



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

April 22, 2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Gilliam County Plan Amendment
DLCD File Number 001-08



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: May 7, 2008

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.

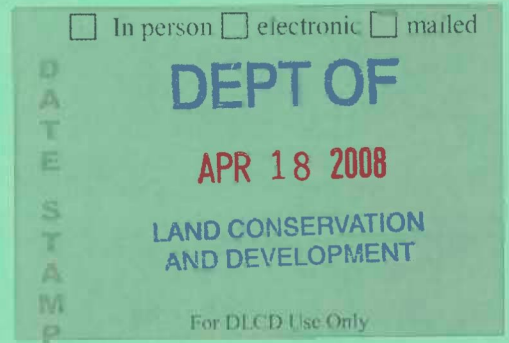
***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

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

<paa> ya

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



Jurisdiction: **Gilliam County**

Local file number: **CPA 08-01**

Date of Adoption: **April 2, 2008**

Date Mailed: **April 3, 2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: 2/1/2008

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Wheat Field Wind Power Project was granted a Conditional Use Permit from the Gilliam County Planning Commission for a wind energy project and made a recommendation to the Gilliam County Court for approval of the Goal 3 Exception for Wheat Field Wind Power Project at a public hearing held March 20, 2008. On April 02, 2008 at a Public Hearing held in the Gilliam county Courthouse, the Gilliam County Court approved the Goal 3 Exception recommendation for a maximum of 40 acres.

Does the Adoption differ from proposal? Yes, Please explain below:

On February 19, 2008, an amendment was submitted to DLCD for the Wheat Field Wind Power Project to include amending the Goal 3 Exception application to request a maximum of 40 acres permanently disturbed by the Facility from the previously requested 32 acres. The O&M Building will be located adjacent to the Wheat Field collection substation.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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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 file No. _____

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

ODOT & ODF&W

Local Contact: **Susie Anderson**

Phone: (541) 384-2381 Extension:

Address: **P.O. Box 427**

Fax Number: **541-384-2166**

City: **Condon**

Zip: **97823-**

E-mail Address:

susie.anderson@co.gilliam.or.us

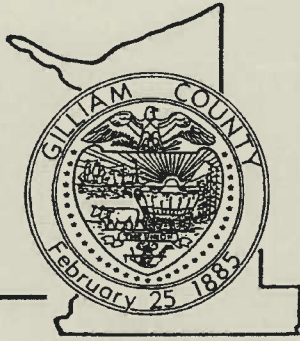
ADOPTION SUBMITTAL REQUIREMENTS

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. 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.
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.



**GILLIAM COUNTY
PLANNING DEPARTMENT**

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

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

FAX: 541-384-2166

April 15, 2008

Mara Ulloa-Plan Amendment Specialist
Department of Land Conservation & Development
635 Capitol Street NE, Suite 150
Salem, OR97301-2540

RE: DLCD Notice of Adoption

Dear Mara,

I am submitting the DLCD Notice of Adoption for the Goal 3 Exception/Comprehensive Plan Amendment that was earlier submitted. Please find attached, the Notice of Adoption and the supporting documents for the Goal 3 Exception/Comprehensive Plan Amendment

You will notice that the date of April 3, 2008 is on the Notice of Adoption and the current date is April 15, 2008. I have been out of town dealing with an illness and death in the family and today is the first day for me to be back in the office since March 31st. I hope this will not cause any problems.

Please feel free contact me if you have any questions.

Sincerely,

Susie Anderson
Gilliam County Planning Director

Cc: Jon Jinnings

DEPT OF
APR 18 2008
**LAND CONSERVATION
AND DEVELOPMENT**



February 13, 2008

Susie Anderson
Gilliam County Planning Director
P.O. Box 427
Condon, Oregon 97823

Subject: CUP #2008-03 and Goal 3 Exception Amendment

Dear Susie:

This letter is intended to supplement both Wheat Field Wind Power Project LLC's recently submitted Conditional Use Permit Application for the Wheat Field Wind Power Project (#2008-03) and the associated Goal 3 Exception Request.

Based upon further engineering and design work that has been completed since the submission of Conditional Use Permit Application for the Wheat Field Wind Power Project (#2008-03) and associated Goal 3 Exception, we have two (2) proposed modifications to our previously submitted Site Plan and Goal 3 Exception request:

1) Location of O&M:

The Wheat Field O&M Facility will now be located adjacent to the Wheat Field collection substation, still within the Wheat Field project area. The location of the facility will continue to remain in EFU-zoned lands currently in agricultural production. Please note that this modification will reduce the amount of permanently disturbed acreage by the O&M Facility. Attached is a map that shows this minor change.

