



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

07/18/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: Umatilla County Plan Amendment
DLCD File Number 003-10

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: Thursday, July 28, 2011

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Carol Johnson, Umatilla County
Jon Jinings, DLCD Community Services Specialist

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

JUL 11 2011

LAND CONSERVATION
AND DEVELOPMENT
For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: Umatilla County

Local file number: T-10-039

Date of Adoption: 6-28-11

Date Mailed: 7-06-11

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 9-14-10

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".
Amend 152.06 (HHH) Conditional Use Standards for Commercial Wind energy generation

Does the Adoption differ from proposal? Please select one Yes

Plan Map Changed from: N/A to:

Zone Map Changed from: N/A to:

Location: N/A Acres Involved:

Specify Density: Previous: N/A New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
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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. 003-11 (18523) [16706]

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

Oregon Department of Fish and Wildlife, Oregon Office of Energy,
Watershed Councils, USFW, NRCS, CQUIK

Local Contact: Tamra Mabbett

Phone: (541) 278-6246 Extension: —

Address: 216 SE Fourth St.

Fax Number: 541-278-6252

City: Pendleton

Zip: 97801

E-mail Address: tamra@co.umatilla.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this Form 2 on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

RECEIVED

JUN 28 2011 THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

UMATILLA COUNTY RECORDS

STATE OF OREGON

In the Matter of Amending)	
Development Code for Wind)	ORDINANCE NO. 2011-05
Power Generation Facility)	
Conditional Use Permits)	

WHEREAS on May 20, 2003, the Board of Commissioners adopted Ordinance No. 2002-02, establishing requirements for the siting of wind power generation facilities, codified at Section 152.616 (HHH) of the Umatilla County Code of Ordinances;

WHEREAS the Planning Commission and Planning Department staff have drafted updates to the siting standards for wind power generation facilities;

WHEREAS the Umatilla County Planning Commission held work sessions and discussions on the matter a number of times, including December 17, 2009, and January 13, 2011, and held a public hearing regarding the proposed amendments on November 18, 2010 and February 24, 2011, and forwarded the proposed amendment to the Board of Commissioners with a recommendation for adoption;

WHEREAS the Board of Commissions held a public hearing on March 17, 2011, continued to May 12, 2011, June 14, 2011 and June 28, 2011, to consider the proposed amendments, and voted to approve the amendments to the Land Development Ordinance as set out in this ordinance.

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains the adoption of the following amendment to the County Land Development Ordinance, codified in Chapter 152 of the Umatilla County Code of Ordinances, to amend as follows (Strikethrough text is deleted; Underlined/Italicized text is added):

§ 152.615 ADDITIONAL CONDITIONAL USE PERMIT RESTRICTIONS.

In addition to the requirements and criteria listed in this subchapter, the Hearings Officer, Planning Director or the appropriate planning authority may impose the following conditions upon a finding that circumstances warrant such additional restrictions:

(A) Limiting the manner in which the use is conducted, including restricting hours of operation and restraints to minimize such a environmental effects as noise, vibration, air pollution, water pollution, glare or odor;

(B) Establishing a special yard, other open space or lot area or dimension;

(C) Limiting the height, size or location of a

building or other structure;

(D) Designating the size, number, location and nature of vehicle access points;

(E) Increasing the required street dedication, roadway width or improvements within the street right of way;

(F) Designating the size, location, screening, drainage, surfacing or other improvement of a parking or loading area;

(G) Limiting or otherwise designating the number, size, location, height and lighting of signs;

(H) Limiting the location and intensity of outdoor lighting and requiring its shielding;

(I) Requiring diking, screening, landscaping or other methods to protect adjacent or nearby property and designating standards for installation and maintenance.

(J) Designating the size, height, location and materials for a fence;

(K) Protecting and preserving existing trees, vegetation, water resources, air resources, wildlife habitat, or other ~~significant~~ natural resources;

(L) Parking area requirements as listed in §§ 152.560 through 152.562 of this chapter.

§152.616 STANDARDS FOR REVIEW OF CONDITIONAL USES AND LAND USE DECISIONS.

The following standards shall apply for review by the Hearings Officer, the Planning Director or appropriate planning authority of the specific conditional uses and land use decisions listed in this chapter:

(HHH) Commercial Wind Power Generation Facility.

(1) County Permit Procedure.

The procedure for taking action on the siting of a Wind Power Generation Facility is a request for a conditional use. A public hearing pursuant to Section ~~s 152.750-755~~ and 152.771 shall be held to determine if the applicant meets the siting requirements for a Wind Power Generation Facility. Notice of the hearing shall be provided to all landowners within the setback areas of the project site.

The county procedural requirements set forth in Section 152.616(HHH)(1) - (5), including the requirement for a hearing, will not apply to proposed Wind Power Generation facilities for which ~~EFSC~~ Energy Facility Siting Council is making the land use decision.

(2) Pre-application Meeting.

A pre-application meeting(s) is required. The applicant will be expected to bring preliminary information about the application components described in Application Requirement (5) below. County staff will arrange the meeting and will invite local, state, federal and other agency representatives and individuals with pertinent expertise. The purpose of the pre-application meeting will be to identify potential impacts and opportunities and to advise on the level of detail required in each of the application components described in (5) below, and establish technical oversight requirements for monitoring plans.

(3) Conditions of Approval.

Umatilla County may impose clear and objective conditions in accordance with the County Comprehensive Plan, County Development Code and state law, which Umatilla County considers necessary to protect the best interests of the surrounding area, or Umatilla County as a whole.

(4) Permits.

Prior to commencement of any construction, all other necessary preconstruction permits shall be obtained, including but not limited to a conditional use permit, e.g. Umatilla County Zoning Permit, and road access ~~and other~~ permits from ~~the~~ Umatilla County ~~Public Works~~

Department, and from the Oregon Department of Transportation and other permits from state agencies with the requisite jurisdiction.

~~(2)~~ (5) Application Requirements.

The following information shall be provided as part of the application, or subject to the County's discretionary authority, be required prior to the construction or operation of the Wind Power Generation Facility through a condition of approval:

(A) (1) A general description of the proposed Wind Power Generation Facility,;

(2) A tentative construction schedule,;

(3) The legal description of the property on which the Wind Power Generation Facility will be located,; and

(4) Identification of the general area for all components of the proposed Wind Power Generation Facility,.

(B) A including a map showing the location of components.

(C) (1) Nonproprietary evidence of wind monitoring data qualifying the wind resources within the project boundary, such as a description of procedures and process for wind study.

(2) Evidence of active utility transmission interconnect requests and/or process and description of same.

(3) Route and plan for transmission facilities connecting the project to the grid.

~~(B)~~ (D) (1) Demonstrate compliance with Section 152.061.

(2) Identify Identification of potential conflicts, if any, with: (1) Accepted farming practices as defined in ORS 215.203(2) (c) and forest practices as provided in ORS 527.620 through 527.990 on adjacent lands devoted to farm uses; and (2) neighboring rural homes. Explain how conflicts could be mitigated and the

steps to mitigate such conflicts, e.g., noise easement. Other resource operations and practices on adjacent lands except for wind power generation facilities on such adjacent lands; and (3) Accepted farm or forest practices on surrounding EFU/GF or NR land, including the nature and the extent of the impact of the proposed facility on the cost of such practices.

