



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

07/07/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Morrow County Plan Amendment
DLCD File Number 004-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, July 17, 2009

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Carla McLane, Morrow County
Doug White, DLCD Community Services Specialist
Jon Jinings, DLCD Regional Representative

<paa> YA

D L C D NOTICE OF ADOPTION

DEPT OF

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18

JUN 29 2009

(See reverse side for submittal requirements)

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: Morrow County Local File No.: A2-010-08 (If no number, use none)

Date of Adoption: June 24, 2009 (Must be filled in) Date Mailed: June 26, 2009 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 12/17/2008

Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment

X Land Use Regulation Amendment Zoning Map Amendment

New Land Use Regulation Other:

(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

Amended the SAI use zone to allow utility facilities - utility facilities, service lines, utility facilities necessary, Commercial utility facilities, wind generation facilities and transmission towers over 200 ft. Some are allowed, allowed w/ a permit or allowed conditionally.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Expanded the list of various utility facilities beyond the original request

Plan Map Changed from: N/A to

Zone Map Changed from: N/A to

Location: See map: SAI-purple Acres Involved: 14,516±

Specify Density: Previous: N/A New:

Applicable Statewide Planning Goals: 1, 13

Was an Exception Adopted? Yes: No: X

DLCD File No.: 004-08 (17291)



PLANNING DEPARTMENT

P. O. Box 40 • Irrigon, Oregon 97844
(541) 922-4624 or (541) 676-9061 x 5503
FAX: (541) 922-3472

NOTICE OF DECISION

June 26, 2009

AZ-010-08
Morrow County Zoning Ordinance
Space Age Industrial Use Zone Amendment

This notice is to inform you that on June 24, 2009, the Morrow County Court adopted Ordinance Number MC-4-2009 amending the Morrow County Zoning Ordinance. Specifically Morrow County amended Article 3 Section 3.072 Space Age Industrial Use Zone.

The requirements for filing an appeal of the decision to the Land Use Board of Appeals (LUBA) are set forth in ORS 197.830 to 197.845. State law and associated administrative rules promulgated by LUBA describe the period within which any appeal must be filed and the manner in which such an appeal must be commenced. Presently, ORS 197.830(9) requires that a notice of intent to appeal plan or land use regulation amendments adopted pursuant to ORS 197.610 to 197.625 "shall be filed not later than 21 days after notice of the decision sought to be reviewed is mailed or otherwise submitted to parties entitled to notice under ORS 197.615." Notice of this decision was mailed on June 26, 2009. The deadline to appeal is July 17, 2009.

Cordially,

A handwritten signature in cursive script, appearing to read "Carla McLane".

Carla McLane
Planning Director

I certify that on June 26, 2009, I mailed a copy of this Notice of Decision by first class mail to all persons entitled to notice of this decision.

A handwritten signature in cursive script, appearing to read "Mary P. Curry".
Signature

6/26/09

Date

BEFORE THE MORROW COUNTY COURT
OF MORROW COUNTY

AN ORDINANCE ADOPTING AMENDMENTS
TO THE MORROW COUNTY ZONING
ORDINANCE ARTICLE 3 SECTION 3.072
SPACE AGE INDUSTRIAL ZONE.

COUNTY ORDINANCE

NO. 4MC-4-2009

WHEREAS, ORS 203.035 authorizes Morrow County to exercise authority within the county over matters of County concern; and

WHEREAS, Morrow County adopted a Comprehensive Land Use Plan which was acknowledged by the Land Conservation and Development Commission on January 15, 1986; and

WHEREAS, Planning staff initiated changes to the Zoning Ordinance Article 3 Section 3.072 Space Age Industrial Zone to identify clear criteria for the siting of transmission lines; and

WHEREAS, affected land owners requested additional changes to the Space Age Industrial Zone language to allow for additional types of development; and

WHEREAS, the Morrow County Planning Commission held hearings to review the request on January 20, February 24, and March 31, 2009; and

WHEREAS, the Morrow County Planning Commission unanimously recommended approval of the request and adopted Final Planning Commission Findings of Fact; and

WHEREAS, the Morrow County Court held a hearing to consider the recommendation of the Morrow County Planning Commission on May 20, 2009, at the Port of Morrow Riverfront Center in Boardman, Oregon; and

WHEREAS, the Morrow County Court did consider the testimony and evidence presented to them;

NOW THEREFORE THE COUNTY COURT OF MORROW COUNTY ORDAINS AS FOLLOWS:

Section 1 Title of Ordinance:

This Ordinance shall be known, and may be cited, as the "Space Age Industrial Zone 2009 Amendment."

Section 2 Affected Document

The Morrow County Zoning Ordinance Article 3 Section 3.072 Space Age Industrial is amended and shall be replaced in its entirety with the document identified as Exhibit 1.

Section 3 Effective Date

This ordinance shall be effective on July 1, 2009.

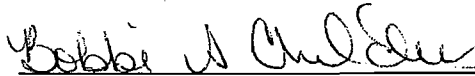
Date of First Reading: June 17, 2009

Date of Second Reading: June 24, 2009

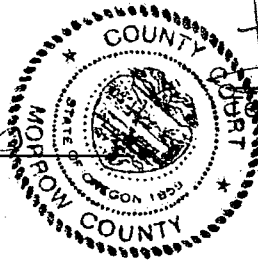
DONE AND ADOPTED BY THE MORROW COUNTY COURT THIS 24th DAY OF June, 2009.

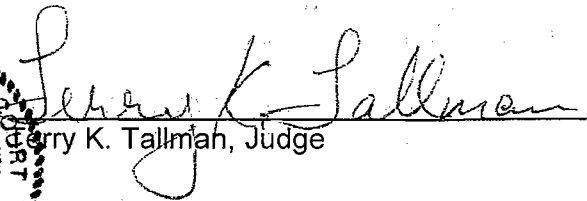
ATTEST:

MORROW COUNTY COURT:



Bobbi Childers
County Clerk






Terry K. Tallman, Judge

Absent

Ken Grieb, Commissioner

APPROVED AS TO FORM:



Ryan Swinburnson
County Counsel



Leann Rea, Commissioner

SECTION 3.072. SPACE AGE INDUSTRIAL ZONE, SAI

SECTION 3.072. PURPOSE. The SAI Zone is intended to recognize those areas devoted to, or most suitable for, space age technology research and development.

SECTION 3.072. PROCEDURES. Lands shown to be zoned SAI are, prior to development, subject to submittal of a detailed plot plan and with reasonable particularity the intended use, activities, structures and facilities to be built. As in the case of all zones, a zoning sign-off is required prior to the issuance of building permits. Facilities proposed adjacent to or near an airport may be subject to Article 3 Sections 3.090 Airport Approach Zone and 3.091 Airport Hazard Zone as found in this Zoning Ordinance. Additionally structures constructed 100 feet or taller are subject to notice to the Department of Defense and the Oregon Military Department relative to impacts to the restricted airspace.

A. The following uses are allowed without a Zoning Permit.

1. Farm use as defined in Article 1 Section 1.030 Definitions of this Zoning Ordinance. (MC-C-6-96)
2. Utility facility service lines, including accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following: a public right-of-way; land immediately adjacent to a public right-of way, provided the written consent of all adjacent property owners has been obtained; or the property to be served by the utility.

B. The following uses are allowed, but require ministerial review and a Zoning Permit. If a use occupies 100 or more acres Site Development Review shall be required as outlined in Article 4 Supplementary Provisions Section 4.170 Site Development Review. Other provisions of Article 4 Supplementary Provisions may apply at the time the Zoning Permit is issued.

1. Buildings and structures (above and below ground) used for space age technology research and development.

2. Aerospace Aircraft and space vehicle testing and related research products.
3. Propulsion testing which includes commercial engines, transatmospheric space plane, remote piloted vehicle, missiles or other space age related vehicles.
4. Electronic, laser and microwave research activities.
5. Contained shock testing.
6. Fire fighting equipment and facilities.
7. Support facilities for on-site staff.
8. Quarry operation on existing sites.
9. Utility facilities necessary for public service, but not commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height.
 - a. Utility facilities necessary for public service proposed in the Space Age Industrial Use Zone will need to meet the criteria found in Oregon Revised Statute 215.275.
 - b. The acreage included in the analysis to require Site Development Review would be disturbed, constructed surfaces and parking areas.
 - c. A reclamation plan is required for non-agricultural lands affected by a utility facility necessary for public service.

C. Uses permitted with a Conditional Use Permit. The following uses are allowed with a Conditional Use Permit and other reviews as identified below. If a project is over 100 acres of disturbed and constructed surfaces Site Development Review may also be required.

1. A commercial utility facility for the purpose of generating power for public use by sale, not including wind power generation facilities, subject to Article 4 Supplementary Provisions, Article 6 Conditional Uses, other portions of this code as appropriate and pertinent

sections of Oregon Revised Statute and Oregon Administrative Rule.

2. A wind generation facility subject to the requirements found in Oregon Administrative Rule Chapter 660 Division 33 Agricultural Land, Article 4 Supplementary Provisions, Article 6 Conditional Uses, and other portions of this Zoning Ordinance.
3. Transmission towers over 200 feet in height subject to Article 4 Supplementary Provisions and Article 6 Conditional Uses, and other portions of this Zoning Ordinance.

