Umatilla County
Department of Land Use Planning

DIRECTOR
TAMRA MABBOTT

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

April 14, 2016

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

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

Dear Richard:

The Umatilla County Board of Commissioners, at their April 13, 2016 hearing, denied the Appeal of the Planning Commission's decision to approve the Chopin Wind Project. The Chopin Conditional Use Permit and Land Use Decision to construct and operate a 10 MW Commercial Wind Power Generation Facility, including the project substation and 34.5 kV underground transmission line has received a Final Decision of approval.

The enclosed signed Board Final Findings signifies the local Final Decision by the Umatilla County Board of Commissioners. April 14, 2016, the date the Decision was mailed, commences a 21-day appeal period for appeal to the Land Use Board of Appeals (LUBA). Also enclosed is a copy of the Board Order, No. BCC2016-035; the Board Order affirms the approval of the Chopin Wind Project by the Umatilla County Planning Commission.

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

If you have questions please feel free to contact me, at (541) 278-6301, or you may e-mail me at carol.johnson@umatillacounty.net Thank you for your cooperation.

Cordially,

Carol Johnson,
Senior Planner

enclosures: Signed Board Final Findings, Order No. BCC2016-035

cc: Steve Corey, Attorney, Corey Byler and Rew
Patrick Gregg, Attorney, Corey Byler and Rew
Jeffrey L. Kleinman, Attorney at Law
Micah Engum, Alexander Project Services
Debi Russell, City of Weston
Persons who commented or participated in the March 28, 2016, Board hearing and open record period

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

STATE OF OREGON

In the Matter of Affirming Decision of Umatilla County Planning Commission Approving Chopin Wind LLC Application for Wind Project and Transmission Line	))))))	Order No. BCC2016-035

WHEREAS Applicant Chopin Wind LLC filed an application for a condition use permit, #C-1252-15, and land use decision, #LUD-194-15, to construct a wind project and transmission line;

WHEREAS the application was submitted to the Planning Commission for a land use decision;

WHEREAS the Umatilla County Planning Commission held a public hearing on January 28, 2016 to consider the application, and on a vote of 8-1, approved the application;

WHEREAS on February 3, 2016, the findings and conclusions for the approval were signed on behalf of the Planning Commission;

WHEREAS a Notice of Appeal of the Planning Commission decision was filed on February 16, 2016, by Jesse and Granella Thompson, and Blue Mountain Alliance, contesting the decision on seven points;

WHEREAS the Board of Commissioners held a public hearing on March 28, 2016, continued to April 13, 2016, to consider the appeal, and to hear testimony and evidence regarding the appeal, and on a vote of 2-1 to affirm the decision of the Planning Commission and to approve the application.

NOW THEREFORE the Board of Commissioners finds and orders that the Planning Commission's decision in approving the application is affirmed, as further set out in the Findings and Conclusions signed and approved under separate document.

DATED this 13th day of April, 2016.

UMATILLA COUNTY BOARD OF COMMISSIONERS

George L. Murdock, Commissioner

IN OPPOSITION

W. Lawrence Givens, Commissioner

William J. Elfering, Commissioner

ATTEST:
OFFICE OF COUNTY RECORDS

Records Officer

UMATILLA COUNTY BOARD OF COMMISSIONERS
FINAL FINDINGS AND CONCLUSIONS
CHOPIN WIND PROJECT
CHOPIN WIND LLC – APPLICANT/PROJECT OWNER
CONDITIONAL USE PERMIT, # C-1252-15, and
LAND USE DECISION, # LUD-194-15
ASSESSOR'S MAP # 5N35; TAX LOTS # 3100 & 4900
ASSESSOR'S MAP # 4N 35 15, TAX LOT # 500

1. **APPLICANT/PROJECT OWNER:**
   Chopin Wind LLC, Richard Nerzig, Project Manager
   BayWa r. e. Wind, LLC[1]
   4365 Executive Drive, Suite 1470
   San Diego, CA 92121

2. **LANDOWNERS:**
   Ferguson Ranch, Inc.
   Smith Frozen Foods

3. **ASSESSOR MAP NUMBER AND TAX LOT NUMBERS:**
   Map # 5N35; Tax Lots # 3100 & 4900
   Map # 4N3515: Tax Lot #500

4. **PROJECT ACREAGE:** 1,157 acres for Tax Lots 3100 & 4900

5. **COUNTY COMPREHENSIVE PLAN MAP DESIGNATION**: North/South County Agriculture
   COUNTY ZONING MAP CLASSIFICATION: Exclusive Farm Use (EFU)
   CITY OF WESTON: Industrial

6. **PROJECT LOCATION:**
   The project area is located northeast of the City of Athena, between Pine Creek and Dry Creek north of Staggs Road and west of Ferguson Road. The project substation is proposed to be located to the south of the existing PacifiCorp Substation, west side of Highway 204/Williamson Road within the City of Weston Urban Growth Boundary.

7. **REQUESTS:**
   The applicant, Chopin Wind LLC, requests a conditional use permit and land use decision to construct and operate a 10 MW wind project. The Chopin Wind project would consist of four to six turbines depending on turbine availability for the final turbine model selection. The overall project consists of turbines, collector lines, permanent meteorological towers, access roads, project communication system, and the associated transmission line and project substation. The associated transmission line is reviewed as a Utility Facility Necessary and processed as a Land Use Decision. The project substation site is proposed on leased industrial zoned land within the urban growth area of the City of Weston and is processed by the County by applying the City's conditional use standards.

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1 BayWa r.e. Wind, LLC is a turn-key developer and operator of renewable energy projects in North America headquartered in San Diego, CA. Its parent company, BayWa r.e. renewable energy, Gmbh, is based in Munich, Germany. The company is backed by a single shareholder, BayWa AG, a 17,000 employee, 90 year-old company, with multiple business activities across three main sectors including building materials, agricultural products, and energy.

8. PROJECT FEATURES:

Turbine Selection: The applicant proposes to use one of three types of wind turbines depending on availability. The three turbine choices are GE 1.7 -103, Nordex N117 or Vestas V110. All three proposed turbine models are designed with transformers located at ground level inside the base of the turbine. The turbine choices consist of a three blade design common to current industry standards. Installation of the turbines includes attaching turbine blades to the hub and connecting to the generator and control systems enclosed by the nacelle. The nacelle sits on top of a tubular steel tower and the tower is typically composed of three sections. Access to the nacelle is from a ladder/lift system located inside the tower allowing for year-round maintenance availability. Access to the turbine from the ground is provided by exterior stairs to an elevated locked door. Turbine access is restricted to authorized personnel at all times.

All of the visible wind turbine components are white in color, similar to other installed wind turbines in the county. In addition to the color providing good visibility for aircraft, mandatory lighting will be installed on the turbines in accordance with the current available Federal Aviation Administration (FAA) guidelines. A map displaying the turbines determined to need FAA lighting will be available after final FAA consultations have been completed.

Turbine Foundation: As part of the micro-siting of the wind turbines, subsurface borings (Geotechnical Studies) will be analyzed for each preliminary turbine location. This information will be used to determine the final foundation design most suitable for the site. Preliminary Geotechnical Studies indicate that industry standard foundation types will be suitable for the Chopin Project.

Tower Construction: During construction, turbine components will be transported to the project via county roads (per executed Road Use Agreement). Components will be unloaded at each turbine location in preparation for turbine construction. The tower is erected first onto the completed foundation. The nacelle, which contains the generator and control equipment, is next mounted onto the tower. Turbine blades are then lifted and installed on the nacelle individually. Final turbine assembly and finish is conducted inside the turbine itself.

Due to the reduced overall scale of the project, traffic disruptions are expected to be minimal. The entire construction phase is expected to take less than six months from approximately May 2016 through October 2016.

During the construction phase, activities will be coordinated with the landowner and/or farming tenant to minimize impacts to agricultural activities. The acreage of land disturbed during construction will be greater than the final footprint. This temporary disturbance area will be restored and rehabilitated to pre-construction state upon completion of the project. Dust will be controlled on haul route roads as well as onsite with the use of water trucks and in some cases, road treatments. Weeds will be controlled during construction according to the Weed Control Plan.

At the close of the construction phase, the temporarily disturbed areas will be restored to agricultural production. Care will be taken to restore field areas consistent with previous soil types. Any large rock exposed in cultivated fields during the construction phase will be removed from the area so as to minimize impact on farm use. Project roads and turbine pads will be maintained according to the Weed Control Plan to prevent weed growth so that the surrounding crops are not affected. After construction is completed, agricultural equipment can cross and utilize project roads to access fields. Equipment can farm right up to project roads and turbine pads so that the final reduction in acreage will be minimized. Periodic maintenance of project features will be required which will take place using the project roads and turbine pads. Occasionally, a greater area may temporarily be needed to replace major components. These areas will be restored after completion of work.

Meteorological Towers: As part of the project's review of the potential for a wind project site in the area, two 80 meter meteorological (MET) towers were erected in late 2009 to measure wind speed and direction (CUP #C-1153-09). In addition to the two installed MET towers, the project utilizes an advanced Sonic Detection and Ranging (SODAR) unit to sample various points on the project area as well as serve as a "check" for the two MET towers. SODAR is a technology which uses sonic waves to measure wind speed and direction at various elevations from a mobile unit which can be transported by trailer from a standard size pick-up to and from sites. With over 5 years of wind data at turbine hub height collected and analyzed, the project has a firm understanding of the available wind resource on site.

During construction, one or both temporary MET towers will be removed. A permanent Project tower may be deployed to monitor wind conditions during the life of the Project. Any deployed MET towers will be removed upon decommissioning of the Project

Communication System: Each of the wind turbine models under consideration include advanced turbine condition component monitoring equipment to alert Operations and Maintenance staff of the potential need for repair or adjustments. This information, as well as production data, will typically be relayed to a project communications center or tower commonly located in the substation area. The transfer of data between the turbines and the communications tower may be through underground fiber optic cable, which is usually laid in the same general area, depth and routing pattern as the turbine collection lines. Another method of data transfer between the turbines and communication center or tower, which may be utilized, is wireless technology. Depending on availability of commercial grade high volume internet in the area, a wired T1 connection or wireless communications tower may be employed to communicate project data to O&M staff and other invested parties remotely. This system of project oversight is often referred to as Supervisory Control and Data Acquisition, or SCADA system. It allows both local and remote monitoring and operation of the project's infrastructure.

Operations and Maintenance Center (O & M): Prior to operation the project would rent, purchase or build an Operations and Maintenance building in either Milton-Freewater or the Athena area. This building would house office and workspace for permanent staff as well as room to store maintenance supplies and replacement parts

Access Roads: Access to the project site would be from state and county roads. Within the site area there will be one main all weather project access road, adjacent to the turbine locations. Where project access roads leave the county rights-of-way and enter private leased land, a gate will be installed for safety and to control access. Project roads will be sited and constructed in a manner which utilizes current Best Management Practices (BMPs) in order to control and minimize erosion and withstand heavy truck traffic during construction and subsequent project maintenance needs. Participating landowners will be able to utilize the project roads for their agricultural operations.

During the short construction phase, temporary project roads will be approximately twice the width of the permanent road. Half of this "construction" road will be compacted soil and not contain rock base. The remaining half will have a traditional rock base and gravel surface in preparation for the final project road. This temporarily widened portion of the road provides the stable surface for transporting the erection crane and allows for safe two lane work traffic during the construction period when there is the higher vehicle traffic. At the end of construction, the compacted soil portion of the road will be de-compacted and returned to its pre-construction agricultural use. When the temporary portions of the road have been removed and rehabilitated the edge of the permanent road will be defined.

At each turbine there will be a spur road for turbine access from the project road, typically 100 feet or less in length. During construction there will be a crane pad built for the safe operation of the crane off of the spur road. At the close of the construction period, the crane pad will be removed and rehabilitated and the soil will be de-compacted for agricultural use. The final spur road will be approximately 10 feet wide,

enough for routine maintenance vehicle access to the turbines.

Collector lines: The project will use an underground collector system between turbines which will connect to a small metering cabinet located within the project boundary. The collection lines will be buried at least 3 feet below grade in accordance with electrical code and to allow farming practices to continue. All disturbed areas associated with the collector system will be revegetated according to the Habitat Restoration Plan.

Transmission Line[2] and Project Substation: The project would deliver the power via 5 to 6 mile 34.5 kV underground transmission line to the project substation proposed on leased industrial land located approximately a hundred feet south of the existing PacifiCorp Substation. The substation lease area is zoned industrial and located within the City of Weston's Urban Growth Boundary. The project substation would step up the power to 69 kV to interconnect into the PacifiCorp Substation

Laydown Areas: There will be one primary 3.5 acre laydown area and smaller temporary staging areas with crane pads at each turbine location to facilitate assembly of each wind turbine. All staging and laydown areas will be restored to pre-disturbance condition, or better, at the close of the construction period.

9. **PROJECT ACCESS:** Access onto the project property would be via Staggs Road, County Road No. 674. Access to the project substation would be from State Highway 204/Williamson Road.

10. **ADJACENT LAND USES:** Surrounding the wind project area is agricultural land primarily in dryland wheat. The proposed substation land is industrial land and Smith Cannery, PacifiCorp Substation and other city industrial uses are to the north, south and west of the proposed substation site. State Highway 204/Williamson Road is along the east side of the substation site.

11. **SOIL CLASSIFICATIONS:** The subject property contains the following soil types. High Value Soils are defined as Land Capability Class I and II.

Soil Name, Unit Number, Description	Land Capability Class	
	Dry	Irrigated
114B: Walla Walla silt loam, 1 to 7 percent slopes	IIe	IIe
115D: Walla Walla silt loam, 12 to 25 percent slopes	IVe	---
6C: Anderly silt loam, 7 to 12 percent slopes	IIIe	IVe
8C: Athena silt loam, 7 to 12 percent slopes	IIIe	IIIe
60F: Nansene silt loam, 35 to 70 percent slopes	VIIe	---
8B: Athena silt loam, 1 to 7 percent slopes	IIe	IIe
50F: Lickskillet rock outcrop complex, 40 to 70 percent slopes	VIIe	---
48E: Lickskillet very stony loam, 7 to 40 percent slopes	VIIe	---

Soil Survey of Umatilla County Area, 1989, NRCS. The suffix on the Land Capability Class designations are defined as "e" – erosion prone, "c" – climate limitations, "s" soil limitations and "w" – water (*Survey*, page. 172).

[2] Transmission lines on towers less than 200 feet in height on EFU zoned land are processed as "utility facilities necessary." The County Planning Department processes the application for the transmission line as a Land Use Decision concurrently with the conditional use application. The project substation is in the City of Weston's UGB. The County will process the project substation request by applying the City of Weston's Conditional Use standards.

12. **WATER:** Property owner, Ferguson Ranch, has a Certificate of Water Right for place of use appurtenant to SE1/4 NE1/4 of Section 30, Township 5 North, Range 35 EWM, for watering approximately 100 head of beef cattle. In addition, the Ferguson dwelling located on Tax Lot 3100 is served by a domestic well.

    Water for the project construction and dust abatement is proposed to be trucked in from commercially available sources.

13. **WASTEWATER:** The Ferguson dwelling is served by an onsite sewage septic system. However, during project construction portable toilets will be provided to handle onsite sewage and would be pumped and cleaned regularly by a licensed contractor.