2) Permanently disturbed acreage by the Wind Power Facility:

Given the results of further engineering and design work that has been completed since the submission of the applications, we would we would like to amend our CUP application and Goal 3 Exception application to request a maximum of 40 acres of acreage permanently disturbed by the Facility from the previously requested 32 acres.

As detailed in the CUP and the Goal 3 Exception application, it is anticipated that installation and ongoing operation of the Facility will preserve and maintain agricultural lands and will have no significant adverse impact on farm or forest practices. Given the relatively minor increase in acreage proposed in this amendment no additional adverse impacts are anticipated.

Please let me know if you have any questions regarding these minor amendments.

Regards,



Arlo Corwin

Attachment: (1)

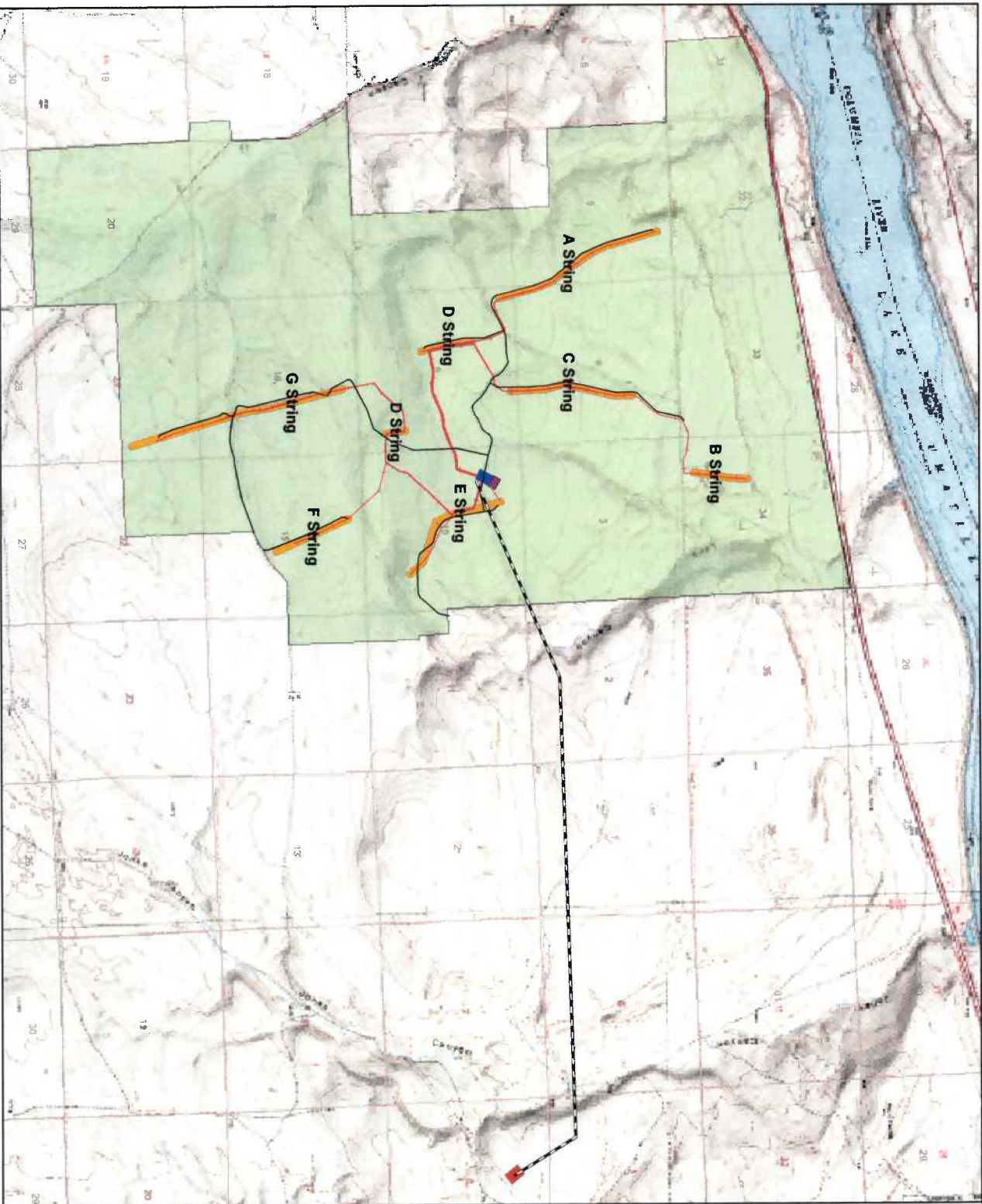










Exhibit A
Amended Site Plan
Alternate
Operations and Maintenance
Location



-  230kV Overhead Transmission Line
-  Project Access Roads
-  Underground Collection Lines
-  Turbine Corridors
-  Alternate O&M Facility Location
-  Project Collection Substation
-  BPA Jones Canyon Interconnect Substation
-  Project Lease Boundary