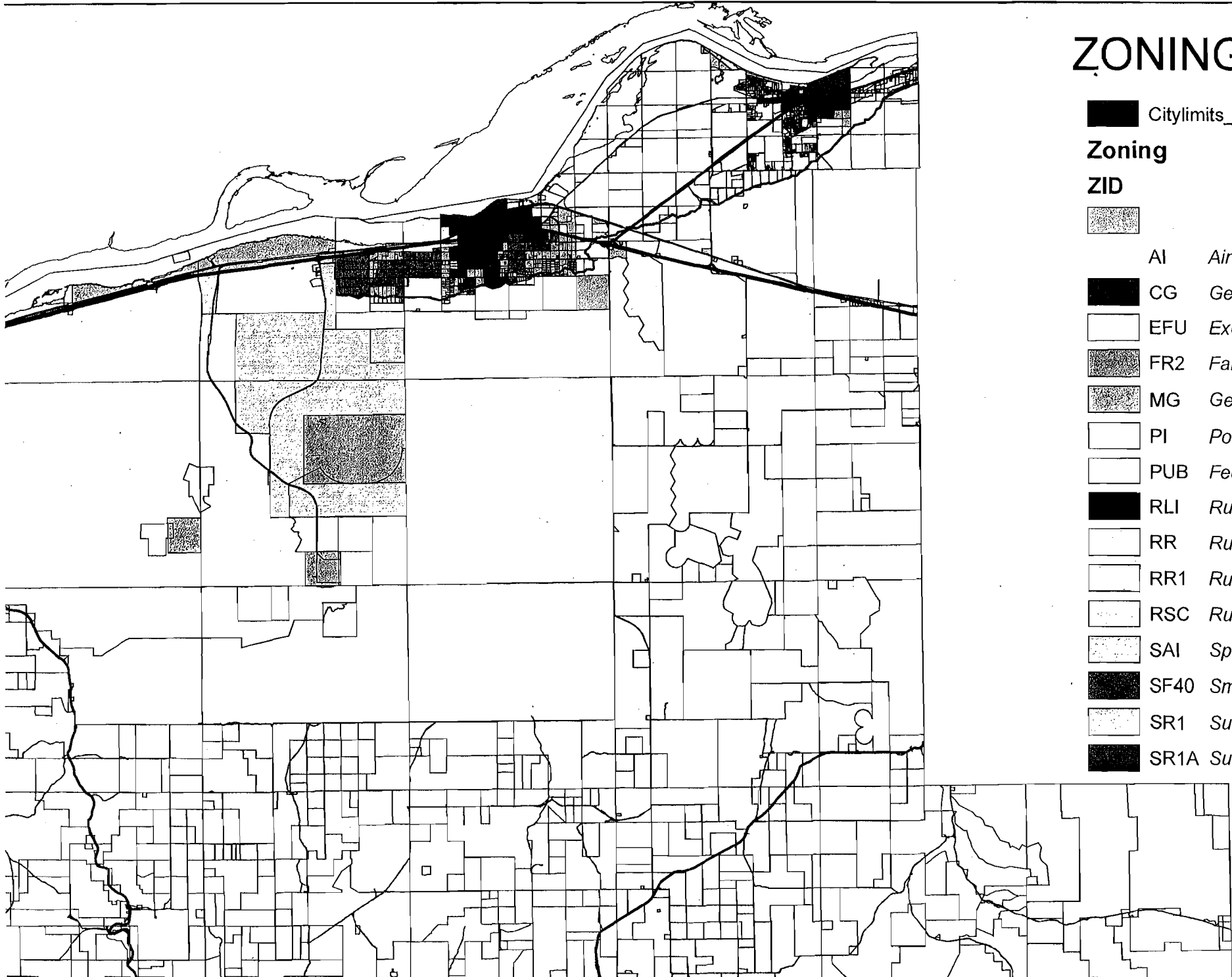
D. Limitations on use in a SAI Zone

















1. A use which has been declared a nuisance by a state statute, by action of the Morrow County Court, or by a court of competent jurisdiction is prohibited.
2. Material shall be stored and grounds shall be maintained in a manner which will not create a health hazard.
3. All related Oregon Revised Statutes shall be complied with, specifically those dealing with radioactive material and hazardous substances.

E. Transportation Impacts

1. Traffic Impact Analysis (TIA). In addition to the other standards and conditions set forth in this section, a TIA will be required for all projects generating more than 400 passenger car equivalent trips per day. Heavy vehicles - trucks, recreational vehicles and buses - will be defined as 2.2 passenger car equivalents. A TIA will include: trips generated by the project, trip distribution for the project, identification of intersections for which the project adds 30 or more peak hour passenger car equivalent trips, and level of service assessment, impacts of the project, and, mitigation of the impacts. If the corridor is a State Highway, use ODOT standards. (MC-C-8-98)

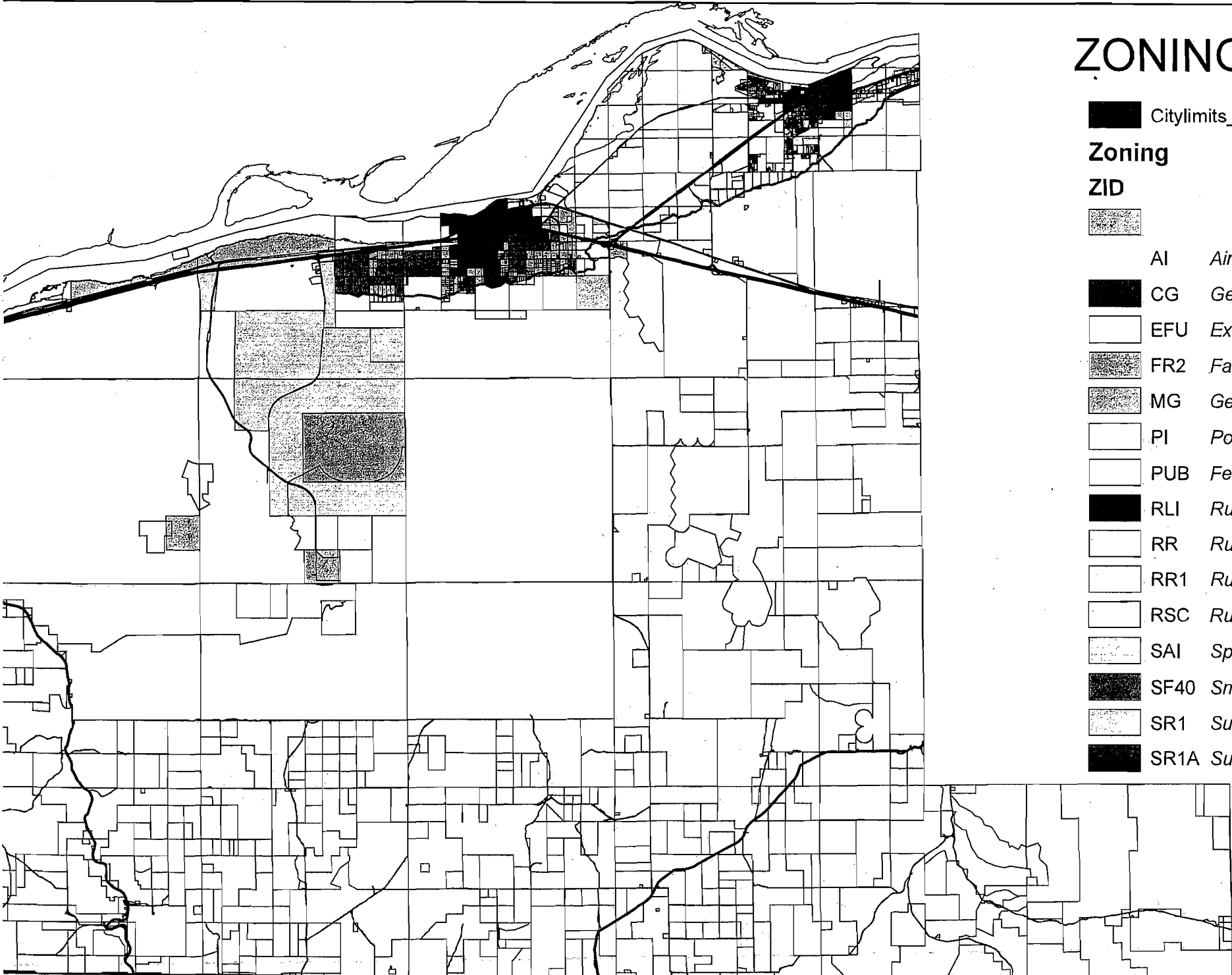
ZONING - 1N



-  Citylimits_OGDC
- Zoning**
- ZID**
-  AI *Air Industrial*
-  CG *General Comm.*
-  EFU *Exclusive Farm*
-  FR2 *Farm Residenti.*
-  MG *General Industr.*
-  PI *Port Industrial*
-  PUB *Federal Jurisdic.*
-  RLI *Rural Light Indu*
-  RR *Rural Residenti*
-  RR1 *Rural Residenti*
-  RSC *Rural Service C*
-  SAI *Space Age Indu*
-  SF40 *Small Farm 40*
-  SR1 *Suburban Resic*
-  SR1A *Suburban Resic*



ZONING - 11



- Citylimits_OGDC**
- Zoning**
- ZID**
- AI *Air Industrial*
 - CG *General Com*
 - EFU *Exclusive Far*
 - FR2 *Farm Resider*
 - MG *General Indus*
 - PI *Port Industria*
 - PUB *Federal Juris*
 - RLI *Rural Light In*
 - RR *Rural Resider*
 - RR1 *Rural Resider*
 - RSC *Rural Service*
 - SAI *Space Age In*
 - SF40 *Small Farm 4*
 - SR1 *Suburban Re.*
 - SR1A *Suburban Re.*



**Morrow County Planning Commission
Final Findings of Fact
AZ-010-08: Amendment to
Space Age Industrial Use Zone
Revised February 13, 2009
Further Revised March 20, 2009 and March 31, 2009**

REQUESTS: Add language to the Space Age Industrial use zone to allow the siting of utility facilities necessary for public service. Siting of utility facilities necessary for public service in the Space Age Industrial use zone would be subject to ORS 215.275. At the request of one of the subject property landowners add the opportunity to site power generation facilities as a Conditional Use.