14. **SIGNIFICANT GOAL 5 SITES:** The review of the County's inventory of Goal 5 sites was conducted for the project site including a one mile area around the project. Likewise the route for the transmission line route was reviewed. Inventoried Goal 5 sites[3] were not found within the project site or along the proposed project transmission line.

15. **UTILITIES:** The area is served by Umatilla Electric and Qwest-Century Link

16. **PROPERTY OWNERS & AGENCIES HEARING NOTICE:** Mailed January 7, 2016
    Agencies Notified:
    FAA-Seattle, NAS-Whidbey Island, CTUIR-Natural Resources, USDA-NRCS, US Fish & Wildlife, BPA, Oregon Building Codes, DEQ, DLCD, ODF&W, ODOT, OWRD, SHPO, DOE-EFSC, Co Assessor, Co Public Works, East Umatilla Fire District, Milton-Freewater Rural Fire Dept, Hudson Bay Irrigation District, Walla Walla Irrigation District, Walla Walla Watershed Council, Pacific Power & Light, UEC, PacifiCorp, PUC, City of Milton-Freewater, City of Weston and City of Athena.

17. **PLANNING COMMISSION HEARING DATE:** January 28, 2016

18. **COMMENTS RECEIVED:** CTUIR recommends a condition of approval for a cultural resource monitor to be present during all ground disturbing activities. Notified property owner, Steve Thomason requests the applicant use Ferguson Road instead of Staggs Road. Multiple landowners (Johnsons) also commented in favor of using Ferguson Road over Staggs Road. Comments from SHPO (submitted by Micah Engum) recognized that a cultural resource study had been submitted and reviewed by SHPO and was sufficient to address the project lands. Kevin Meenaghan, the Navy's Northwest Training Range Complex Community Planning & Liaison Officer, commented that the Navy has no objections to the Chopin project. The City of Weston commented that Chopin Wind, LLC had appeared before the City's Planning Commission and City Council to discuss the project and the project substation proposed within the City's UGB. The City of Weston had the opportunity to review the matter and had no comments. Gloria Franklin made comments in support of the project. Comments also were received from area residences (Lees) who expressed support for *not approving* wind projects due to project impacts.

19. **CONDITIONAL USES PERMITTED ON LANDS ZONED EXCLUSIVE FARM USE (EFU) § 152.060 (F).** A Commercial Wind Power Generation Facility in an Exclusive Farm Use zone may be permitted conditionally subject to the applicable criteria in the Umatilla County Development Code § 152.061, § 152.615 and § 152.617 (I) (C) [152.616(HHH)]. Applications for Commercial Wind Power Generation Facilities are processed by following the county planning public hearing procedure. Approval of all conditional use

[3] During the public hearing held in 2011 for the original WKN Chopin Wind Project, comments were raised about potential conflict with an inventoried Goal 5 Scenic Resource, specifically State Highway 204 (aka the Tollgate Highway). In 2011, the County found the WKN Chopin wind project would not conflict with Highway 204, as outlined in CUP, #C-1188-11.

permits, requires issuance of a zoning permit for each tax lot (parcel) pursuant to § 152.025. The criteria (standards) are presented in underlined text followed by responses and Findings of Fact presented in standard text.

STANDARDS FOR CONDITIONAL USE PERMIT Commercial Wind Power Generation Facilities §152.616 (HHH) (1) – (11): The process for taking action on a request to establish a Commercial Wind Power Generation Facility is a Conditional Use Permit. A public hearing is held pursuant to §§ 152.750-152.755 and 152.771 to determine if the request meets the County siting requirements for construction and operation of a Commercial Wind Power Generation Facility. Throughout the findings the Chopin Wind Project is referred to in several ways including: Chopin, the project, wind project and BayWa.

§152.616 (HHH) (1) through (4) delineate the County Permit Procedure, Pre-Application Meeting, Authority to request Conditions of Approval and County and other agency permits.

(5) ***Application Requirements.*** Following is a summary of application requirements for a Commercial Wind Generation Facility Conditional Use Permit.

The following information shall be provided as part of the application:

(a) (1) A general description of the proposed Wind Power Generation Facility,
(2) A tentative construction schedule,
(3) The legal description of the property
(4) Identification of the general area for all components

(b) A map showing the location of components.

(c) (1) Provide information on wind monitoring data
(2) Transmission interconnect
(3) Route and plan for transmission line

(d) (1) Demonstrate compliance with § 152.061.
(2) Identify potential conflicts

(e) A Transportation Plan . . .

(f) A Re-vegetation and Erosion Control Plan . . .

(g) A Fish, Wildlife and Avian Impact Monitoring Plan. . . The plan shall include the formation of a technical oversight committee to review the plan, and consist of the following persons:
(1) The landowners/farm tenants.
(2) Wind Power Generation Facility owner/operator representative. (Chair)
(3) Oregon Department of Fish and Wildlife representative, if the agency chooses to participate.
(4) Two Umatilla County residents with no direct economic interest in the project and recommended by the applicants for appointment by the Umatilla County Board of Commissioners.
(5) U.S. Fish and Wildlife
(6) Umatilla County Planning Commission member.

(h) An Emergency Management Plan . . .
(1) . . . fire district and/or contract fire department responsible for providing emergency services.
(2) A Spill Prevention, Control and Counter Measure Plan (SPCC) . . .
(3) An Operations and Maintenance Plan . . .
(4) An Emergency Response Plan . . .

(i) A Weed Control Plan . . .

(j) A Socioeconomic Impact Assessment . . .

(l) A Dismantling, Decommissioning and Restoration Plan . . .

(k) Information on impacts:

(1) Wetlands and streams, including intermittent streams and drainages;
(2) Fish, avian and wildlife . . . ;
(3) Fish, avian and wildlife habitat;
(4) Criminal activity (vandalism, theft, trespass, etc.) . . .
(5) Open space, scenic, historic, cultural and archaeological resources as identified and inventoried in the Comprehensive Plan. The applicant shall consult with the CTUIR . . .

The application requirements listed above have been supplied by the applicant and are examined against the Standards of Approval in § 152.616 (HHH) (6) below.

(6) *Standards/Criteria of Approval.*

The following requirements and restrictions apply to the siting of a Wind Power Generation Facility:

(a) Setbacks. The minimum setback shall be a distance of not less than the following:

(1) From a turbine tower to a city urban growth boundary (UGB) shall be two miles. The measurement of the setback is from the centerline of a turbine tower to the edge of the UGB that was adopted by the city as of the date the application was deemed complete.

The project map shows the proposed locations for the selected project turbines and illustrates the two mile buffer line around the proposed project turbines. All proposed turbine locations are demonstrated at greater than two miles to the nearest urban growth boundary.

Findings and Conclusions

The County finds and concludes the proposed turbine locations would be greater than the two mile setback requirement to an urban growth boundary and satisfies the setback requirement.

(2) From turbine tower to land zoned Unincorporated Community (UC) shall be 1 mile.

The project map shows the proposed turbine locations would exceed the one mile setback to the nearest Unincorporated Community of Umapine. All turbine locations are demonstrated at greater than one mile to the nearest Unincorporated Community of Umapine.

Findings and Conclusions

The County finds and concludes the proposed turbine locations would be greater than the one mile setback requirement to an Unincorporated Community and satisfies the requirement.

(3) From a turbine tower to a rural residence shall be 2 miles. For purposes of this section, "rural residence" is defined as a legal, existing single family dwelling meeting the standards of §152.058 (F)(1)-(4), or a rural residence not yet in existence but for which a zoning permit has been issued, on a unit of land not a part of the Wind Power Generation Facility, on the date a Wind Power Generation Facility application is submitted. For purposes of this section, the setback does not apply to residences located on properties within the Wind Power Generation Facility project application. The measurement of the setback is from the centerline of the turbine tower to the center point of the rural residence.

The project map shows the proposed locations for the selected project turbines and illustrates the two mile buffer line around the project turbines. One residence is located within the Wind Power Generation Facility as

shown on the project map. Setback requirements are not applicable to this residence. The map demonstrates that two rural residences are just outside of the two mile setback line.

Findings and Conclusions

The County finds and concludes that project mapping shows two rural residences near the two mile setback to the proposed turbine locations.

The County finds and concludes prior to construction updated mapping must be provided to show and confirm that the final design location, or micro-siting, of all project turbines would meet the two mile setback to all rural residences.

The County finds and concludes the condition of the approval requiring the project owner to provide an updated project map to confirm and show that the final design location, or micro-siting, of all project turbines would meet the two mile setback to all rural residences satisfies the requirement.

(4) From a turbine tower to the boundary right-of-way of County Roads, state and interstate highways, 110% of the overall tower-to-blade tip height. Note: The overall tower-to-blade tip height is the vertical distance measured from grade to the highest vertical point of the blade tip.

Project turbines would be located greater than 110% of the overall tower base-to-blade tip height from any public road right-of-way, as demonstrated by the project map.

Findings and Conclusions

The County finds and concludes the project turbines would meet the 110% setback to from the public road right-of-way and the Chopin project plan satisfies the requirement.

(5) From tower and project components, including transmission lines, underground conduits and access roads, to known archeological, historical or cultural sites shall be on a case by case basis, and for any known archeological, historical or cultural site of the Confederated Tribes of the Umatilla Indian Reservations the setback shall be no less than 164 feet (50 meters).

There are no proposed project features that would be located within 50 meters of a known archeological, historical, or cultural site of the Confederated Tribes of the Umatilla Indian Reservation. (See the CTUIR study in the Conditional Use Permit application for details.)

Comments from the Cultural Resources Protection Program of the CTUIR recommend during ground disturbance activities that a cultural resource monitor be present.

Findings and Conclusions

The County finds that archeological, historical or cultural sites are required to be setback 50 meters to towers, project components, transmission lines, underground conduits and access roads.

The County finds to ensure protection of archeological, historical and cultural sites a resource monitor be present during ground disturbance activities.

The County concludes the condition of approval requiring archeological, historical or cultural sites be setback 50 meters to towers, project components, transmission lines, underground conduits and access roads is imposed.

The County concludes a condition of approval is imposed requiring a resource monitor be present during ground disturbance activities to ensure the protection of existing or discovered archeological, historical and cultural sites.

(6) New electrical transmission lines associated with the project shall not be constructed closer than 500 feet to an existing residence without prior written approval of the homeowner, said written approval to be recorded with county deed records. Exceptions to the 500 feet setback include transmission lines placed in a public right of way. Note: Transmission and distribution lines constructed and owned by the applicant that are not within the project boundary are subject to a separate land use permit.

Where electrical transmission lines associated with a wind project are proposed outside of a public right-of-way the line must not be located closer than 500' to nearby residences without prior written consent of the homeowner in the form of a written approval recorded with county deed records. While the vast majority of the Chopin transmission line would be located within public road right-of-way, the final approximate 200' near the point of interconnection would be on private land and within 500' of a nearby residence. Chopin Wind, LLC has secured and recorded a waiver with this residence landowner.(A copy of the signed and recorded waiver is in the Chopin Wind Project conditional use file.)

Findings and Conclusions

The County finds that there is one residence within the 500' setback requirement of a proposed project transmission line located outside of a public right-of-way.

The County finds the Chopin Wind Project has secured and recorded a waiver with the residence located within the 500' setback to the project transmission line and the criterion is satisfied.

(7) The turbine/towers shall be of a size and design to help reduce noise or other detrimental effects. At a minimum, the Wind Power Generation Facility shall be designed and operated within the limits of noise standard(s) established by the State of Oregon. A credible noise study may be required to verify that noise impacts in all wind directions are in compliance with the State noise standard.

The State of Oregon noise standard is found in OAR 340-035-0035. Noise levels generated by wind energy facilities are based on an assumed background L_{50} ambient noise level of 26 dBA unless the person owning the wind energy facility conducts measurements to determine the actual ambient L_{10} and L_{50} background level.

OAR 340-035-0035 essentially limits the median noise level from an industrial or commercial use to 50 dB at night and 55 dB during the day and evening. A facility complies with the ambient background standard if the increase in noise over either the assumed ambient noise level of 26 dBA, or to the actual ambient background L_{10} and L_{50} noise level, if measured, is not more than 10 dBA over this entire range of wind speeds.

The original Noise Impact Analysis by Bruce Walker, Ph. D, with Channel Islands Acoustics was completed for the 99 MW Chopin Wind Project proposed in 2011. The chosen measurement location for the noise investigation followed the requirements in OAR 340-035-0035. In December 2015 the applicant requested Dr. Walker to make a comparison with the revised 10 MW wind project plan.

The comparison used all three proposed turbine selections. This resulted in the Ferguson residence (located on the project property) being below 35 dBA and all other residence locations shown well below 35 dBA and most below the 26 dBA ambient noise level.

Findings and Conclusions

The County finds and concludes the Chopin Wind Project must comply with the state noise standard in OAR 340-035-0035.

The County finds and concludes the condition of approval for the project owner/operator to operate the Chopin Wind Project in compliance with the State noise standard in OAR 340-035-0035 is imposed.

(b) Reasonable efforts shall be made to blend the wind turbine/towers with the natural surrounding area in order to minimize impacts upon open space and the natural landscape.

To minimize impacts with natural surrounding all of the visible wind turbine components would be white in color, similar to the other installed wind turbines in the area.

Findings and Conclusions

The County finds and concludes the Chopin Wind Project turbines would be white in color, similar to the other installed wind turbines in the area.

The County finds and concludes reasonable efforts to blend the wind turbines to the area are proposed.

(c) The development and operation of the Wind Power Generation Facility will include reasonable efforts to protect and preserve existing trees, vegetation, water resources, wildlife, wildlife habitat, fish, avian, resources, historical, cultural and archaeological site.

The project will be constructed on farmland that has been previously cultivated to agricultural crops and this agricultural activity previously displaced trees and native vegetation. However, site specific surveys have been conducted to identify, avoid and minimize the project's potential impacts; this includes conducting professional reviews of plant and animal habitats, culturally sensitive areas, noise emissions as well as the constructability of the site. Additional studies may be undertaken as deemed necessary or appropriate. These factors have been incorporated into the preliminary location of project infrastructure as depicted.

Findings and Conclusions

The County finds and concludes the project owner has previously completed surveys of the property to identify, avoid and minimize project impacts and used this study information to determine the proposed location of project infrastructure as depicted on the project map.

(d) The turbine towers shall be designed and constructed to discourage bird nesting and wildlife attraction.

The turbines are smooth hollow-steel tower structures designed without nesting attractions.

Findings and Conclusions

The County finds and concludes the towers are designed of smooth steel towers without nesting attractions and satisfies the criterion.

(e) Private access roads established and controlled by the Wind Power Facility shall be gated and signed to protect the Wind Power Generation Facility and property owners from illegal or unwarranted trespass, illegal dumping and hunting and for emergency response.

Security during construction will be provided by a private security firm and a gate would be constructed where the project access road enters public right-of-way.

Findings and Conclusions

The County finds and concludes the access entrance to the project site is proposed to be gated.

The County finds and concludes as a condition of the permit the access road entrance to the project site is required to be gated.