~~(E)~~ (E) A Transportation Plan, with proposed recommendations, if any, reflecting the guidelines provided in the Umatilla County Transportation System Plan (TSP) and the transportation impacts of the proposed Wind Power Generation Facility upon the local and regional road system during and after construction, after consultation with Umatilla County Public Works Director. The plan will designate the size, number, location and nature of vehicle access points.

~~(F)~~ (F) An revegetation and erosion control plan, developed in consultation with the Umatilla County Public Works Department, Soil and Water Conservation District, and appropriate Watershed Council. At a minimum, the plan shall the plan should include the seeding of all road cuts or related bare road areas as a result of all construction, demolition and rehabilitation restoration with an appropriate mix of native vegetation or vegetation suited to the area. This requirement will be satisfied if the applicant has an NPDES (National Pollution Discharge Elimination System) permit. The plan shall also address monitoring during and post construction. Reimbursement to agencies for their time on review shall be the responsibility of the developer

~~(G)~~ (G) A fish, wildlife and an avian impact monitoring plan. The avian monitoring plan shall be designed and administered by the Wind Power Generation Facility owner/operator's applicant's wildlife professionals. [See HHH (2), above] For projects being sited by EFSC, compliance with EFSC's avian monitoring requirements will be deemed to meet this requirement. The plan shall include the formation of a technical oversight committee to

review the plan, and consist of the following persons:

- (1) The landowners/farm tenants.
- (2) Wind Power Generation Facility owner/operator representative. (Chair)
- (3) Oregon Department of Fish and Wildlife representative, if the agency chooses to participate.
- (4) Two Umatilla County residents with no direct economic interest in the project and recommended by the applicants for appointment by the Umatilla County Board of Commissioners.
- (5) U.S. Fish and Wildlife representative, if the agency chooses to participate.
- (6) Umatilla County Planning Commission member.

At the request of Wind Power Generation Facility owner/operator applicant, this committee requirement may be waived or discontinued by the County.

~~(F)~~ (H) A fire prevention and An emergency management response plan for all phases of the life of the Wind Power Generation Facility. The plan shall address the major concerns associated with the site, including but not necessarily limited to terrain, dry conditions, and fire hazards, limited access, available water, and emergency response.

(1) The plan shall verify the fire district and/or contract fire department responsible for providing emergency services. High rise rescue is the responsibility of the Wind Power Generation Facility owner/operator with local emergency responders providing ground level assistance.

(2) A spill prevention, control and counter measure plan (SPCC) shall be provided. The plan shall include verification that a local

emergency service provider has equipment, training and personnel to respond to spills.

(3) An Operations and Maintenance Plan detailing expected work force, local response capability (contract or otherwise), controlled access, and in the case of transmission lines proof of emergency response capability in accordance with OPUC rules governing operation and maintenance of such lines.

(4) An Emergency Response Plan for responding to natural and/or man made emergencies or disasters.

~~(H)~~ (I) A weed control plan addressing prevention and control of all Umatilla County identified noxious weeds, directly resulting from the Wind Power Generation Facility during preparation, construction, operation and demolition/~~rehabilitation~~restoration.

~~(H)~~ (J) A socioeconomic impact assessment of the Wind Power Generation Facility, evaluating such factors as, but not limited to, the project's effects upon the social, economic, public service, cultural, visual, and recreational aspects of affected communities and/or individuals. These effects can be viewed as either positive or negative. In order to maximize potential benefits and to mitigate outcomes that are viewed as problematic, decision makers need information about the socioeconomic impacts that are likely to occur.

(K) Information pertaining to the impacts of the Wind Power Generation Facility on:

(1) Wetlands and streams, including intermittent streams and drainages;

(2) Fish, Avian and Wildlife (all potential species of reasonable concern, as well as threatened and endangered species;

(3) Fish, Avian and Wildlife Habitat;

(4) Criminal Activity (vandalism, theft,

trespass, etc). Include a plan and proposed actions, if any, to avoid, minimize or mitigate negative impacts.

(5) Open space, scenic, historic, cultural and archaeological resources as identified and inventoried in the Comprehensive Plan. The applicant shall consult with the Confederated Tribes of the Umatilla Indian Reservation on developing an inventory of these resources.

(L) A dismantling, and decommissioning and restoration plan of all components of the Wind Power Generation Facility, as provided in §152.616 (HHH) (7).

~~(5) (6) Standards/Criteria of Approval.~~

The following requirements and restrictions apply to the siting of a Wind Power Generation Facility:

~~(A) Setbacks. The minimum setback shall be a distance of not less than the following: The Wind Power Generation Facility shall be on property zoned BFU/GF or NR, and no portion of the facility shall be within 3,520 feet of properties zoned residential use or designated on the Comprehensive Plan as residential. (For clarification purposes of this section, BFU/GF/NR zones are not considered zoned for residential use.)~~

(1) From a turbine tower to a city urban growth boundary (UGB) shall be two miles, unless a city council action authorizes a lesser setback. The measurement of the setback is from the centerline of a turbine tower to the edge of the UGB that was adopted by the city as of the date the application was deemed complete.

(2) From turbine tower to land zoned Unincorporated Community (UC) shall be 1 mile, unless the landowner of the land zoned UC authorizes by written waiver a lesser setback and the waiver is recorded with the county deed records.

(4) From a turbine tower to the boundary

right-of-way of County Roads, state and interstate highways, 110% of the overall tower-to-blade tip height.

Note: The overall tower-to-blade tip height is the vertical distance measured from grade to the highest vertical point of the blade tip.

(5) From tower and project components, including transmission lines, underground conduits and access roads, to known archeological, historical or cultural sites shall be on a case by case basis, and for any known archeological, historical or cultural site of the Confederated Tribes of the Umatilla Indian Reservations the set back shall be no less than 164 feet (50 meters)

(2) New electrical transmission lines associated with the project shall not be constructed closer than 500 feet to an existing residence without prior written approval of the homeowner, said written approval to be recorded with county deed records. Exceptions to the 500 feet setback include transmission lines placed in a public right of way. Note: Transmission and distribution lines constructed and owned by the applicant that are not within the project boundary are subject to a separate land use permit.

~~(E) (3)~~ (3) The turbine/towers shall be of a size and design to help reduce noise or other detrimental effects. At a minimum, the Wind Power Generation Facility shall be designed and operated within the limits of noise standard(s) established by the State of Oregon. A credible noise study may be required to verify that noise impacts in all wind directions are in compliance with the State noise standard.

(B) Reasonable efforts shall be made to blend the wind facility turbine/towers with the natural surrounding area in order to minimize impacts upon open space and the natural landscape.

(C) The development and operation of the Wind Power Generation Facility will include Reasonable efforts to protect and to preserve

existing trees, vegetation, water resources, wildlife, wildlife habitat, fish, avian, resources, historical, cultural and archaeological site.

(D) The turbine towers shall be designed and constructed to discourage bird nesting and wildlife attraction.

(F) (E) Private access roads established and controlled by the Wind Power Facility shall be gated and signed to protect the Wind Power Generation Facility and property owners from illegal or unwarranted trespass, illegal dumping and hunting and for emergency response.

(G) (F) Where practicable the electrical cable collector system shall be installed underground, at a minimum depth of 3 feet; elsewhere the cable collector system shall be installed to prevent adverse impacts on agriculture operations.

(H) (G) Required permanent maintenance/operations buildings shall be located off site in one of Umatilla County's appropriately zoned areas, except that such a building may be constructed on site if:

(1) The building is designed and constructed generally consistent with the character of similar buildings used by commercial farmers or ranchers, and

(2) The building will be removed or converted to farm use upon decommissioning of the Wind Power Generation Facility consistent with the provisions of § 152.616 (HHH) (7).