Map Created 02.06.08

Ordinance No. 2008-03

**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 March 20, 2008 and conducted a duly noticed public hearing to consider the application filed with Gilliam County by Wheat Field Wind Power Project LLC ("Applicant") for an exception to Goal 3 and;

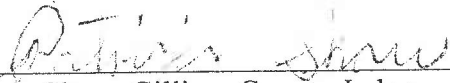
WHEREAS: The Gilliam County Planning Commission considered the application materials submitted by the Applicant and further considered the staff report and recommendation by the Planning Director, and recommended the adoption of the Goal 3 Exception as required by OAR 660-033-0130-(22) and;

WHEREAS: On April 2, 2008, the County Commissioners conducted a public hearing to consider the Goal 3 exception application and;

WHEREAS: Having reviewed and considered the Applicant's application and the recommendation of adoption of the Goal 3 Exception,

THEREFORE: The Board of County Commissioners hereby adopts the Recommendation of Approval by the Planning Commission, and adopts by reference all Findings and Conclusions set forth in the Planning Commission recommendation, and further adopts by reference the analysis of the criteria for approval, as submitted by the Applicant. 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 Goal 3 Exception for Wheatfield Wind Power Project LLC as required by OAR 660-033-0130(22).

This ordinance adopted this 2nd day of April, 2008



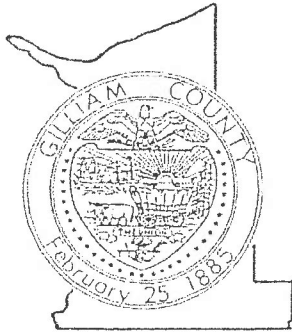
Patricia Shaw, Gilliam County Judge



Frank Bettencourt Gilliam County Commissioner



Mike Weimar Gilliam County Commissioner



GILLIAM COUNTY PLANNING COMMISSION
GILLIAM COUNTY, STATE OF OREGON

RECOMMENDATION TO THE
GILLIAM COUNTY COURT

Whereas: The Gilliam County Planning Commission considered the amendment to the Gilliam County Comprehensive Plan by declaring a Goal 3 Exception as required by OAR 660-033-0130(22); and

Whereas: The Gilliam County Planning Director presented a staff report providing findings on this matter; and

Whereas: On March 20, 2008 the Gilliam County Planning Commission held a public hearing to hear the Ordinance amending the Gilliam County Comprehensive Plan by declaring a Goal 3 Exception as required by OAR 660-033-0130(22), and

Whereas: March 20, 2008 the Gilliam County Planning Commission recommended the proposed changes to the Gilliam County Gilliam County Comprehensive Plan by declaring a Goal 3 Exception as required by OAR 660-033-0130(22); and

Whereas: The following Gilliam County Planning Commission members were in attendance at the March 20, 2008 Public Hearing:

Alcenia Byrd
Steve Shaffer
Frank Bauman

Wally Powell
Linda Smith
Jim Wright

Whereas: The members present represent a quorum of the Gilliam County Planning Commission, and by a unanimous vote, the Commission recommended that the County Court approve the Goal 3 Exception submitted by Wheatfield Wind Power Project LLC;

THEREFORE: the Gilliam County Planning Commission does hereby recommend the approval to the amendment to the Gilliam County Comprehensive Plan by declaring a Goal 3 Exception as required by OAR 660-033-0130(22).

Dated this 20th day of March, 2008.



(for) Gilliam County Planning Commission

**Application for Goal 3 Exception and Plan Amendment for Wheat Field Wind Power Project LLC's
Wheat Field Wind Power Farm**



WHEAT FIELD WIND POWER PROJECT LLC

Application for Goal 3 Exception and Plan Amendment for Wheat Field Wind Power Project LLC's Wheat Field Wind Power Project

OVERVIEW

Wheat Field Wind Power Project (the "Applicant") submits the following application for an exception to Statewide Goal 3 ("Goal 3") and its implementing regulation, OAR 660-033-0130(22). The exception would exclude certain identified land within Gilliam County from the requirements of Goal 3, in accordance with the process set forth in Statewide Planning Goal 2, Part II, Exceptions, and OAR 660, Division 4. The exception would be documented in the proposed Comprehensive Plan amendment, attached to this request.¹

This Goal 3 Exception Application is submitted in conjunction with the Applicant's CUP Application for a Conditional Use Permit ("CUP Application") for the proposed Wheat Field Project (the "Project"), described in detail in the CUP Application. The CUP Application demonstrates that the Project complies with all applicable substantive criteria for Gilliam County, and with all other statewide rules, other than OAR 660-033-0130(22).