(f) Where practicable the electrical cable collector system shall be installed underground, at a minimum depth of 3 feet; elsewhere the cable collector system shall be installed to prevent adverse impacts on agriculture operations.

The project will use an underground collector system between turbines which will connect to a small metering cabinet located within the project boundary. The collection lines will be buried at least 3 feet below grade in accordance with electrical code to allow area farming practices to continue.

Findings and Conclusions

The County finds and concludes the electrical cable collector system would be buried a minimum of 3 feet below grade and installed in accordance with electrical code to allow farming practices to continue and satisfies the criterion.

(g) Required permanent maintenance/operations buildings shall be located off site in one of Umatilla County's appropriately zoned areas, except that such a building may be constructed on site if:

(1) The building is designed and constructed generally consistent with the character of similar buildings used by commercial farmers or ranchers, and

(2) The building will be removed or converted to farm use upon decommissioning of the Wind Power Generation Facility consistent with the provisions of §152.616 (HHH) (7).

Prior to operation, the project would rent, purchase or build an Operations and Maintenance (O & M) building in either Milton-Freewater or the Athena area. This building would house an office and workspace for permanent staff as well as room to store maintenance supplies and replacement parts.

Findings and Conclusions

The County finds and concludes the project Operations and Maintenance building is not proposed on the project site.

(h) A Wind Power Generation Facility shall comply with the Specific Safety Standards for Wind Energy Facilities delineated in OAR 345-024 -0010 (as adopted at time of application).

OAR 345-024-0010:

(1) Can design, construct and operate the facility to exclude members of the public from close proximity to the turbine blades and electrical equipment.

(2) Can design, construct and operate the facility to preclude structural failure of the tower or blades that could endanger the public safety and to have adequate safety devices and testing procedures designed to warn of impending failure and to minimize the consequences of such failure.

BayWa r.e. Wind, LLC is a turn-key developer and operator of renewable energy projects in North America. Headquartered in San Diego, CA, the company has been active in the U.S. since 2001. BayWa Wind's principals and management staff have decades of U.S. wind development experience and have successfully completed several hundred megawatts of operating wind assets in multiple U.S. markets, collectively.

The Chopin Wind Project will be constructed with one of three turbine choices, GE 1.7 -103, Nordex N117 or Vestas V110. All three proposed turbine models are designed with transformers located at ground level inside the base of the turbine. The turbine choices are three blade design common to current industry standards. Installation of the turbines will include attaching turbine blades to the hub and connecting to the generator and control systems, which are enclosed by the nacelle. The nacelle sits on top of a tubular steel tower typically constructed out of three sections. Access to the nacelle is from a ladder/lift system located inside the tower allowing for year-round maintenance availability. Access to the turbine from the ground is provided by exterior stairs to an elevated locked door. Turbine access is restricted to authorized personnel at all times.

Where project access roads leave the county rights-of-way and enter private leased land, a gate will be installed for safety and to control access. To increase public safety and minimize unwanted illegal trespass and criminal activity, warning and "danger" signs will be posted to inform the public of construction activities and recommend that the public not enter the site. Likewise, signs will be posted in the project area to prevent construction traffic

from inadvertently leaving the main access roads and entering public or private roadways that could endanger members of the public. For areas where public safety risks could exist and site personnel would not be available to control public access (such as excavated foundation holes and electrical collection system trenches), warning signs and/or temporary fences will be erected.

Fencing may also be installed around material storage, staging, and/or laydown areas. Other areas determined to be hazardous, or where issues of security or theft are of concern, may also be fenced. Temporary fencing around unfinished turbine bases, excavations, and other hazards will typically be a high-visibility plastic mesh. Security guards, cameras, and/or additional fencing will be used if necessary to protect public health and safety and project facilities.

The project Emergency Response Plan outlines protocols for providing prompt response to each of the following types of emergencies:

1. Fire or medical emergency at the facility
2. Abnormal operating conditions
3. Fire or explosion
4. Natural disaster
5. Civil disturbance

The Project development team has recently communicated with both the Milton Freewater Rural Fire Department (MFRFD) and East Umatilla Rural Fire Department (EURFD) chiefs and discussed project updates. The project owner will coordinate with both fire protection services for effective and efficient fire protection for the project. Training specific to the selected turbine will take place to help the fire departments safely respond to fire emergencies. The project owners will continue to communicate with MFRFD and EURFD as the project develops.

O&M Inspections and Maintenance will consist of monthly and yearly onsite inspections by staff qualified for electrical and civil work (switching and light maintenance, road maintenance, snow and weed removal, etc.). For scheduled and unscheduled maintenance as well as back up for switching, BayWa will contract third party companies in line with below strategy to support the operation of the Chopin Wind Farm.

Unscheduled Maintenance-Substation/Collection System

- Contracts with multiple nationally recognized Electrical Contractors and Specialists to support unplanned outages and unscheduled maintenance activities at the plant.
- Selection of contractors with demonstrated expertise in unscheduled maintenance on Substations and Collection Systems and commitments to guarantee a response time of less than 4 hours. They will also have access to parts and tooling to troubleshoot and repair the root cause of any outage situation and repair these issues within a reasonable amount of time depending on the specific incident.
- Procurement and maintenance of a stock of specific spare parts to aid in the timely restoration of the substation or collection system in the event of a failure.

Scheduled Maintenance – Substation/Collection System

- Contracts with multiple nationally recognized Electrical Contractors and Specialists to perform, in coordination with BayWa Wind, scheduled maintenance activities on the Project.
- Selection of contractors with demonstrated expertise in performing scheduled maintenance on Substations and Collection systems. They have the tools, equipment, and expertise to complete all

scheduled service activities in accordance with individual component requirements and maintenance schedules.

Switching Activites – Substation/Collection System

- Contracts with multiple nationally recognized Electrical Contractors and Specialists to perform, in coordination with BayWa Wind, switching activities on the Project site.
- Contractors trained and certified in the operation of all substation and collection system equipment. Additionally these contractors must have strong and thorough safety policies and procedures that they follow which will maximize efficiency and minimize risk to equipment or people. The chosen contractor will guarantee a response time of less than 4 hours.

Road Maintenance and Weed Removal

- Operations team will negotiate with local contractors who have the skills and equipment necessary to both remove weeds from the project grounds and maintain and repair roads.
- Weed removal will be on an as needed basis with local contractors who can provide the service under short notice to allow access to turbines or Substation/Collection System/Met Tower equipment.
- Road Maintenance will be performed no less than once per year by local contractors with the proper equipment. These contractors will also be capable of performing repairs on roads in the event that damage occurs due to inclement weather or other factors.

The BayWa Wind Asset Management/Operations team is responsible for the management of O&M related activities on its U.S. operating fleet of owned and managed wind turbine power plants. In addition to the wind turbine generators and substations, the BayWa Wind team operates and maintains each project's transmission lines.

Findings and Conclusions

The County finds BayWa r. e. Wind, LLC has experience in designing, constructing and operating multiple wind facilities in the U.S.

The County finds BayWa Wind Asset Management/Operations team would be responsible for the management of the wind turbine power plant, substation and transmission line.

The County finds the access entrance to the project site would be gated and onsite informational and safety signs installed.

The County finds and concludes BayWa r.r. Wind, LLC can design, construct, and operate, the wind project facility and implement public and project safety plans to minimize negative consequences.

The County finds and concludes BayWa Wind Asset Management/Operations team is responsible for the management of the wind turbine power plant, substation and transmission line and to implement the wind project safety and maintenance protocols.

The County finds and concludes as a condition of the permit BayWa Wind Asset Management/Operations team shall implement the wind project safety and maintenance protocols in the management of the wind turbine power plant, substation and transmission line.

(i) A Covenant Not to Sue with regard to generally accepted farming practices shall be recorded with the County. Generally accepted farming practices shall be consistent with the definition of Farming Practices under ORS

30.930. . The Wind Power Generation Facility owner/operator shall covenant not to sue owners, operators, contractors, employees, or invitees of property zoned for farm use for generally accepted farming practices.

A Covenant Not to Sue document will covenant the Chopin Wind Project from bringing suit against the landowners of property zoned for Exclusive Farm Use (EFU) for conducting generally accepted farming practices.

Findings and Conclusions

The County finds and concludes a Covenant Not to Sue is a requirement of the conditional use permit and imposes as a condition of the permit that the Chopin Wind Project owner sign and record a Covenant Not to Sue.

(j) Roads.

(1) County Roads. A Road Use Agreement with Umatilla County regarding the impacts and mitigation on county roads shall be required as a condition of approval.

(2) Project Roads. Layout and design of the project roads shall use best management practices in consultation with the Soil Water Conservation District. The project road design shall be reviewed and certified by a civil engineer. Prior to road construction the applicant shall contact the State Department of Environmental Quality and if necessary, obtain a storm water permit (National Pollution Discharge Elimination System).

Access to the project site would be from state and county roads. The project has consulted with the Umatilla County Public Works Department to develop a road use agreement (to be updated) for the haul route and heavy truck traffic routes and address concerns. County roads used by the project will be upgraded where necessary and restored to their previous state or better upon the completion of construction. The Road Use Agreement will contain language to ensure that dust control is adequate to protect residents in the area and crops along the route.

Within the site area there will be one main all weather project access road, adjacent to the turbine locations. Where project access roads leave the county rights-of-way and enter private leased land, a gate will be installed for safety and to control access. Project roads will be sited and constructed in a manner which utilizes current Best Management Practices (BMPs) to control and minimize erosion and withstand heavy truck traffic during construction and subsequent project maintenance needs. Participating landowners will be able to utilize the project roads for their agricultural operations.

Findings and Conclusions

The County finds the project owner/operator has consulting with the Umatilla County Public Works Director and will coordinate on updating the Road Use Agreement.

The County finds County Roads used by the project will be upgraded where necessary and restored to their previous state or better upon the completion of construction.

The County finds project roads will be sited and constructed in a manner that uses current Best Management Practices.

The County finds project roads would be available for use by the landowners for their transportation use.

The County finds and concludes as a condition of the permit the project owner/operator coordinate with the Umatilla County Public Work Director in updating the County Road Use Agreement and provide verification the Road Use Agreement update has been completed.

The County finds and concludes as a condition of the permit the project owner/operator comply with road

improvements, limitations, and maintenance requirements according to the updated road use agreement.

The County finds and concludes as a condition of the permit the applicant is required prior to project road construction to contact DEQ and if necessary, obtain a storm water permit.

(k) Demonstrate compliance with the standards found in OAR 660-033-0130 (37). See OAR 660-033-0130 (37) provided below.

OAR 660-033-0130 (37) For purposes of this rule a wind power generation facility includes, but is not limited to, the following system components: all wind turbine towers and concrete pads, permanent meteorological towers and wind measurement devices, electrical cable collection systems connecting wind turbine towers with the relevant power substation, new or expanded private roads (whether temporary or permanent) constructed to serve the wind power generation facility, office and operation and maintenance buildings, temporary lay-down areas and all other necessary appurtenances . . .

(a) For high-value farmland soils described at ORS 195.300(10), the governing body or its designate must find that all of the following are satisfied:

(A) Reasonable alternatives have been considered to show that siting the wind power generation facility or component thereof on high-value farmland soils is necessary for the facility or component to function properly or if a road system or turbine string must be placed on such soils to achieve a reasonably direct route considering the following factors:

(i) Technical and engineering feasibility;
(ii) Availability of existing rights of way; and
(iii) The long term environmental, economic, social and energy consequences of siting the facility or component on alternative sites, as determined under paragraph (B);

Reasonable Alternatives

OAR 660-033-0130 (37)(a)(A) requires the applicant to consider "reasonable alternatives" to locating the facility, or components of the facility, on high-value farmland. The applicant must show that the siting of the wind power generation facility on high-value farmland soils is necessary for the facility to function properly; and that access roads and turbine strings must be place on high-value farmland soil to achieve a reasonably direct route, considering the factors listed in subsections (i) through (iii).

Although the rule does not give specific factors to be considered in determining whether an alternative is reasonable, the applicant must analyze whether the facility could function properly in an alternative location. One consideration would be to determine whether an alternate project location on non-high value farmland is reasonable, given that a substantially similar wind resource is available on the non-high value farm land comparable to the wind resource at the proposed site. If there is not, then the alternative could not be determined to be reasonable.

Additionally, considering alternatives, technical and engineering feasibility supports locating the project on a consolidated area of land large enough to accommodate a facility capable of producing 10 MW of energy including the project support facilities, and be located in an area with well-developed wind data with wind resources necessary for a viable commercial wind energy facility.

The Chopin Wind Project has developed over five years of high quality, hub height meteorological data including wind speeds, wind direction, temperature and air pressure from existing met towers for an accurate prediction of the wind resources at project site. The objective of a wind resource assessment is to assess the wind conditions at a particular position and/or within a described area. The wind measurements are analyzed through a wind flow model representing the wind project area based on the terrain description, and local wind statistics to derive wind conditions and calculate the energy output for each planned turbine location. This data shows a robust wind

resource which would support an economically viable wind project. In contrast it is reasonable to believe that a project solely on non-high value soils located at a lower elevation would have less wind energy available and be significantly less commercially viable.

Approximately 32% of the project area is classified as high value soils [Walla Walla Silt Loam - 114B]. These high value soils occur on broad summit hill tops where there are 1 to 7 % slopes. The above ground wind project features and access roads are necessary to be built on slopes that do not exceed 8% slopes to meet technical and engineering specifications. Thus the project turbines and roads for access would need to be located on land that is relatively flat. This is where high value soils occur. The project area does consist of a small fraction of non-high value soils and although some of these non-high value soils do occur on acceptable slopes for construction limiting turbines to these areas would reduce the overall size of the project making the project unfeasible and still would require access roads through high value soils. Therefore, limiting the project to non-high value soils would not result in a reasonable alternative. Development on steeper slopes also requires a larger construction footprint and increases possibilities for erosion and a potential of causing greater impact to agricultural.

The project would use existing public rights-of-way for delivery of materials. In addition, the project will utilize and upgrade existing private roads where practical for the developer and the land owner. A substantial length of access road would use an existing farm road, therefore it is estimated that between 3 to 3.5 acres of land would be taken out of production during the life of the project. This would represent an approximate loss of less than 1% of the total high value soils production during the life of the project.

Conclusion
Configuration of a wind power generation facility on land that does not contain high-value farmland soil would not be a reasonable alternative where the location is characterized with steep slopes at elevations with less wind energy levels. Development in areas with non-high value farmland soils provides a greater potential for erosion and more impacts to the land than development in areas with 1-7 percent slopes where high-value farmland soils are located. Therefore, siting the wind power generation facility and project features on non-high value farmland soils is not a reasonable alternative as described in OAR 660-033-013(37)(a)(A).

Alternative configurations of the Chopin Wind Project would also affect high-value farmland. The anticipated environmental, economic, social and energy consequences of an alternative facility configuration would substantially be the same as the proposed configuration. Considerations to alternate configurations of siting the wind power generating facility on other high-value farmland soils also have been made. Siting the facility or features of the facility, on high-value farmland soils is necessary for the facility to function properly and siting the road system and turbine string on high-value farm land is necessary to achieve a reasonably direct route.