APPLICANT: Morrow County
P.O. Box 788
Heppner, OR 97836

AFFECTED LAND OWNERS: Threemile Canyon Farms
ATTN: Marty Myers
75906 Threemile Road
Boardman OR 97818

City of Boardman
ATTN: Karen Pettigrew
P.O. Box 229
Boardman OR 97818

Umatilla Electric Cooperative
Debi Watson
P.O. Box 1148
Hermiston OR 97838

PROPERTY DESCRIPTION: Assessor's Map 4N 24 tax lots 119, 120 and 121
Assessor's Map 3N 24 portions of tax lots 100 and 112

PROPERTY LOCATION: Approximately 14,500 acres along Tower Road south to the northern border of the PGE Coalfire Plant

I SUMMARY OF APPLICATION AND PROCESS:

In the 1960s the Space Age Industrial (SAI) use zone was created through the legislative process and can be found in Oregon Revised Statute at 275.382 through 273.388. At the time this legislation was passed there was a desire for northern Morrow County to be a 'player' in the space race and there was hope that 'Cape Canaveral II' would be built. The land at the time was owned by the State of Oregon and leased to The Boeing Company. None of these grand plans fully materialized, but the legislated zoning was incorporated locally into the Morrow County Comprehensive Plan and Zoning Ordinance. The uses identified are very narrowly focused on the aerospace industry; an industry that has never materialized as originally envisioned.

Boeing's use of the property, over time, became primarily agricultural and, to support that use, in 1996 a minor amendment was adopted adding farming as an allowed use. There has been discussion at various times on how to make the SAI use zone fit better with actual or potential uses. This action was initially identified to focus primarily on the implications of the expanding electrical grid and the number of potential transmission lines that may be installed in and through Morrow County.

Since notifying the affected land owners of this proposed change Planning staff have received a request to also add as an use commercial generation projects (wind and solar). Staff would support this as an addition to the proposed change. During the hearings process the City of Boardman submitted comments that lead to further changes and clarification of the intended uses within the SAI use zone. Other changes may also be considered by the Planning Commission and County Court.

There was also discussion during the hearings process about the Conservation Easement and the Multi Species Candidate Conservation Agreement with Assurances (MSCCAA). Both of these documents, in varying ways, attempt to protect habitat and species on and around the Threemile Canyon Farm and the Portland General Electric Coal Fire Power Plant. The Nature Conservancy is the lead environmental group working with the US Fish and Wildlife Service and the Oregon Department of Fish and Wildlife to protect habitat for the following four species: Washington Ground Squirrel, Ferruginous Hawk, Loggerhead Shrike and the Sage Sparrow. While a portion of the SAI zoned land is encumbered by the conservation easement or the MSCCAA they do not affect or direct land use under the Morrow County Zoning Ordinance. Both are agreements between various parties and would be enforced by those parties, not the County. The County is not responsible to enforce conservation easements or other agreements between parties other than the County.

At the Planning Commission hearing on March 31, 2009 LTC Todd Farmer from the Oregon Military Department gave testimony concerning this action. He expressed the Department's concern about encroachment into their air space easement in that area. The Oregon Military Department wishes to have notice of actions involving uses over 100 feet in order that their Department be able to participate if they think it to be necessary. The Planning Commission did agree to require notification to the Oregon Military Department and the Department of Defense for actions involving structures constructed 100 ft or taller.

As required by the Morrow County Zoning Ordinance at least three public hearings will be held – two Planning Commission and one County Court – prior to approval of the requested changes. Based on testimony from the City of Boardman the Planning Commission did hold three public hearings. The Planning Commission hearing schedule is included at the end of these Findings of Fact.

II SUMMARY OF APPLICABLE CRITERIA To approve the request the Planning Commission will need to make findings to show that the requests meet the necessary criteria for amendments in the Morrow County Zoning Ordinance, Article 3 Sections 3.072 and Article 8 Section 8.050 Article 8 Amendments. Those criteria are presented below in **bold** print with responses in regular print.

Morrow County Zoning Ordinance Article 8 Amendments Section 8.050 Burden and Criteria: The proponent of the application or permit has the burden of proving justification for its approval. The more drastic the request or the greater the impact of the application or permit on the neighborhood, area, or county, the greater is the burden on the applicant. The following criteria shall be considered by the Planning Commission in preparing a recommendation and by the County Court in reaching their decision.

A. That conditions have changed since the adoption of the Comprehensive Plan and zoning map that warrant an amendment, or that there was a mistake in the original designation.

No mistake was made in the original designation or drafting of the SAI use zone language. The intent of the use zone never materialized and the limiting nature of the language inhibits general activities.

This proposed change, based on and similar to requirements of the Exclusive Farm Use zone, will allow uses compatible with the primary use of the majority of the land - farming. The intent of the currently proposed changes is to allow three uses not currently allowed on lands zoned SAI - large transmission lines, energy generation facilities and waste water treatment options for the City of Boardman. Other minor changes are also incorporated to provide some clarity. Yet by not changing the zone wholly or completely maintains the integrity to support uses in the use zone by The Boeing Company.

This criterion is met.

B. That public services and facilities are sufficient to support a change in designation, including but not limited to, streets and roads (refer to the Transportation System Plan and Transportation Planning Rule).

The proposed additions - utility facilities necessary and commercial generation - are not transportation intensive, except for perhaps the construction period. Public facilities should see little or no impact. Any potential impact from the construction of the types of facilities proposed to be allowed, either outright or conditionally, can be conditioned through the permitting process to provide enhancements or mitigate damage. This criterion is met.

1. Amendments to the zoning ordinance or zone changes which significantly affect a transportation facility shall assure that land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:

- a. Limiting allowed land uses to be consistent with the planned function of the transportation facility or roadway;
- b. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,
- c. Altering land use designations, densities, or design requirements to reduce demand for automobile travel to meet needs through other modes.

Currently the Transportation System Plan is being updated and a proposed change is the functional classification of Tower Road, the road affected by this proposed change. Tower Road is currently identified as a local road south of Kunze Lane and as a Minor Collector north of Kunze Lane. It is proposed that the northern almost half mile be classified as a Major Collector with the balance becoming a Minor Collector. At the time the speedway or other projects require the development of Tower Road as a four or five lane road this functional classification will need to be amended again, changing the functional classification potentially to an Arterial standard. This criterion is met.

2. A plan or land use regulation amendment significantly affects a transportation facility if it:

- a. Changes the functional classification of an existing or planned transportation facility;**
- b. Changes standards implementing a functional classification;**
- c. Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or**
- d. Would reduce the level of service of the facility below the minimal acceptable level identified in the Transportation System Plan. (MC-C-8-98)**

The currently proposed changes in functional classification to Tower Road have to do with current activities. This action will have no discernable impact to the function of Tower Road. Any proposed actions, if impact is identified, can be conditioned. This criterion is met.

C. That the proposed amendment is consistent with unamended portions of the Comprehensive Plan and supports goals and policies of the Comprehensive Plan, that there is a public need for the proposal, and that the need will be best served by allowing the request. If other areas in the county are designated for a use as requested in the application, then a showing of the necessity for introducing that use into an area not now so zoned and why the owners there should bear the burden, if any, of introducing that zone into their area.

This request was initiated by Planning staff after review of the Notice of Intent for the Idaho Power Boardman to Hemmingway transmission line project. The portion of the line that may go through the SAI use zone is the only portion of the proposed project within Morrow County that does not have clear and objective standards to apply to the application process. By making this amendment there would be clear and objective standards for utility facilities necessary in this use zone. Planning staff have also recently received a preliminary information from no less than two other transmission projects concerning transmission lines that appear to also be sited in the same general area. This amendment would facilitate an easier, but also more understandable, application and approval process.

The request to add commercial utility facilities is also in alignment with the other activities on the subject properties, primarily farming. Planning staff would suggest that the commercial utility facilities, wind generation facilities and transmission towers over 200 feet in height be a Conditional Use with appropriate clear and objective siting standards.

