



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office Fax: (503) 378-5518

Third Floor/Measure 37 Fax: (503) 378-5318

Web Address: <http://www.oregon.gov/LCD>

### NOTICE OF ADOPTED AMENDMENT

November 27, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Gilliam County Plan Amendment  
DLCDC File Number 002-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. 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: December 6, 2006**

This amendment was submitted to DLCD for review 45 days prior to adoption. 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 THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist  
Jon Jinings, DLCD Regional Representative  
Susie Anderson, Gilliam County

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# DLCD

## Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD  
**WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION**  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person  electronic  mailed

**DEPT OF**

NOV 17 2006

LAND CONSERVATION  
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **Gilliam County**

Local file number: **CPA-2006-01**

Date of Adoption: **11/1/2006**

Date Mailed: **11/15/2006**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **September 11, 2006**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment                | <input type="checkbox"/> Zoning Map Amendment             |
| <input type="checkbox"/> New Land Use Regulation                      | <input type="checkbox"/> Other:                           |

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

Goal 2, Part 2, and Goal 3, Agricultural Lands: Allowing an exception to Statewide Planning Goal 2 and 3 implementing regulation allowing more than 20 acres to be precluded from a commercial agricultural enterprise.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

- 1  2  3  4  5  6  7  8  9  10  11  12  13  14  15  16  17  18  19

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

DLCD # 002-06 (15552)

**DLCD file No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Oregon Department of Fish and Wildlife and Oregon Department of Transportation

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Local Contact: **Susie Anderson**

Phone: (541) 384-2381 Extension:

Address: **P.O. Box 4127**

Fax Number: 541-384-2166

City: **Condon**

Zip: **97823**

E-mail Address: **susie@ncesd.k12.or.us**

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### **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**

per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: [webserver.lcd.state.or.us](http://webserver.lcd.state.or.us). To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing [mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us).
  3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
  4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
  5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
  6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
  7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on 8-1/2x11 green paper only. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to [mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.
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Ordinance No. 2006- 02

AN ORDINANCE AMENDING THE  
GILLIAM COUNTY COMPREHENSIVE PLAN  
BY DECLARING A GOAL 3 EXCEPTION  
AS REQUIRED BY OAR 660-033-0130-(22)

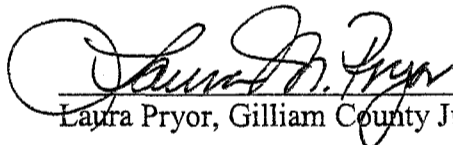
**Gilliam County does hereby ordain:**

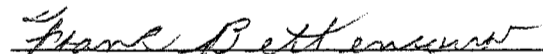
**WHEREAS:** The Gilliam County Planning Commission met on October 31, 2006 and;

**WHEREAS:** The Gilliam County Planning Commission recommended the adoption of the Goal 3 Exception as required by OAR 660-033-0130-(22) and;