(I) (H) A Wind Power Generation Facility shall comply with the Specific Safety Standards for Wind Facilities delineated in OAR 345 024 0010 (as adopted at time of application).

(J) (I) A Covenant Not to Sue with regard to generally accepted farming practices shall be recorded with the County. Generally accepted farming practices shall be consistent with the definition of Farming Practices under ORS

30.930. The Wind Power Generation Facility owner/operator applicant shall covenant not to sue owners, operators, contractors, employees, or invitees of property zoned for farm use for generally accepted farming practices.

(J) Roads.

(1) County Roads.

A Road Use Agreement with Umatilla County regarding the impacts and mitigation on county roads shall be required as a condition of approval.

(2) Project Roads.

Layout and design of the project roads shall use best management practices in consultation with the Soil Water Conservation District. The project road design shall be reviewed and certified by a civil engineer. Prior to road construction the applicant shall contact the State Department of Environmental Quality and if necessary, obtain a storm water permit (NPDES).

(K) (J) Demonstrate All Wind Power Generation Facilities must show compliance with the standards found in OAR 660-033-0130 (37).

~~(6) To the extent feasible, the county will accept information presented by an application for an EFSC proceeding in the form and on the schedule required by EFSC.~~

(L) (K) Submit a plan for The applicants dismantling of uncompleted construction and/or decommissioning plan for and/or re-powering of the Wind Power Generation Facility shall include the following information: as described in §152.616 (HHH) (7).

(M)(8) A surety bond or letter of credit shall be established to cover for the cost of dismantling of uncompleted construction and/or decommissioning of the Wind Power Generation Facility, and site rehabilitation pursuant to ~~(See § 152.616 (HHH) (7) and (8).~~ The intent of this requirement is to guarantee performance (not just provide financial insurance) to protect the public interest and the county budget from

unanticipated, unwarranted burden to decommission wind projects. For projects being sited by the State of Oregon's Energy Facility Siting Council (EFSC), the bond or letter of credit required by EFSC will be deemed to meet this requirement.

(9) (N) The actual latitude and longitude location or Stateplane NAD 83(91) (suitable for GPS mapping) coordinates of each turbine tower, connecting lines, O & M building, substation, project roads and transmission lines, shall be provided to Umatilla County on or before starting ~~once commercial~~ electrical production begins.

(O) An Operating and Facility Maintenance Plan shall be submitted and subject to county review and approval.

(10) (P) A summary of as built changes to the original plan ~~in the facility from the original plan~~, if any, shall be provided by the Wind Power Generation Facility owner/operator 90 days of starting electrical production.

(Q) Submit a socioeconomic assessment of the Wind Power Generation Facility.

(7) (A) Dismantling/Decommissioning.

A plan for dismantling and/or decommissioning that provides for completion of dismantling or decommissioning of the Wind Power Generation Facility without significant delay and protects public health, safety and the environment in compliance with the restoration requirements of this section.

(B) (A) A description of actions the Wind Power Generation Facility owner/operator proposes to take to restore the site to a useful, non hazardous condition, including options for post dismantle or decommission land use, information on how impacts on fish, wildlife, avian populations and the environment would be minimized during the dismantling or decommissioning process, and measures to protect the public against risk or danger resulting

from post decommissioning site conditions in compliance with the requirements of this section.

(C) (B) A current detailed cost estimate, a comparison of that estimate with present funds, the bond set aside for dismantling or decommissioning, and a plan for ~~assuring~~ guaranteeing the availability of adequate funds for completion of dismantling or decommissioning. The cost estimate will be reviewed and be updated by the Wind Power Generation Facility owner/operator on a 3 5 year basis, unless material changes have been made in the overall Wind Power Generation Facility that would materially increase or decrease these costs. If so, the report must be revised within 120 days of completion of such changes.

(D) (C) Restoration of the site shall consist of the following:

(1) Dismantle turbines, towers, pad mounted transformers, meteorological towers and related aboveground equipment. All concrete turbine pads shall be removed to a depth of at least three feet below the surface grade.

(2) The underground collection and communication cables need not be removed if at a depth of three feet or greater. These cables at a depth of three feet or greater can be abandoned in place if they are deemed not a hazard or interfering with agricultural use or other ~~consistent~~ resource uses of the land.

(3) Gravel shall be removed from areas surrounding turbine pads.

(4) Private access road areas shall be ~~removed~~ restored by removing gravel and restoring the surface grade and soil, unless the landowner directs otherwise.

(5) After removal of the structures and roads, the area shall be graded as close as is reasonably possible to its original contours and the soils shall be restored to a condition

compatible with farm uses or consistent with other resource uses. Re vegetation shall include planting by Wind Power Generation Facility owner/operator applicant of native plant seed mixes, planting by Wind Power Generation Facility owner/operator applicant of plant species suited to the area, or planting by landowner of agricultural crops, as appropriate, and shall be consistent with the weed control plan approved by Umatilla County.

(6) Roads, cleared pads, fences, gates, and improvements may be left in place if a letter from the land owner is submitted to Umatilla County indicating said land owner will be responsible for, and will maintain said roads and/or facilities for farm or other purposes as permitted under applicable zoning.

(8) (E) Decommissioning Fund.

The applicant (Wind Power Generation Facility owner/operator) shall submit to Umatilla County a bond or letter of credit acceptable to the County, in the amount of the decommissioning fund naming Umatilla County and the landowner as beneficiary or payee.

(4) (H) The calculation of present year dollars shall be made using the U. S. Gross Domestic Product Implicit Price Deflator as published by the U. S. Department of commerce, Bureau of Economic Analysis, or any successor agency (the Aindex.@). The amount of the bond or letter of credit account shall be changed up or down if the change in the Index moves by more than change if the Index changes be increased at such time when the cumulative percentage increase in the Index exceeds 10 percent from the last change, and then the amount shall be increased or decreased by the cumulative percentage increase change. If at any time the Index is no longer published, Umatilla County and the Wind Power Generation Facility owner/operator applicant shall select a comparable calculation of present year dollars. The amount of the bond or letter of credit account shall be pro rated within the year to the date of decommissioning.

(B) (2) The decommissioning bond fund shall not be subject to revocation or unjustified reduction before decommissioning of the Wind Power Generation Facility and rehabilitation of the site/s.

(C) (3) The Wind Power Generation Facility owner/operator shall describe the status of the decommissioning bond fund in the annual report submitted to the Umatilla County.

(F) If any disputes arise between Umatilla County and the landowner on the expenditure of any proceeds from the bond or the letter of credit, either party may request non-binding arbitration. Each party shall appoint an arbitrator, with the two arbitrators choosing a third. The arbitration shall proceed according to the Oregon statutes governing arbitration. The cost of the arbitration (excluding attorney fees) shall be shared equally by the parties.

(G) For projects sited by EFSC, compliance with EFSC's financial assurance and decommissioning standards shall be deemed to be in compliance with the dismantling and decommissioning requirements of this § 152.616 (HHH)(7) & (8).

(9) (I2) Annual Reporting.

Within 120 days after the end of each calendar year the Wind Power Generation Facility owner/operator shall provide Umatilla County an written and oral annual report including the following information:

(A) Energy production by month and year.

(B) Non proprietary information about wind conditions, (e. g., monthly averages, high wind events, bursts).

(C) A summary of changes to the Wind Power Generation Facility that do not require facility requirement amendments.

