopted by the Land Conservation and Development Commission, providing evidence to support a finding by the Council as required by OAR 345-022-0030. The applicant must state whether the applicant elects to address the Council's land use standard by obtaining local land use approvals under ORS 469.504(1)(a) or by obtaining a Council determination under ORS 469.504(1)(b). An applicant may elect different processes for an energy facility and a related or supporting facility but may not otherwise combine the two processes. Once the applicant has made an election, the applicant may not amend the application to make a different election. In this subsection, "affected local government" means a local government that has land use jurisdiction over any part of the proposed site of the facility. In the application, the applicant must:	Section 1.0, Section 2.0
(A) Include a map showing the comprehensive plan designations and land use zones in the analysis area;	Section 2.0
(B) If the applicant elects to obtain local land use approvals:	Section 3.0
(i) Identify the affected local governments from which land use approvals will be sought;	N/A
(ii) Describe the land use approvals required in order to satisfy the Council's land use standard;	N/A
(iii) Describe the status of the applicant's application for each land use approval;	N/A
(iv) Provide an estimate of time for issuance of local land use approvals.	N/A
(C) If the applicant elects to obtain a Council determination on land use:	Section 4.0
(i) Identify the affected local governments;	Section 4.1
(ii) Identify the applicable substantive criteria from the affected local government's acknowledged comprehensive plan and land use regulations that are required by the statewide planning goals and that are in effect on the date the application is submitted and describe how the proposed facility complies with those criteria;	Section 4.2
(iii) Identify all Land Conservation and Development Commission administrative rules, statewide planning goals and land use statutes directly applicable to the facility under ORS 197.646(3) and describe how the proposed facility complies with those rules, goals and statutes;	Section 4.3
(iv) If the proposed facility might not comply with all applicable substantive criteria, identify the applicable statewide planning goals and describe how the proposed facility complies with those goals;	Section 4.4

Requirement	Location
(v) If the proposed facility might not comply with all applicable substantive criteria or applicable statewide planning goals, describe why an exception to any applicable statewide planning goal is justified, providing evidence to support all findings by the Council required under ORS 469.504(2); and	Section 4.5
(D) If the proposed facility will be located on federal land:	Section 5.0
(i) Identify the applicable land management plan adopted by the federal agency with jurisdiction over the federal land;	N/A
(ii) Explain any differences between state or local land use requirements and federal land management requirements;	N/A
(iii) Describe how the proposed facility complies with the applicable federal land management plan;	N/A
(iv) Describe any federal land use approvals required for the proposed facility and the status of application for each required federal land use approval;	N/A
(v) Provide an estimate of time for issuance of federal land use approvals; and	N/A
(vi) If federal law or the land management plan conflicts with any applicable state or local land use requirements, explain the differences in the conflicting requirements, state whether the applicant requests Council waiver of the land use standard described under paragraph (B) or (C) of this subsection and explain the basis for a waiver.	N/A

7.2 Approval Standards

Table K-9. Approval Standards

Approval Standard	Location
OAR 345-022-0030 Land Use	
(1) To issue a site certificate, the Council must find that the proposed facility complies with the statewide planning goals adopted by the Land Conservation and Development Commission.	Section 4.0
(2) The Council shall find that a proposed facility complies with section (1) if:	–
(a) The applicant elects to obtain local land use approvals under ORS 469.504(1)(a) and the Council finds that the facility has received local land use approval under the acknowledged comprehensive plan and land use regulations of the affected local government; or	N/A
(b) The applicant elects to obtain a Council determination under ORS 469.504(1)(b) and the Council determines that:	Section 4.0
(A) The proposed facility complies with applicable substantive criteria as described in section (3) and the facility complies with any Land Conservation and Development Commission administrative rules and goals and any land use statutes directly applicable to the facility under ORS 197.646(3);	Sections 4.2 through 4.5