> (B) The long-term environmental, economic, social and energy consequences resulting from the wind power generation facility or any components thereof at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other agricultural lands that do not include high-value farmland soils;

Environmental, Economic, Social and Energy Consequences

OAR 660-033-0130(37)(a)(B) requires the applicant to show that the long term environmental, economic social and energy consequences of the facility taking mitigation into account, are not significantly more adverse than would typically result from the same proposal being located on agricultural lands that do not include high-value farmland soils.

The project income to the landowners would outweigh the loss of farm income from the reduced acreage. In addition, the county also will receive additional tax revenue as a result of the project. Area businesses would benefit during project construction and therefore, as planned, the project would provide a net economic benefit to the community and effected landowners.

In contrast if the project were feasible to be sited on lands classified as non-high value soils, it would result in building at lower elevations where there is reduced wind energy and thus resulting in significantly less commercial value to the project owner and the landowner.

The resulting income from the development enjoyed by the landowners, the county (by way of tax revenue) and area businesses during construction will outweigh the loss of income from the reduced farmland acreage and as viable alternatives do not exist on non-high value soil lands, the project as planned provides a net benefit to the community and landowners. A project on non-high value land will have the same impact on other agricultural lands as it would on high value land because of the small footprint and ability to farm near and around project features.

Siting a wind facility likely is beneficial to the landowners. Though the facility may affect some agricultural routines of the landowners, the wind turbines will provide a source of additional, stable income to the landowners. In addition, environmental, economic, social and energy effects of locating the Chopin facility on high-value farmland may not be significantly more adverse than if the facility were located on non-high value farmland, steeper slopes with potential erosion issues.

> (C) Costs associated with any of the factors listed in paragraph (A) may be considered, but costs alone may not be the only consideration in determining that siting any component of a wind power generation facility on high-value farmland soils is necessary;

OAR 660-033-0130(37)(a)(C) requires the applicant to show that costs associated in considering "reasonable alternatives" may not be the determining factor in selecting to site the project on high value farmland soils.

The selected turbine locations were driven by long term wind measurement and forecasting. Consistent wind measurement is the most important factor in turbine location. These locations were also selected with consideration of the engineering feasibility for constructing roads and installing turbines at the selected sites. Alternative lands without high value soils consistently required consideration of areas with severe slopes. These steep slope areas would not be considered reasonable alternatives where it is not feasible for turbine development or access road construction. Additionally, development on steep slopes posed an increase in impacts from a larger development footprint and the increase in potential for erosion.

Feasibility of the project, as well as agricultural impacts, is the primary consideration in locating the project on high-value farmland soil. Project location is driven by long term wind measurement and forecasting. Locating the turbines in the proposed sites are the most reasonable option for the project as well as the best option in terms of agricultural impacts given the greater impacts for construction on steep slope land.

> (D) The owner of a wind power generation facility approved under subsection (a) shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration; and
> (E) The criteria of subsection (b) are satisfied.

OAR 660-033-130(37)(a)(D) requires the owner of the a wind facility to restore agricultural land damaged by installation of the wind power facility. During the construction phase, the acreage of land disturbed will be greater than the final footprint. This temporary disturbance area will be restored and rehabilitated to pre-construction state upon completion of the Project. This includes restoring disturbed field areas to previous soil types and removal of large rocks exposed during construction.

At the end of the project lifecycle, project features will be removed and land will be restored to the previous or better land condition. All restoration will follow re-vegetation and erosion control plans. The condition to restore agricultural land damaged by the construction of the facility satisfies the obligation contained OAR 660-033-0130(37)(a)(D).

(b) For arable lands, meaning lands that are cultivated or suitable for cultivation, including high-value farmland soils described at ORS 195.300(10), the governing body or its designate must find that:

(A) The proposed wind power facility will not create unnecessary negative impacts on agricultural operations conducted on the subject property. Negative impacts could include, but are not limited to, the unnecessary construction of roads, dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing wind farm components such as meteorological towers on lands in a manner that could disrupt common and accepted farming practices;
(B) The presence of a proposed wind power facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;
(C) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval; and
(D) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weeds species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval.

(c) For nonarable lands, meaning lands that are not suitable for cultivation, the governing body or its designate must find that the requirements of OAR 660-033-0130(37)(b)(D) are satisfied. (d) In the event that a wind power generation facility is proposed on a combination of arable and nonarable lands as described in OAR 660-033-0130(37)(b) and (c) the approval criteria of OAR 660-033-0130(37)(b) shall apply to the entire project.

Arable Lands

OAR 660-033-130(37)(b), (c) and (d) provide additional criteria for wind power generation facilities located on "arable" or "non-arable" land. Subsection (b) defines "arable land" as "lands that are cultivated or suitable for cultivation, including high value farmland soils" and provides criteria for locating a facility on arable land. Subsection (c) defines "non-arable land" as land "not suitable for cultivation" and identifies the criteria applicable on non-arable land. Subsection (d) provides that when a proposed wind power generation facility is located on a combination of arable and non-arable land, then the criteria in subsection (b) apply to the entire facility.

The proposed project would be located on arable land and includes high-value farmland; therefore, subsection (b) applies. Negative impacts to agricultural operations are minimized by the design and minimum layout of the Project. The construction and layout of the roads are designed so that they follow along existing field boundaries when possible and consist of the minimum amount of primary and spur roads necessary to access each turbine location. The layout is proposed not to cut the field up into inaccessible, difficult to farm areas. Project roads are designed with sweeping curves so farm equipment can cultivate right up to the edge of the access road, thus allowing the maximum amount of land for farm production. The Project roads will be available for farm use for the life of the project.

The Project will not require a new meteorological tower. All electrical cable collection systems will be run underground between the turbines and the terminus at the Project substation. During construction, one or both temporary MET towers will be removed. A permanent Project tower may be deployed to monitor wind conditions during the life of the Project. All MET towers will be removed upon decommissioning of the Project

The project soil and erosion control plan shall be utilized during the construction, operation, and decommissioning of the project unless a more effective plan is deemed appropriate based on the Best Management Practices (BMPs) of the time. Road construction and other Project plans will be designed and implemented consistent with the soil and erosion control plan. During the operations phase of the project, the effectiveness of the design will be monitored by Operations & Maintenance (O&M) staff and impacts to project roads or other project features will be repaired and adjusted to ensure proper drainage and flow management. Topsoil stripped or graded from the surface during project construction will be stockpiled and protected until used to recover disturbed field areas.

During construction a crane pad will be built for the safe operation of the crane. At the close of the construction period the crane pad will be removed rehabilitated and the compacted soil will be de-compacted and made available for agricultural use. The de-compacted soils will be cleared of any rock unsuitable for agricultural activities and graded to the native, pre-disturbed, grade or better. Final spur roads will be reduced to approximately 10 feet wide, enough for routine maintenance vehicle access to the turbines.

Construction, operations, and decommissioning phases of the project will implement and follow the project Weed Control Plan. The project owner and maintenance staff will monitor and adjust the plan in response to conditions on the ground. The condition to follow and implement an acceptable long-term Weed Control Plan satisfies the obligation contained OAR 660-033-0130(37)(a)(D).

Findings and Conclusions

The County finds the applicant considered "reasonable alternatives" and the applicant must site the wind power generation facility on high-value farmland soils for the facility to function properly and for access roads and the turbine string to achieve a reasonably direct route.

The County finds the applicant has shown that the long term environmental, economic social and energy consequences of the facility are not significantly more adverse than would typically result from the same proposal located on agricultural lands that do not include high-value farmland soils.

The County finds at the close of the construction phase, the temporary disturbed field areas will be restored to previous soil types.

The County finds the proposed wind power facility will not create unnecessary, or significant, negative impacts on agricultural operations conducted on the project property.

The County finds the proposed wind power facility will not result in unnecessary soil erosion and that facility construction or maintenance activities would not result in unnecessary soil compaction.

The County finds the construction and maintenance activities would not result in the "unabated introduction or spread of noxious weeds and other undesirable weeds species."

The County finds and concludes, as conditions of the permit, the applicant is required to implement Erosion Control, Revegetation, and Weed Control Plans for all project development.

The County Concludes the Chopin Wind Project complies with the standards found in OAR 660-033-0130 (37).

(l) Submit a plan for dismantling of uncompleted construction and/or decommissioning and/or re-powering of the Wind Power Generation Facility as described in §152.616 (HHH) (7).

The applicant submitted a plan for dismantling and decommissioning as provided in §152.616 (HHH) (7).

(m) A surety bond shall be established to cover the cost of dismantling uncompleted construction and/or decommissioning of the Wind Power Generation Facility, and site rehabilitation pursuant to §152.616 (HHH) (7) and (8). The intent of this requirement is to guarantee performance (not just provide financial insurance) to protect the public interest and the county budget from unanticipated, unwarranted burden to decommission wind projects. For projects being sited by the State of Oregon's Energy Facility Siting Council (EFSC), the bond or letter of credit required by EFSC will be deemed to meet this requirement.

The cost of decommissioning for some components will be null or a net profit on the secondary market. These include the turbine towers and generators, transformers, substation and the transmission line. Below are cost estimates for decommissioning and rehabilitation of the property to a useful non-hazardous condition resembling, or better, than the condition of the land prior to construction of the Chopin Wind Project.

ESTIMATED COSTS FOR SITE RESTORATION
(Reclamation bond Requirements)

Foundation Removal: Blasting to a depth of 3-4 feet below the surface, demolition and removal of concrete, earth work to restore the area.	$3,000 each
Re-vegetation of 5 acres of disturbed area: (Decommissioning)	$500. per/ac
Remove roads (approximately 5,280 feet) not kept by land owners	$12.50 per/ft
Crane and mob for removing turbine towers (Salvage value will offset the cost of removal from project property)	$12,000. each
Removal of one MET Tower (Savage value will offset the cost of removal from project property)	$3,000. each
Project Substation equipment removal, de-energize and fluid removal: (Salvage value will offset the cost of removal from project property)	$5,000.
Power line removal (5.5 miles of underground power lines): (Salvage value will offset the cost of removal from project property	$0

Chopin Wind, LLC has proposed a decommissioning fund in the form of a bond. Umatilla County requires the project owner to obtain a bond in a dollar amount that would allow Umatilla County to decommission the project and pay for the removal of all project facility features in the event the project owner cannot fulfill the obligation to decommission the Chopin Wind Project.

Findings and Conclusions

The County finds and concludes the Chopin Wind Project owner has proposed a decommissioning bond.

The County finds and concludes the condition to require Chopin Wind LLC obtain a bond in a dollar amount that allows Umatilla County to decommission the project and pay for the removal of all facility features in the event the project owner cannot fulfill its' obligation to decommission the Chopin Wind Project satisfies the criterion.

(n) The actual latitude and longitude location or Stateplane NAD 83(91) (suitable for GPS mapping) coordinates of each turbine tower, connecting lines, O & M building, substation, project roads and transmission lines, shall be provided to Umatilla County on or before starting electrical production.

Actual latitude and longitude location of each turbine, connecting [collector] lines, project substation and transmission lines is required to be submitted to Umatilla County. A condition of the permit approval would require the project owner to submit actual latitude and longitude coordinates of each turbine tower, connecting [collector] lines, project substation and transmission lines within 90-days of the date commercial electrical production begins.

Findings and Conclusions

The County finds and concludes that the condition of approval to submit the latitude and longitude location of each turbine, connecting [collector] lines, project substation and transmission lines to Umatilla County within 90-days of the date commercial electrical production begin satisfies the requirement.

(o) An Operating and Facility Maintenance Plan shall be submitted and subject to County review and approval.

O&M Inspections and Maintenance will consist of monthly and yearly onsite inspections by its own staff qualified for electrical and civil work (switching and light maintenance, road maintenance, snow and weed removal, etc.). For scheduled and unscheduled maintenance as well as back up for switching, BayWa will contract third party companies in line with below strategy to support the operation of the Chopin Wind Farm.

Unscheduled Maintenance-Substation/Collection System

- Contracts with multiple nationally recognized Electrical Contractors and Specialists to support unplanned outages and unscheduled maintenance activities at the plant.
- Selection of contractors with demonstrated expertise in unscheduled maintenance on Substations and Collection Systems and commitments to guarantee a response time of less than 4 hours. They will also have access to parts and tooling to troubleshoot and repair the root cause of any outage situation and repair these issues within a reasonable amount of time depending on the specific incident.
- Procurement and maintenance of a stock of specific spare parts to aid in the timely restoration of the substation or collection system in the event of a failure.

Scheduled Maintenance – Substation/Collection System

- Contracts with multiple nationally recognized Electrical Contractors and Specialists to perform, in coordination with BayWa Wind, scheduled maintenance activities on the Project.
- Selection of contractors with demonstrated expertise in performing scheduled maintenance on Substations and Collection systems. They have the tools, equipment, and expertise to complete all scheduled service activities in accordance with individual component requirements and maintenance schedules.

Switching Activites – Substation/Collection System

- Contracts with multiple nationally recognized Electrical Contractors and Specialists to perform, in coordination with BayWa Wind, switching activities on the Project site.
- Contractors trained and certified in the operation of all substation and collection system equipment. Additionally these contractors must have strong and thorough safety policies and procedures that they follow which will maximize efficiency and minimize risk to equipment or people. The chosen contractor will guarantee a response time of less than 4 hours.

Road Maintenance and Weed Removal

- Operations team will negotiate with local contractors who have the skills and equipment necessary to both remove weeds from the project grounds and maintain and repair roads.
- Weed removal will be on an as needed basis with local contractors who can provide the service under short notice to allow access to turbines or Substation/Collection System/Met Tower equipment.
- Road Maintenance will be performed no less than once per year by local contractors with the proper equipment. These contractors will also be capable of performing repairs on roads in the event that damage occurs due to inclement weather or other factors.

The BayWa Wind Asset Management/Operations team is responsible for the management of O&M related activities on its U.S. operating fleet of owned and managed wind turbine power plants. In addition to the wind turbine generators and substations, the BayWa Wind team operates and maintains each project's transmission lines.

The County finds and concludes an Operating and Facility Maintenance Plan was submitted and satisfies the requirement.

(p) A summary of as built changes to the original plan, if any, shall be provided by the Wind Power Generation Facility owner/operator 90 days of starting electrical production.

The Chopin Wind facility owner/operator shall provide Umatilla County a detailed copy of the facility plan and as-built changes, if any. The Condition of Approval requires the facility owner/operator to submit a detailed copy of the plan and as-built changes, if any, to Umatilla County.

Findings and Conclusions

The County finds and concludes the condition requiring the Chopin Wind Project facility owner/operator to submit a detailed copy of the facility plan and as built changes if any, to Umatilla County within 90-days of commencing commercial electrical production satisfies the criterion.

(q) Submit a Socioeconomic Assessment of the Wind Power Generation Facility.

The following socioeconomic impact assessment is an evaluation of the social, economic, public service, cultural, visual, and recreational impacts on affected communities during the construction, operation, and decommissioning phases of the proposed Chopin Wind Facility. For the purpose of this assessment the affected communities refer to herein are considered to be the nearby incorporated communities of Athena, Helix, Milton-Freewater, Pendleton, Weston and Umatilla County as a whole.