(D) A summary of the fish, wildlife and avian

monitoring program – bird injuries, casualties, positive impacts on area wildlife and any recommendations for changes in the monitoring program.

(E) Employment impacts to the community and Umatilla County during and after construction.

(F) Success or failures of weed control practices.

(G) Status of the decommissioning bond fund.

(H) Summary of erosion control activities and its effectiveness.

(I) (H) Summary comments –

(1) any Problems with the projects, any adjustments needed, or any suggestions.

(2) The annual report requirement may be *modified discontinued or required at a less frequent schedule* by the County *as warranted by project conditions, circumstances and compliance*. The reporting requirement and/or reporting schedule shall be reviewed, and possibly altered, at the request of the *Wind Power Generation Facility* owner/operator. For *Wind Power Generation Facilities* under EFSC jurisdiction and for which an annual report is required, the annual report to EFSC satisfies this requirement.

(10) (H) (A) *Permit Amendments.*

The Wind Power Generation Facility requirements shall be facility specific, but can be amended as long as the *Wind Power Generation Facility* does not exceed the boundaries of the Umatilla County conditional use permit where the original *Wind Power Generation Facility* was constructed.

(B) An amendment to the conditional use permit shall be *subject to the standards and procedures found in §152.611. Additionally, any of the following would require an amendment to the conditional use permit* required if proposed facility changes would:

(1) Increase the land area taken out of agricultural production by an additional 20 acres or more; (2) Increase the land area taken out of agricultural production sufficiently to trigger taking a Goal 3 exception; (3) Require an Expansion of the established *Wind Power Generation Facility* boundaries; (2) (4) Increase the number of towers; (3) (5) Increase generator output by more than 25 percent relative to the generation capacity authorized by the initial permit due to the repowering or upgrading of power generation capacity; or (4) *Changes to project private roads or access points to be established at or inside the project boundaries.*

(C) *In order to assure appropriate timely response by emergency service providers, Notification (by the *Wind Power Generation Facility* owner/operator) to the Umatilla County Planning Department of changes not requiring an amendment such as a change in the project owner/operator of record, a change in the emergency plan or change in the maintenance contact are encouraged, but not required to be reported immediately.* An amendment to a Site Certificate issued by EFSC will be governed by the rules for amendments established by ESC.

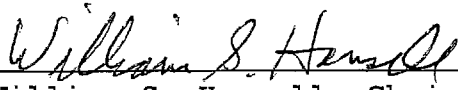
FURTHER by unanimous vote of those present, the Board of Commissioners deems this Ordinance necessary for the immediate preservation of public peace, health, and safety; therefore, it is adjudged and decreed that an emergency does exist in the case of this Ordinance and it shall be in full force and effect from and after its adoption.

FIRST READING: June 14, 2011

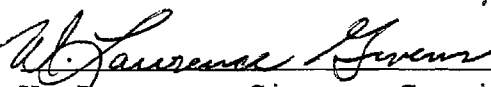
SECOND READING: June 28, 2011

DATED this 28th day of June, 2011.

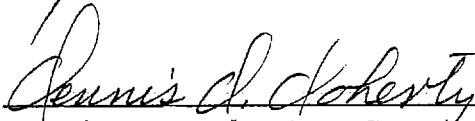
UMATILLA COUNTY BOARD OF COMMISSIONERS



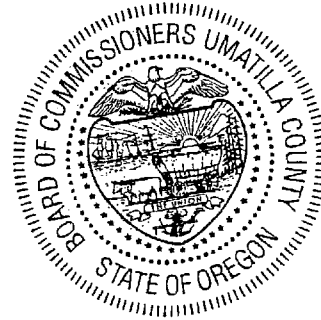
William S. Hansell, Chair



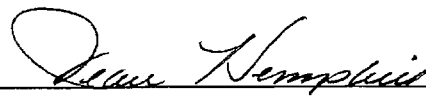
W. Lawrence Givens, Commissioner



Dennis D. Doherty, Commissioner



ATTEST:
OFFICE OF COUNTY RECORDS



Records Officer



RECEIVED

JUN 28 2011 THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

UMATILLA COUNTY RECORDS

STATE OF OREGON

In the Matter of Amending)	
Development Code for Wind)	ORDINANCE NO. 2011-06
Power Generation Facility)	
Conditional Use Permits -)	
Rural Residence Setbacks)	

WHEREAS on May 20, 2003, the Board of Commissioners adopted Ordinance No. 2002-02, establishing requirements for the siting of wind power generation facilities, codified at Section 152.616 (HHH) of the Umatilla County Code of Ordinances;

WHEREAS the Planning Commission and Planning Department staff have drafted updates to the siting standards for wind power generation facilities;

WHEREAS the Umatilla County Planning Commission held work sessions and discussions on the matter a number of times, including December 17, 2009, and January 13, 2011, and held a public hearing regarding the proposed amendments on November 18, 2010 and February 24, 2011, and forwarded the proposed amendment to the Board of Commissioners with a recommendation for adoption;

WHEREAS the Board of Commissions held a public hearing on March 17, 2011, continued to May 12, 2011, June 14, 2011 and June 28, 2011, to consider the proposed amendments, and voted 2 in favor and 1 against to approve the amendments to the Land Development Ordinance as set out in this ordinance.

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains the adoption of the following amendment to the County Land Development Ordinance, codified in Chapter 152 of the Umatilla County Code of Ordinances, to amend as follows (Strikethrough text is deleted; Underlined/Italicized text is added):

§152.616 STANDARDS FOR REVIEW OF CONDITIONAL USES AND LAND USE DECISIONS.

(HHH) Commercial Wind Power Generation Facility.

(6) Standards/Criteria of Approval The following requirements and restrictions apply to the siting

of a Wind Power Generation Facility:

(A) *Setbacks. The minimum setback shall be a distance of not less than the following:*

~~The Wind Power Generation Facility shall be on property zoned BFU/GF or NR, and no portion of the facility shall be within 3,520 feet of properties zoned residential use or designated on~~

the Comprehensive Plan as residential. (For clarification purposes of this section, EFU/GF/NR zones are not considered zoned for residential use.)

purposes of this section, a "rural residence" is defined as a legal, conforming dwelling existing on the parcel at the time an application is deemed complete. The measurement of the setback is from the centerline of the turbine tower to the centerpoint of the residence.

(3) From a turbine tower to a rural residence shall be 2 miles, unless the landowner of the rural residence authorizes by written waiver of a lesser setback and the waiver is recorded with the county deed records. For

FIRST READING: June 14, 2011

SECOND READING: June 28, 2011

DATED this 28th day of June, 2011.