Under the requirements of Goal 3, if a "commercial utility facility for the purpose of generating power for public use by sale" exceeds 12 acres of high value farmland and 20 acres of non-high value farmland, a Goal 3 exception is required under OAR 660-033-0130(22). All farmland at issue is non-high value farmland.

The Facility (including the wind turbines, meteorological towers, operations and maintenance (O&M) building, and underground electrical collector line network, and access roads) is a commercial utility facility for purposes of OAR 660-033-0130(22). As such, the Facility will preclude 32 acres of non-high value farmland from use as a commercial agricultural enterprise. This acreage does not include the area affected by related and supporting "utility facilities necessary for public service" (*i.e.*, collector lines and substation) because they are permitted uses in the EFU zone and are not subject to the Goal 3 acreage limitations. *See* ORS 215.275 and GCZO 4.020(B)(29). Nor does the acreage area include underground electrical cables, as the land surface will be restored after construction, and will continue to be available for agricultural use and construction. The exception acreage also does not include the acreage leased to the Applicant that will not be occupied by Facility components. The total Project area is approximately 8,000 acres. Therefore, the land without Facility components will not be precluded from agricultural use, and will continue in agricultural use and production. Accordingly, a Goal 3 exception is required for 32 acres. The Applicant submits the following demonstration that a reasons exception to Goal 3 is justified and siting a commercial utility facility occupying more than 20 acres on the subject non-high value farmland is permissible. *See*

¹ Wheat Field Wind Power Project LLC notes that the need for a Goal 3 Exception is debatable. As shown in the CUP Application, without the access roads, permanent project facilities will occupy only 16 acres. Access roads will occupy 16 acres. Consequently, but for the acreage impacts of the transportation improvements, no Goal 3 Exception would be needed. OAR 660-012-0065(3)(a) provides that a Goal 3 exception is not needed for "accessory transportation improvements for a use that is allowed or conditionally allowed by ORS 215.213 ..." GCZO Section 4.010.D.25 reflects this provision.

ORS 197.732(1)(c).

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. In November 2006, Gilliam County approved and DLCD adopted a Goal 3 Exception for the Pebble Springs Wind Project. In December 2007, Sherman County approved and DLCD adopted a Goal 3 Exception for the Hay Canyon Wind Project. Since 2001, the Oregon Energy Facility Siting Council (“EFSC”) and other Oregon jurisdictions including Sherman and Union Counties have approved Goal 3 Exceptions for numerous wind energy projects. In all of these cases, the decision-makers followed the analysis presented in the remainder of this CUP Application.

EXCEPTION CRITERIA

Statewide Planning Goal 2 (“Goal 2”) is implemented through ORS 197.732. Goal 2 allows an exception under the “reasons” standard, provided that the following standards are met:

“197.732 Goal exceptions; criteria; rules; review. (1) A local government may adopt an exception to a goal if:

* * *

(c) 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 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.

(2) “Compatible,” as used in subsection (1)(c) of this section, is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses. * * *”

Although the Project satisfies the general policy of Goal 3, it does not meet the specific mandate stated in OAR 660-033-0130(22), related to acreage limitations. However, sufficient “reasons” exist for exempting the Project from the policy supporting OAR 660-033-130(22).

To the extent that this energy facility could be characterized as a “rural industrial

development,” 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:

- 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.

A “Reasons” Exception is Appropriate

When a jurisdiction determines that there are reasons consistent with OAR 660-004-0022 to use farmland for a use not allowed by Goal 3, the justification must be set forth in the comprehensive plan as an exception. OAR 660-004-0020(1). The following analysis is intended to provide the justification for allowing the Goal 3 exception and amending the Gilliam County comprehensive plan.