Testimony from the City of Boardman during the Planning Commission public hearing process resulted in additional refinement of the staff proposal. The concerns of the City of Boardman are two-fold. First the city owned property affected by this action was purchased with the intent to develop waste water treatment options - either land application or a treatment facility. By including language allowing utility facilities necessary for public service the City of Boardman has assurance that their desired use can be achieved. Their second concern is the impact that the proposed transmission line will have on their property and the intended use (waste water treatment).

Planning staff would state that this criterion is met.

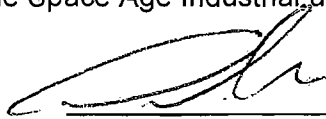
D. The factors listed in ORS 215.055 or others which relate to the public need for healthful, safe and aesthetic surroundings and conditions.

Not applicable as this ORS has been repealed. However Planning staff would also state that the language, as proposed, does provide for healthful, safe and aesthetic surroundings and conditions.

- III **DLCD 45 DAY NOTICE:** December 17, 2008
- IV **PROPERTY OWNER NOTICE:** December 31, 2008, and February 4, 2009
- V **LEGAL NOTICE PUBLISHED:** January 7, February 11 and March 18, 2009
Heppner Gazette Times and East-Oregonian
- VI **AGENCIES NOTIFIED:** Jon Jinnings and Larry French, Department of Land Conservation and Development; Teresa Penninger and George Ruby, Oregon Department of Transportation; Greg Sweek, Morrow County Assessor; Burke O'Brien, Morrow County Public Works; Gary Neal, Port of Morrow
- VII **HEARING DATES:**
 - January 20, 2009
North Morrow County Annex Building
Irrigon, Oregon
 - February 24, 2009
Morrow County School District Building
Lexington, Oregon
 - March 31, 2009
Port of Morrow Riverfront Center
Boardman, Oregon

IX RECOMMENDATION OF THE MORROW COUNTY PLANNING COMMISSION TO THE MORROW COUNTY COURT: Recommend approval of the application as presented to include:

- Amendment of the Space Age Industrial use zone language as presented.



David Sykes, Chair

4/7/09


Date

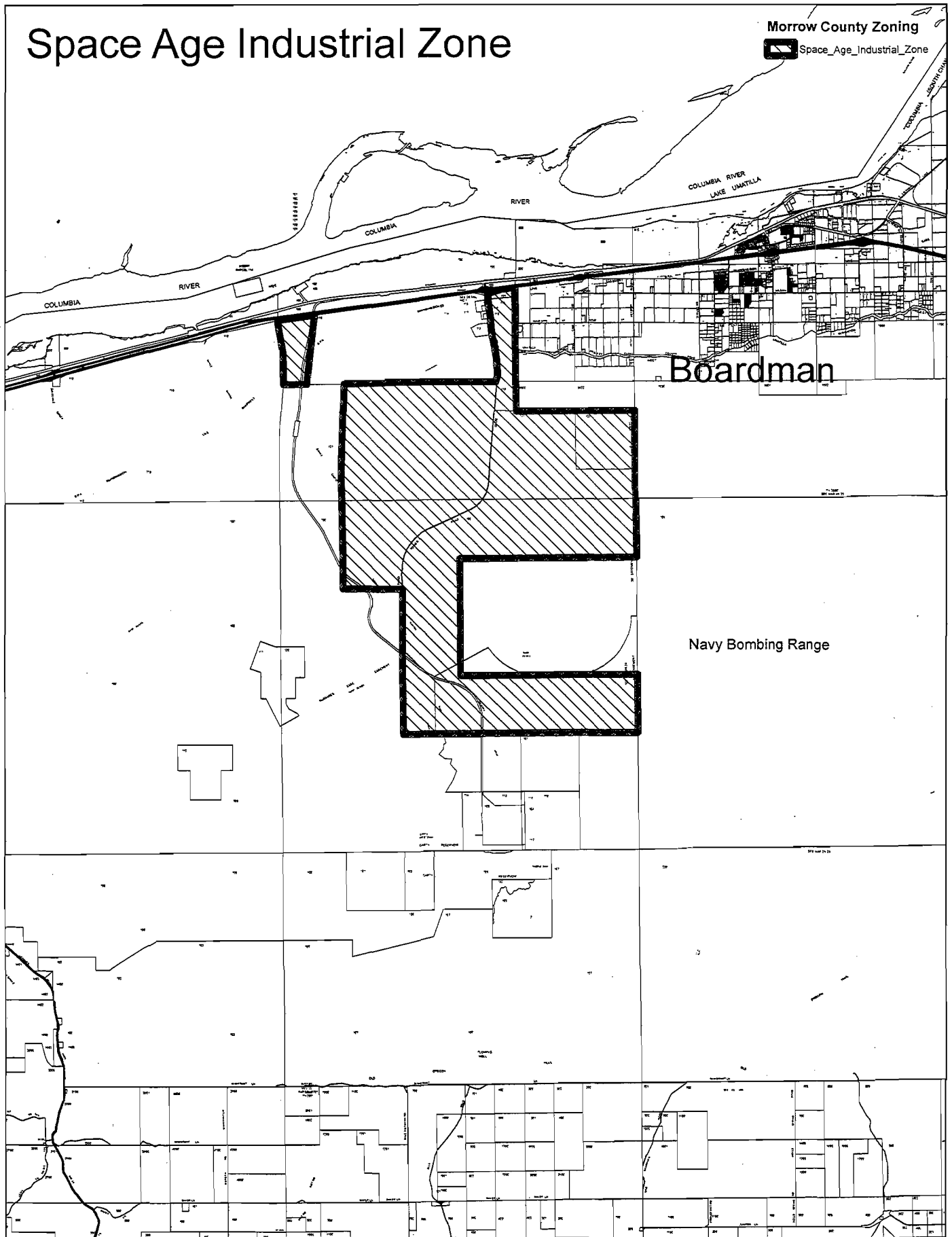
Attachments:

- Vicinity Map
- Proposed SAI use zone language
- Email from Marty Myers, Threemile Canyon Farms
- Letter from Dave Iadarola, Invenergy, LLC
- Letter with attachments from the City of Boardman
- Email from Rich Melaas dated March 30, 2009
- Letter received via email from J. Michael Calwell, Brigadier General, Oregon State Defense Force, Deputy Director, Oregon Military Department

Space Age Industrial Zone

Morrow County Zoning

 Space_Age_Industrial_Zone



December 2008

SECTION 3.072. SPACE AGE INDUSTRIAL ZONE, SAI

SECTION 3.072. PURPOSE. The SAI Zone is intended to recognize those areas devoted to, or most suitable for, space age technology research and development.

SECTION 3.072. PROCEDURES. Lands shown to be zoned SAI are, prior to development, subject to submittal of a detailed plot plan and with reasonable particularity the intended use, activities, structures and facilities to be built. As in the case of all zones, a zoning sign-off is required prior to the issuance of building permits. Facilities proposed adjacent to or near an airport may be subject to Article 3 Sections 3.090 Airport Approach Zone and 3.091 Airport Hazard Zone as found in this Zoning Ordinance. Additionally structures constructed 100 feet or taller are subject to notice to the Department of Defense and the Oregon Military Department relative to impacts to the restricted airspace.

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~~In a SAI Zone, the following regulations shall apply:~~

AB. The following uses are allowed, but require ministerial review and Uses Permitted Outright with a Zoning Permit. If a use occupies 100 or more acres Site Development Review shall be required as outlined in Article 4 Supplementary Provisions Section 4.170 Site Development Review. Other provisions of Article 4 Supplementary Provisions may apply at the time the Zoning Permit is issued.

1. Buildings and structures (above and below ground) used for space age technology research and development.
2. Aerospace Aircraft and space vehicle testing and related research products.
3. Propulsion testing which includes commercial engines, transatmospheric space plane, remote piloted vehicle, missiles or other space age related vehicles.
4. Electronic, laser and microwave research activities.
5. Contained shock testing.
6. Fire fighting equipment and facilities.
7. Support facilities for on-site staff.
8. Quarry operation on existing sites.
9. ~~Farm use. (MC-C-6-96)~~

109. Utility facilities necessary for public service, but not commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height. The criteria found in ORS 215.275 shall be applied to utility facilities necessary for public service.

a. Utility facilities necessary for public service proposed in the Space Age Industrial Use Zone will need to meet the criteria found in Oregon Revised Statute 215.275.

b. The acreage included in the analysis to require Site Development Review would be disturbed, constructed surfaces and parking areas.

c. A reclamation plan is required for non-agricultural lands affected by a utility facility necessary for public service.

BC. Uses permitted with a Conditional Use Permit. The following uses are allowed with a Conditional Use Permit and other reviews as identified below. If a project is over 100 acres of disturbed and constructed surfaces Site Development Review may also be required.