UMATILLA COUNTY BOARD OF COMMISSIONERS

IN OPPOSITION

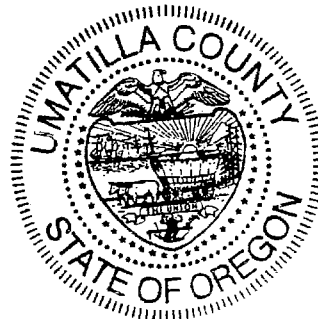
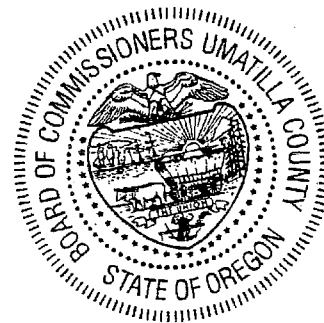
William S. Hansell, Chair

W. Lawrence Givens
W. Lawrence Givens, Commissioner

Dennis D. Doherty
Dennis D. Doherty, Commissioner

ATTEST:
OFFICE OF COUNTY RECORDS

Jean Hemphill
Records Officer



RECEIVED

JUN 28 2011

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

UMATILLA COUNTY
RECORDS

STATE OF OREGON

In the Matter of Amending)
 Development Code for Wind) ORDINANCE NO. 2011-07
 Power Generation Facility)
 Conditional Use Permits -)
 Walla Walla Watershed Standards)

WHEREAS on May 20, 2003, the Board of Commissioners adopted Ordinance No. 2002-02, establishing requirements for the siting of wind power generation facilities, codified at Section 152.616 (HHH) of the Umatilla County Code of Ordinances;

WHEREAS the Planning Commission and Planning Department staff have drafted updates to the siting standards for wind power generation facilities;

WHEREAS the Umatilla County Planning Commission held work sessions and discussions on the matter a number of times, including December 17, 2009, and January 13, 2011, and held a public hearing regarding the proposed amendments on November 18, 2010 and February 24, 2011, and forwarded the proposed amendment to the Board of Commissioners with a recommendation for adoption;

WHEREAS the Board of Commissions held a public hearing on March 17, 2011, continued to May 12, 2011, June 14, 2011 and June 28, 2011, to consider the proposed amendments, and voted to approve the amendments to the Land Development Ordinance as set out in this ordinance;

WHEREAS the Walla Walla Watershed contains Goal 5 inventoried resources and highly erodible soils that support additional standards for the siting of Wind Power General Facilities in this area.

NOW, THEREFORE the Board of Commissioners of Umatilla County finds as follows:

1. The Walla Walla Watershed contains two species listed under the Endangered Species Act--Bull Trout and Steelhead.
2. The Confederated Tribes of the Umatilla Indian Reservation are working to create self-sustaining Chinook Salmon in the Walla Walla River.

3. The upper and mid reaches of the Walla Walla River Watershed was identified as one of two priority Conservation Opportunity Areas by the Oregon Fish & Wildlife Commission in 2006.

4. A decade of watershed restoration efforts, including millions of dollars of private and public funds, warrant protection.

5. Protection of the Walla Walla Watershed is consistent with policies set forth in Oregon Administrative Rules 690-507-0020 Umatilla Basin Rules.

6. The Oregon Department of Agriculture has identified highly erodible soils in the Walla Walla Watershed and the soil data is the established Soil Survey of the Soil Conservation Service.

7. The acknowledged Umatilla County Comprehensive Plan and Technical Report contain inventories of Goal 5 resources and findings and policies that support appropriate standards for protection of resources in the Walla Walla Watershed.

8. Commercial wind energy development would conflict with inventoried Goal 5 resources within the Walla Walla Watershed Sensitive Resource Area.

9. The resources within the watershed are sensitive and traditional mitigation standards and techniques cannot guarantee the necessary protection of the resources.

10. The resources are co-located in a defined geographic area, as defined in the "Walla Walla Watershed Sensitive Habitat Area" maps.

11. Standards have been designed that are reasonable, appropriate, and would not preclude commercial wind energy development, but would protect inventoried resources and also serve to facilitate compliance with applicable federal laws for the protection of natural resources, including but not limited to the Endangered Species Act and the Clean Water Act.

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains the adoption of the following amendment to the County Land Development Ordinance, codified in Chapter 152 of the Umatilla County Code of Ordinances, to amend as follows (Strikethrough text is deleted; Underlined/Italicized text is added):

§ 152.616 STANDARDS FOR REVIEW OF
CONDITIONAL USES AND LAND USE
DECISIONS.

(HHH) Commercial Wind Power Generation
Facility.

(11) Walla Walla Watershed.

Lands located within the Walla Walla Sub-basin
East of Highway 11 shall be subject to additional
standards. The purpose of these criteria is to
prevent impacts to the following: inventoried
Goal 5 resources, highly erodible soils (as
defined by the Oregon Department of
Agriculture), federally listed threatened and
endangered species, and the Critical Winter
Range. The standards are also designed to
protect sensitive streams and to be consistent with
the Clean Water Act.

(A) There shall be no construction of project
components, including wind turbines,
transmission lines and access roads on soils
identified as highly erodible. The highly erodible
soils are those soils identified by the Oregon
Department of Agriculture as highly erodible.

(B) The application shall demonstrate that
the Wind Power Generation Facility and its
components, wind turbines, transmission lines,
and roads, will not conflict with existing
significant Goal 5 Resources within the Walla
Walla Sub-basin.

(C) The application shall demonstrate that
the Wind Power Generation Facility and its
components will be setback a minimum of two
miles from streams and tributaries that contain
Federally listed threatened and endangered
species, and, that the project will generate no
runoff or siltation into the streams.

(D) The application shall demonstrate that
the Wind Power Generation Facility and its
components will not be located within the Critical
Winter Range.

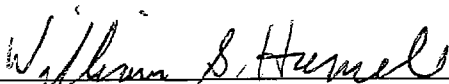
FURTHER by unanimous vote of those present, the Board of
Commissioners deems this Ordinance necessary for the immediate
preservation of public peace, health, and safety; therefore, it is
adjudged and decreed that an emergency does exist in the case of
this Ordinance and it shall be in full force and effect from and
after its adoption.

FIRST READING: June 14, 2011

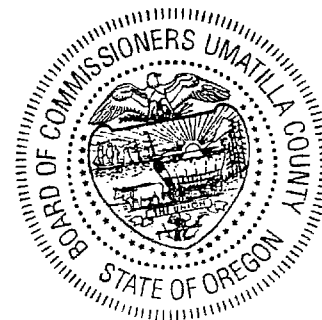
SECOND READING: June 28, 2011

DATED this 28th day of June, 2011.

UMATILLA COUNTY BOARD OF COMMISSIONERS



William S. Hansell, Chair

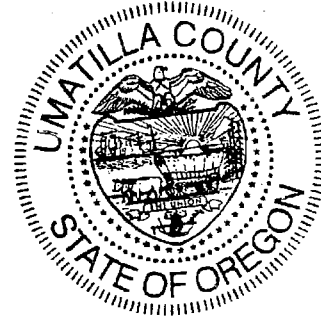
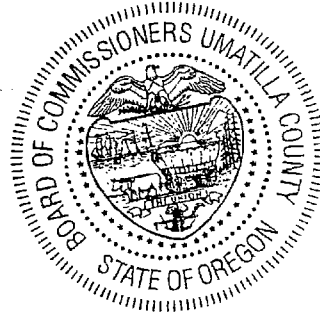


W. Lawrence Givens
W. Lawrence Givens, Commissioner

Dennis D. Doherty
Dennis D. Doherty, Commissioner

ATTEST:
OFFICE OF COUNTY RECORDS

Jean Kempf
Records Officer



BOARD OF COMMISSIONERS HEARINGS
MARCH 17, 2011, MAY 12, 2011 & JUNE 14, 2011 & JUNE 28, 2011
WIND ORDINANCE AMENDMENT
CONDITIONAL USE SECTIONS 152.616 (HHH) and 152.615
COUNTY TEXT AMENDMENT, # T-10-039