Social Impacts

Social impacts will be examined that could create a potential change in the population. During the construction phase, Chopin is expected to employ approximately 50 people. These positions will be temporary due to the short term nature of the construction phase of the Project. A job fair will be held after a final EPC contractor is selected. This job fair is used to fill as many jobs as possible from the local labor/trade and materials suppliers' pool. Some of the workforce will be hired from the local community; however, due to the need for a specialized skill set many of the positions will require hiring from outside the community. Most of the temporary work force brought in from outside the community is expected to leave upon completion of the construction phase. During the operations phase of the project, Chopin is expected to employ two to three full or part time staff. These are permanent positions which may be filled by locals if an experienced and properly trained local work force is available for the position.

Fewer individuals are expected to be hired during the decommissioning of the project compared to the construction phase. These positions will be temporary due to the short term nature of the decommissioning phase of the project. There is the expectation that only some of the workforce will be hired from the local community because the decommissioning of this project requires specialized personal and equipment that may not be available in the immediate area. The temporary work force is expected to leave upon completion of the decommissioning phase.

Economic Impacts

Economic impacts will be examined that could create a potential change in the local economy. During the construction phase the Chopin Wind Energy Facility is expected to stimulate the local economy through its construction workforce. Any workforce brought in from outside the immediate community will be purchasing local goods and services as well as paying for housing, food, meals and other personal necessities. Local earth moving contractors and local building materials such as gravel and concrete may also be utilized in the construction of the facility. Secondary and tertiary economic benefits of wind projects are well documented, resulting from meals served in local establishments, buying fuel and vehicle repairs from local service stations, and supplies from local hardware and building supply stores.

During the operations phase the Chopin Wind Energy Facility is expected to add to the tax base of the county which in turn will stimulate the local economy. Permanent employees will have jobs that pay a living wage or greater. They will also be added to the local tax base which will increase county tax revenue. Because they will be living in the immediate community they will also be part of the local economy, purchasing local goods and services as well as paying for housing. Secondary and tertiary economic benefits are well documented, resulting from meals served in local establishments, buying fuel and vehicle repairs from local service stations, and supplies from local hardware and building supply stores.

During the decommissioning phase the Chopin Wind Energy Facility is expected to stimulate the local economy through its decommissioning workforce. Any workforce brought in from outside the immediate community will be purchasing local goods and services as well as paying for temporary housing. Secondary and tertiary economic benefits are well documented, resulting from meals served in local establishments, buying fuel and vehicle repairs from local service stations, and supplies from local hardware and building supply stores. Local wrecking contractors may also be utilized in the decommissioning of the facility.

Public Services

The impacts on community public services during the construction, operations, and decommissioning phases will be considered. Construction related traffic is short term in nature and not expected to have an impact on normal traffic patterns or an emergency response crew's ability to provide service. Temporary workers hired from outside the community are not expected to have an impact on emergency response crews since housing for these workers consists of existing buildings or RV facilities already covered by fire and emergency response plans. See the emergency response plan (Attachment 8) for details on how the project construction will interface with local emergency response crews in the event of an emergency. During the operations phase the Chopin Wind Project is not expected to hinder day to day operations of local emergency response services. Safety measures observed during operations will minimize any need for emergency response to the Project site. The decommissioning phase will employ fewer people than the construction phase and will similarly have a minimal impact on emergency response.

The construction, operations and decommissioning of a wind project may create the potential for criminal activity (theft, vandalism, trespassing). The Project will provide appropriate security measures to dissuade and mitigate such potential. Therefore little to no criminal activity is expected to occur during or after the Project's construction. Wind projects do not attract criminal activity from outside the area.

The nearby health facilities in the area include St. Anthony's Hospital in Pendleton and Providence St. Mary Medical Center and Walla Walla General Hospital in Walla Walla, WA. All three facilities provide 24-hour emergency care and are expected to adequately deliver services to construction, operations and decommissioning personal if it is necessary. The temporary workforce is not large enough to be expected to add any increased strain on these community health facilities.

No impacts on local school systems are expected. The majority of the project's construction will fall within the summer months when public schools are typically not in session. Also, the temporary work force is not expected to move their families to the area due to the short term nature of a construction phase. The permanent workforce hired from outside the community is expected to bring their families with them. If the average number of children per household is two that would mean four to six children at most would be added to the affected communities for the additional families moving to the area. These children spread across the affected communities would not add any additional strain on the local school systems. Similar to the construction phase, the decommissioning phase will have no impact on the local school system.

The temporary work force that is expected to be hired from outside the immediate community will need adequate temporary housing during construction and decommissioning. The temporary work force will presumably find housing in rental houses, rental apartments, hotel rooms, and RV camp sites. According to the US Census Bureau, 25.7% of rental units were vacant in Umatilla County in 2010. A Google search reveals at least 10 hotels or motels in the Milton- Freewater region alone. There are numerous RV parks in the immediate region as well. This abundance of rental, hotel, and camping options provides for adequate temporary housing for the construction workforce. Additionally, the temporary housing obtained by the workforce will result in increased profits to local housing providers. The permanent workforce for the operations of the facility who are expected to be hired from outside the immediate community will need adequate permanent housing during the 20 plus year operation phase. The permanent work force will presumably find permanent housing through either rental properties or home ownership, although the latter is more likely because these permanent positions will provide a wage substantial enough to fund a mortgage. According to the 2010 US Census Bureau there is a home vacancy rate of 9.4% in Umatilla County. This rate is similar for the towns of Pendleton, Milton-Freewater, and Athena and even greater for the town of Helix. This abundance of vacant housing units will provide adequate housing for the permanent workforce. Additionally, the new permanent home owners will provide local economic stimulus as well as a slight increase in county revenues due to these new property tax payers.

There will be a minimal impact on local sewage and water services. All sewage generated on site during construction and decommissioning will be collected in portable toilets and disposed of on a regular basis by a local contractor. This is not expected to add any strain on local sewage systems. All drinking water is expected to be brought onto the site by a local bottled water provider. This will not affect local water treatment or delivery systems. The operations and maintenance building will generate sewage waste at a rate expected for a work area of two to three people. Sewage will be disposed of through either a septic system which or the local sewer system, depending on location in town, which will not cause any strain on the existing sewage systems. The building will be hooked up to the local water system and will have no impact on that system.

During the construction period there is expected to be a short term increase in local traffic due to the delivery of the project components and the construction crew commuting to and from the project site. During this period, the number of trucks per day is estimated to be from 20 to 30. Similarly there will be an uptick in traffic during the decommissioning phase due to the transportation of outgoing components. Day to day operations of the Chopin Wind Project may involve multiple trips by the permanent workforce between the operations and maintenance building and the wind turbines. These trips utilize standard pickup truck vehicles (no heavy or large trucks) and are not expected to add a significant increase in or disrupt local traffic flows. See the transportation plan (Attachment D) for a more detailed explanation on how local transportation systems will be utilized.

All solid waste generated on site during construction and decommissioning will be properly disposed of in trash receptacles to be routinely collected by a local solid waste management firm. The amount of solid waste is not

expected to adversely impact solid waste disposal services and will provide additional revenue to the local disposal service. The operations and maintenance building will contract all solid waste removal with a local waste removal service.

Cultural Impacts

The history and culture of the area is strongly tied to agriculture including wheat farming, sheep and cattle ranching along with several other livestock products, timber harvesting and more recently a transition to wine making. Like power generation, most of these products are exported outside the community.
During prior application phases, the Project contracted with the Confederated Tribes (CTUIR) of the Umatilla Indian Reservation to perform an Archaeological Study and a Traditional Use Study for the Project area. Archaeological studies completed (Attachment 9) at that time revealed no pre-historic objects. Further evaluation of found historic sites impacted by project construction will occur per CTUIR recommendations and applicable laws. CTUIR has previously completed their Traditional Use Study report (Attachment 10) for the original project. The Project is currently in communication with CTUIR to obtain their feedback for the current, smaller layout and power line right of way. During construction, an archaeological monitor will be onsite during ground disturbance activities to ensure any inadvertent discoveries are properly recognized and handled according to applicable laws. See also the Inadvertent Discovery Plan as (Attachment 11).

Recently there has been a transformation in other sectors of the local economy such as traditional farm land turning into wine production and the growth of wind farming, as well as IT companies in the area due to technological advancements and changing demands in the economy. The Chopin Wind Project will allow local land owners to diversify and expand how they use their land to provide products the economy demands. There has already been a precedent in the county that wind farms are compatible with farming practices and community values with the Eurus Combine Hills or FPL's Stateline wind energy facilities. The Chopin Project will not be in any conflict with other wind Projects in Umatilla county or traditional energy producers such as the Boardman Coal Fire plant, which is scheduled for closure.

Recreational Activities Impacts

Common recreational activities associated with Umatilla County include hunting, fishing, camping, hiking, off road vehicle riding, horseback riding, mountain biking, and bird watching. There is no history of these activities taking place within the Project area due to its agricultural usage. The Project property has not been licensed in the past for the ODFW hunting program. All of the Project's property is Existing Farm Use (EFU) land, making it off limits to camping, hiking, ORV riding, horseback riding, and mountain biking activities. Due to intensive agricultural usage, it is not particularly suitable location for bird watching. Due to the lack of recreational activities in the Project area the Chopin Wind Project is not expected to have any significant impacts on recreational activities.

Other Impacts

This section is intended to address the visual impacts of the Chopin Wind Project during the construction, operation, and decommissioning phases. As currently reconfigured and sited, the Project's overall impact is limited. Milton Freewater, the nearest town is over four miles away.

Unavoidable impacts during the short construction phase will consist primarily of truck noise, road dust (mitigated through dust control measures) and occasional traffic congestion. Once the project is fully assembled, it will impart a visual impact in specific locations however this will be limited due to the location and relatively small number of turbines. FAA warning lights may be visible from certain locations at night. It should also be noted that the Chopin Wind Project sits outside the proposed "Goal 5 Amendment Area" east of State Highway 11.

Through careful siting and appropriate setbacks visual impacts during operations of the Project will be kept to a minimum.

During the decommissioning phase there will be minimal additional visual impact while large equipment and decommissioning crews work to dismantle the facility. As a result of the decommissioning process, the visual impact of the project will be eliminated. Project components, including turbines, transmission lines, and substation will be dismantled, salvaged locally and or removed from the area. The project footprint will be reasonably restored to its original condition.

Finding and Conclusions

The Chopin Wind application has been reviewed against the County Commercial Wind Power Generation Facility conditional use standards. The socioeconomic assessment can be viewed as either positive or negative and provides information on potential benefits or problematic impacts that are likely to occur.

The County finds the Socioeconomic Assessment may be viewed as either positive or negative on benefits or impacts.

The County finds and concludes the applicant satisfied the criterion to submit a Socioeconomic Assessment.

(7) *Dismantling/Decommissioning.*

A plan for dismantling and/or decommissioning that provides for completion of dismantling or decommissioning of the Wind Power Generation Facility without significant delay and protects public health, safety and the environment in compliance with the restoration requirements of this section.

In accordance with Umatilla County Development Code, the following language describes a plan for decommissioning of the wind Project in the event construction is not completed or after the lifetime of the Project. For this plan, decommissioning pertains to the removal of all installed features related to the wind Project to a depth of at least 3-4 feet below the surface and the rehabilitation of the land to a condition consistent with its pre-construction state. Some roads, fences and other improvements will be left for landowner usage as requested by the landowner and allowed by the applicable zoning. If the project is permitted for a re-power then features which are used in the next life of the project would be reused. All project features which are not used in a re-powered project will be removed according to this plan.

All permits necessary to decommission the project will be obtained by the project owner in a timely manner once decommissioning is deemed necessary. Oil and other lubricants/fluids will be removed before dismantling of wind turbine and the substation components to avoid contamination of surrounding land. Best Management Practices will be utilized to control dust and debris from the dismantling and decommissioning of the Project features. Notice will be given to the appropriate Fire Department(s) prior to the commencement of operations and BMPs will ensure that wildfire danger as a result of operations will be minimized. All Project features will be removed from the site and sold on the secondary market or disposed of in an appropriate manner according to the laws and regulations at that time.

The site will be returned to as near pre-construction condition as practical by contouring the land to match the surrounding land and spreading soils over areas previously farmed. Project features will be removed to at least 3-4 feet below surface in order to allow farming practices where practices occurred at the time before construction. Some project roads, fences and/or other improvements may be left as requested by the landowner and as allowed under applicable law. Any improvements left for the landowners use will become owned and maintained by the landowner. Rehabilitation of the land will occur according to the standards of the Re-vegetation, Erosion Control Plan and the Weed Control Plan.

The Project will secure a bond for the estimated cost of decommissioning and rehabilitation.

Findings and Conclusions

The applicant' plan would follow the Decommissioning and Rehabilitation Plan utilizing Best Management Practices (BMPs) to control dust and debris from the dismantling and decommissioning of the project features. The project would maintain erosion control, weed control and revegetation plans during decommissioning. Oil and other lubricants/fluids will be removed using BMPs before dismantling of wind turbines and substation components to avoid contamination of surrounding land.

The County finds the Chopin Wind Project decommissioning plan includes the removal of all installed features related to the wind project, including the removal of turbine bases to a depth of at least 3 feet below the ground surface and the rehabilitation of the land to pre-construction condition.

The County finds some Chopin Wind Project roads or other improvements could remain at the request of the landowner.

The County finds the Chopin Wind Project would follow the Decommissioning and Rehabilitation Plan utilizing Best Management Practices to control dust and debris, maintain erosion plans, and weed control plans, and revegetation plans while dismantling and decommissioning project features.

The County finds and concludes as a condition of the permit the project owner is required to follow the Decommissioning and Rehabilitation Plan utilizing Best Management Practices (BMPs) to control dust and debris from the dismantling and decommissioning of the project features. Maintain erosion control, weed control and revegetation plans during decommissioning and remove oil and other lubricants/fluids using BMPs before dismantling wind turbines and substation components to avoid contamination of surrounding land.

The County finds and concludes a condition of approval requiring the Chopin Wind Project follow the project Decommissioning and Rehabilitation Plan satisfies the requirement.

(8) ***Decommissioning Fund.***

The Wind Power Generation Facility owner/operator shall submit to Umatilla County a bond acceptable to the County, in the amount of the decommissioning fund naming Umatilla County beneficiary or payee.

The Chopin Wind Project has applied to Umatilla County for land use approval of a 10 MW Commercial Wind Power Generation Facility and has not applied for a site certificate from the State Energy Facility Siting Council (EFSC); therefore, Umatilla County's financial assurance requirements apply. A Condition of Approval requires the Chopin Wind Project owner/operator to submit an acceptable bond in the amount of the required decommissioning fund naming Umatilla County as the beneficiary or payee.

Findings and Conclusions

The County finds and concludes that the Chopin Wind Project is not a project application to the Energy Facility Siting Council and Umatilla County's financial assurance requirement applies.

The County finds and concludes a condition of the permit requires the Chopin Wind Project provide an acceptable bond in the amount of the decommissioning fund naming Umatilla County as the beneficiary or payee satisfies the requirement.

(9) ***Annual Reporting.***

Within 120 days after the end of each calendar year the Wind Power Generation Facility owner/operator shall provide Umatilla County a written and oral annual report including the following information, in part:

(a) Energy production,
(b) Wind conditions,
(c) Minor changes to the project,
(d) Summary of fish, wildlife and avian monitoring program,
(e) Summary of employment impacts during and after construction,

(f) Update on weed control practices,
(g) Status of the bond,
(h) Summary of erosion control activities and effectiveness,
(i) Summary comments on the project.