1. A power generation facility commercial utility facility for the purpose of generating power for public use by sale, not including wind power generation facilities, subject to Article 4 Supplementary Provisions, Article 6 Conditional Uses, other portions of this code as appropriate and pertinent sections of Oregon Revised Statute and Oregon Administrative Rule.
2. A wind generation facility meeting subject to the requirements found in Oregon Administrative Rule Chapter 660 Division 33 Agricultural Land, Article 4 Supplementary Provisions, Article 6 Conditional Uses, and other portions of this Zoning Ordinance.
3. Transmission towers over 200 feet in height subject to Article 4 Supplementary Provisions and Article 6 Conditional Uses, and other portions of this Zoning Ordinance.

BD. Limitations on use in a SAI Zone

1. A use which has been declared a nuisance by a state statute, by action of the Morrow County Court, or by a court of competent jurisdiction is prohibited.
2. Material shall be stored and grounds shall be maintained in a manner which will not create a health hazard.
3. All related Oregon Revised Statutes shall be complied with, specifically those dealing with radioactive material and hazardous substances.

CE. Transportation Impacts

1. Traffic Impact Analysis (TIA). In addition to the other standards and conditions set forth in this section, a TIA will be required for all projects generating more than 400 passenger car equivalent trips per day. Heavy vehicles - trucks, recreational vehicles and buses - will be defined as 2.2 passenger car equivalents. A TIA will include: trips generated by the project, trip distribution for the project, identification of intersections for which the project adds 30 or more peak hour passenger car equivalent

trips, and level of service assessment, impacts of the project, and, mitigation of the impacts. If the corridor is a State Highway, use ODOT standards. (MC-C-8-98)

Subject: Zoning modification on Space Age Industrial

From: "Myers, Marty" <mmyers@rdoffutt.com>

Date: Wed, 17 Dec 2008 17:48:26 -0600

To: Carla Mclane <cmclane@co.morrow.or.us>

Carla,

You informed me that you were making a modification to the Space Age Industrial zoning on our to facilitate improvements to utility easements for power transmission. I would request that you also change the zoning to allow for development of wind and solar generation.

Thank you and let me know if I can be of assistance.

Happy Holidays.

Marty

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This message has been scanned for viruses and dangerous content by the **Intermountain Technology MailScanner**, and is believed to be clean.

Invenergy

February 9, 2009

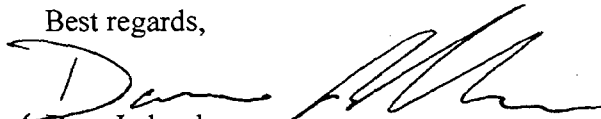
Mrs. Carla McLane
Morrow County Planning Dept.
205 NE Third Street
PO Box 40
Irrigon, OR 97844

Dear Carla McLane,

I hope this letter finds you well. After reviewing the proposed changes to SAI Section 3.072 Invenergy would like to support all the changes suggested by the Morrow County Planning Department. By making the suggested changes it would allow Invenergy and other wind developers to include this, once exempted, area into potential areas of wind development. This particular area is of interest because of the known wind resource along the Columbia River Basin. By making the suggested changes it would help to further develop wind within Morrow County.

In addition, it would allow utilities and independent power producers another option in siting transmission corridors, which is an important piece of any wind development project. Without the ability to site transmission corridors in certain areas it drives up the cost of projects and could jeopardize the viability of some projects within Morrow County. All in all, Invenergy believes that making these changes to SAI Section 3.072 would be beneficial to the County, as well as, to wind development.

Best regards,


Dave Iadarola
Project Developer



City of Boardman

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Fax (541) 481-3244
TTY Relay (800) 735-2900
www.cityofboardman.com

February 20, 2009

To: Morrow County Planning Department and Planning Commission
From: City of Boardman

RE: Changes to Space Age Industrial Zone Language

The City of Boardman thanks the Planning Commission for the opportunity to comment on the proposed changes to the language of the Space Age Industrial Zone. The city has reviewed the proposed changes to the language to accommodate clear language and criteria for the siting of public utilities within the Space Age Industrial Zone and has the following comments.

The language proposed for outright use is directed to Oregon Revised Statute 215.275 to establish criteria for siting of "utility facilities necessary for public service; criteria, rules; mitigating impact of facility." This particular ORS citation directs the county to apply "clear and objective conditions on an application for utility facility siting under ORS 215.213 (1)(d) or 215.283 (1)(d) to mitigate or minimize the impacts...." which are specifically geared to electrical facilities in an exclusive farm use zone per ORS 215.275 (1). This language presents several concerns which are not fully addressed in the staff report or possible decision process of the Planning Commission.

First, this property is not "exclusive farm use zone", and the proposed language can only be assumed to be advantageous for only a particular type of utility, or the "Space Age Industrial" zone originally required a Goal 3 exception to establish the SAI zone. In either case the city has concerns. The city owns property in this zone which was purchased for the purpose of a possible Wastewater treatment plant, a utility, with land application under provisions of Oregon Administrative Rule 340 Division 55, which meets OAR 340 Division 40. The proposed language changes would not allow for this utility. Additionally, the city is on record with the Oregon Department of Energy's Energy Facility Siting Council in opposition to the Boardman to Hemingway Transmission line.

The City of Boardman is an equal opportunity provider

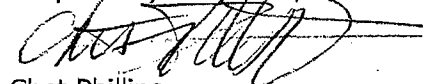
The next concern is the proposed allowance to the siting of wind turbines within this zone as a conditional use. There are several concerns which may preclude the siting of wind turbines as a conditional use such as; location adjacent to an airport, airport hazard overlay zone, airport approach height restrictions, and the increased need for additional transmission lines which become a preferred "outright use" utility under the current language. Under Section (C) (2) of the second version of proposed language, wind generation is allowed under agricultural land standards. Again, this is "industrial" land not "agricultural" land.

The second writing of the proposed changes to Space Age Industrial zone language both increased the concerns and brought forward new questions which are not identified adequately. Under the new section (B), only development of over 100 acres requires a Site Design Review. How is the 100 acres to be measured? Is the acreage of a transmission line identified in (B)(9) measured by the footprint of tower structures, which is approximately 1,000 -1,500 square feet (similar to wind turbines), or by the property which is undevelopable under the transmission line easement, which is acreage intensive? The latter is the only sensible way to review a project in Site Design Review. Additionally, the 100 acre limit seems to be an excessively large development to be able to avoid review, this limit should be closer to 10 -20 acres maximum.

Although these concerns are not fully addressed, they are not without possible mitigation; however, the city has difficulty in supporting the current language without changes which assure this zone will not be cut up by the presumed preferred utility provisions in the process. It is understandable to have clear criteria for a specific use being proposed, e.g. Boardman to Hemingway Transmission Line; however, writing the language for a single specific use, which is causing the immediate need, does not address other potential and possible uses which will require this process again in the future.

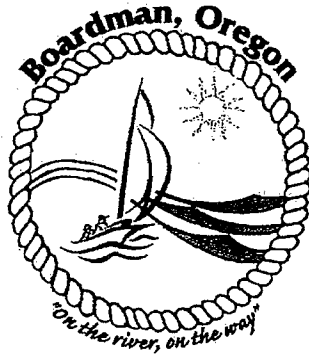
Again, thank you for the opportunity to comment on this proposed language change to the Space Age Industrial zone language. The city is certainly willing to sit down with the Planning Department to assist in development of additional language to address some of these concerns.

Respectfully submitted,



Chet Phillips
Mayor

Attachments: Letter to Oregon Department of Energy, Boardman to Hemingway
Technical Memo: Boardman to Hemingway



City of Boardman

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November 13, 2008

Oregon Department of Energy
ATTN: Adam Bless, Energy Facility Analyst
625 Marion St. NE
Salem, Oregon 97301

RE: Boardman to Hemingway Transmission Line Project

Dear Department of Energy and Energy Facility Siting Council,

The City of Boardman appreciates the opportunity to comment on the Idaho Power proposed Boardman to Hemingway Transmission Line Project. After review of the Idaho Power Notice of Intent, Oregon Department of Energy Scoping Meeting informational packet, the Bureau of Land Management Scoping Meeting informational packet, and an internal Technical Memorandum by the Community Development Director on the Boardman to Hemingway Transmission Line Project, the Boardman City Council has the following comments for consideration by Oregon Department of Energy and the Energy Facility Siting Council. These comments will be presented in two distinct premises; first, a more generalized set of comments concerning how the transmission line could affect city planning efforts based upon local history with transmission lines; and second, as an affected property owner where the Idaho Power preferred proposed routing would dissect the property with the establishment of an easement.

The City of Boardman is acutely aware of effects high voltage transmission lines can have on public perception and the planning efforts for a community. The city has three Bonneville Power Administration transmission lines dissecting the city with a 400 foot easement in the heart of commercially and residentially zoned land south of the Interstate 84 Rights-of-Way. These transmission lines have effectively created significant barriers to economic development of the land, both where the easement is located, and for land adjacent to their locations. As a result of the placement of these transmission lines, the city views the placement of additional transmission line routing near existing urban growth areas as an issue of concern. Having contributed to the general public benefit with the existing lines for a period of over 40 years, placement of an additional transmission line may create additional barriers to future development beyond the 20 year planning window associated with this process and Oregon's land use planning system. Transmission lines create a permanent development wasteland in and near their easements. Due to the high cost of siting, construction and operation, rarely are transmission line locations changed or altered, creating the permanent barrier.