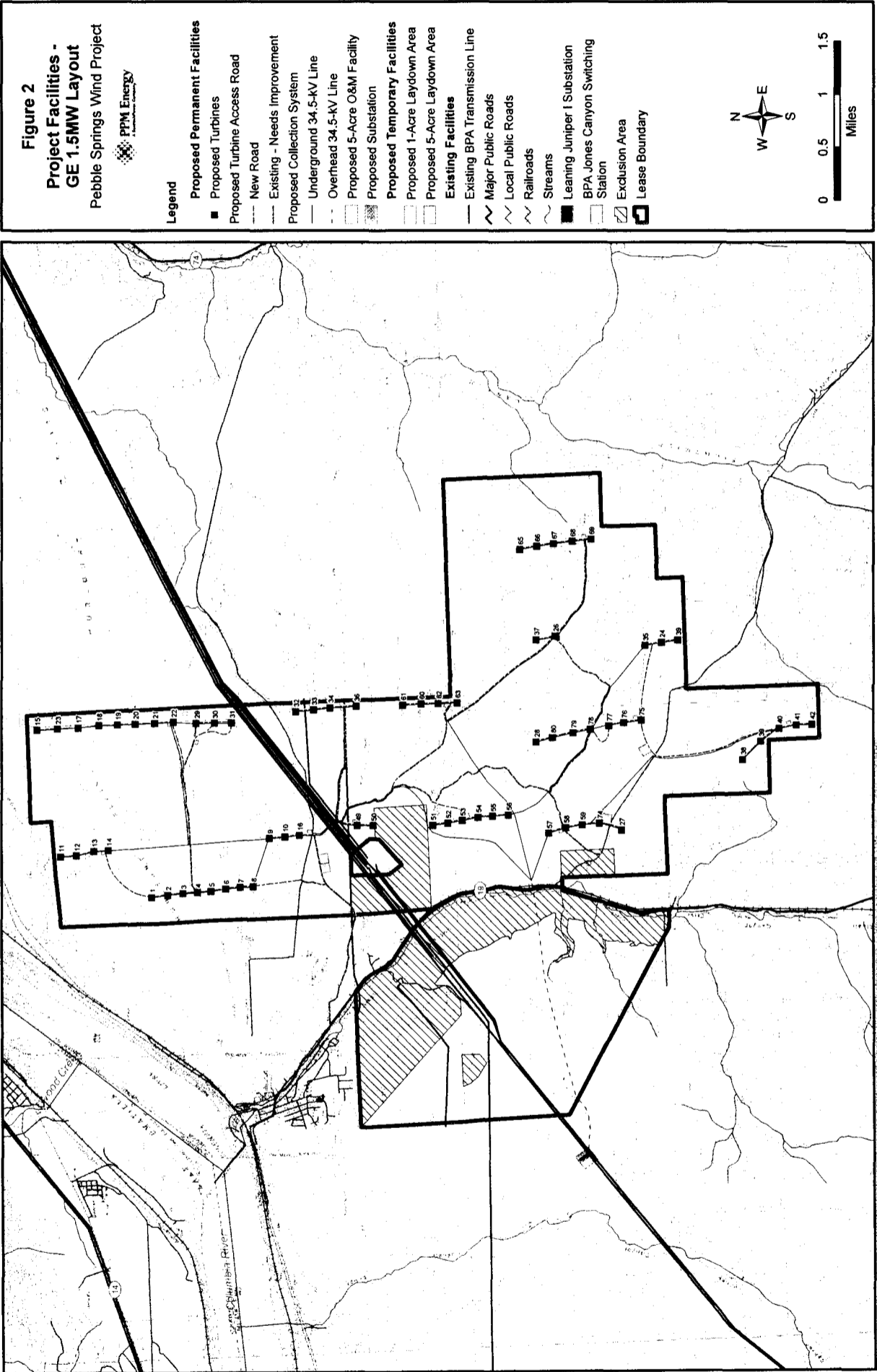
**THEREFORE:** The Gilliam County Comprehensive Plan as adopted on May 3, 1977, and amended on May 15, 1987, June 19, 1996, and December 18, 2002, is hereby amended to add the following Goal 3 Exception for Pebble Springs Wind Energy Project as required by OAR 660-033-0130(22).

This ordinance adopted this 1st day of November, 2006

  
\_\_\_\_\_  
Laura Pryor, Gilliam County Judge

  
\_\_\_\_\_  
Frank Bettencourt Gilliam County Commissioner

  
\_\_\_\_\_  
Dennis Gronquist Gilliam County Commissioner



FORM

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# Notice of Proposed Amendment

D A T E  S T A M P	For DLCD Use Only
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THIS FORM MUST BE RECEIVED BY DLCD  
**45 DAYS PRIOR TO THE FIRST EVIDENTIARY HEARING**  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18 AND SENATE BILL 543,  
EFFECTIVE JUNE 30, 1999

Jurisdiction: Gilliam County Local file number: TA 2006-01

Date First Evidentiary hearing: 10/31/2006 Date of Final Hearing: 2/21/2006

Date this Notice of Proposed Amendment was mailed to DLCD: 9/11/2006

Is this a **REVISED** Proposal previously submitted to DLCD?  YES  NO Date Submitted: \_\_\_\_\_

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment                | <input type="checkbox"/> Zoning Map Amendment             |
| <input type="checkbox"/> New Land Use Regulation                      | <input type="checkbox"/> Other: _____                     |

Briefly Summarize Proposal. Do not use technical terms. Do not write "See Attached". (limit of 500 characters)

**Goal 2, Part 2, and Goal 3, Agricultural Lands: Allowing an exception to Statewide Planning Goal 2 and Goal 3 implementing regulation allowing more than 20 acres to be precluded from a commercial agricultural enterprise.**