Findings and Conclusions

An annual report that includes the above list of information is required after the end of each calendar year. A Condition of Approval requires the Chopin Wind Project facility owner/operator to submit an annual report containing the above list of information.

The County finds and concludes as a condition of the permit the Chopin Wind Project owner/operator is required to provide Umatilla County an annual report including the information listed in Section 152.616 (HHH) (9) satisfies the requirement.

(10)(a) ***Permit Amendments.***

The Wind Power Generation Facility requirements shall be facility specific, but can be amended as long as the Wind Power Generation Facility does not exceed the boundaries of the Umatilla County conditional use permit where the original Wind Power Generation Facility was constructed.

(b) An amendment to the conditional use permit shall be subject to the standards and procedures found in §152.611. Additionally, any of the following would require an amendment to the conditional use permit:

(1)Expansion of the established Wind Power Generation Facility boundaries;
(2) Increase the number of towers;
(3) Increase generator output by more than 25 percent relative to the generation capacity authorized by the initial permit due to the re-powering or upgrading of power generation capacity; or
(4) Changes to project private roads or access points to be established at or inside the project boundaries.

(c) In order to assure appropriate timely response by emergency service providers, Notification (by the Wind Power Generation Facility owner/operator) to the Umatilla County Planning Department of changes not requiring an amendment such as a change in the project owner/operator of record, a change in the emergency plan or change in the maintenance contact are required to be reported immediately. An amendment to a Site Certificate issued by EFSC will be governed by the rules for amendments established by ESC [EFSC].

Findings and Conclusions

The County finds and concludes the Chopin Wind Project is a new conditional use permit and not an amendment of a conditional use permit.

(11) ***Walla Walla Watershed.***

Lands located within the Walla Walla Sub-basin east of Highway 11 shall be subject to additional standards. The purpose of these criteria is to prevent impacts to the following: highly erodible soils (as defined by the Oregon Department of Agriculture) and federally listed threatened and endangered species. The standards are also designed to protect sensitive streams and to be consistent with the Clean Water Act.

(a) There shall be no construction of project components, including wind turbines, transmission lines and access roads on soils identified as highly erodible. The highly erodible soils are those soils identified by the Oregon Department of Agriculture as highly erodible.
(b) The application shall demonstrate that the Wind Power Generation Facility and its components will be setback a minimum of two miles from streams and tributaries that contain federally listed threatened and endangered species, and, that the project will generate no runoff or siltation into the streams.

The project turbines and roads are planned for construction on land with moderate soils (114B, 8B) and slopes of

1 to 7 percent. These soils are not considered highly erodible (Umatilla County soil survey). The project team prepared and submitted a map showing the nearest project features in relation to the setback requirement specified in §152.616 (11) (b). The nearest project features are illustrated far outside of the minimum two mile stream setback requirement identified in §152.616 (11) (b).

Findings and Conclusions

The County finds and concludes that the project mapping shows that the project features meet the two mile stream setback.

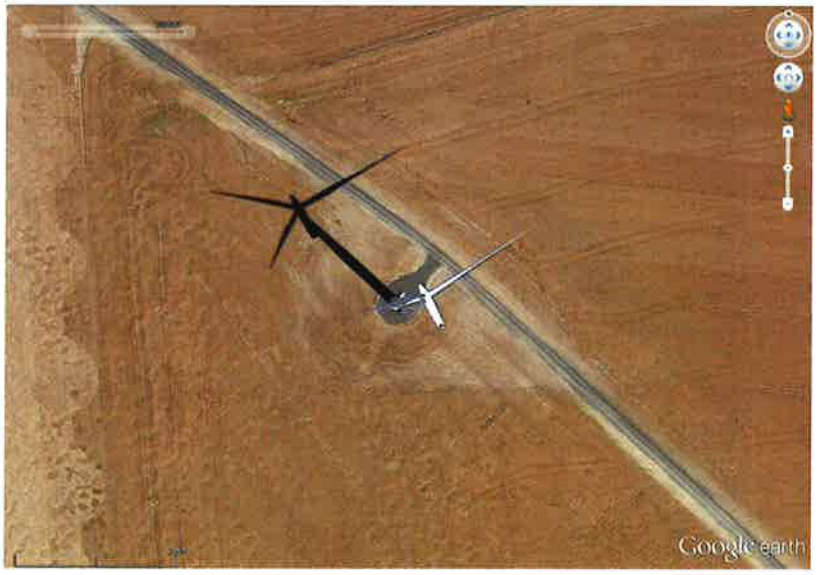
20. STANDARDS FOR ALL CONDITIONAL USES ON EFU LANDS § 152.061

The following limitations shall apply to all conditional uses in an EFU zone. Uses may be approved only where such uses:

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

The predominant farming operation in the area and on the subject property is dryland wheat. Wheat is grown in the area mostly on land with moderate slopes above and between surrounding drainages. Farming practices and activities on dryland wheat include, tilling, seeding, fertilizing, weed spraying and harvesting of a grain crop, which commonly includes the use of farm equipment such as tractors, farm implements, combines/harvesters and grain trucks for harvest. These farm practices occur at specific times of the year and not necessarily on a daily basis. Similar farming operations happen in the general area and on neighboring lands. In addition, there are irrigated wine grape vineyards farmed approximately two miles to the northeast of the project area.

Cultivation areas temporarily disturbed around project towers and roads would be rehabilitated and made available to be placed into farm production. As depicted in the photo below, the growing of a grain crop using common farm practices can continue to occur up to, and around, wind turbine locations and project roads. The cost of weed abatement on disturbed areas around the project towers and along project roads that are not placed into grain production would be provided and paid for by the project owner. Project roads also would be available to the landowners to use in management of their farm operations such as moving farm equipment. Additionally, the project owner would coordinate with the landowner and/or farming tenant during the construction phase in order to minimize farm interruptions.



Due to that the project turbines would be located approximately ½ a mile from nearby non participating landowners, impacts from operation of the 4 to 6 turbine wind project at the proposed location would be to the participating landowner who would remove crop ground from production for the project. While this small amount of acreage (10 acres) would be out of farm production for the construction and operation of the wind project facility, the affected landowner gains a greater financial benefit from the operation of the wind project than if the small acreage continues to be rotating in a grain crop.

The project owners have reached out to all landowners within 1000' of proposed turbine locations and 500' of the proposed transmission route and made efforts to meet with landowners and discuss concerns. Some landowners expressed concern over problems of crop dusting adjacent to transmission lines. In response, the project owner, BayWa, has elected to construct the transmission line underground; this would allow area farmers to more easily continue to use crop dusting as they have in the past or as needed in the future.

Upon decommissioning of the project, the towers would be removed and the land reclaimed at the expense of the project owner to its pre-construction condition or better. Costs associated with project construction and decommissioning would be paid by the project owner.

Lands managed for forest use occur miles from the subject property, due to the distance to these timbered and forest designated lands, it is reasonable to believe that changes in forest practices or an increase in the cost of forest practices from construction and operation of the wind project would not occur on the subject property or surrounding and nearby properties.

Findings and Conclusions:

The County finds the predominant farming operation on the subject property and in the surrounding area is dryland wheat.

The County finds that temporarily disturbed ground around the proposed wind turbines and along the project roads would be rehabilitated for farm crops.

The County finds the areas disturbed around the towers and along the project road, not replanted, will be controlled for weeds under appropriate conditions and in consideration of other properties and area corps, the cost of the on-going weed control would be the responsibility of the Chopin Wind Project owner.

The County finds that project roads would be available to the landowner for use in management of the farming operation.

The County finds that the project owner would consult and coordinate with the landowner to minimize farming interruptions prior to commencing wind project construction.

The County finds that income loss from the cultivation of a grain crop would be compensated by lease agreement payments to the property owner.

The County finds that upon decommissioning of the project the project features would be removed and the land reclaimed to its pre-construction condition (or better) at the expense of the Chopin Wind Project owner.

The County finds lands managed for timber and forest use are located miles from the project site and do not occur within the project area or on lands surrounding the project area.

The County finds and concludes that the Chopin Wind Project would not force a significant change in accepted farm practices on surrounding lands devoted to farm use nor significantly increase the cost of accepted farm practices on lands devoted to farm use.

The County concludes the Chopin Wind Project would not force a significant change in accepted forest practices nor significantly increase the cost of accepted forest practices on the subject property or surrounding lands.

The County finds and concludes the condition of approval requiring the project owner to consult and coordinate with the landowner to minimize farming interruptions prior to wind project construction is imposed.

21. ADDITIONAL CONDITIONAL USE PERMIT RESTRICTIONS § 152.615

In addition to the requirements and criteria listed in this subchapter, the Hearings Officer, Planning Director or the appropriate planning authority may impose the following conditions upon a finding that circumstances warrant such additional restrictions:

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

The hours of operation would be consistent with other energy power producers, including other wind projects that operate 24 hours per day per year, as wind conditions dictate. The facility would be monitored remotely by one or more technicians via laptop or smartphone technologies. Noise, vibration and flicker effects are essentially mitigated by the two mile setback requirements. Environmental effects such as odor, air or water pollution are not commonly emitted by wind facilities. Turbine noise is addressed in Section 152.616 (HHH) (6) (a) (7).

Findings and Conclusions

The County finds the Chopin Wind Project would operate 24 hours per day per year as wind conditions dictate and as other wind projects operate in the County.

The County finds effects such as odor, air or water pollution are not common to a wind facility.

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

During construction the project would establish a temporary 3.5 acre special yard area as a laydown area. In addition, there will be 4 to 6 smaller temporary yard areas at each turbine site. After construction is completed all of the temporary yard areas would be restored to preconstruction condition.

Findings and Conclusions

The County finds and concludes that the area proposed to be used as the laydown area and the 4 to 6 special yard area at each turbine are sufficient special yards areas and circumstances do not warrant additional special yards, open spaces, lot area or dimensions.

The County finds and concludes that the area proposed to be used as the laydown area and the 4 to 6 special yard area at each turbine would be restored to preconstruction condition.

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

Besides the project turbines no buildings or other structures would be built within the project area. The project Operation and Maintenance Building is proposed to be located in either Milton-Freewater or Athena.

Findings and Conclusions

The County finds the project plan does not include the construction of buildings within the project site; therefore, conditions limiting building height, size or location are not warranted.

The County finds and concludes no buildings or other structures would be built within the project area and circumstances do not warrant additional limitations to the height, size or location of a building or other structure.

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

Access points onto County Roads require an access approach permit. The applicant plans one access point onto Staggs Road, County Road No. 674. Therefore, the project will need to obtain an access approach permit from the County Public Works Department.

Findings and Conclusions

The County finds the proposed vehicle access point for the wind project is a circumstance that warrants a condition.

The County finds and concludes the condition to obtain an access approach permit from the County Public Works Department would satisfy the requirement for a vehicle access point.

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

The project owner proposes to build a portion of Staggs Road for all weather use in consultation with the County Public Works Director. Additional road improvements are planned along the route according to the Project Transportation Plan and would be undertaken to allow the delivery of project components. In addition the project would be required to maintain road improvements within the County Road rights-of-way according to the Road Use Agreement with Umatilla County.

Findings and Conclusions

The County finds and concludes the condition requiring the Chopin Wind Project comply with proposed upgrades to County Road rights-of-way and the creation and maintaining improvements within the road rights-of-way during the entirety of the project operations, as described in Road Use Agreement between the Chopin Wind Project and Umatilla County, is warranted and satisfies the requirement.

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

The project's temporary laydown area would be used for parking during the construction period. The area would be designed and constructed using Best Management Practices for erosion control as prescribed in the Project Civil Plan. After project construction is complete the laydown area would be restored to pre-construction condition.

Findings and Conclusions

The County finds and concludes the parking area is part of the laydown area and is a temporary improvement.

The County also finds the location, drainage, surfacing and improvements of the temporary parking area are adequately detailed and planned for in the Chopin Wind Project Civil Plan.

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

The project would not require business identification or advertising signage. The project owner proposes onsite informational and safety signage to increase public safety and minimize unwanted illegal trespass and criminal activity; warning and "danger" signs would be posted to inform the public of construction activities and that the public is not to enter the site. Likewise, signs will be posted in the project area to prevent construction traffic from inadvertently leaving the main access road and entering public or private roadways and possibly endangering others.

Findings and Conclusions

The County finds and concludes the project proposes onsite informational and safety signage and additional

signage is not planned or required.

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

Safety lighting on selected wind turbines is planned for installation as prescribed by Federal Aviation Administration (FAA). Additional outdoor lighting is not proposed elsewhere on the project site.

Outdoor lighting is proposed at the project substation. The substation lighting would be shielded and directed away from neighboring properties.

Findings and Conclusions

The County finds safety lighting would be installed on selected wind turbines as prescribed by the Federal Aviation Administration.

The County finds no additional outdoor lighting is proposed or required on the project site.

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

The need for diking, screening and landscaping are most often circumstances that warrant conditions where the conditional use request is for approval on a commercial or industrial zoned parcel and the parcel is adjacent to residential, or other commercial and industrial zoned parcels located along a public road.

The Chopin project is proposed on farm zoned property and landscaping would not helpful or even visible to nearby properties. However, erosion controls and revegetation are proposed to be used to protect the project area and neighboring properties by use of Best Management Practices (BMPs) in the Civil Plan. Such measures would be incorporated into the project's storm water pollution prevention plan.

Findings and Conclusions

The County finds to protect the project property and nearby properties compliance with erosion and revegetation plans, according to the Chopin Wind Project Revegetation Plan, and use of erosion controls for project roads protects adjacent and nearby property.

The County finds and concludes the condition of the permit to require the Chopin Wind Project comply with revegetation, according to the Chopin Wind Project Revegetation Plan, and use of erosion controls for project roads protects adjacent and nearby properties.

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

Additional fencing is not proposed on the project site located on the Ferguson property. Fencing is proposed around the project substation and is planned to be constructed in accordance with all applicable building and safety codes.

Findings and Conclusions

The County finds circumstances do not warrant a condition requiring fencing at the wind turbine project site.

The County finds circumstances do warrant a condition for construction of fencing around the project substation, in according with building and safety codes.

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

The Chopin Wind Project will be constructed on farmland that has been previously cultivated. Trees and native vegetation that may have been grown on the farmland have been previously disturbed by agricultural activities.

Extensive wildlife data has been collected, analyzed, the results of which are being incorporated into detailed designs. Additional field studies are anticipated to be completed to ensure reliability of the data being used prior to the commencement of construction. According to the biological studies and report, the land impacted by the project is considered low value wildlife habitat because of agriculture. Consultation with state and federal agencies has been done on potential impacts to natural resources in the area. There are no trees or significant vegetation that would need to be removed or disturbed during the construction of the project.

Findings and Conclusions

The County finds the Chopin Wind Project would be constructed on previously disturbed farm land and is considered to be low value wildlife habitat.

The County finds disturbed project areas would be restored according to the Revegetation Plan satisfies protecting and preserving vegetation.

(L) Parking area requirements as listed in §§ 152.560 through 152.562 of this chapter.

