

MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, February 25, 2021, 6:30 pm
Umatilla County Courthouse, 216 SE 4th Street, Pendleton, Oregon
Virtual meeting via Zoom

COMMISSIONERS

PRESENT: Suni Danforth, Chair, Molly Tucker Hasenbank, Tammie Williams, Tami Green, Hoot Royer, Jon Salter, Don Wysocki

ABSENT: Lyle Smith

STAFF: Bob Waldher, Planning Director, Carol Johnson, Gina Miller

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

CALL TO ORDER

Chair Danforth called the meeting to order at 6:35 p.m. and read the Opening Statement. There were no declarations of ex-parte` contact, conflicts of interest or abstentions noted.

NEW HEARING

HAY CREEK SOLAR PROJECT CONDITIONAL USE PERMIT REQUEST, #C-1332-20, Hay Creek Solar, LLC, Applicant; Judy Kirk, Property Owner. The applicant requests a Conditional Use Permit to construct and operate an 8-acre solar project on land owned by Judy Kirk located approximately one-quarter mile east of the intersection of East Main and Franklin Streets, Weston Oregon. The subject property adjoins Kirk Road on the north and borders the City of Weston to the west. Solar projects are permitted on lands zoned for Exclusive Farm Use (EFU) as a Conditional Use Permit by Umatilla County Development Code (UCDC) Section 152.060 (FF). Solar projects must meet OAR 660-033-0130 (38), standards found in UCDC Sections 152.615 and 152.061, and follow procedures for conditional uses set out in UCDC Sections 152.611-152.614.

STAFF REPORT

Carol Johnson, Senior Planner, presented the staff report. The project site is located just east of Weston, Oregon. Maps have been provided in the commissioner packets. She noted that the applicable standards were on page's 5-43. Most of the conditions relate to erosion, weed and dust control, revegetation, decommissioning/bonding of the project and access to county roads. Comments were received from Confederated Tribes of Umatilla Indian Reservation (CTUIR) to request a cultural study, and Granella Thompson and Norm Kralman, adjacent property owners, who wanted to note their opposition to this use of good farmland and to the project itself. Mrs.

Johnson explained that this would be a final decision unless an appeal to the Board of Commissioners was filed in a timely manner. She noted that the word “conversion” should be deleted from the first page of the staff report under project components. Chair Danforth asked her to clarify the color designations on the site plan/map.

Applicant Testimony: Reuban Grandon, 3519 NE 15th Ave #106, Portland, OR, 97212, presented testimony on behalf of the applicant. He was joined by Sara Sayles, attorney, 101 SW Main Street, Suite 1100, Portland, OR, 97204. Mr. Grandon thanked staff for the thorough report, and said that they supported the findings and proposed conditions of approval. He described this as a modest, community solar project. It was developed as part of the Oregon Community Solar Program from Senate Bill 1547, designed to end the dependence on coal and improve access to renewable energy.

Mr. Grandon described the development process for a solar project. It must be close to an existing substation with sufficient capacity, and located within an area served by a utility that is part of the Oregon Community Solar Program, Pacific Power in this case. Their client, Judy Kirk, will enjoy a steady income stream for many years from the solar as well as being able to farm the balance of the land. The developer has an interconnection agreement in hand with Umatilla Electric Cooperative (UEC) to enter the power grid. They conducted community outreach with adjacent landowners within 750 feet of the subject property by sending a letter with contact information should anyone have any questions. Mr. Grandon said that the next step following approval for land use would be to make application to the Oregon Public Utility Commission (PUC). Chair Danforth asked about a contract to sell the electricity. Mr. Grandon confirmed that once the land use is approved, they will get the contract but they already have an interconnection agreement with UEC.

The capacity for this 8 acre facility site is projected to be 567 kilowatts, which would be enough to power 100-150 homes. The power can be sold to anyone who signs up to participate with the Oregon Community Solar Program and they would receive credit hours on their bills from the savings. Once the project is constructed, there will be one vehicle trip per month for maintenance. It will be a quiet, self-contained facility. Mr. Grandon explained the physical components of the facility beginning with the racking, steel posts that will be driven into the ground. Next the solar panels will be mounted on top of the racking, on a one axis system to lean to the east in the morning and to the west in the afternoon to capture maximum exposure. The third component is the inverters that convert the power to alternating current (AC) for access to a transformer onto the grid. There will be no transmission lines needed to interconnect to the grid. He explained where the facility will tie into the grid for this project, and how many poles it will take to get there. PP&L typically requires 2 poles for connection to the substation, 1.2 miles north of Weston.

Commissioner Wysocki asked about wind load designs for the solar panels. Mr. Grandon said that the components are built to be congruent with existing building standards, and they will need to get permits from State Building Codes.

Mr. Grandon discussed the perceived impacts from solar panels. The panels are built from non-toxic materials so there is no leaching into the landscape. They use highly refined sand or glass encased in aluminum frames. He already had mentioned the minimum amount of traffic impact from the one maintenance vehicle. In terms of noise, the newer units have multiple small inverters that are much quieter than older units and produce virtually no sound outside the boundaries of the project. Their research has demonstrated that there is almost no impact either way to property values. He discussed glare from the solar panels. It is impossible to state that there is no glare from a solar facility, but glare is not visible from ground level. The panels are coated with a light absorbent material and are installed at a 25% angle to the ground to maximize the amount of light to the panels. Chair Danforth asked about the solar array outside of Pendleton and Mr. Grandon explained that this project would be different because there were no neighbors at that same angle so glare wouldn't be a problem.