As noted above, there are four factors that must be addressed in granting a reasons exception. OAR 660-004-0020(2). The four factors are analyzed in detail below. In general, however, the purpose underlying Goal 3 is “[t]o preserve and maintain agricultural lands.” Goal 3 also states that in meeting this purpose, counties may authorize non-farm uses “that will not have significant adverse effects on accepted farm or forest practices.” As is detailed in the CUP Application, the Facility will preserve and maintain agricultural lands and will have no significant adverse impact on farm or forest practices. Wind-powered projects like the Facility coexist well with existing farm practices. Relatively small portions of farmland are taken out of use, and in return, the landowners get significant, long term financial support to help them maintain their agricultural practices and thus reduce pressure to subdivide or convert land to non-agricultural uses. Because the portion of farmland taken by wind projects is relatively small, the wind projects have no significant adverse impacts on the commercial value of the underlying farm practices. Also, the Facility will have no off-site impacts on adjacent farm lands and will not negatively affect the property tax values of the surrounding farmland.

Reasons Justify Why the State Policy Embodied in Goal 3 Should Not Apply

First, the Applicant must demonstrate that the “reasons justifying why the state policy embodied in the applicable goals should not apply.” OAR 660-0040-0020(2)(a). The types of reasons that may justify an exception are provided in OAR 660-004-0022. Under OAR 660-004-0022(3)(a), rural industrial development may be sited on resource land outside an urban growth boundary if “[t]he use is significantly dependent upon a unique resource located on agricultural or forest land.” Energy facilities may be considered a “rural industrial development.” A wind

energy facility's dependence on a unique resource located on agricultural lands is a key reason, and forms a basis for the requested Goal 3 reasons exception.

Based on meteorological data, the Applicant selected the project location because it offers an optimal wind energy resource to produce the desired energy projection, while causing negligible impacts to habitat and other environmental attributes. To the Applicant's knowledge, all Oregon wind projects have been located on EFU land, land which seems to hold most, if not all, of Oregon's commercially viable wind resource. Further, the Applicant is not aware of any meteorological information that would indicate that there are significant, developable wind resources on non-EFU land in Gilliam County. The only non-EFU land in the area is located in the cities of Arlington and Condon. Neither of these locations have the necessary wind resources within the city limits for a viable wind project. Moreover, there are not adequate parcels of land or land in proximity to the transmission system necessary to build the Facility on such non-resource land. The topography and relative remote location of the proposed project site maximize the wind resource, and the proposed Facility is significantly dependent on the wind resource. Therefore, the locational dependence of this project on EFU land is sufficient "reason" to allow the exception. *See also* OAR 660-004-0022(1)(c) (stating a sufficient reason for exception is that the "proposed use has special features or qualities that necessitate its location on or near the proposed exception site").

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 are located in close proximity to the project site with a BPA substation available for interconnect, 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.

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.²

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 one of the best available wind resources in Gilliam County, the proposed site also provides the advantage of proximity to existing electricity transmission lines and substation 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 in close proximity to existing transmission lines and substation is cost-effective and results in greater energy efficiency by minimizing the impacts of constructing additional connection transmission lines.

Finally, as discussed further below, 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 long-term financial compensation. The alternate source of income will provide stability to the landowner even during times of agricultural difficulty.

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, in 2007 the Legislature adopted a "renewable portfolio standard." In addition, several utilities in the Pacific Northwest and California have announced plans to acquire substantial amounts 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.

² 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.

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.³ 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 Legislature'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.

Areas Not Requiring A New Exception Cannot Accommodate the Use

The second factor the Applicant must demonstrate is that "[a]reas which do not require a new exception cannot reasonably accommodate the use." OAR 660-004-0020(2)(b). The Facility is proposed for land located west of the City of Arlington, south of United States Interstate 84, north and east of Blalock Canyon Road, and generally west of Lang Canyon. Figure 1-1 in the CUP Application shows the general vicinity of the Facility. There is no non-EFU area land in the general vicinity that could reasonably accommodate the proposed use. All wind farms developed in Oregon to date have been developed on Goal 3 lands, because those lands hold the greatest wind resources in Oregon combined with the least terrain interference.

As discussed above, the only non-EFU land in the area is located in the cities of Arlington and Condon. These locations do not offer the wind resource nor the terrain features necessary to site the Facility. Given the need for locating the wind turbines themselves on EFU land to take advantage of the wind resource, there is no reasonable alternative for locating the related and supporting utility facilities also on EFU-land. The electric collector cable network and collector lines must connect the turbines to each other and to Bonneville Power Administration's (BPA) transmission network, and there is no non-EFU path for such system. The substation must be located within or near the Facility site because the voltage must be stepped up before transmitting it to BPA's transmission system, located nearby and also on EFU land. Accordingly, there is no non-resource land that provides a feasible location for this project. There are no operating wind farms in any urban area in Oregon or Washington. For these reasons, there are no areas that could reasonably accommodate the Facility without also requiring a new exception.

³ 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.