Plan Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_

Zone Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_

Location: See Attached application for location Acres Involved: App. 60

Specify Density: Previous: Not Applicable New: \_\_\_\_\_

Applicable Statewide Planning Goals: Goal 2 and Goal 3

Is an Exception Proposed?  YES  NO

Affected State or Federal Agencies, Local Governments or Special Districts:

**ODF&W, ODOT**

Local Contact: Susie Anderson Phone: (541) 384-2381 Extension: \_\_\_\_\_

Address: P.O. Box 427 City: Condon Zip: 97823

Fax Number: 541-384-2166 Email Address: susie@ncesd.k12.or.us

DLCD File No.: \_\_\_\_\_

## **SUBMITTAL REQUIREMENTS**

This form **must be received** by DLCD **at least 45 days prior to the first evidentiary hearing**  
per ORS 197.610, OAR Chapter 660 - Division 18  
and Senate Bill 543 effective on June 30, 1999.

1. This form must be submitted by local **jurisdictions only**.
2. When submitting, please print this form on **green paper**.
3. **Send this Form and TWO (2) Copies of the Proposed Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

4. Unless exempt by ORS 197.610 (2), proposed amendments must be **received** at the DLCD's **SALEM OFFICE** at least **FORTY-FIVE (45) days before the first evidentiary hearing on the proposal**. The **first evidentiary hearing** is usually the **first public hearing** held by the jurisdiction's planning commission on the proposal.
5. Submittal of proposed amendments shall include the text of the amendment and any other information the local government believes is necessary to advise DLCD of the proposal. Text means the specific language being added to or deleted from the acknowledged plan or land use regulations. A general description of the proposal is not adequate.
6. Submittal of proposed map amendments must include a map of the affected area showing existing and proposed plan and zone designations. The map should be on 8-1/2 x 11 inch paper. A legal description, tax account number, address or general description is not adequate. Text of background and / or reason for change request should be included.
7. Submittal of proposed amendments which involve a goal exception must include the proposed language of the exception.
8. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

GILLIAM COUNTY OREGON  
COUNTY PLANNING COMMISSION

APPLICATION FOR AMENDMENT TO THE )  
ZONING ORDINANCE AND/OR ZONING MAP ) APPLICATION  
OF THE GILLIAM COUNTY COMPREHENSIVE ) NO. ZA - 2006-01  
LAND USE PLAN OF 1977 AS AMENDED IN 1987 )

I/We **PPM Energy, Inc.**, do hereby request that the Gilliam County Planning Commission recommend, and that the Gilliam County Court adopt, the following amendment to the Gilliam County Comprehensive Land Use Plan:

**All that real property located in Gilliam County, Oregon, described as follows:**

**Township 2 North, Range 21 East, W.M.:**

**Section 1: All**

**Section 2: All that portion lying Easterly right of way line Oregon State Highway No. 19 Highway No. 19**

**Section 11: E1/2, E1/2W1/2**

**Section 12: All**

**Section 13: All**

**Section 24: NE1/4**

**Township 2 North, Range 22 East, W.M.:**

**Section 5: All**

**Section 5: All**

**Section 7: All**

**Section 8: N1/2, SW1/4**

**Section 18: N1/2, N1/2**

**Township 3 North, Range 21 East, W.M.:**

**Section 13: All**

**Section 14: S1/2N1/2, S1/2**

**Section 23: All**

**Section 24: All**

**Section 25: All**

**Section 26: All**

**Section 35: All, EXCEPTING THEREFROM that parcel of land described in deed recorded February 13, 2004 in Gilliam County Deed Records as M-73-399**

**Section 36: All**



Current zone classification: \_\_\_\_\_ amend to \_\_\_\_\_.

**Request for an exception to Statewide Planning Goal 3 ("Goal 3") and its implementing regulation, OAR 660-033-130(22)**

Reason for request for zone amendment:

**The exception would exclude certain identified land within Gilliam County from the requirement of OAR 660-033-130(22), in accordance with the process set forth in Statewide Planning Goal 2, Part II, Exceptions, and in OAR Chapter 660, Division 4. This application is submitted in conjunction with Applicant's Amended Application for Conditional Use Permit ("CUP") for the proposed wind power project ("the Project") described in more detail in the CUP application.**

I/we believe that such an amendment would serve the public interest for the following reasons:

**Please see the attached Application for Goal 3 Exception and Plan Amendment for PPM Energy's Pebble Springs Wind Project**