The city is routinely faced with recurring complaints from the public about the location of the existing transmission lines due to perceived problems with electromagnetic fields, the lack of accessibility through or across the easement, the lack of allowable uses within the easements and others. The public's call for removal of these lines, or relocation of these lines, urges sincere caution on behalf of the staff and City Council in consideration of any further transmission line placement within the city's potential 50-year planning horizon areas.

The City of Boardman prefers and strongly recommends the choice of an alternate route to the south of the Naval Weapon Systems Training Facility. This would avoid the issues illustrated above.

As an affected property owner within the proposed preferred Idaho Power route for the Boardman to Hemingway Transmission Line Project, the city again prefers and urges an alternate route south of the Naval Weapon Systems Training Facility.

The city owns a large tract of land which would be dissected by the Idaho Power preferred routing of the transmission line. The city purchased this property to allow for the future installation of additional wastewater treatment facilities via land application of effluent. This project was identified in long term master planning for the wastewater treatment system. The large acreage provides for the installation of lagoon facilities, which is one of the most effective methods of wastewater treatment for this environment, with the additional area being for the land application. The portion of the property where this facility would be best suited to be located is also the same area where the proposed transmission line routing is. Part of this is due to the soils being deep enough, on the southern portion of the property, to support this type of development and allow for agricultural use for the land application portion of the treatment process.

In conclusion, the preferred Idaho Power routing of the transmission line is not the preferred routing of the City of Boardman. Should the Idaho Power preferred alternative be chosen as the routing of the Boardman to Hemingway Transmission Line Project, the City would like to review the actual application materials, when they are available, to determine the nature of the impacts to the city owned property and future wastewater system master plans. These impacts may have mitigations which could be identified and negotiated during the siting process. Without additional information these determinations can not be made at this time.

The City of Boardman appreciates the opportunity to comment on this project and the possible impacts to the city and the community as a whole. The city also thanks the Department of Energy and the Energy Facility Siting Council for their consideration of our comments and look forward to the additional stages of the siting process to identify these issues and possible mitigations.

Respectfully submitted,



F.E. Glenn, Mayor
On behalf of the
Boardman City Council

Attachments: November 7, 2008, Staff Technical Memorandum

CITY of BOARDMAN

Community Development

TECHNICAL MEMORANDUM

DATE: November 7, 2008

TO: City Manager and City Council

FROM: Barry C. Beyeler, Community Development Director

SUBJECT: Boardman to Hemingway Transmission Line Review

At the October 21, 2008, City Council meeting the Council directed staff to prepare a response to the appropriate agencies concerning the Boardman to Hemingway Transmission Line proposed by Idaho Power. This report is intended to provide a level of background for Council review and consideration prior to the required response, which must be sent by no later than November 14, 2008. As there was no meeting on November 4, 2008, staff felt the facts and concepts about the process of siting a transmission line contained within this technical memorandum would benefit Council and enhance the letter to be sent as a technical addendum.

PROPOSAL & PROCESS

Idaho Power Company submitted a Notice of Intent to the Oregon Department of Energy (OR DOE), Energy Facilities Siting Council (EFSC) and to the Bureau of Land Management (BLM) for the construction of a 500 kV (kilo volt) transmission line from a substation near Portland General Electric's coal fired plant to a substation off of Hemingway Butte, near Murphy, Idaho. This line will be similar in nature to the existing Bonneville Power Administration (BPA) transmission lines which cross through the city south of the I-84 R-O-W. The Idaho Power preferred location for this line is proposed to run along the northern boundary of the Naval Weapons System Training Facility (NWSTF) south of town. There are alternate routes proposed to the south side of the NWSTF. The northern NWSTF boundary is between $\frac{1}{2}$ and $\frac{3}{4}$ of a mile south of city limits or urban growth boundary, dependent upon the point of measurement. The line will be to move power between these two locations in different directions during different times of the year to either provide excess generation capacity or to obtain additional generation capacity during periods of intermittent demands on either end of the line.

The Notice of Intent, to OR DOE and EFSC, is the required starting point for siting of this transmission line. The Notice of Intent, to the BLM, is to begin the siting process across federally owned land, managed by the BLM, so the tenets of the National Environmental Policy Act (NEPA) required by federal policy can be met. The Notice of Intent triggers a process where public scoping meetings are held along the route of the proposed transmission line to garner public input on the proposed routing.

On October 30, 2008, The OR DOE and Vale District of BLM held a public scoping meeting in Boardman to explain the proposal to attendees of the meeting. There were approximately 25 attendees, from the affected public, for the meeting. During the meeting, many of the questions of the public were answered. Some questions could not be answered because the

NEPA process is only in the beginning stages. OR DOE and BLM requested public comments to be dated no later than November 14, 2008, for this phase of public comments. These comments are the only opportunity for comment prior to the development of a Draft Environmental Impact Statement which will be released to the public for comment.

The next steps for Idaho Power are to submit a Site Certificate Application to the OR DOE, and for Idaho Power and BLM to assemble and complete a Draft Environmental Impact Statement (EIS). The Draft EIS will review the environmental concerns and mitigations along preferred routing and the identified alternate routes of the proposed transmission line. The Site Certificate Application will contain information beyond the EIS, such as engineering information, operational and maintenance plans, application of relevant statutes, rules and local ordinances, and other relevant mitigations and conditions for the project. The OR DOE and EFSC will review relevant criteria submitted during the public scoping meetings to assure response to those comments and concerns of the public. The Site Certificate Application and Draft EIS will be released to the public through another round of public meetings and provide another chance for public comment based upon the technical criteria within the Site Certificate Application and Draft EIS.

The steps which follow for the OR DOE will be to issue a Project Order on the Site Certificate Application identifying applicable statutes and rules plus definition of the impact analysis areas. The BLM will follow a similar process, separate to OR DOE, fitting federal property guidelines. OR DOE and EFSC will review the Site Certificate Application with standards which are identified in Oregon Administrative Rule 345-022 and 345-024. These OAR's includes a general standard of review (which includes noise, wetlands, water pollution control facilities, and water rights), organizational expertise, structural standards, soil protection, land use, protected areas, retirement and financial assurance, fish and wildlife habitat, threatened and endangered species, scenic and aesthetic values, historic, cultural and archeological resources, recreation, public services, waste minimization and a carbon dioxide standard. The Site Application will address many of these concerns through the Draft EIS with other information found in the Site Certificate Application.

Upon review and possible incorporation of relevant public comments for Site Certificate Application and the Draft EIS, the OR DOE, EFSC and BLM will have another public comment period on the Draft EIS and the Idaho Power Application for Site Certificate. These comments will be focused on the process and assurance the EIS and the Application are complete, accurate and address all of the relevant statutes, rules and ordinances which are applicable to the project. Upon completion of this step the OR DOE will issue a Proposed Draft Order which recommends approval or denial and possible conditions of the Application for Site Certificate.

Idaho Power will also be required to submit a request to the Oregon Public Utility Commission (PUC) to receive a Certificate of Public Convenience and Necessity (CPCN). Idaho Power may submit this request to PUC after the Draft EIS is completed or after OR DOE issues a proposed Draft Order. This certificate is issued by the PUC after review of the proposed line to assure the Integrated Resource Plan (IRP) is met and to certify the "public convenience and necessity" of the project. The IRP is a plan submitted according to criteria established by the Western Electrical Coordinating Council (WECC), whose membership is made up of electrical

utilities and transmission providers which include private utilities and providers such as BPA. The CPCN is part of the OR DOE and EFSC process to issue Final Orders to site the transmission line within the state of Oregon. The issuance of the CPCN also provides Idaho Power with the ability to condemn property in the siting process.

The final steps for the OR DOE, EFSC and BLM will be to issue a Final Environmental Impact Statement for public review and comment and/or legal challenge in the court systems. Once the OR DOE, EFSC and BLM issue a Proposed Final Order on the Application for Site Certificate, the construction of the transmission line is allowed to proceed to construction. Legal challenge and issuance of temporary injunctions to halt construction until the legal challenge is resolved may follow the issuance of a Proposed Final Order.

LOCAL HISTORICAL PERSPECTIVE

In the early 1960's the US Army Corps of Engineers (USACE) proposed the construction of the John Day Dam. The construction of John Day Dam identified the location of the City of Boardman would be inundated when the reservoir was filled upon completion. As a result the USACE opted to move the location of the city to higher ground. In the period from 1964 – 1967 the city was moved to a higher location outside of the high water taking line. Oregon Highway 30 was replaced with a new alignment of what is now Interstate 84, the Union Pacific Rail Road line was relocated to the current location and the population of 153 fit conveniently in between the railroad tracks and the high way alignment. When the USACE proposed transmission lines along a 390 foot wide easement running east and west approximately 900' – 1,300' south of the southern Interstate Rights-of-Way, to provide transmission capabilities for the expanding hydro-electric system be constructed for by the USACE, there was little or no opposition. The transmission lines were "south of town". From the period from 1965 – 1972, three 500 kV lines were installed in this easement. By 1976, when the first Comprehensive Plan, required by Senate Bill 100 on Land Use Planning, was approved the city identified a need for additional property south of the Bonneville Power Administration easement. This 390' easement then became a east west strip of property dissecting the community, in which the restrictions to development have been significant in order to maintain the transmission lines and provide safe operation of the lines.