Environmental, Economic, Social, and Energy Analysis

The third factor that must be considered is whether the “long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impact are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception.” OAR 660-004-0020(2)(c). Any alternative site in Gilliam County would involve siting the Facility on EFU land, because, as discussed above, there is no non-EFU land that can accommodate the project. Additionally, the proposed location is the most direct route for interconnecting the Facility to the energy grid because BPA’s substation is located very close to the Facility boundary.

Environmental. The Facility’s environmental consequences are discussed in detail in the CUP Application. As proposed, the Facility will not impact any wetlands. The Applicant contracted with Northwest Wildlife Consultants to perform several seasons of habitat and wildlife studies. Based on the studies, several measures were implemented during planning of the Facility, which resulted in either avoidance or minimization of impacts to native habitat and special status plants and animals, where feasible. The Facility is designed to avoid impacting sensitive species, riparian areas, and shrub-steppe habitat wherever feasible, and proposes nearly 80 % of the Project’ permanent facilities on disturbed, agricultural lands. Very little of the project area will actually be converted from habitat to project facilities. The potential disturbance impacts are limited, and monitoring and mitigation will occur. Further, the Applicant has made efforts to reduce impacts by using existing access roads where feasible and designing new roads for the minimum size possible that can provide safe and adequate access to build and operate the turbine strings. The Applicant will work with landowners to minimize any disruption to ongoing grazing and farming operations and resource uses in the project area. Consequently, the Facility will not cause significant adverse environmental consequences and should not impair the ability to sustain resource uses near the proposed Facility.

Economic. As discussed above, the Facility will benefit the local economy through employment opportunities, particularly during construction, and through contributions to the local tax base. The Applicant proposes to begin construction (at the earliest) in mid 2008 and complete construction by the end of 2009. During construction, an estimated average of 100 people will be employed at the Facility, with an estimated maximum of 200 employees during the entire construction period. Most construction workers will be employees of construction and equipment manufacturing companies under contract with the Applicant. Construction workers will include a mix of locally-hired workers within 30 miles of the Facility site (*e.g.*, from Gilliam, Morrow, Sherman, Wasco, Klickitat, Benton, and Yakima counties) for road and turbine pad construction, and specialized workers for specialized construction (*e.g.*, substation and electrical transmission construction, turbine erection, turbine testing).

An estimated 8 to 15 personnel will be employed at the Facility during the operational phase. It is expected that most of the O&M staff will be hired locally, with the exception of those positions (*e.g.*, supervisors) that require previous experience at other wind generation facilities. Some specialized outside contractors may also be required on occasion (*e.g.*, for repair

of nacelles or meteorological services). The assumption is that operations will begin in mid 2009, and continue for at least 30 years and probably much longer. The Facility is expected to provide substantial tax revenues to the County over its life span, with insubstantial countervailing public service demands. Once the Facility is retired, the project land will be returned to the resource based to allow for resumed resource use.

Social. As discussed below, the Facility will have no significant adverse impacts on scenic, cultural, historical, archeological, or recreational resources. The CUP Application discusses that the Facility will not have significant adverse impacts on community services such as housing, sewer, water supply, waste disposal, health care, education, and transportation. For housing, it is unlikely that construction would have significant adverse impacts. During construction approximately 75-150 non-local hires will need temporary housing, which may include renting homes, trailers, and hotel rooms within a reasonable vicinity of the Facility. During construction, water will be obtained from the City of Arlington under an agreement with the city's public works department. Most likely sewage will be collected in portable toilets during construction and by an onsite sewage disposal (septic) system during operation.

The Applicant will develop a transportation plan for the Facility, in coordination with Gilliam County public works department. The plan will address transportation improvements and traffic safety during construction and operation. The proposed road improvements are for access to the Facility and will not impact peak hour travel times on surrounding rural roads. No new road alignments are proposed. Improvements to local roads to accommodate the weight and size of turbine components are proposed. The improvements will bring local roads closer to the County's proposed standards and might exceed them in some cases. No changes to road capacity will result; however, widening roads to include shoulders will assist farmers in maneuvering equipment without impeding traffic in both directions. Improvements will be consistent with, and in some cases will assist, local farming operations.

See the CUP Application for a full socioeconomic impact assessment. As mentioned above, the Facility will create jobs and contribute significant income to the County. These benefits should be measured against the relatively small amount of agricultural activity that will be displaced by the Facility, and compared with impacts on agricultural activity that can occur from utility facilities that would be permitted outright. For these reasons the social consequences will be no greater than if the proposed use was located on non-resource land.