Approval Standard	Location
(B) For a proposed facility that does not comply with one or more of the applicable substantive criteria as described in section (3), the facility otherwise complies with the statewide planning goals or an exception to any applicable statewide planning goal is justified under section (4); or	Section 4.4, Section 4.5
(C) For a proposed facility that the Council decides, under sections (3) or (6), to evaluate against the statewide planning goals, the proposed facility complies with the applicable statewide planning goals or that an exception to any applicable statewide planning goal is justified under section (4).	Section 4.5
(3) As used in this rule, the "applicable substantive criteria" are criteria from the affected local government's acknowledged comprehensive plan and land use ordinances that are required by the statewide planning goals and that are in effect on the date the applicant submits the application. If the special advisory group recommends applicable substantive criteria, as described under OAR 345-021-0050, the Council shall apply them. If the special advisory group does not recommend applicable substantive criteria, the Council shall decide either to make its own determination of the applicable substantive criteria and apply them or to evaluate the proposed facility against the statewide planning goals.	Sections 4.1 through 4.5
(4) The Council may find goal compliance for a proposed facility that does not otherwise comply with one or more statewide planning goals by taking an exception to the applicable goal. Notwithstanding the requirements of ORS 197.732, the statewide planning goal pertaining to the exception process or any rules of the Land Conservation and Development Commission pertaining to the exception process, the Council may take an exception to a goal if the Council finds:	Section 4.5
(a) The land subject to the exception is physically developed to the extent that the land is no longer available for uses allowed by the applicable goal;	N/A
(b) The land subject to the exception is irrevocably committed as described by the rules of the Land Conservation and Development Commission to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or	N/A
(c) The following standards are met:	
(A) Reasons justify why the state policy embodied in the applicable goal should not apply;	Section 4.5
(B) The significant environmental, economic, social and energy consequences anticipated as a result of the proposed facility have been identified and adverse impacts will be mitigated in accordance with rules of the Council applicable to the siting of the proposed facility; and	Section 4.5
(C) The proposed facility is compatible with other adjacent uses or will be made compatible through measures designed to reduce adverse impacts.	Section 4.5
(5) If the Council finds that applicable substantive local criteria and applicable statutes and state administrative rules would impose conflicting requirements, the Council shall resolve the conflict consistent with the public interest. In resolving the conflict, the Council cannot waive any applicable state statute.	N/A

Approval Standard	Location
(6) If the special advisory group recommends applicable substantive criteria for an energy facility described in ORS 469.300(11)(a)(C) to (E) or for a related or supporting facility that does not pass through more than one local government jurisdiction or more than three zones in any one jurisdiction, the Council shall apply the criteria recommended by the special advisory group. If the special advisory group recommends applicable substantive criteria for an energy facility described in ORS 469.300(11)(a)(C) to (E) or a related or supporting facility that passes through more than one jurisdiction or more than three zones in any one jurisdiction, the Council shall review the recommended criteria and decide whether to evaluate the proposed facility against the applicable substantive criteria recommended by the special advisory group, against the statewide planning goals or against a combination of the applicable substantive criteria and statewide planning goals. In making the decision, the Council shall consult with the special advisory group, and shall consider:	N/A
(a) The number of jurisdictions and zones in question;	N/A
(b) The degree to which the applicable substantive criteria reflect local government consideration of energy facilities in the planning process; and	N/A
(c) The level of consistence of the applicable substantive criteria from the various zones and jurisdictions.	N/A

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Figures

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Yellow Rosebush Energy Center

Figure K-1
Land Use Analysis Area

SHERMAN AND WASCO COUNTIES, OR

- Facility Site Boundary
- Analysis Area (0.5-mile Buffer)
- City/Town
- County Boundary
- US Highway
- Local Roads
- Existing 500kV Transmission Line
- Existing Substation

TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Reference Map

1:70,000 WGS 1984 UTM Zone 10N 0 1 2 4 Miles

NOT FOR CONSTRUCTION

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Yellow Rosebush Energy Center

Figure K-2 Zoning and Comprehensive Plan Designations

SHERMAN AND WASCO COUNTIES, OR

Sherman County

Wasco County

- Facility Site Boundary
- Analysis Area (0.5-mile Buffer)
- City/Town
- County Boundary
- US Highway

Wasco County

- Exclusive Farm Use Zone A-1 (160), Comprehensive Plan Designation-Agriculture
- Mineral Aggregate Overlay
- Military Airspace Overlay – 5000' Mean Sea Level (2000' + AGL)
- Sensitive Wildlife Overlay

Sherman County

- Exclusive Farm Use Zone F-1, Comprehensive Plan Designation – Cropland
- Natural Hazards Combining Overlay

TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Reference Map

1:70,000 WGS 1984 UTM Zone 10N

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Yellow Rosebush Energy Center

Figure K-3
Tracts and Adjacent Facilities

SHERMAN AND WASCO COUNTIES, OR

- Facility Site Boundary
- Analysis Area (0.5-mile Buffer)
- City/Town
- County Boundary
- US Highway
- Local Roads
- Existing 500kV Transmission Line
- Existing Substation

Tract ID, Landowner

- 1, ASHLEY L STEVEN ET AL
- 2, CHRISMAN LEVI FAMILY LLC
- 3, PHILLIPS DON W ET AL

Energy Facilities

- Bakeoven Solar Project
- Daybreak Solar Project
- Sunset Solar Project

TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Reference Map

1:70,000 WGS 1984 UTM Zone 10N

0 1 2 4 Miles

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Yellow Rosebush Energy Center

Figure K-4
Existing Land Use

SHERMAN AND WASCO COUNTIES, OR

- Facility Site Boundary
- Analysis Area (0.5-mile Buffer)
- Tract Boundary
- Micrositing Corridor
- County Boundary
- US Highway
- Local Roads
- Existing 500kV Transmission Line
- Existing Substation

Energy Facilities

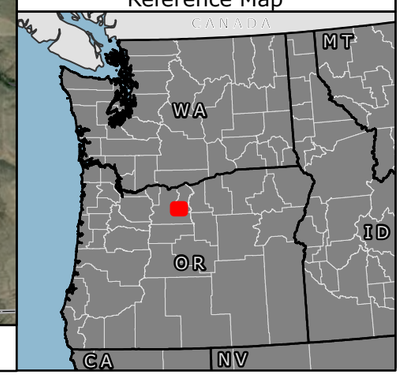
- Bakeoven Solar Project
- Daybreak Solar Project
- Sunset Solar Project

Existing Land Use

- Dryland Wheat and Other Dryland Crops
- Planted Grasslands

TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Reference Map



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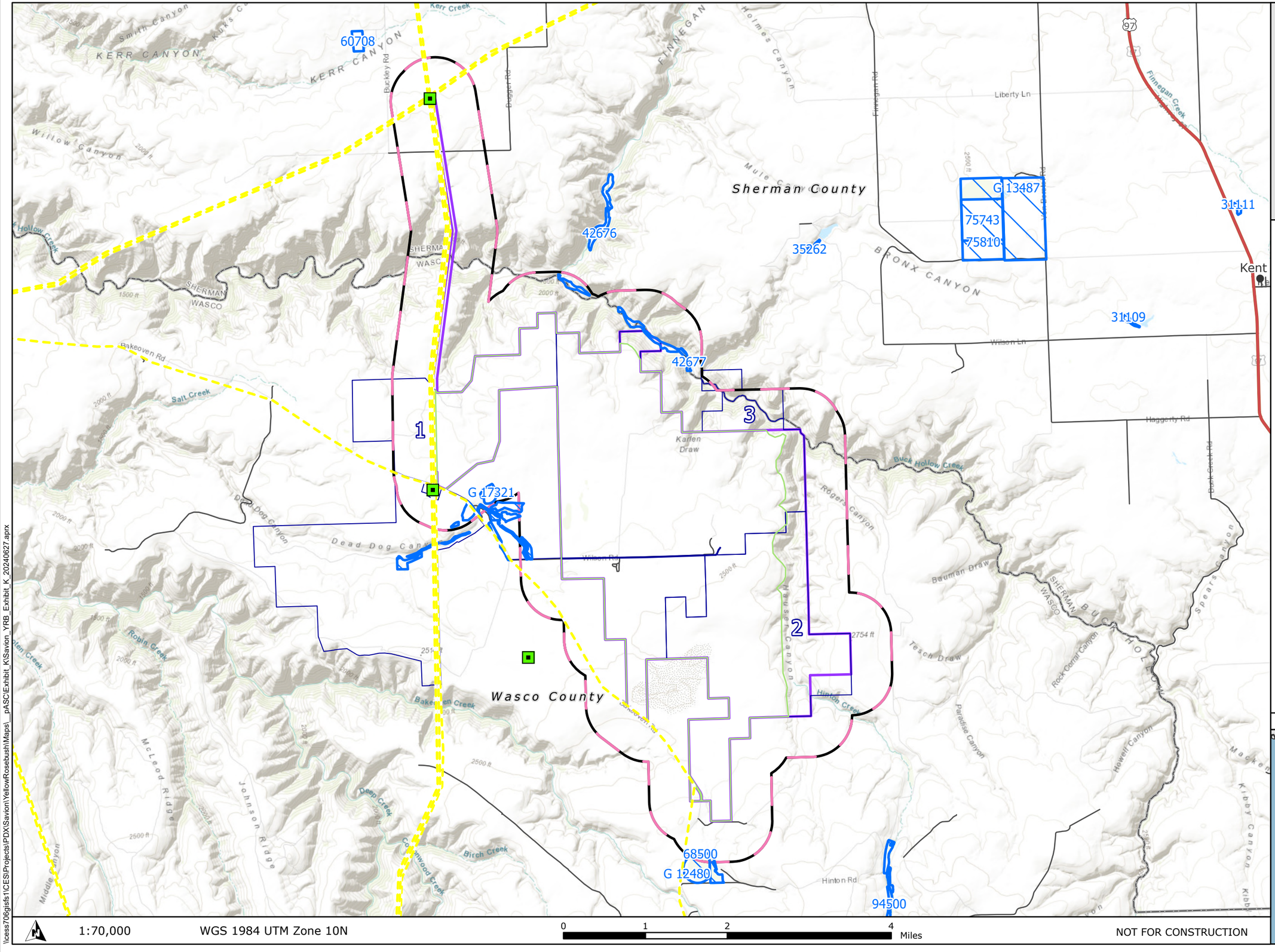
Yellow Rosebush Energy Center