Over the past 40 years, the location of the BPA transmission lines easement has provided numerous challenges to development through the primary commercial areas of the community. Many residents have pushed the city to get the lines relocated so the properties underlying the transmission lines can be reasonably utilized. Other citizens have consistently brought up perceived health hazards associated with electro-magnetic (EM) fields associated with high voltage transmission lines in proximity to residential and commercial development.

RELEVANCE OF HISTORICAL PERSPECTIVE TO CURRENT PROPOSAL

When the community was moved to higher ground and the transmission lines were viewed as inconsequential because they were "south of town" would not have met the 20 year required planning window of today. The currently required 20-year planning window view of this proposed project would indicate no interference with available land to meet the projected

growth rates of the city. The Buildable Land Study indicates more than adequate available land to meet a 20 year planning horizon within the city limits and urban growth boundaries. The proposed line is ½ to ¾ of a mile south of the southernmost urban growth boundary and entirely a Morrow County land use decision. However, when the location of the Naval Weapons Systems Training Facility (NWSTF) is considered the expansion of the town to the south would be preclude at this “hard boundary” as the Department of Defense has long term leases and no intention of forfeiting this property in the future. The proposal has the preferred alternative route of the transmission line on the northernmost boundary of the NWSTF. This proposed location would preclude the use of any easement for other urban purposes if located in the proposed location. This factor would push any future expansion to the east or west of the existing city and urban growth boundaries.

Looking beyond the required 20 year planning horizon to a 50 year horizon the location of this proposed line MAY create issues with development potential and MAY direct development in different directions than to the south.

CONSIDERATIONS ASSOCIATED WITH TRANSMISSION LINES

Through the process of researching conditions for siting of transmission lines for this technical memorandum, several issues for consideration of the City Council have been identified.

- 1) The Boardman Comprehensive Plan in Chapter IX – Economic Policies (1) states: “Advance the position of Boardman as a regional center for industry, **power generation (emphasis added)**, commerce, recreation and culture.

This policy statement in the city’s approved Comprehensive Plan indicates general support for support of electrical power generation and supporting facilities. The Comprehensive plan may not have fully realized the changes in power generation seen in the past several years. Power generation, primarily viewed as facilities such as the Coyote Springs Co-generation facility, are/were part of the vision established in the Comprehensive Plan; however, wind turbine generation was not realistically considered in this policy statement.

The advances, and subsequent permitting, siting, construction and use, of wind turbines in the areas outside of the city have placed additional burdens on transmission facilities to allow generated power access to the transmission grid. The benefits of power generation facilities such as the Co-generation plant or nuclear plants pose economic benefits, such as increased tax base, to the city which other generation types, such as wind turbines, do not. Indirect benefits of regional power generation are residential housing units and subsequently, smaller incremental increases in tax base as a result.

- 2) Power distribution hubs are not part of this proposed line at this time. According to Eric Hackett, Project Manager for Idaho Power, there are no identified power distribution hubs off of this line at this time or in the near foreseeable future. Additionally, the high voltage of this line is not intended to be a transmission line for power distribution, and would require significant step-down or step-up sub-stations to distribute power or place

new generation facilities on line respectively. This noted, changes to the electrical generation facilities and locations they are sited, or the placement of clustered high power use industrial facilities could produce a future need for these types of power distribution hubs.

Installation of a power distribution hub as mentioned above may require additional lower voltage transmission lines to the hub and additional sub-station facilities to support those lines and facilities. Should a distribution hub be identified in the immediate area the transmission lines in and out of this hub MAY be a point to watch in the future.

- 3) The proposed locations are entirely within the Morrow County Planning Department's jurisdictional boundaries and outside of city jurisdictional boundaries. Because the proposed location of all alternate routes are outside of the city's jurisdiction, Morrow County will have all land use decision making authority outside of the OR DOE and EFSC decision process. The current Inter-governmental agreement required for land use planning within the urban growth area does not extend to any of the proposed routes for this transmission line.
- 4) The proposed transmission line would traverse city owned property adjacent to Tower Rd. requiring the city to grant an easement for the Idaho Power preferred alternative route. According to survey data initiated by the city for the partitioning and sale of property on the northern portion of tax lot #119 of Morrow County Tax Map 4N 24, a parcel of property totaling 307 acres would be traversed approximately 2,600 feet north of the southern boundary of the tax lot. The transmission line across the property would effectively split the property into a 208.52 acre parcel and a 98.48 acre parcel not counting the undetermined easement width for the transmission line. The property is zoned Space Age Industrial. Morrow County has no specific "Allowed Use" or "Conditional Use" approval criteria for the Space Age Industrial zone. In a letter to Adam Bless of OR DOE the Morrow County Planning Department has indicated the lack of specific criteria for approval in the Space Age Industrial zone. Oregon Administrative Rule 345-022 has identified criteria under OAR 345-022-0030 which would be followed by EFSC in determination of land use review and approval for issuance of a Site Certificate.

The city will have the opportunity to deal with routing across city owned tax lot #119 of 4N 24 in several manners. The first opportunity is to illustrate the situation during this scoping phase and identify mitigations desired by November 14, 2008. Other opportunities, the other public comment stages as explained in the PROPOSAL & PROCESS section of this technical memorandum, and the last would be during a possible easement negotiation with Idaho power.

OREGON ADMINISTRATIVE RULE 345-022 and 345-024 REVIEW CRITERIA

Oregon Administrative Rule 345-022 provide guidelines and review criteria for the Energy Facility Siting Council and the OR DOE to follow in the decision making process of issuance of a site certificate for this project. OAR 345-022 are the rules developed to meet the

statutory requirements identified in Oregon Revised Statute 469 – ENERGY; CONSERVATION PROGRAMS; ENERGY FACILITIES.

OAR 345-022-0000 has general standards of review where the overall effects of public interest, environmental impacts, assurance of meeting statues and rules, uniqueness and significance of the affected resource, and assessment of a need standard. These standards will be addressed in the Site Certificate Application and/ or the EIS data submitted by Idaho Power.

OAR 345-022-0010 concerns the Organization Expertise of the applicant or applicants. Idaho Power as the applicant for this project proposal will meet the criteria entailed in this section of the OAR. These standards will be addressed in the Site Certificate Application data submitted by Idaho Power.

OAR 345-022-0020 concerns Structural Standard for the project. Idaho Power should meet this criteria through the production of the Environmental Impact Statement where concerns about seismic suitability, seismic mitigation through engineering design, characterization of soil hazards, human safety standards, and possible engineering mitigation conditions set froth by the EFSC and OR DOE. These standards will be addressed in the Site Certificate Application data submitted by Idaho Power.

OAR 345-022-022 concerns Soil Protection standards for the project. Idaho Power should meet this standard through a plan identifying soil protection measures and mitigation, where necessary. These standards will be addressed in the Site Certificate Application data submitted by Idaho Power.

OAR 345-022-0030 concerns Land Use standards for the project. This will require review of all applicable federal, state, county and other local statutes, rules and ordinances along the route. As noted earlier in this document, Morrow County has sole local jurisdiction on this project in this area because the proposed routes do not enter into city jurisdictional boundaries. These standards will be addressed in the Site Certificate Application data submitted by Idaho Power.

OAR 345-022-0040 concerns Protected Areas standards for the project. Idaho Power should be able to meet this standard because most of the areas listed for protection, are not in this area. The possible caveat to this is the habitat area owned by the Nature Conservancy. The alternate routes to the south of the Naval Weapons System Training Facility would be routed, in a circuitous manner around the habitat area. These standards will be addressed in the Site Certificate Application and/ or the EIS data submitted by Idaho Power.

OAR 345-022-0050 concerns Retirement and Financial Assurance standards fro the project. Idaho Power should be able to easily meet the standards in this section of the OAR. These standards will be addressed in the Site Certificate Application data submitted by Idaho Power.

OAR 345-022-0060 concerns Fish and Wildlife Habitat for the project. Idaho Power should be able to meet this standard. The possible caveat to this is the habitat area owned by the

Nature Conservancy. The alternate routes to the south of the Naval Weapons System Training Facility would be routed, in a circuitous manner around the habitat area. These standards will be addressed in the Site Certificate Application and/ or the EIS data submitted by Idaho Power.

OAR 345-022-0070 concerns Threatened and Endangered Species for the project. Idaho Power should be able to meet this standard by avoiding routing through the habitat area owned by the Nature Conservancy. The Nature conservancy holds this property for protection of habitat for the Washington ground Squirrel which is listed as threatened. The alternate routes to the south of the Naval Weapons System Training Facility would be routed, in a circuitous manner around the habitat area. These standards will be addressed in the Site Certificate Application and/ or the EIS data submitted by Idaho Power.

OAR 345-022-0080 concerns Scenic Resources for the project. The preferred route has no identified scenic resources though the proposed route in Morrow County. The alternate routes to the south of the NWSTF could have issues with the Blue Mt. Scenic By-way designation along OR highway 74. These standards will be addressed in the Site Certificate Application and/ or the EIS data submitted by Idaho Power.