FINAL EXHIBIT LIST

1. March 17, 2011 Proposed Ordinance Revisions (draft recommended for adoption by the Planning Commission.)
2. Draft Minutes of February 24, 2011 Planning Commission Hearing
3. "The Umatilla County Wind Power Ordinance: Provisions Recommended by Wind Power Developers (By Ordinance Section)," by Clinton Reeder, (to be released on or about April 15, 2011).
4. City of Pendleton Comment Letter, dated March 10, 2011
5. "Proposed Amendments to UCDO RE: Wind Power Development," by Clinton Reeder, presented at February 24, 2011 Planning Commission hearing
6. "Why Increase the Wind Tower Setbacks?" by Clinton Reeder, February 27, 2011
7. Comment letters, without specific recommendation on code changes:
 - four letters about protection of significant resources in the Blue Mountains (wildlife, sensitive areas, etc.) from industrial wind turbines
 - three letters regarding protection of the Blue Mountains (wildlife) by requiring EIS for industrial projects
 - four letters about concerns on decommissioning wind projects
 - three letters regarding turbine noise and how far [setback distance] turbines should be, 4 to 6 miles from . . .
 - one letter regarding turbine noise and how far [setback distance] turbines should be, 15 miles from . . .
 - letter regarding section 5A, and that proposed setbacks are excessive
 - letter regarding grandfathering-in property owners with current wind lease agreements from proposed changes, comments that proposed ordinance will hurt the county economy
 - letter regarding proposed standards exceed State & Federal siting standards and conditions and should be excluded from county codes, comments regarding noise, feels standards and codes diminish property values and voters should have a say on Rules and Regulations proposed by the County
 - letter with complaints on other past land use applications, supports property rights
8. Horizon Wind Energy letter and proposed ordinance changes with comments, received February 15, 2011

9. elementpower email, letter and proposed ordinance changes with comments, received February 16, 2011
10. Iberdrola Renewable letter and recommended changes regarding proposed setbacks, received February 17, 2011.
11. City of Milton-Freewater Resolution No. 2106 and letter with recommended changes to increase setbacks and retain page 4, item (I), strike-through text, received February 17, 2011
12. Blue Mountain Alliance letter and recommended changes and comments, received February 23, 2011
13. Letter from Dan Williams with suggested changes, received February 24, 2011
14. General Comment Letter by Aeropower Services Inc., Don Bain, received February 24, 2011
15. Letters from Dave and Judy Price with recommended changes, received March 11, 2011 and February 24, 2011
16. Paper by Clinton Reeder, "Justice, Fairness & Equity" presented February 24, 2011
17. Article, "Wind turbines are killing condors", from the National Wind Watch web site, submitted by Dana Dibble, February 24, 2011
18. Windkraft Nord USA, Inc. (WKN), e-mail dated July 29, 2010, received via FAX November 12, 2010
19. Friends of the Grande Ronde Valley, letter e-mailed and received November 17, 2010
20. Horizon Wind Energy, letter and markup ordinance e-mailed and received November 16, 2010
21. Iberdrola Renewables, letter and markup ordinance e-mailed and received November 17, 2010
22. Element Power, letter and markup ordinance e-mailed and received November 17, 2010
23. RES America Developments, Inc, letter and markup ordinance e-mailed and received November 17, 2010
24. CTUIR, letter e-mailed and received November 18, 2010
25. Cunningham Sheep Company letter received November 18, 2010
26. City of Milton-Freewater Resolution No. 2106, comments and photo received November 18, 2010
27. Jim Burns November 18, 2010 comment letter replaced by e-mail comments dated November 19, 2011

28. Wheatridge Wind Energy, LLC, letter received November 18, 2010

**Exhibits Received After Packets printed for Board (after March 10, 2011)
Added to the Record by the Board of Commissioners at their March 17, 2011 hearing**

29. Letter from residents of Milton-Freewater supporting amendments to 152.616 (HHH), received March 11, 2011
30. Letter from Lindsay Winsor in support of Planning Commission amendments, received March 14, 2011
31. Letter from Emily Shumway Banks in support Planning Commission amendments, received March 15, 2011
32. Email from Jerry Davis with comments discouraging wind turbines in the Blue Mountains, received March 15, 2011
33. Letter from Kay Wolf, Shumway Conservancy Member, in support of Planning Commission amendments, received March 16, 2011
34. Letter from Sheldon Kirk, landowner, in opposition to two-mile setback and other criticism of Planning and land use, received March 16, 2011
35. Letter from Alan T. Moore, NW Director of Habitat Programs, Trout Unlimited, in support proposed amendments, received March 16, 2011
36. Letter from Daniel Baldner in support of amendments, received March 16, 2011
37. Letter and packet of information from Wendy Kellington, on behalf of Cunningham Sheep Company, submitted on March 17, 2011, in opposition to changes to the (HHH) standards.
38. Presentation about the proposed ordinance changes, by Clinton Reeder, on behalf of the County Planning Commission, March 17, 2011 hearing.
39. Letter from Chrissy Froese, in support of wind turbines, dated March 17, 2011.
40. Wind Contour Maps of the proposed Iberdrola Helix Power Project, Figure 1 and Figure 2.
41. Testimony of Leo Stewart, Vice-Chairman, Board of Trustees, CTUIR, in support of the Planning Commission proposed wind siting standards, submitted March 17, 2011.
42. Testimony of Richard Stewart, in opposition to the 2 mile setback, March 17, 2011.
43. Aerial photo of farm land located approximately north of Pendleton, with 2-mile radius around existing homes, presented by Bob Levy, March 17, 2011.
44. Letter of Doris and Greg Tsiatsos, in support of wind power and in opposition to making the siting criteria more stringent, submitted March 17, 2011.

45. Letter of support for the Planning Commission proposed wind siting standards, by Blue Mountain Alliance, submitted March 17, 2011.
46. Testimony in opposition to changes to the wind siting standards, in support of EFSC standards, by Sarah Curtiss, attorney, on behalf of Element Power, submitted March 17, 2011, one copy of the energy analysis – “The Impact of Wind Power Projects on Residential Property Values in the United States: A Multi-Site Hedonic Analysis” by Ben Hoen, Ryan Wisner, Peter Cappers, Mark Thayer, and Gautam Sethi
47. Letter in support of standards, especially those proposed to increase protection to Walla Walla River, by the Walla Walla River Irrigation District, submitted March 17, 2011.
48. Letter in opposition to the 2-mile setback, perspective from a resident living in close proximity to wind turbines, and other comments, by Jeff Newton, submitted March 17, 2011.

Exhibits Received After March 17, 2011 Hearing Added to the Record by the Board of Commissioners at their May 12, 2011 Hearing

49. Draft document on Development within Watersheds, DEQ proposed rulemaking announcement for Revised Water Quality Standards titled “Human Health Toxic Pollutants and Revised Water Quality Standards Implementation Policies”, Agenda for the three hundred and sixtieth regular meeting of the Oregon Environmental Quality Commission (Feb. 16-18, 2011), Draft Issue Paper for Discussion at October 4 Non-NPDES Meeting titled “Implementation Ready” TMDLs for Reducing Toxic Pollutants in Oregon Waters from Nonpoint Sources, Draft (Nov 18, 2010) Oregon’s Integrated Water Resources, submitted by Ron Brown.
50. Letter dated March 20, 2011, received March 21, 2011 from Dave & Judy Price, supporting creditable noise study and cumulative effects consideration, poses question, “How many windmills can we accommodate in a responsible resource manner?”
51. Letter dated March 21, 2011, received March 25, 2011 from Tom & Maureen Rugg, supporting proposed two mile setback
52. Letter dated and received March 28, 2011 from Robert Lazinka not in support of proposed two mile setback
53. Letter received March 29, 2011 from Jay & Julia Spratling addressed to John White, Oregon Department of Energy, (to be submitted to Umatilla County Commissioners) concern with health effects, noise, road use and how they look on the landscape
54. Letter and map received March 29, 2011 from Robin Severe, comments on neighbor’s testimony at the BOC hearing and supports two mile setback
55. Letter received March 29, 2011 from Lillian Duncun in support of the two mile setback
56. Letter received April 1, 2011 from Karen Engels in support of the two mile setback