Name: J.R. Krebs Phone: (541) 454-2856

Address: PO Box 8

Arlington, OR 97812

Signature: J. R. Krebs (or) Agent: \_\_\_\_\_

OFFICE USE ONLY

I hereby certify that this application of an amendment to the Gilliam County Comprehensive Plan and/or the Gilliam County Zoning Ordinance Text and Map pursuant to Part \_\_\_\_\_, Section \_\_\_\_\_ of the Gilliam County Comprehensive Plan and Zoning Ordinance of 1977, as amended in 1987 was received in completed form with the required filing fee by the Gilliam County Planning Department on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Julie Anderson  
Planning Director

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**Hearings Scheduled:**

Gilliam County Planning Commission: 10/31/06  
Gilliam County Court: 11/01/06

**Notices Mailed:**

DLCD: Notice of Proposed Amendment: 09/11/06  
(45 Days prior to final hearing)  
Notice of Adoption: 11/15/06  
(Within 5 days of County Court decision)  
Adjoining Landowners: 09/28/06  
(No less than 20 days prior to first hearing)  
Publish in Local Newspaper: 10/19/06  
(No less than 10 days prior to both scheduled hearings)

**Fee Ordinance 2000-04**

Comprehensive Plan Amendment:	
Text Amendment	\$500.00
Map Amendment	\$500.00
Amendment requiring Goal Exception	\$1,000.00

**Application for Goal 3 Exception and Plan Amendment  
for PPM Energy's Pebble Springs Wind Project**

**INTRODUCTION**

PPM Energy (the "Applicant") submits the following application for an exception to Statewide Planning Goal 3 ("Goal 3") and its implementing regulation, OAR 660-033-130(22). The exception would exclude certain identified land within Gilliam County from the requirement of OAR 660-033-130(22), in accordance with the process set forth in Statewide Planning Goal 2, Part II, Exceptions, and OAR Chapter 660, Division 4. The exception would be documented in the proposed Comprehensive Plan amendment attached to this request.

This application is submitted in conjunction with the Applicant's Application for Conditional Use Permit ("CUP") for the proposed Pebble Springs Wind Power Project (the "Project") described in more detail in the CUP application. The CUP application demonstrates that the Project complies with all other applicable substantive criteria for Gilliam County and with all applicable Land Conservation Development Commission ("LCDC") rules, other than OAR 660-033-0130(22).

Goal 3's implementing regulation, OAR 660-033-130(22) prohibits a new power generation facility from precluding more than 20 acres of non-high value farm land from use as a commercial agricultural enterprise unless an exception is taken. The land that is the subject of this exception (the "Land") is approximately 60 acres of agricultural lands located entirely within a tract of approximately 13,000 acres of private property two miles southeast of Arlington, as shown in Figure 2 of the CUP application. Forty-seven acres are proposed for use as project access roads, and the remaining 13 acres will be used for Project facilities, including turbine pads, power line poles, and a substation. Consequently, the intent of this application is to exclude the Land from the application of OAR 660-033-130 (22) through an amendment to Gilliam County's comprehensive plan. The application establishes that overwhelming reasons justify the exception.

There is strong precedent for this request. In 2001, Gilliam County approved, and DLCD adopted, a 30.3 acre Goal 3 exception for the Condon Wind Project (AT 2001-01). Since 2001, the Oregon Energy Facility Siting Council and other Oregon jurisdictions including Sherman and Union counties have approved Goal 3 exceptions for numerous wind projects. In all of these cases, the decision makers followed the analysis presented in the remainder of this application.

**EXCEPTION CRITERIA**

Statewide Planning Goal 2 ("Goal 2") provides the criteria and standards applicable for establishing an exception. Part II(c) of Goal 2 permits an exception, known as a "reasons" exception, when the following standards are met:

“(A) Reasons justify why the state policy embodied  
in the applicable goals should not apply;

“(B) Areas which do not require a new exception cannot reasonably accommodate the use;

“(C) The long-term environmental, economic, social, and energy [“EESA”] consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and

“(D) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.”<sup>1</sup>

ORS 197.732(1)(c).