The project does not propose or need permanent parking areas. There would be area used for temporary parking during the construction phase of the project. After project construction is complete the temporary parking area would be restored by the project owner to preconstruction condition.

Findings and Conclusions

The County finds and concludes parking is temporary occurring during the project construction phase and permanent parking areas are not proposed or needed; therefore, circumstances do not warrant a condition applying parking area requirements in §§ 152.560 through 152.562 to the project.

22. CONDITIONAL USE PERMIT CITY OF WESTON DEVELOPMENT CODE CHAPTER 4.4 AND SECTION 2.3.160

Chopin Project Substation

The Chopin project substation is proposed to be located on tax lot 500 in 4N35E. This tax lot is within the City of Weston (City) Urban Growth Boundary (UGB) thus subject to City permitting standards, though processed through the County, per Joint Management Agreement with Umatilla County dated July 19th, 1978.

Tax Lot 500 is zoned General Industrial and, per City zoning ordinance 2.3.11.A, a substation is deemed a permitted use though requires the development to comply with the standards of a Conditional Use Permit and those in Section 2.3.160.

Chapter 4.4 – Conditional Use Permits

Sections:

4.4.100 –Purpose
4.4.200 –Approvals Process
4.4.300 –Application Submission Requirements
4.4.400 –Criteria, Standards and Conditions of Approval
4.4.500 –Additional Development Standards for Conditional Use Types

4.4.300 – Application Submission Requirements:

In addition to the submission requirements in Section 4.1 (see below), a CUP application must include the *applicable* information in A-H below (as further described in Section 4.2.5):

A. Existing site conditions;

B. Site plan;

C. Architectural drawings of all structures;

Please see the Exhibit B map for the substation and transmission line and the preliminary architectural drawing.

D. Preliminary grading plan;

The proposed substation construction is not expected to grade 1,000 cubic yards or greater. However once the final location is determined and a construction design has been drafted, a detailed grading plan would be submitted to the City of Weston Planning Commission, if requested. The development will be designed so that final contours do not create erosion problems to the area. Additionally, disturbed soils will be stabilized by implementing the revegetation plan and maintained by monitored from maintenance staff to ensure the design holds up after rain events.

During construction, Best Management Practices (BMPs), such as straw waddles and other filter berms, would be installed prior to land clearing, excavation, trenching, or other disturbance.

E. Landscape plan;

The proposed substation does not include a landscape plan. The proposed substation would be of a size and appearance in keeping with the adjacent interconnection Weston substation. If requested by the City of Weston Planning Commission, BayWa (Chopin) will develop a satisfactory landscape plan that accomplishes the goals of the City of Weston.

F. Drawings of all proposed signs;

The proposed development would only contain the necessary signage as directed by the National Electrical Code, City of Weston Sign Code, and other jurisdictional requirements. Typical signage may include safety signs at entrances. All signage details will be provided to the City of Weston Planning Commission at their request once final design has been completed.

G. Copy of all existing and proposed restrictions or covenants;

BayWa has begun discussion with Smith Frozen Foods Company (owner of the parcel) to enter into a long term lease for the development area. Through these negotiations, restrictions and covenants will be developed and supplied to the City of Weston Planning Commission per their request.

H. Narrative report or letter documenting compliance with all *applicable* approval criteria in Section 4.4.4.

See Section 4.4.4 below.

4.4.400 – Criteria, Standards and Conditions of Approval:

A. Use Criteria

1. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;

The proposed substation occupies approximately 95'x125' of surface on a potential 1 acre lease on a ~6 acre parcel. The development, once constructed, would not emit emissions, light, odor, dust, or create public concerns. Access will be via the existing Smith Foods access from Highway 204.

The proposed substation is a use in keeping with the uses permitted in the industrial zone and locating the substation on the parcel prevents the wind project from the need to install an overhead transmission line and thus helps in reducing area impacts. The attached map shows the proposed substation location.

2. The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval; and

The proposed development would essentially result in minimal impact to the area. While there may be quiet humming from the transformer, it is located adjacent to an existing substation thus effectively containing the impact.

3. All required public facilities have adequate capacity to serve the proposal.

Other than electric service, no additional public services would be required to operate the substation. Electrical service is adequately available at the proposed location.

B. Site Design Standards: The criteria for Site Design Review Approval in Section 4.2.6 shall be met.

C. Conditions of Approval.

The City of Weston may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, the following:

1. Limiting the hours, days, place and/or manner of operation;
2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;
3. Requiring larger setback areas, lot area, and/or lot depth or width;
4. Limiting the building height, size or lot coverage, and/or location on the site;
5. Designating the size, number, location and/or design of vehicle access points or parking areas;
6. Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved;
7. Requiring landscaping, screening, drainage, water quality facilities, and /or improvement of parking and loading areas;
8. Limiting the number , size, location, height and/or lighting of signs;
9. Limiting or setting standards for the location , design, and/or intensity of outdoor lighting;
10. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
11. Requiring and designating the size, height, location and /or materials for fences;
12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and /or sensitive lands (Chapter 3.7);
13. Requiring the dedication of sufficient land to the public, and/or construction of pedestrian/bicycle pathways in accordance with the adopted plans. Dedication of land and construction shall conform to the provision of chapter 3.1, and Section 3.1.0.D in particular.

The proposed substation development does not emit significant noise, light/glare, dust or vibration, or cause traffic during normal operation. While there may be work lights within the substation, these will be hooded (shielded) to ensure the light is directional onto the site and does not cause light pollution. These lights would not be in use during normal operations but only used during maintenance work.

The substation would occupy approximately 95'x125' of surface on a potential 1 acre lease on a ~6 acre parcel. The development, once constructed, would not emit emissions, light, odor, dust, or other public concerns. Access will be through the existing Smith Foods access from Highway 204. The use is in keeping with uses permitted in the industrial zone and locating the substation on this parcel prevents the wind project from the need to install an overhead transmission line thus reducing area impacts.

Construction of the proposed substation is not expected to grade 1,000 cubic yards or greater. However once the final location is determined and a construction design is completed, a detailed grading plan would be submitted to the City of Weston Planning Commission, if requested. The development will be designed so that final contours do not create erosion problems in the area. Disturbed soils will be stabilized through implementation of the project revegetation plan. Monitored will be ongoing by project maintenance staff to ensure the design holds up after rain events. During construction, Best Management Practices (BMPs), such as straw waddles and other filter berms, will be installed prior to land clearing, excavation, trenching, or other disturbance. There is no significant vegetation on the parcel except for one small tree located in the southern portion of the parcel. Substation construction work would not be performed in the southern portion of the property thus no impacts to the tree should result.

The proposed substation would be of a size and appearance in keeping with the adjacent interconnection Weston substation. If requested by the City of Weston Planning Commission, BayWa [Chopin Wind Project] will develop a satisfactory landscape plan that accomplishes the goals of the City of Weston. Fencing is proposed around the project substation and planned to be constructed in accordance with all applicable building and safety codes.

The proposed development would contain the necessary signage as directed by the National Electrical Code, City of Weston Sign Code, and other jurisdictional requirements. Typical signage may include safety signs at entrances. All signage details will be provided to the City of Weston Planning Commission at their request once final design has been completed.

BayWa [Chopin Wind LLC] has begun discussion with Smith Frozen Foods Company (owner of the parcel) to enter into a long term lease for the development area. Through these negotiations, restrictions and covenants would be developed and supplied to the City of Weston Planning Commission per their request.

Chapter 4.1 – Types of Applications and Review Procedures
Section 4.1.400 – Type II Procedure (Quasi-Judicial).

B. Application Requirements

(1) Application form.
(2) Content: Type II application shall:
a. Include the information requested on the application form;
b. Be filed with copes of a narrative statement that explains how the application satisfies each and all of the relevant criteria in sufficient detail for review and action;
c. Be accompanied by the required fee;
d. Records for ownership from Umatilla County Assessment. . .
e. Impact study and effect of the development on public facilities and services . . .

The proposed development will have no effect on public service in terms of water, sewer, gas, electricity, or garbage. The substation has no need for these services except for electricity and only for backup power for the substation as a requirement of the power off taker. There will be no traffic generated by the presence of the substation except for occasional standard pickup truck traffic for maintenance purposes. There would be temporary increases in traffic during the

substation construction and the project owner will consult with ODOT and coordinate with the City of Weston to prevent unreasonable negative impacts.

There is no significant vegetation on the parcel except for one small tree in the southern portion of the parcel, where there will be no impact. The landowner does not use this area of the parcel for any routine uses thus they have had no significant concerns during the initial discussions for the long term lease.

Chapter 2.3.16 Special Standards for Certain Uses

A. Uses With Significant Noise, Light/Glare, Dust, Vibration, or Traffic Impacts.

1. Uses With Significant Noise, Light/Glare, Dust and Vibration Impacts

Uses which are likely to create significant adverse impacts beyond the Industrial District boundaries, such as noise, light/glare, dust, or vibration, shall require conditional use approval, in conformance with Chapter 4.4. The following criteria shall be used in determining whether the adverse impacts of a use are likely to be "significant":

a. Noise.

The noise level beyond the property line exceeds 55 dBA (24-hour average) on a regular basis. A dBA of 55 is generally considered to be normally acceptable for low-density residential uses.

b. Light/glare.

Lighting and/or reflected light from the development exceeds ordinary ambient light and glare levels (i.e., levels typical of the surrounding area).

c. Dust and/or Exhaust.

Dust and/or exhaust emissions from the development exceeds ambient dust or exhaust levels, or levels that existed prior to development.

d. Vibration.

Vibration (e.g., from mechanical equipment) is sustained and exceeds ambient vibration levels (i.e., from adjacent roadways and existing land uses in the surrounding area).

e. Odor.

Odor is sustained and exceeds ordinary ambient levels from adjacent roadways and existing land uses in the surrounding area.

The proposed substation development does not emit significant noise, light/glare, dust or vibration, or traffic during normal operation. While there may be work lights within the substation, these will be hooded (shielded) to ensure the light is directional and does not cause light pollution. These lights would not be in use during normal operations but only used during maintenance work.

2. Traffic.

Uses which are likely to generate unusually high levels of vehicle traffic due to shipping and receiving. "Unusually high levels of traffic" means that the average number of daily trips on any existing street would increase by 20 percent and 100 vehicles per day or more as a result of the development. The city may require a traffic impact analysis prepared by a qualified professional prior to deeming a land use application complete, and determining whether the proposed use requires conditional use approval. Applicants may be required to provide a traffic analysis for review by ODOT for developments that increase traffic on state highways.

Development of the proposed substation would increase traffic during the construction phase but would not increase traffic by 100 vehicles per day. Once the substation is operational, only maintenance personal would be onsite resulting in minimal traffic in the area. Therefore, there would not be "unusually high levels of traffic" resulting from approval of a conditional use permit for the construction and operation of the substation.

3. Resource Extraction.
Resource extraction such as the operation of mineral and aggregate quarries and similar uses, shall require a Conditional Use Permit. The applicant shall also be required to prepare a site reclamation plan for review and approval by the city and other affected agencies, prior to commencing resource extraction. The required scope of the reclamation plan shall be identified by the Conditional Use Permit, and shall comply with applicable requirements of State natural resource regulatory agencies.

The applicant proposes development of a small substation and is not proposing or applying to extract minerals or aggregate. This criterion is not applicable.

B. Residential Caretakers.
One residential caretaker unit shall be permitted for each primary industrial use . . .

Caretaking of the substation will take the form of an Operations and Maintenance team, which would be located offsite in a yet to be determined location. The project owner will rent, lease, or build a small building of sufficient size to allow a team of personnel to perform necessary tasks. The O & M building would typically consist of several office spaces along with a work area to service and store certain maintenance supplies and equipment. This space would comply will all required codes and zoning standards.

"Residential Caretaker homes" are allowed for each primary industrial use where the caretaker home would be subject to certain conditions. The applicant is not requesting a caretaker home and therefore, this section is not applicable.

C. Wireless Communication Equipment.
Wireless communication equipment includes radio (i.e., cellular), television and similar types of transmission and receiving facilities. The requirements for wireless communication equipment are provided in Chapter 3.6.3. Wireless communication equipment shall also comply with required setbacks, lot coverage and other applicable standards of the Industrial District.

The substation will not likely require wireless communication equipment though if it does, it will comply with Chapter 3.6.2 [conformance with Federal Telecommunication Act (1996)] as well as all other applicable standards.

D. Transportation Improvements.
Construction, reconstruction, or widening of highways, road, bridges or other transportation facilities that are (1) not designated in the city's adopted Transportation System Plan, or (2) not designed and construction as part of an approved subdivision or partition, are allowed in all Districts subject to a Conditional Use Permit and satisfaction of all . . . criteria>
The substation development would not require construction, reconstruction, or widening of public highways, roads, bridges, or other transportation facilities.

1. Not Applicable. No transportation facilities are required for the new substation construction or operation.
2. The substation does not generate noise above that which is acceptable in abutting properties. The

substation would be fenced thus providing public safety.
3. The parcel on which the substation is proposed does not contain wetlands or wildlife habitat nor would it impact air or water quality. Best Management Practices for construction would mitigate environmental impacts related to drainage or erosion. Any disturbed soils will be re-vegetated and monitored to ensure said vegetation establishes itself.
4. Not Applicable. No significant traffic would be generated to serve the proposed substation development, except for a maintenance vehicle. No changes to traffic flow are required for the development.
5. Not Applicable. The proposed development is on private land and would not be accessible to the general public.

The application is for a conditional use permit for the construction of a substation. Development of the substation does not require transportation improvements nor is the applicant requesting transportation improvements such as widening of highways, roads, bridges or other transportation facilities.

23. LAND USE DECISIONS – EFU LANDS.

The Exclusive Farm Use Code Section 152.059 (C) allows the establishment of certain utility facilities through the approval of a local Land Use Decision. Umatilla County has incorporated State standards from ORS 215.274 and 215.275 into §152.617(II) (7) of the Umatilla County Development Code (UCDC) for utility facilities. Approval of Land Use Decisions is followed by issuance of a county zoning permit for each project tax lot prior to establishing the land use, as provided in §152.025 & §152.612 (D).

Project Description

Chopin Wind, LLC's wind project Chopin would generate up to 10 MWs of electricity per hour for sale to area utility PacifiCorp. Chopin Wind, LLC is applying for a route to construct a 34.5kV underground transmission line which will connect its wind generation project located west of State Highway 11 to a proposed project substation constructed just south of the Point of Interconnect with the utility (PacifiCorp) at the Weston Substation, north of the City of Weston. A Small Generation and Interconnection Agreement (SGIA) and Power Purchase Agreement with PacifiCorp have been executed.

Underground Transmission Line Features

The transmission line will be of the same 34.5kV size and materials as the collection line that comes from each of the turbines. Onsite, the transmission line will be located within the project access road in order to minimize disturbance to the landowner's agricultural operations. As with the collection line, the transmission line will be located at a depth of 3' or greater below grade.

While the entire length of the transmission line likely will be entirely underground, there may be 1-3 small aboveground splice boxes located along the route within the road right of way. These splice boxes are of a size, 3'x 4' x 3' and style typical of small neighborhood transformers and will be locked and protected by bollards. A comparison to these splice boxes would be the telecommunication boxes commonly seen along road shoulders. These junction boxes are used by maintenance staff to perform tests to the transmission line which helps aid in both routine maintenance and in locating issues in the line.