Energy. The energy consequences of the Facility are positive because the Facility will produce renewable, emissions-free energy. The Facility is consistent with the state policies promoting additional development of renewable resources. The state of Oregon recently published a Renewable Energy Action Plan (April 12, 2005). The Plan calls for significant, additional development of renewable resources, including wind energy. Further, Statewide Land Use Planning Goal 13 calls for development of renewable energy. The Oregon Legislative Assembly has enacted numerous tax credits and economic development incentives favoring renewable energy development. Oregon's numerous statutory programs together reflect a thoroughgoing state policy of supporting renewable energy development. See, e.g., ORS 757.612 (creating system benefit charge, a portion of the funds from which go to renewable energy); ORS 757.603(2) (requiring Oregon electric utilities to provide retail customers with at least one option including significant percentage of renewable energy). The Oregon Renewable

Energy Act (SB 838) establishes a Renewable Energy Standard for Oregon. Oregon has an abundance of clean renewable energy resources, and the Renewable Energy Standard calls for 25 percent of the state's electricity to come from new renewable sources by 2025. This goal will help ensure that Oregonians benefit from greater energy independence, a stronger economy and stable electricity prices.

The Proposed Use Is Compatible With Adjacent Uses

The fourth factor requires that the “proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.” OAR 660-004-0020(2)(d). Adjacent land uses are dry-land farming, cattle grazing, and a land fill. The land to the west is cultivated dry land wheat, and is separated by Blalock Canyon from the Facility. The land to the northeast is range land and is largely separated by Lang Canyon from the majority of the Facility. The land to the east is used for a landfill as wind energy generation facilities. The land to the south is largely used for dry-land farming. The Facility will not impact adjacent farming, cattle grazing, or land fill operations and therefore the Facility is compatible with adjacent resource uses. The Applicant will implement appropriate mitigation measures to ensure that the proposed use, including construction, reduces adverse impacts.

CONCLUSION

In sum, there is a compelling reason to allow the Applicant to site the Facility on agricultural resource land. There is no area that would not require an exception that can reasonably accommodate the project. There is sufficient information to demonstrate that Gilliam County can justify taking a Goal 3 Exception under OAR 660-004-0020(2) and amend its comprehensive plan accordingly.

PROJECT AREA MAP

WHEAT FIELD WIND POWER PROJECT LLC

GOAL 3 EXCEPTION APPLICATION

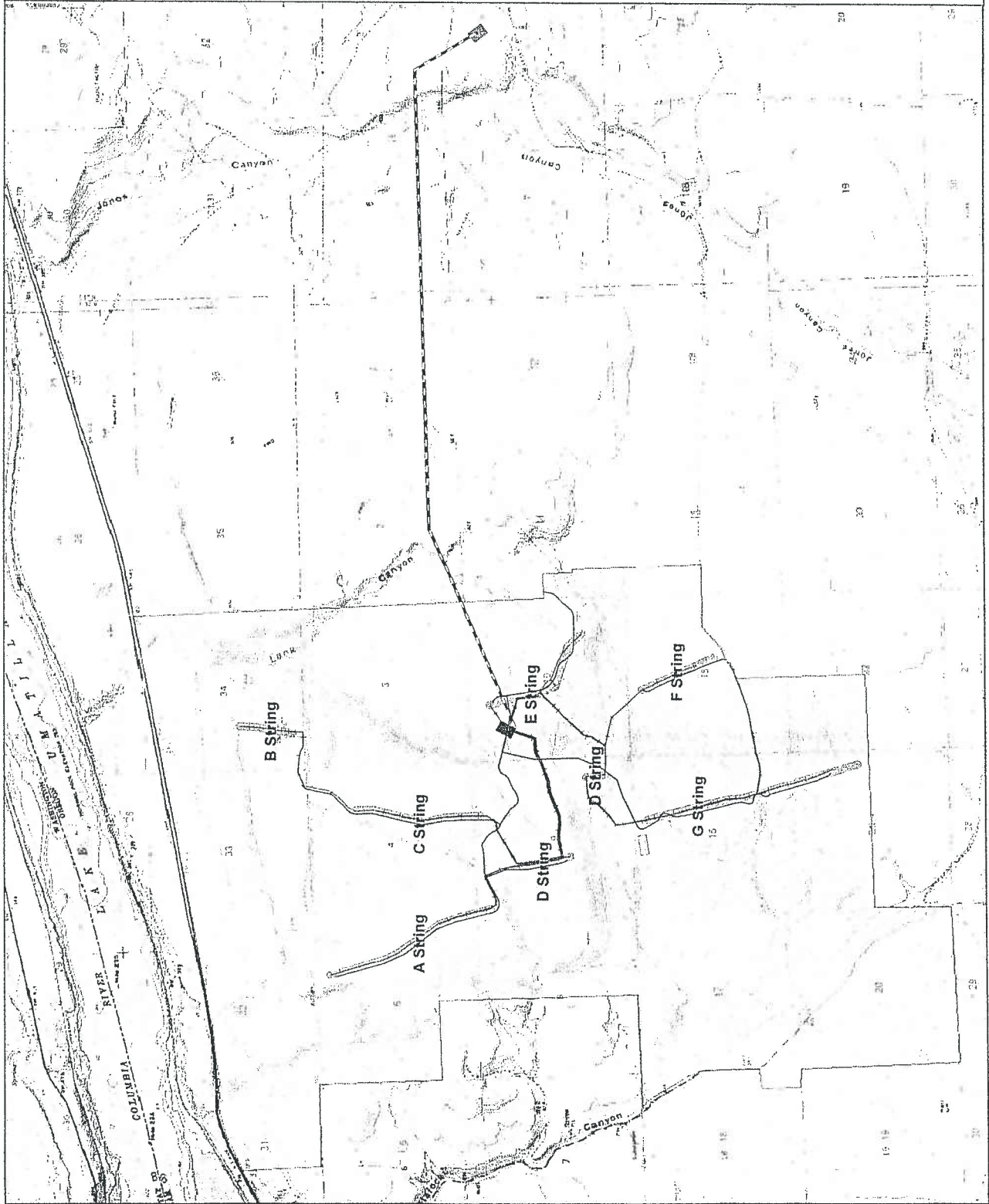
Exhibit A Site Plan Wheat Field Wind Farm