**A. Reasons Exception**

As a preliminary matter, the Project meets the general state policy underlying Goal 3. The purpose of Goal 3 is “[t]o preserve and maintain agricultural lands.” In meeting this purpose, counties may authorize nonfarm uses “that will not have significant adverse effects on accepted farm or forest practices.” As detailed in the CUP application, the Project will preserve and maintain agricultural lands, and will have no significant adverse impact on farm practices. Indeed, wind power projects such as this proposed Project coexist very well with existing farm practices, as demonstrated by other projects in Gilliam County, such as the Condon and Leaning Juniper wind projects. Relatively small portions of farmland are taken out of use and, in return, the farmers receive financial support, assisting them to maintain their agricultural practices. Because such a small portion of farmland is required for a wind project, the commercial value of the underlying farming practice suffers no significant adverse impact. The Project will also have no off-site impacts on adjacent farm lands and will not alter the property tax values of the surrounding farmland.

Although the Project satisfies the general policy of Goal 3, it does not meet the specific mandate stated in OAR 660-033-130(22). However, sufficient reasons exist for exempting the Project from the policy supporting OAR 660-033-130(22).

Reasons sufficient to site industrial development on agricultural land outside of an urban growth boundary (“UGB”) are set forth in OAR 660-004-0022 (3). These reasons for “Rural Industrial Development” may include, but are not limited to, the following:

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<sup>1</sup> The other two exceptions, the “physically developed” and the “irrevocably committed” exceptions (Goal 2, Part II(a) and (b)) do not apply to the Project. The Land has not been developed to an extent that it could no longer be used for farm purposes; nor has it been irrevocably committed to other uses.

- The use is significantly dependent upon a unique resource located on agricultural or forestland; or
- The use cannot be located inside an urban growth boundary due to impacts that are hazardous or incompatible in densely populated areas; or
- The use would have a significant comparative advantage due to its location (e.g., near an existing facility), which would benefit the county economy and cause only minimal loss of productive resource lands.

Any of these criteria alone can be sufficient to justify an exception. In this case, all three criteria, as well as other criteria, are satisfied and overwhelmingly support the exception.

**1. The Use Is Dependent Upon a Unique Resource Located on Agricultural Land.**

The LCDC rule expressly provides that certain “natural features,” such as geothermal wells, are an appropriate basis for an exception and for locating a use in agricultural lands. In this case, the Applicant has chosen a site with natural features critical to a developing a viable wind project: (1) adequate wind resource (2) available transmission, and (3) appropriate existing land use. The Land was identified based on analyses of historical regional wind data, terrain features, and wind data from the Land and nearby properties. Existing Bonneville Power Administration transmission lines cross the Land, allowing output from the Project to be delivered into the regional power supply. The agricultural lands in Gilliam County provide an open landscape with no significant windbreaks such as trees, city buildings, or homes, and provide the space necessary for appropriate turbine siting and distance from conflicting land uses.

**2. The Use Cannot be Located Inside an Urban Growth Boundary and Is Incompatible With an Urban Area.**

Wind power projects are not compatible with urban areas for several reasons. In eastern Oregon, urban areas tended to be developed in areas sheltered from the wind by topography. Also, urban areas have buildings that block wind. Further, urban areas typically cannot provide the scale of open lands necessary for a wind project. According to Gilliam County, the cities of Condon and Arlington combined have approximately 2,000 acres of urban and urbanizable lands – far short of the acreage needed to support the Project. Further, much of the 2,000 acres that serve as Areas of Mutual Concern and UGB lands are developed and not available to the proposed Project. Wind energy projects are land-extensive uses that are not appropriate for location in urban areas. The necessary spacing between turbines precludes development within urban areas, which are intended to provide a land base primarily for land-intensive residential, commercial, and industrial uses that support urban living. Further, the wind turbulence, visual

intrusions, and infrastructure requirements associated with commercial wind farm operations are not compatible with most urban uses.<sup>2</sup>

**3. The Use Would Have a Significant Comparative Advantage Due to its Location.**

In addition to the significant comparative advantage provided by locating a wind power project on agricultural lands and on Land with the best available wind resource in Gilliam County, the proposed site also provides the advantage of proximity to existing electricity transmission lines to which the Project can connect. As described in the Project's CUP application, the Project would interconnect with the existing Bonneville Power Administration (BPA) Jones Canyon Switching Station. The Jones Canyon Switching Station will deliver power at 230 kV into BPA's existing McNary-Santiam 230-kV transmission line. Siting an energy facility adjacent to existing transmission lines is cost-effective and results in greater energy efficiency by minimizing the impacts of constructing additional connection transmission lines.

