

AGENDA ITEM FOR ADMINISTRATIVE MEETING () Discussion only
(X) Action

FROM (DEPT/ DIVISION): Planning Department

SUBJECT: West End Solar – Preliminary Application for Site Certificate

<p>Background: Oregon Department of Energy (ODOE) received a preliminary Application for Site Certificate (pASC) for the West End Solar Project. The proposed project consists of a solar photovoltaic (PV) energy generation facility with an average generating capacity of 50 megawatts (MW). Related or supporting facilities to the solar energy facility include up to 70 MW energy storage system, collector substation, switchyard substation, O&M enclosure, service roads, security fencing and gates, and construction areas. The proposed facility would be located within a site boundary of approximately 324 acres zoned Exclusive Farm Use in Umatilla County, approximately two miles southeast of the City of Hermiston.</p> <p>On December 11, 2020, EE West End Solar LLC (applicant), a subsidiary of Eurus Energy America Corporation submitted to ODOE a Request for Expedited Review for Small Capacity Facilities under OAR 345-015-0300, and on December 17, 2020 the Department notified the applicant it approved the Request for Expedited Review. The pASC was filed on November 5, 2021. Umatilla County Department of Land Use Planning, as a cooperating agency, has been working with ODOE and has been asked to provide staff with a list of the county's applicable substantive criteria. Umatilla County will provide additional comments related to the project once staff has adequate time to conduct a more detailed review of the pASC.</p>	<p>Requested Action: Approval of comments outlining Umatilla County applicable substantive criteria.</p>
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ATTACHMENTS: Umatilla County Comments – West End Solar

Date: (12/13/21) Submitted By: Robert Waldher, Director

- () Dept. Head (copy)
- () Human Resources (copy)
- () Legal (copy)

To be notified of Meeting:
Robert Waldher, Carol Johnson
Needed at Meeting: Carol Johnson

Scheduled for meeting on: December 15, 2021

Follow up:

December 15, 2021

Oregon Department of Energy
Attn: Ms. Kellen Tardaewether, Senior Siting Analyst
550 Capital Street NE
Salem, OR 97301

Subject: West End Solar
Response to Preliminary Application for Site Certificate

Dear Ms. Tardaewether:

Enclosed is the response to your request for a list of the “applicable substantive criteria” from Umatilla County acknowledged Comprehensive Plan and land use regulations in effect at the time West End Solar preliminary Application for Site Certificate (pASC) was submitted. Umatilla County plans to submit additional comments at a later date, once planning staff have adequate time to complete a more in-depth review of the pASC.

This letter provides an overview of the standards that would apply to the proposed solar photovoltaic (PV) energy generation facility and a transmission line if the application had been submitted to Umatilla County for land use review. The local approval standards include specific Conditional Use Permit criteria, Land Use Decision criteria and other applicable standards from the Umatilla County Development Code (UCDC) as well as the County Comprehensive Plan (Comp. Plan). Links to the UCDC and Comp. Plan are available online at the following:

https://umatillacounty.net/fileadmin/user_upload/Planning/Umatilla_County_Development_Code_May_5_2021.pdf

https://umatillacounty.net/fileadmin/user_upload/Planning/Umatilla_County_Comp_Plan.pdf

Solar PV Generation Facility

According to the pASC, the proposed project consists of a solar photovoltaic (PV) energy generation facility with an average generating capacity of 50 megawatts (MW). Related or supporting facilities to the solar energy facility include up to 70 MW energy storage system, collector substation, switchyard substation, O&M enclosure, service roads, security fencing and gates, and construction areas. The area where the proposed PV solar project is proposed appears to be entirely located in the Exclusive Farm Use (EFU) Zone. A solar PV generation facility is a Conditional Use in Umatilla County. The following criteria apply to the wind energy generation facility:

UCDC 152.060 (FF) Conditional Uses allowed on lands zoned EFU as provided in OAR 660-033-0130 (38)

UCDC 152.061 Standards for all Conditional Uses on EFU Lands

UCDC 152.615 Additional Conditional Use Permit Restrictions

Transmission Lines and Substations

The pASC lists three existing transmission line right-of-way that run through or adjacent to the project site that would provide interconnection capabilities. Although it does not appear that a new transmission will be required for interconnection, a substation will be necessary to connect the project to the power grid. Umatilla County permits substations separate from power generation facilities. Since the substation will be located on EFU zoned land, the County would process the application as a Land Use Decision for Utility Facility Necessary for Public Service.

The following criteria apply to transmission lines and substations:

UCDC 152.059 Land Use Decisions for EFU

UCDC 152.617 (II)(7) Utility Facilities Necessary for Public Service

Comprehensive Plan Policies

The following Comprehensive Plan policies apply to the development:

Citizen Involvement: Policy 1 and Policy 5

Agriculture: Policies 1, 8 & 17

Open Space, Scenic & Historic Areas, and Natural Areas: Policies 1(a), 5(a & b), 6(a), 8(a), 9(a), 10(c, d & e), 20(a), 20(b) (1-8), 22, 23(a), 24(a), 26, 37 & 38(a-c), 39(a) & 42(a). See attached Map of Goal 5 resources.

Air, Land, Water Quality: Policies, 1, 7 & 8

Natural Hazards: Policies 1 & 4

Recreational Needs: Policy 1

Economy of the County: Policies 1, 4 & 8(a-f)

Public Facilities & Services: Policies 1(a-d), 2, 9 & 19

Transportation: Policy 18 and 20

Energy Conservation: Policy 1

Most, but not all, of the above listed Comprehensive Plan Policies are implemented through the County's existing Development Code and by coordination with other agencies and jurisdictions. However, other Plan Policies may apply that are not listed above. Comprehensive Plan Policies 1 and 2 for Citizen Involvement encourages continued citizen input. The County relies upon the Planning Commission to review and advise the County on planning issues. Comments made during public meetings frequently include the recommendation of additional Plan Policies. Where there is no local Planning Commission hearing for this project, the county encourages the Department of Energy to

incorporate public comments during their public review process. Additionally, the Special Advisory Committee reserves the right to recommend additional Comprehensive Plan Policies at a later date.

Transportation System Plan (TSP)

Umatilla County's Transportation System Plan has been adopted as part of the County Comprehensive Plan and is implemented through the County Development Code. Numerous policies and standards may apply to the development; specifics may be identified when more detailed design drawings and development plans are provided. The applicant is expected to work with the County Public Works Director, Tom Fellows, to identify specific road improvements necessary to accommodate construction traffic and oversized loads on county roads for development of the project. Additionally, the applicant will need to satisfy the requirements for access point permits and road building requirements for project access roads. At a minimum, county will require a Road Use Agreement for use of county roadways during construction and operation of the facility.

Zoning Permits

Prior to land development or construction of structures in Umatilla County a zoning permit must be secured for each parcel (tax lot) as outlined in *UCDC 152.612 (D)* and defined in *UCDC 152.003*.

Thank you for your attention to our comments and requirements. Any additional questions may be directed to Robert Waldher, Planning Director, Umatilla County Planning, 216 S. E. 4th Street, Pendleton, Oregon 97801; phone (541) 278-6251 or e-mail at robert.waldher@umatillacounty.net.

Sincerely,

George Murdock,
Chairman
Umatilla County Board of Commissioners

CC: Doug Olsen, Umatilla County Counsel
Umatilla County Planning Commission
Tom Fellows, Umatilla County Public Works Director
Anne Debbaut, DLCD Regional Representative
Hilary Foote, DLCD Farm and Forest Specialist