WHEAT FIELD
WIND FARM



- 230KV Overhead Transmission Line
- Project Access Roads
- Underground Collection Lines
- Turbine Corridors
- O&M/Laydown Area
- Project Collection Substation
- BPA Jones Canyon Interconnect Substation
- Project Lease Boundary



LANDOWNER STATEMENTS

WHEAT FIELD WIND POWER PROJECT LLC

GOAL 3 EXCEPTION APPLICATION

Landowner Statement Regarding Compatibility with Farming Practices
Wheat Field Wind Power Project (owner)

I make this statement in support of the Wheat Field Wind Power Project LLC's (WFWPP) application for a Goal 3 exception for its Wheat Field Wind Power Project.

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, WFWPP, for this purpose.

Based upon my conversations with WFWPP about their plans for the Project, and on my observation of the construction of nearby wind projects, I have come to the conclusion that development of the Wheat Field Wind Power Project will be compatible with my ongoing agricultural operations. Specifically,

- The amount of my acreage the project's roads, turbines, and other facilities will occupy will be relatively small in comparison to the property that I farm. Accordingly, the amount of land taken out of agricultural production will not represent a significant portion of my farm income.
- While outside of the direct project footprint I will be required to adjust my farming practices (i.e., new routes, a field divided by a road) I do not think these adjustments will result in a significant change in how I farm, nor do I expect the adjustments to significantly increase the cost of my farming operations.
- The project will not change the basic pattern of the land use in the surrounding area. I am not aware of individuals who will cease farming as a result of the planned development, or anyone planning to use their land for a different purpose as a result of the development.

As a farmer, I value the rural farming and ranching way of life and would not support a project that I felt would harm or change that way of life. I support the Wheat Field Wind Power Project because I am confident that it can be built and operated in a way that fits in with and supports the existing land use and the community that depends on such use.

Thank you for considering my opinion.

Name: Charlie Anderson

Address: 69530 Condon Hwy
Heppner, OR 97836

Signature: Charlie Anderson

Date: 1-23-08

Landowner Statement Regarding Compatibility with Farming Practices

Wheat Field Wind Power Project (owner)

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Thank you for considering my opinion.

Name: Steven Anderson

Address: 14100 Heritage Ln

Arlington Oregon 97012

Signature: 

Date: 1/23/08

**FINAL DOCUMENTS FOR WHEATFIELD WIND POWER PROJECT LLC
GOAL 3 EXCEPTION REQUEST**

Final document to include:

- **Ordinance #2008-03**
- **Gilliam County Planning Commission recommendation to the Gilliam County Court**
- **Application for Goal 3 Exception and Plan Amendment for Wheatfield Wind Power Farm**
- **DLCD Notice of Adoption (will be included when received from DLCD)**

Gilliam County Planning Department
P.O. Box 427
Condon, OR 97823



Department of Land Conservation & Development
635 Capital Street NE, Suite 150
Salem, OR 97301-2540



Attn: Plan Amendment Specialist