Finally, the Project would benefit the rural local economy by creating employment opportunities, particularly during construction, and by generating tax revenue for the County. The landowner/lessor also will benefit greatly because in return for leasing small portions of farmland for the Project and access roads, the landowner will receive significant financial compensation. The alternate source of income will provide stability to the landowner even during times of agricultural difficulty.

**4. There Is Significant Market Demand for Wind Power.**

In addition to the criteria discussed above, the Land Use Board of Appeals has included market demand as an appropriate factor to consider in taking an exception to Goal 3. Today, there is an unprecedented need for electrical energy in the western United States, and specifically for renewable energy. Federal, state, and local laws encourage the development of renewable energy to regional energy needs as much as possible. The Oregon Governor's Executive Order No. EO-00-07 on Sustainability emphasizes the need for the state to encourage and promote the development of renewable energy sources, including wind power. It orders the state to purchase electrical energy from renewable resources to the extent practicable. More recently, Governor Kulongoski stated his goal that 25% of the state's electrical supply be derived from renewable energy by the year 2025. In furthering that goal, the Governor has directed the Department of Energy's Renewable Energy Work Group to develop a "renewable portfolio standard," which he will propose to the Legislature in 2007. In addition, several utilities in the Pacific Northwest and California have announced plans to acquire substantial amounts

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<sup>2</sup> Gilliam County also contains small areas zoned as General Industrial ("GI") and located outside areas under municipal jurisdiction. One site containing about 10 acres is located near the Arlington Regional Solid Waste Management Site. Another site is an abandoned Air Force facility encompassing between 10 and 50 acres and located about 0.7 miles from downtown Condon. The amount of land potentially available in GI sites is insufficient to support a wind energy facility.

of renewable energy, and recent announced project acquisitions makes it clear that wind energy, because of its cost and availability, is the renewable energy of choice.

**5. The Facility Would Further the State and County Policies of Furthering Renewable Energy Development.**

Statewide Planning Goal 13, Energy Conservation, expressly encourages land use planning to use renewable energy sources, including wind, whenever possible. As wind generation facilities flourish only in rural open landscapes, Goal 13 clearly envisions siting such facilities in rural farmlands.<sup>3</sup> Further, modifying the County's Comprehensive Plan by way of this goal exception in support of wind-based power generation would highlight the County's commitment to "consider as a major determinant the existing and potential capacity of renewable energy sources to yield useful energy output" pursuant to Goal 13, Planning Guideline #5. Finally, as mentioned above, the Oregon Renewable Energy Action Plan, the Governor's Executive Order No. EO-00-07 on Sustainability, and the Governor's commitment to supply 25% of Oregon's energy needs through renewable energy by 2025 emphasize the need for the state to encourage and promote the development of renewable energy sources, including wind power, and to purchase such power whenever feasible.

**B. Areas That Do Not Require a New Exception Cannot Reasonably Accommodate the Use.**

This criterion was addressed above in Section A(2) where it was shown that nonagricultural lands within Areas of Mutual Concern/UGBs in Gilliam County cannot accommodate the necessary acreage or satisfy the Project's need for unimpeded landscape to maximize wind capture possibilities.

**C. The Long Term Environmental, Economic, Social, and Energy Consequences ("ESEE").**

The long-term ESEE consequences of the Project are described in the CUP application. To summarize, the Project will have strongly positive consequences with respect to energy-creation, social issues, and economics for the Project landowner[s] and the County generally. Environmental impacts are presented in the Biological Summary Report (Section K of the CUP), which identifies approximately 57 acres of permanent habitat disturbance (primarily to native grassland and Conservation Reserve Program (CRP) land).

In general, the ESEE consequences of the Project are not significantly more adverse than would typically result from the same proposal being located in other EFU-zoned areas

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<sup>3</sup> The Facility also would further Goal 6, Air, Water and Land Resources. That Goal maintains and improves the air, water, and land resources of the state. If the Facility is not built, it is more likely that a nonrenewable electric facility would be built to meet the surging electricity needs in the region. A coal or natural gas facility would have adverse impacts to air that are not caused by wind facilities.

of the County. The energy, economic, and social consequences are positive rather than adverse, and would be similar to impacts from wind energy projects at other EFU sites throughout the County. The Project's environmental impacts include some permanent disturbance to grassland habitat and potential associated disturbance to birds and wildlife using this habitat. Biological studies indicate that these impacts are on the same, fairly low order of magnitude as other Oregon wind projects, and do not include significant impacts to threatened or endangered species or highly valuable and irreplaceable habitat. Accordingly, the environmental consequences of locating the Project at the proposed site are not significantly more adverse than would result from locating the Project in any other EFU-zoned area of the County.