Figure K-5
Water Rights

SHERMAN AND WASCO COUNTIES, OR



Legend

- Facility Site Boundary
- Micrositing Corridor
- Analysis Area (0.5-mile Buffer)
- Tract Boundary
- City/Town
- County Boundary
- US Highway
- Local Roads
- Existing Transmission Line
- Existing Substation
- Water Rights Place of Use (Irrigation)

TETRA TECH | SAVION A RENEWABLE ENERGY COMPANY

Reference Map

1:70,000 WGS 1984 UTM Zone 10N

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Yellow Rosebush Energy Center

Figure K-6
NRCS Soil Capability Classifications

SHERMAN AND WASCO COUNTIES, OR

- Facility Site Boundary
- Analysis Area (0.5-mile Buffer)
- Tract Boundary
- City/Town
- County Boundary
- US Highway
- Local Roads
- Existing 500kV Transmission Line
- Existing Substation

NRCS Non-Irrigated Capability Soil Class

- Class II
- Class III
- Class IV
- Class VI
- Class VII
- Class VIII

TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Reference Map

1:70,000 WGS 1984 UTM Zone 10N

0 1 2 4 Miles

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Yellow Rosebush Energy Center

Figure K-7
Arable and Non-Arable Soils

SHERMAN AND WASCO COUNTIES, OR

Sherman County

Wasco County

Kent

97

1

2

3

- Facility Site Boundary
- Analysis Area (0.5-mile Buffer)
- City/Town
- County Boundary
- US Highway
- Local Roads
- Existing 500kV Transmission Line
- Existing Substation
- Tract Boundary
- Arable Soils
- Non-Arable Soils

TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Reference Map

1:70,000 WGS 1984 UTM Zone 10N

0 1 2 4 Miles

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Yellow Rosebush Energy Center

Figure K-8
One-mile Study Area

SHERMAN AND WASCO COUNTIES, OR

- Facility Site Boundary
- Analysis Area (0.5-mile Buffer)
- 1-Mile Study Area
- City/Town
- County Boundary
- US Highway
- Local Roads
- Existing 500kV Transmission Line
- Existing Substation

Energy Facilities

- Bakeoven Solar Project
- Daybreak Solar Project
- Sunset Solar Project

TETRA TECH SAVION A RENEWABLE ENERGY COMPANY

Reference Map

1:70,000 WGS 1984 UTM Zone 10N 0 1 2 4 Miles

NOT FOR CONSTRUCTION

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