57. April 5, 2011 addendum submitted to letter dated March 20, 2011 from Dave & Judy Price, support two mile setback and Clinton Reeder's analysis and hard work
58. Email from Wade & Vicki Muller and response from Planning Director, Tamra Mabbott, regarding Helix Wind Power Facility, email includes Pierpont's keynote address before the "First International Symposium on the Global Wind Industry and Adverse Health Effects: Loss of Social Justice?" titled, "Wind Turbine Syndrome & The Brain" by Nina Pierpont, MD, PHD, dated November 15, 2010
59. Letter received April 7, 2011 from Jay & Julia Spratling, sharing concerns on health effects, noise, road use and how wind turbines look on the landscape
60. April 11, 2011 letter from Ken & Ida Schiewe in support of wind turbines and ¼ mile setback, other comments about Planning Commission process, etc.
61. April 12, 2011 letter from Barbara Clutter in support of wind turbines, historical perspective of how new development is received in community, etc.
62. Comment letter and maps (one digital copy of submitted documents) submitted April 14, 2011 from Blue Mountain Alliance, comments in support of two mile setback, comments on changes to decommissioning, recommendation of additional setback, concerns on cumulative effects
63. Letter and book titled, "Wind Farm Scam" by John Etherington, submitted April 14, 2011, by Tom Rugg [Book (one for each Commissioner) submitted to the office of Board of Commissioners]
64. (Exhibit 64 Blue Note Book) submitted by Lauren Prince with Renewable Northwest Project and includes scientific literature regarding wind power generation facility siting
65. Letter received April 15, 2011 from Tom and Jo Lynn Buell, comments that wind is not near as loud as many other noises, commenting that ¼ mile setback would be appropriate and adds that local communities also benefit from wind projects
66. April 15, 2011, comment letter from Chase Whitney – Iberdrola Renewables, email exchange, copy of Terjeson comment letter to John White with Attachments 1, 2 & 3 regarding Helix Wind Project Amendment
67. April 15, 2011, comment letter from Joy Potter – Horizon Wind Energy, copy of email, State of Washington Supreme Court ruling, Site Certification Agreement between the State of Washington & Sagebrush Power Partners, LLC, copy of recommended wind ordinance revisions
68. April 15, 2011, comment letter from Nicole Hughes – elementpower, regarding wind ordinance revision application requirements
69. Planning Department Memo dated April 20, 2011, and maps of three areas currently collecting wind data and how the proposed setbacks may define wind turbine location

70. Book submitted by Clinton Reeder titled “Wind Turbine Syndrome: A Report on a Natural Experiment” and Executive Summary by Nina Pierpont, MD, PhD [Book (one for each Commissioner) submitted to the office of the Board of Commissioners]

Exhibits Received After April 15, 2011 Added to the Record by the Board of Commissioners at their May 12, 2011 Hearing

71. Comment letter received April 21, 2011, from Craig Pritchard, acknowledging that some setbacks may be necessary but would like reconsideration of setbacks to gravel roads
72. Comment letter received April 21, 2011, from the Walla Walla Basin Watershed Council with concerns on rural land development on lands near the middle and upper reaches of the Walla Walla River watershed
73. Yellow Paper proposed wind ordinance changes for Board consideration May 3, 2011
74. May 2, 2011 email comments from Dana Dibble, Susan Turbyne Davis, Tim Kennedy, Lori Kennedy, Gerry Reese, Leonard & Leslie Brown and Irene Walters in support of the 2-mile setback
75. Email comment dated May 2, 2011 from Christa Maiuri in opposition to wind farms in general and to allow them within ½ mile of any residence, concerned with vistas
76. Email comment dated May 2, 2011 from Ron Edwards asking for setback consideration due to health effects from exposure to low frequency sound, opinion that wind industry is all about tax credits, subsidies etc., wind farms should be placed far away from where people live and work, wind farms do not belong in the mountains or rolling foothills where red flashing lights would be seen for miles, in addition asks that any commissioners who have family members that would benefit financially from wind farms to excuse themselves from decision making
77. Email comment dated May 3, 2011 from Casey McClellan on distance to Urban Growth Boundaries and other dwellings asserting anything less than 2 miles would be destructive, wind installations degrade visual and auditory environment, 2 mile setback minimum to preserve existing & future landowners peaceful enjoyment of their property, other areas may be appropriate for wind energy installations but not the foothills of the Blues or encroachment on urban areas, respect City of Milton-Freewater stand for a minimum 2 mile setback from UGB and minimize impacts on current agri-tourism in the Walla Walla Valley
78. Packet submitted by Clinton Reeder:
- Paper on recommended setback distances,
 - Pierpont Exhibits A, B & C,
 - Exhibit E: What Happened to Noise?
 - Exhibit F: Determining Impact Mitigation Payments for Residences within 2-miles of Wind Power Facilities (A Suggested Impact Mitigation Provision),
 - Wind Power Development Toolkit: Winrock Int’l Brasil, & New York State Energy Authority
79. Packet submitted by Ron Brown:

- An impact on wildlife (ODFW), Executive Order No. EO-96-30 State/Tribal Government-to-Government Relations,
- Executive Order No. EO 99-01 The Oregon Plan for Salmon and Watersheds,
- Draft Walla Walla Agricultural Water Quality Management Area Plan Guidance Document & Administrative Rules dated Sept. 24, 2001,
- Comment Letter from Oregon Dept. of Energy dated March 1, 2011 from Oregon Fish & Wildlife with serious concerns on ODFW recommended modification to minimize impacts to fish, wildlife and habitat were not addressed on the proposed siting of the Horizon Antelope Ridge Wind Project, and letter Attachment 1- ODFW's Comments on Horizon's Final Application for Site Certificate & Recommended Terms & Conditions for Issuance of a Site Certificate.

80. May 3, 2011 version of the Proposed Wind Ordinance Revisions
81. Comment letter dated May 9, 2011 from Dave & Judy Price in support of the Socio-economic Assessment, support of the Planning Commission and Commissioner Reeder's research on setbacks and believes that a linear setback is only part of the solution, identifies problem of assessing Cumulative Effects, commends Board in taking time to make a good decision but do not want a long delay
82. Email comments dated May 10, 2011 from Chuck & Marcia Akes in support of the Planning Commission's document and the 2 mile setback from homes, against wind turbines in the Blue Mountains
83. See separate binder for Exhibit No. 83, submitted by Clinton Reeder:
 - Property Values vs. Wind Turbines,
 - Wind Turbine Syndrome & General Adverse Health Effects,
 - Sleep Interruption & Deprivation,
 - Stress Induced Adverse Health Effects.