**D. The Project Is Compatible With Other Adjacent Uses.**

The Project is compatible with adjacent land uses and will not have any significant impacts on those uses. The Project will not alter the farming land use pattern in the area, and it will not increase property taxes or otherwise conflict with existing farming practices on adjacent lands. As with other wind power projects, the Project will create minimal noise and will not introduce materials that could prove harmful to neighboring land, water, or animals. The majority of the 60 acres of permanent land use impact is associated with the improvement of existing roads. The improved public roads may assist the surrounding agricultural practices by providing additional farm access.

**CONCLUSION**

In sum, overwhelming reasons support the siting of this Project in agricultural land and justify taking an exception to Goal 3's 20-acre limitation.



PROPOSED GILLIAM COUNTY COMPREHENSIVE PLAN TEXT  
AMENDMENT

PART 3. AGRICULTURAL LAND USE. POLICY #[ ]:

“The land on which PPM Energy’s wind energy facility is located is excepted from Goal 3 and Goal 3’s Implementing Regulation, OAR 660-033-130(22), which prohibits power generation facilities from precluding more than 20 acres from use as a commercial agricultural enterprise.”

**Landowner Statement Regarding Compatibility with Farming Practices  
Pebble Springs Wind Project (Owner)**

I make this statement in support of the Pebble Springs Wind Project's application for a Goal 3 exemption.

I own land in Gilliam County, Oregon located in and around the wind project area, and I actively use this land as a part of a commercial agricultural enterprise. Portions of the project will occupy the land that I own, which has also been leased to the project developer, PPM, for this purpose.

Based on conversations with PPM about their plans for Pebble Springs, and on my observation of the construction and operation of the nearby Leaning Juniper Wind Project, I have come to the conclusion that development of Pebble Springs will be compatible with my ongoing agricultural operations. In particular:

- The amount of my acreage the project's turbines, roads, and other facilities will occupy is very small in comparison to the total acreage that I control. Accordingly, the amount of my land taken out of economic agricultural production will not represent a significant portion of my farm income.
- Outside of the project footprint, I expect the project's existence will require me to adjust my farming practices in minor ways (i.e., new access routes, increased wind control). However, I do not think that these adjustments will be a significant change in how I farm, and I do not expect them to significantly increase the cost of my farming operations.
- The project will not change the basic pattern of land use in the surrounding area. I am not aware of anyone that is going to stop farming as a result of the project's development, or start using their land for a different purpose. Basically, once the project is up and running, we expect things to go on pretty much as before.

As a farmer and rancher, I value the rural farming and ranching way of life and I would not support any project that I thought would harm or change that way of life. I support the Pebble Springs project because I am convinced that it can be built and operated in a way that fits in with and supports the existing land uses and the community that depends on them.

Thank you for considering my opinion.

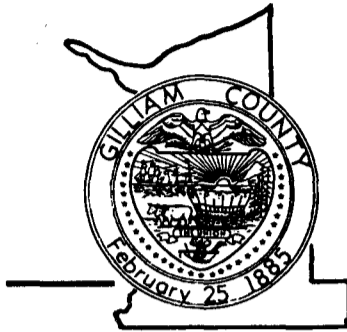
Name: J. R. Krebs

Address: PO Box 8

Arlington, OR 97812

Signature: J. R. Krebs

Date: 8-30-06



DEPT OF  
NOV 17 2006  
LAND CONSERVATION  
AND DEVELOPMENT

**GILLIAM COUNTY  
PLANNING DEPARTMENT**

P.O. Box 427  
CONDON, OR 97823-0427

PHONE: 541-384-2381  
800-982-1172  
FAX: 541-384-2166

November 15, 2006

Attention: Plan Amendment Specialist  
Department of Land Conservation and Development  
635 Capitol St. N.E., Suite 150  
Salem, OR 97301-2540

**RE: Goal 3 Exception Notice of Adoption**

Mara,

Attached please find the two copies of the DLCD Notice of Adoption of the Goal 3 Exception for PPM energy and the Pebble Springs Wind Project.

If you have any questions, please feel free to contact me.

Best wishes,

Susie Anderson  
Gilliam County Planning Director