The project substation would be constructed adjacent to the existing (interconnection) PacifiCorp substation, located in the City of Weston's General Industrial zone.

Cultural and Environmental Considerations

WKN Chopin, LLC contracted with the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) to perform an Archaeological Study and a Traditional Use Study for the Chopin project area. Archaeological studies have been completed and no pre-historic objects have been found on the Chopin project area. Once road right of way and property boundary surveys have been completed and a precise transmission line route is decided, the CTUIR will review the transmission route to voice any concerns before final design and construction.

Archaeological studies will be performed over the final transmission route prior to construction as required.

The proposed transmission line is located almost exclusively within public road rights of way and thus would provide for a minimum of disturbance to the landscape. Best Management Practices during construction will ensure erosion will be controlled for the life of the project. A comprehensive weed control program will be in place prior to construction and would be managed by the project Operations and Maintenance program. In addition, an inadvertent discovery plan would be implemented.

As part of ongoing development, Chopin Wind, LLC will continue consultation with stakeholders, including the Walla Walla Watershed Council, Oregon Department of Fish and Wildlife and other area groups and agencies. Chopin Wind, LLC will work with the Umatilla County Road Department and ODOT to develop the transmission line pole locations in a manner that is safe for vehicle, farm equipment and pedestrian traffic as well as to minimize disturbance to neighboring agricultural practices. Chopin Wind, LLC will work with the Walla Walla Watershed Council and the Oregon Department of Agriculture to address concerns they have regarding impacts to water quality in the area streams. Any and all necessary Federal, State, local and crossing permits will be obtained prior to final design and construction.

Setbacks

Where electrical transmission lines associated with a wind project are proposed outside of a public right of way the line must not be located closer than 500' to nearby residences without prior written consent of the homeowner in the form of a document recorded with county deed records. While the vast majority of the Chopin transmission line would be located within public road right of way, the final approximate 200' near the point of interconnection would be on private land and within 500' of a nearby residence. Chopin Wind, LLC has secured and recorded a waiver with this residence landowner.

The final ½ mile of the transmission line would be located east (south) of Highway 11within the Walla Walla Watershed and thus is subject to additional standards. These standards preclude wind farm components, including transmission lines, to be located in a manner that would not require construction on soils identified as highly erodible as well as be a minimum of two miles from streams and tributaries that contain federally listed threatened and endangered species, and not create runoff or siltation into said streams.

The transmission line for the Chopin Wind Project will comply with all of these standards. There are no highly erodible soils identified along the preferred and alternate route, south of Highway 11.The nearest stream or tributary that bears federally listed threatened and/or endangered species is Couse Creek. The closest portion of the proposed project transmission line route is nearly 3.5 miles away from Couse Creek. To ensure that siltation and runoff will not be issues during construction, operations, and decommissioning Engineered Best Management Practices (BMPs) will be implemented.

Operation and Maintenance

Chopin Wind, LLC will own the transmission line described in this application. The line will be managed by BayWa Wind's Asset Management and Operations team based in San Diego in close coordination with local service providers who will be selected based upon specific criteria, such as the ability to respond to certain issues in less than 4 hours.

The contact information for issues related to the transmission line will be provided along with (if different) the contact for the completed wind project once finalized and before commercial operation of the facility.

This project transmission line is expected to be approximately 5-6 miles in length, all but just under a mile of it would be located within existing public road rights of way. Chopin Wind, LLC has contracted with a local surveyor to determine the location and availability of public road right of way along the intended transmission route and determined that there is sufficient space to run an underground transmission line. The Exhibit B map offers an overview of the transmission route though final dimensions, lengths and locations will be subject to

adjustments after engineering and design work is completed.

Chopin Wind, LLC has identified a preferred route with relatively minor options. All options would utilize primarily the same routing north of Highway 11 but diverge in how they progress onto the parcel proposed for construction of the project Substation. Route options are described below.

Transmission Route from the Project Site to intersect with State Highway 11:

As depicted in the Exhibit B map, the transmission line will leave the Chopin project area, (Tax Lot 4900, Map 5N35) head south into the road right of way of Staggs Road, County Road No. 674, for approximately 2 miles to the intersection with York Road, County Road No. 647. The transmission route then heads south along the right of way of York Rd for a length of approximately 1 mile to its intersection with Watts Road, County Road No. 6676. The transmission route then follows Watts Road to the west within the right of way west approximately 660 feet to its intersection with York Road. The route then turns south and follows York Road for approximately 1.7 miles to its intersection with the State Highway 11 right of way.

Highway 11 to Weston Substation Preferred Route:

The transmission line will cross State Highway 11 underground by boring through the berm. South of State Highway 11, the transmission line will continue underground along the county right of way for Road 15 for approximately a quarter mile. It will then cross the Union Pacific Railroad to the southeast and enter the State Highway 204 right of way. It then continues south within Highway 204 right of way for approximately 1,100 feet where it turns west into Tax Lot 500 (Map 4N3515) either just north or south of the existing PacifiCorp substation and enter into the proposed project substation. At the project substation the 34.5 kV would be stepped up to 69kV and then interconnect with the Weston PacifiCorp substation.

Highway 11 to Weston Substation Alternative Route:

The transmission line will continue east within the State Highway 11 right of way for a distance of approximately 630 feet, cross the Union Pacific Railroad, and enter the State Highway 204 right of way. The transmission line then continues south along the Highway 204 right of way approximately 3,290 feet where it turns west into Tax Lot 500 (Map 4N3515) either north or south of the exiting PacifiCorp substation and then enter the project substation. At the project substation the 34.5 kV would be stepped up to 69kV to interconnect with the Weston PacifiCorp substation.

The criteria in §152.617(II) (7) (B) applies to the project associated transmission line and is reviewed below. The criteria are provided in underlined text followed by responses in standard text.

§152.617(II) (7) *Utility Facility Necessary for Public Service.*

(B) An associated transmission line is necessary for public service and shall be approved by the governing body of a county or its designee if an applicant for approval under ORS 215.283(1)(c) demonstrates to the governing body of the county or its designee that the associated transmission line meets either the requirements of paragraph (1) of this subsection or the requirements of paragraph (2) of this subsection.

(1) 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.

The associated transmission line route is proposed for construction within public road rights-of-way from the project site to the City of Weston Urban Growth Boundary. The entire route would be in public right-of-way except for where the line crosses and exits the wind project lease ground. Therefore, the associated transmission line is evaluated under paragraph (2) below.

(2) After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to paragraphs (C) and (D) [(3) & (4)] of this subsection, *two or more* of the following criteria:

(a) Technical and engineering feasibility;
(b) The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
(c) Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;
(d) Public health and safety; or
(e) Other requirements of state or federal agencies.

(3) As pertains to paragraph (2), the applicant shall present findings to the governing body of the county or its designee on how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.

(4) The governing body of a county or its designee may consider costs associated with any of the factors listed in paragraph (B) of this subsection, but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.

The Chopin Wind Project is proposed to be constructed on land zoned Exclusive Farm Use (EFU). The project's associated transmission line would deliver the generated power from the project site via a 5 to 6 mile underground 34.5 kV transmission line to the point of interconnect at the PacifiCorp Weston substation. After leaving the project site the transmission line would enter public right-of-way for the entire route to where the line enters the City of Weston Urban Growth Boundary (UGB). All of the land from the project site to the City's UGB is zoned EFU. Therefore, the transmission line must cross EFU zoned land, including arable land as defined in ORS 195.300, to achieve a reasonably direct route to the point of interconnect at the PacifiCorp Weston substation.

The original plan for the project transmission line was a 69 kV traditional overhead design. In October of 2015, BayWa reached out to all adjacent landowners to the proposed transmission line in an effort to inform those landowners of the plan and to receive questions, comments, and concerns. BayWa received several responses with a common concern about how agricultural practices could be negatively impacted by an overhead transmission line along field edges due to limiting aerial crop treatment applications (crop dusting). After careful consideration and discussions of other options with the project engineering group, BayWa was able to present an option to build a 34.5 kV underground transmission line. The underground line would be the same size and depth as the onsite project collected lines (3' deep or greater). Because of the nature of an underground line verses overhead line and pole structures impacts to farming would be temporary during installation.

Where farmers have planted crops into the public right of way areas there would be disturbance to those areas during installation of the transmission line. Where possible the transmission line constructed in the right of way would be located in such a manner as not to disturb the existing fields. BayWa offers to compensate those landowners or tenant farmers the fair market rate for the square footage of crop taken out of production during the construction phase in an effort to mitigate loss of revenue to the farmer during construction. This would be calculated by multiplying the acreage of the disturbed planted field by the estimated bushel per acre yield and by the fair market rate per bushel.

Topsoil that would be removed would be preserved for replacement after the transmission line trench is filled. Consultation with the adjacent landowner will occur prior to trenching in order to ensure the safety of project staff and the adjacent farmers and to coordinate any necessary crop loss payments.

Findings and Conditions

The County finds and concludes the project site would be located on land zoned Exclusive Farm Use and the point of interconnect (substation) is located south of the project area on industrial zoned land located within the Urban Growth Boundary of the City of Weston.

The County finds and concludes all of the land between the proposed project site and the point of interconnect are zoned Exclusive Farm Use and non-resource zoned lands are not available within this area.

The County finds and concludes the associated transmission line would utilize existing public rights of way along the entire route except for that segment across the project lease land.

The County finds and concludes land disturbed by construction of the project, the substation, and the associated transmission line are required to be restored as nearly as possible to former pre-project condition.

The County finds and concludes the condition requiring the project owner design and construct the transmission line in compliance with Oregon Public Utility Commission (OPUC) is imposed.

The County finds and concludes the condition requiring the applicant to obtain all necessary Federal, State and local crossing permits as well as all other applicable Federal and State permits, including, but not limited to, a storm water permit from DEQ, is imposed.

The County finds and concludes the condition to require the project owner/operator submit final design and survey work for the transmission line route is imposed.

The County finds and concludes the condition requiring the project owner/operator provide Umatilla County with contact information for the operation and maintenance provider prior to beginning power generation is imposed.

The County finds and concludes the condition requiring the project owner/operator secure a surety bond for the decommissioning and rehabilitation of the project area, the project substation, and the associated transmission line is imposed.

24. PROCEDURE FOR TAKING ACTION ON A CONDITIONAL USE OR LAND USE DECISION APPLICATION § 152.612.

(D) An applicant granted a conditional use permit or land use decision must obtain a County zoning permit for each tax lot before commencing construction.

The County finds and concludes as a condition of approval for a conditional use permit and/or a land use decision the applicant/project owner must obtain a County Zoning Permit for each tax lot prior to commencing construction on project features including towers, collector lines, access roads, substation, and transmission line.

DECISION: BASED ON THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW, UMATILLA COUNTY APPROVES THE CHOPIN WIND PROJECT CONDITONAL USE PERMIT AND LAND USE DECISION REQUEST FOR A 10 MW WIND POWER GENERATION FACILITY, PROJECT SUBSTATION AND TRANSMISSION LINE UPON COMPLETION OF THE CONDITIONS LISTED BELOW.

PRECEDENT CONDITIONS: Umatilla County Planning Department must be presented with verification that the precedent conditions are satisfied prior to commencing project construction.

1. The applicant/project owner shall obtain a bond in a dollar amount that allows Umatilla County to decommission the project and pay for the removal of all facility features in the event the project owner cannot fulfill its' obligation to decommission the Chopin Wind Project.

2. The applicant/project owner shall consult with area landowners prior to commencing project construction and implement measures to reduce or avoid adverse impacts to farming practices.

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

4. The applicant/project owner shall coordinate with the Umatilla County Public Work Director in revising the County Road Use Agreement and provide verification that the update has been completed.

5. The applicant/project owner shall contact DEQ prior to project road construction and if necessary, obtain a storm water permit.

6. The applicant/project owner shall provide an acceptable bond in the amount of the decommissioning fund naming Umatilla County as the beneficiary or payee.

7. The applicant/project owner shall obtain an access approach permit from the County Public Works Department for access onto the County Road.

8. The applicant/project owner shall submit final design and survey work for the final transmission line route.

9. The applicant/project owner shall obtain a County Zoning permit from the Umatilla County Planning Department for each tax lot where project features will be constructed prior to commencing construction. Each zoning permit requires a site plan illustrating the location of all project features such as the turbine tower locations, access roads, laydown areas, collector line routes, temporary construction and contractor parking. The site plan for the Zoning Permit shall include an updated project map to confirm and show the final design location, or micro-siting, of all project turbines meet the two mile setback to all rural residences.

SUBSEQUENT CONDITIONS:

10. The applicant/project owner shall gate the access road entrance to the project site.

11. The applicant/project owner shall implement the wind project safety and maintenance protocols in the management of the wind turbine power plant, substation and transmission line.

12. The applicant/project owner shall observe the 50 meter setback to all archeological, historical or cultural sites from all project components including project towers, transmission lines, underground conduits and access roads.

13. The applicant/project owner shall have a resource monitor present during ground disturbance activities to ensure the protection of existing or discovered archeological, historical and cultural sites.

14. The applicant/project owner shall operate the Chopin Wind Project in compliance with the State noise standard in OAR 340-035-0035.

15. The applicant/project owner shall implement Erosion Controls and the Revegetation and Weed Control Plans.

16. The applicant/property owner submit the latitude and longitude location of each turbine, connecting [collector] lines, project substation and transmission lines to Umatilla County within 90-days of the date commercial electrical production begins.

17. The applicant/project owner shall submit a detailed copy of the facility plan and as built changes if any, to Umatilla County within 90-days of commencing commercial electrical production.

18. The applicant/project owner shall implement and follow the revised Road Use Agreement.

19. The applicant/project owner shall provide Umatilla County an annual report including the information listed in Section 152.616 (HHH) (9).

20. The applicant/project owner shall comply with the revegetating project disturbed areas, according to the Chopin Wind Project Revegetation Plan, and implement erosion controls on project roads.

21. The applicant/project owner shall fence the project substation, in according with building and safety codes.

22. The applicant/project owner shall design and construct the transmission line in compliance with Oregon Public Utility Commission (OPUC).

23. The applicant/project owner shall obtain all necessary Federal, State and local crossing permits as well as all other applicable Federal and State permits, including, but not limited to, a storm water permit from DEQ.

24. The applicant/project owner shall provide Umatilla County with contact information for the operation and maintenance provider prior to beginning power generation.

25. The applicant/project owner shall keep enforce a surety bond for the decommissioning and rehabilitation of the project area, the project substation, and the associated transmission line.

26. The applicant/project owner shall implement and follow the Decommissioning and Rehabilitation Plan utilizing Best Management Practices (BMPs) to control dust and debris from the dismantling and decommissioning of the project features. Maintain erosion control, weed control and revegetation plans during decommissioning and remove oil and other lubricants/fluids using BMPs before dismantling wind turbines and substation components to avoid contamination of surrounding land.

UMATILLA COUNTY BOARD OF COMMISSIONERS

Dated 13th day of April, 2016

William J. Elfering, ~~Chairman~~ Commissioner

Mailed 14th day of April, 2016

THIS DECISION IS THE COUNTY'S FINAL DECISION