OAR 345-022-0090 concerns Historic, Cultural and Archeological Resources for the project. There are identified historic resources on the alternate routes to the south of NWSTF. The Oregon Trail and the Cecil Store are identified Historic Resources. The Draft EIS may identify cultural or archeological resources though investigations with the Confederated Tribes of the Umatilla Indian Reservation. These standards will be addressed in the Site Certificate Application and/ or the EIS data submitted by Idaho Power.

OAR 345-022-0100 concerns Recreation for this project. Idaho Power should have no trouble meeting the standards for recreation along the routes identified. These standards will be addressed in the Site Certificate Application data submitted by Idaho Power.

OAR 345-022-0110 concerns Public Services for the project. Idaho Power should be able to meet these standards without significant difficulty. These standards will be addressed in the Site Certificate Application data submitted by Idaho Power.

OAR 345-022-0120 concerns Waste Minimization for the project. Idaho Power should have no problem meeting this standard. There will only be temporary needs for wastewater or solid waste services during construction or significant maintenance on the transmission lines. These standards will be addressed in the Site Certificate Application data submitted by Idaho Power.

OAR 345-024-0090 concerns Specific Standards for Transmission Lines for the project. These standards are relatively easily attainable design standards which Idaho Power should have little trouble in attaining. These standards will be addressed in the Site Certificate Application data submitted by Idaho Power.

SUMMARY AND CONCLUSIONS

After review of the information provided at the public scoping meeting, review of the relevant Statutes, Administrative Rules, and relevant local ordinances this project and the alternative routes in and through Morrow County seem to be following a prescribed course which should be successful for siting of the Boardman to Hemingway Transmission Line Project proposed by Idaho Power. Staff will be reviewing information provided in the Site Certificate Application and Draft Environmental Impact Statements to assure all protocols and procedures are followed and project mitigations identified are assured and completed.

The City has opportunities to comment on this project in several additional forums. 1) Site Application and Draft EIS review, 2) Oregon Public Utilities Commission Integrated Resource Plan and Certificate of Public Convenience and Necessity review, 3) Site Application and Final EIS review, 4) Energy Facility Siting Council meeting, 5) and, possibly Morrow County Planning Commission for Conditional Use for applicable properties.

The combination of no identified historic, scenic or cultural resources, no threatened or endangered species listings, the "hard boundary" of the Naval Weapons System Training Facility created by the Department of Defense long term lease, Morrow County Zoning ordinances directing transmission lines to Exclusive Farm Use properties, and the statutes, rules and ordinances for siting an transmission lines in Oregon leave the city with stating preferences to the appropriate agencies. The city's comments will be among many received for this project and will be heard with appropriate response. Additional information on cultural, historic and archeological resources MAY be identified in the Draft EIS which may provide additional comments and mitigations to be considered.

Where the city is a land owner of an affected property there will be one additional point for negotiation. This will be negotiating the easement criteria and location across the property referred to as tax lot #119 of 4N 24 of Morrow County tax maps. Requests for mitigations for this property are appropriate at this stage of comments. Possible mitigations are to direct the location the transmission line borders or crosses the property, compensation for the loss of property use because of the easement, and general conditions for provision of an easement for the transmission line.

The city can express preferences to the location of the transmission line to the south of the Naval Weapons System Training Facility based upon the "Historical Perspective" portion of this technical memorandum. Based upon review of the alternate routes and impediments such as identified threatened and endangered species, habitat conservation areas, scenic by-ways, historic resources, cultural resources and aerial vectors for aircraft approaches to the Naval Weapons System Training Facility, the city's preferences may not carry significant weight. This is especially true when expansion of the Urban Growth Boundary can proceed to the east or west in the future, when necessary. The 20 year planning horizon does not indicate a need to expand this boundary; however, as growth rates change the planning horizon criteria could change as well.

RECOMMENDATIONS

Staff recommendations are to submit a letter with two basic premises at this stage of the comment periods afforded to the city. In this letter identify, first, the Council's preference for the Boardman to Hemingway Transmission Line to follow an alternate route to the south of the Naval Weapons System Training Facility based upon the city's historical perspective illustrating how existing Bonneville Power Administration lines have affected development within and urban environment. Second, identify mitigations and conditions for locating the transmission line and granting an easement on city owned tax lot #119 of Morrow County Tax Map 4N 24.

Subject: ZONING AMENDMENT AZ-010-08

From: "Melaas, Richard L CIV NAS WHIDBEY ISLAND WA" <richard.melaas@navy.mil>

Date: Mon, 30 Mar 2009 14:29:13 -0700

To: <cmclane@co.morrow.or.us>, "Gretchen Pedersen" <gpedersen@co.morrow.or.us>

CC: "David, Gerral K. CAPT (CO NASWI)" <gerral.david@navy.mil>, "Miller, Matthew C. CDR (XO NASWI) N01" <matthew.c.miller@navy.mil>, "Lehman, Larry CIV CNRNW, N3" <larry.lehman@navy.mil>

Dear Ms. McClane,

Thank you for providing notice of zoning amendment proposal AZ-010-08; a proposal to allow outright the siting of utility facilities necessary for public service meeting the criteria in Oregon Revised Statute (ORS) 215.275, and to allow the siting of commercial energy facilities conditionally, in the Space Age Industrial (SAI) zoned parcel(s) immediately west of the Naval Weapons Systems Training Facility (NWSTF) Boardman and under Restricted Area (R) 5701 which is restricted airspace from the surface to 20,000 feet above Mean Sea Level.

While the criteria in ORS 215.275 seems generally to be to support individual transmission of overhead utilities where utility lines and poles are relatively low, the proposal would inherently permit transmission lines and other utility transmission facilities with heights up to and including 200 feet Above Ground Level (AGL) unconditionally.

As the Navy and other Department of Defense users have used the R5701 airspace and NWSTF Boardman bombing range for many decades for low altitude flight training at altitudes below 200 feet AGL, and it appears from the drawing that some of the land proposed for the zoning amendment may be over land where the Navy has an easement that would likely prohibit tall utility transmission towers (Sections 19-24 in Township 3 North (T3N) Range 24 East (R24E) and Section 24 R23E T3N), we request the Morrow County Planning Commission consider permitting outright only utility transmission facilities in the SAI zone where the structures are no taller than 100 feet AGL and make the permitting of utility transmission facilities in the SAI zone that are greater than 100 feet AGL a conditional use. If and when an application is considered by Morrow County, Naval Air Station Whidbey Island would like the opportunity to argue a case that certain areas where utility transmission facilities above 100 feet AGL are a very real health, safety, and/or general welfare issue to persons on the ground that Morrow County should consider before a decision is made whether to permit them to be constructed.

Thank you for the opportunity to comment on the proposed amendment to the SAI zone, AZ-010-08.

Sincerely,

Richard L. Melaas
Navy Region Northwest Community Plans & Liaison Officer



OREGON MILITARY DEPARTMENT
JOINT FORCE HEADQUARTERS, OREGON NATIONAL GUARD
OFFICE OF THE ADJUTANT GENERAL
1776 MILITIA WAY
P.O. BOX 14350
SALEM, OREGON 97309-5047

March 30, 2009

Deputy Director, Oregon Military Department

Carla McLane
Morrow County Planning Director
PO Box 40
Irrigon, OR 97844

Dear Ms. McLane,

Allow me to express my concerns regarding zoning amendment proposal AZ-010-08. This proposal would allow the outright siting of those utility facilities necessary for public service that meet the criteria outlined in Oregon Revised Statute (ORS) 215.275. It would also allow the conditional siting of commercial energy facilities in the Space Age Industrial (SAI) zoned parcel(s) immediately west of the Naval Weapons Systems Training Facility (NWSTF) Boardman and under Restricted Area (R) 5701. This parcel lies within the Navy's area of restricted airspace, which is from the surface to 20,000 feet above Mean Sea Level.

The Oregon National Guard utilizes the Navy's restricted airspace for helicopter and Unmanned Aerial Systems (UAS) training. In certain areas, structures taller than 100 feet AGL will have a significant negative impact on training and have the potential of creating a health, safety, and/or general welfare issue to persons on the ground.

To prevent these negative impacts, I request the Morrow County Planning Commission consider modifying the proposal to only permit the outright construction of structures in the SAI zone that are no taller than 100 feet AGL. In addition, the construction of structures greater than 100 feet AGL should only be permitted after the Oregon Military Department has had the opportunity to oppose those applications that will be detrimental to training and pose a hazard to citizens.

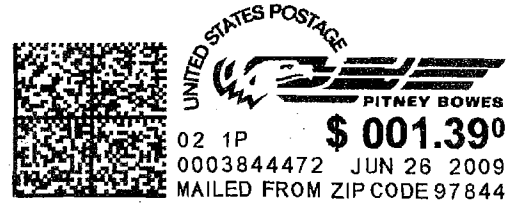
Thank you for considering this request. For further discussion, I may be contacted at 503.584.3884.

Sincerely,

J. Michael Caldwell
Brigadier General, Oregon State Defense Force
Deputy Director

MORROW COUNTY PLANNING DEPT.

P.O. BOX 40
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