Mr. Grandon discussed possible impacts to soil and outlined their soil erosion and compaction plan for the construction phase, as well as weed control for the life of the facility. There will be a perimeter fence to keep larger wildlife species out of the facility and prevent damage to either the facility or the animals. In terms of decommissioning, they would remove everything from the site at the end of the life cycle of the project. They have a contractual obligation with the land owner that also addresses this in addition to the condition of approval. They have no objections to the decommission bond requirement. He showed a slide to respond to the comments sent in from adjacent landowners. The site for the project adheres to the Umatilla County Development Code (UCDC) for high value soil requirements and Goal 3 of the Agricultural lands rule in OAR Chapter 33. Mr. Grandon discussed other comments submitted regarding fire and he said that their plan met the standards set forth in UCDC and they would be happy to grant access to the rural fire department. They have remote shut-off capability as well. He also said that they are willing to conduct a site survey for any possible significant archeological finds in response to comments from CTUIR. He reviewed the site plan map for the commission, showing where all components will be located. Commissioner Royer asked how long the facility was expected to operate, and Mr. Grandon explained that the expected life span is 25 years. He stated that they have demonstrated compliance with all the standards, and that the Planning Department has recommended approval of the project based on this.

Commissioner Wysocki asked if the panels would require cleaning. Mr. Grandon advised that the panels are evaluated monthly for this, as well as grass and weed maintenance. Commissioner Wysocki recommended that they use the word "licensed" instead of "certified" applicator on top of page 64. He also talked about not limiting themselves to any one chemical and use, "at the

advice of licensed applicator”. He also recommended that they share some kind of benefit with local schools. Mr. Granden advised that people/businesses can sign up to use their power for a 5% cost benefit. Commissioner Wysocki suggested some sort of an educational program for the schools. Chair Danforth asked if the 8 acre subject property has water rights, and Mr. Granden stated that it does not have water rights. Commissioner Wysocki asked for more information about the name of the project. Mr. Granden said that this project was named for a local creek nearby and that each project of their company all has their own names. He offered to get more information on the naming strategy. Chair Danforth asked about the location of the project being on high value farm ground and in the Columbia viticulture area. Mr. Granden replied that there is a difference between high value farm land and high value farm land soils. The project is on arable soils, or Class 3 soils, that do not fit the definition of high value soils in OAR 660, Chapter 33. They intentionally located the project away from high value farm ground.

Opponent Testimony: Chair Danforth stated that the letters from the public needed to be added to the record. Mrs. Johnson said that she had numbered the letter from CTUIR as Exhibit #15, Granella Thompson as #16, the letter from Norm Kralman as #17 and the slide presentation from the applicant as #18. Mrs. Johnson added that the packet also needed to be added to the record.

Public Agencies: No comments received.

Applicant Rebuttal: Mr. Granden thanked the Planning staff for doing a thorough report, and that they are amenable to the proposed conditions of approval as presented. He suggested leaving the record open so they could submit additional information on the weed management plan as discussed earlier and to address potential educational opportunities with the local schools. Chair Danforth asked Commissioner Hasenbank if she had any worries about glare, and she replied that because it was on the old road she was not concerned about glare. Chair Danforth asked the applicant if they would be open to another condition regarding the glare. He stated that he was not prepared to agree to that at this hearing and would need to discuss this with his other applicants.

Chair Danforth closed the hearing for deliberation, but said the record would remain open.

DELIBERATION

Chair Danforth stated that she wanted to propose two additional conditions; a condition to limit the glare if it was found to cause a problem after the project was built and the second condition would reflect the amended language on the weed management plan as proposed by Commissioner Wysocki. Mrs. Johnson said that by leaving the record open, they could add the amended language about the weed management plan and a cultural survey as requested by CTUIR. Commissioner Hasenbank and Commissioner Salter both stated that they did not

believe glare would be a problem or need a condition for Hwy 204. Commissioner Williams stated that since the applicant had reached out to the community and there were no objections, she would support the project even though she has personal opinions about solar panels. Commissioner Wysocki encouraged the applicant to commit to community service to promote being a good neighbor. Chair Danforth stated that she was not in favor of using farm ground for solar arrays and that they belong on buildings.

Commissioner Williams moved to approve the application with the amended conditions as discussed and to admit the additional comment letters and packet into the record. Commissioner Wysocki seconded the motion. The motion passed 5 in favor, 2 opposed.

MINUTES

Chair Danforth called for any corrections or additions to the minutes from the December 17, 2020 meeting. Commissioner Hasenbank moved to approve the minutes as presented. Commissioner Royer seconded the motion. Motion carried by consensus.

ELECTION OF CHAIR/VICE-CHAIR

Commissioner Williams nominated Sunni Danforth as Chair for another year. Chair Danforth nominated Commissioner Wysocki as Vice-Chair for another year. The nominations were accepted by consensus.

BY-LAWS UPDATE

Mr. Waldher discussed the current By-Laws, and stated that this was a housekeeping update. The changes were in red and additions were underlined. If approved by the Planning Commission, they would be brought before the Board of Commissioners for final approval. Chair Danforth moved to approve the By-Laws as presented, and Commissioner Williams seconded the motion. The motion was approved by consensus.

ADJOURNMENT

Chair Danforth adjourned the meeting at 7:58 p.m.

Respectfully submitted,

Gina Miller, Planning staff

Minutes adopted by the Planning Commission on March 25, 2021