**Exhibits Received After Packets printed for Board (after May 10, 2011)
Added to the Record by the Board of Commissioners at their May 12, 2011 hearing**

84. Comment letter and attachments received via email on May 11, 2011 from the City of Milton-Freewater
85. Written testimony by Bob Levy/Cunningham Sheep Co.
86. Map provided by Ron Brown showing WWRID, HBDIC and GFID Service Areas
87. Cartoon titled "Arguments Against-" NUCLEAR, OIL, COAL . . .
88. Paper titled "Oregon Wind Farms: \$54 Million in Property Taxes Benefiting Rural & Urban Communities" provided by Renewable Northwest Project
89. Wind Turbine Sound power point presentation by Mark Bastasch
90. Comment letter from Robert & Cheryl Cosner/Upper Dry Creek Ranch, opposing adoption of

the Amendments to Section 152.616

91. Table showing setback comparisons of various Oregon and Washington Counties
92. Green Paper with attachments prepared by Elaine Albrich of Stoel-Rives LLP
93. Iberdrola presentation of printed power point titled, "Wind Energy Development and Wildlife: Industry Challenges and Perspectives"
94. Letter dated April 7, 2011 to EFSC regarding the Helix Wind Project from Kirk & Gunder Terjeson
95. Copy of Kirk & Gunder Terjeson testimony and attachments
96. Letter in support of Um Co Planning Commission's amendments to Section 152.616 (HHH), attached newspaper articles regarding Wind issues in the Northwest

Written Comments Received by 5 p. m. May 20, 2011 Added to the Record by the Board of Commissioners at their June 14, 2011 Hearing

97. Update (email) on economic data and "Wind Value Spread Sheet" presented by Lauren Prince, associate with Renewable Northwest Project
98. Comment letter (email) dated May 17, 2011 from Orlin Hansen in support of the two mile setback and erosion control on all road development
99. Comment letter (email) dated May 18, 2011 from Dave Hansen in support of the two mile setback, pre-application meeting requirement and notice of infrastructure changes to a project
100. Comment letter (email) dated May 17, 2011 from Jeanne Brady and Milton-Freewater Republican Women supporting two mile setback and that citizens need representation by elected representatives
101. Comment letter (email) dated May 18, 2011 from Casey McClellan/Seven Hills Winery in support of the two mile setback, strict pre-development and development standards and asks for consideration of the long term downside of wind installations on wildlife, roads, current farming practices and agri-tourism
102. Comments via email dated May 17, 2011 from Leona Shumway in support of the two mile setback from a residence to any wind tower
103. Comments via email dated May 18, 2011 from Deborah Hansen in support of the two mile setback, pre-application hearing, consider impact of project on land owners and environment, should require soil testing at each turbine location, require turbine removal and site cleanup funding
104. Comment letter dated May 17, 2011 from Dave and Judy Price supports two mile setback over one mile setback

105. Comment letter dated May 17, 2011 from Geraldine Reese/Reese Orchards in support of at least a two mile setback and comments on land values, property taxes
106. Comment letter (email) dated May 19, 2011 from Jim Burns requesting the Blues be protected and both the Walla Walla and Umatilla Watersheds and various wildlife in the area
107. Comment letter (email) received May 19, 2011 from Jay and Julia Spratling in support of the proposed two mile setback, no need for more wind turbines in the Vancycle Canyon area
108. Comment letter from Kirk and Gunder Terjeson commenting on possible overlay zones and how an overlay zone would be enacted and whether one property owners rights would be different from a neighbor's because of the overlay zone applied on one side of a road and not on the other side
109. Comment letter (email) dated May 19, 2011 from Larry Nye, Coordinator of Milton-Freewater Tea Party Patriots, in support of no less than two mile setback and adding "recreational, homes and sites" to the list of setbacks, adds points about private property, pursuit of happiness and fiscal responsibility and limited government
110. Comments via email dated May 19, 2011 from Irene Walters in support of the Commissioners upholding the two mile setback between a residence and a wind turbine
111. Comments via email dated May 20, 2011 from Dana Dibble in support of the two mile buffer from wind turbines and residences
112. Email from Teresa Kilmer, District Manager of the Walla Walla River Irrigation District, with attached photos taken by Ron Brown of recent run-off in the Linton Mountain area, several of the photos were also presented in person
113. Comment via email dated May 20, 2011 from Kathryn Hill concerned that wind turbines would be place to the east of Highway 11 and the disturbances the turbines would cause due to noise, vibration, road construction and power lines, also concerned about effects to property values, please protect neighborhoods and homes
114. Comments and attachments via email dated May 19, 2011 from Ed Chesnut, general discussion and setback questions, specific recommendations for setbacks, other comments/recommendations including notice to all property owners within two miles of planned wind turbine locations and creation of a Blue Mountain overlay zone and to act as soon as possible
 - Oregon Department of Energy A Model Ordinance for Energy Projects
 - Page 13 of DOE Shepherds Flat Central First Amended Site Certificate dated March 12, 2010
 - Helix Wind Project Amendment 1 Noise Contour Map, Figure 2 with superimposed two mile setback feature
 - Google map of area west of Pilot Rock and home locations and areas that would be protected by two mile setback
 - Map showing cumulative wind projects in Umatilla County

- Map showing cumulative wind projects and met towers in Umatilla County
 - Letter from McCann Appraisal, LLC re: Property Value Impact and Zoning Evaluation, Cape & Vineyard Electric Cooperative, Freeman's Way Municipal Wind Project, Commerce Park Road Brewster, Massachusetts
115. Comment letter dated May 20, 2011 from Kent Madison/Madison Farms regarding two mile setback, believes neighboring counties would benefit if Umatilla County adopts a two mile setback, views wind projects as an economic growth opportunity with a potential of millions of dollars in tax revenue for Umatilla County
 116. Comment letter (email) dated May 20, 2011 from Adolf and Lorraine Klein with complaints about the current wind projects and questions about removal, cleanup, subsidies, asks for a vote on whether more mills [wind turbines] should be allowed to be installed in the area, should hold two mile setback (preferably four miles)
 117. Comments via email dated May 20, 2011 from Regina Vandersloot in support of no less than a two mile setback to homes, thinks the community needs a say in how any project will go forward through a pre-application meeting, in favor of erosion prevention and protecting of natural surroundings, support update of emergency management plan, desires revision to EFSC standards, in closing Ms. Vandersloot's opinion is that no more industrial wind turbines be permitted in Umatilla County
 118. Comments via email dated May 20, 2011 from Tim Kennedy in support of the two mile setback for wind generator's in the Blue Mountain foothills
 119. Comment letter received May 20, 2011, from Paul R. Seaquist/Century 21 in support of the Planning Commission's recommendations and asks for a ban on projects in the Blue Mountains for six listed reasons: unsightly, erosion, watershed quality issues, inefficient method of generating electricity, inadequate infrastructure to move power to market, tax payer subsidized, closes by asking for careful consideration on the long term effects of more wind turbines
 120. Comment letter and attachments received May 20, 2011 from Elaine Albrich/Stoel Rives LLP, encouraging adoption of suggested code revisions as outlined the Green Paper, protection of certain areas of the County would require comprehensive plan and zoning map/text amendment process, in closing all development activities should be treated equal throughout the County and wind energy development should not be singled out for issues like road construction and potential impacts to watersheds
 - Wind Turbines and Health, A Rapid Review of the Evidence
 - Wind turbine sickness prevented by money drug, by Simon Chapman
 - The Potential Health Impact of Wind Turbines, Chief Medical Officer of Health Report
 121. Comments via email dated May 20, 2011 from Wade & Vick Muller in support of the Planning Commission's two mile setback
 122. Comment letter from Kirk and Gunder Terjeson commenting on possible overlay zones and how an overlay zone would be enacted and whether one property owners rights would be different from a neighbor's because of the overlay zone applied on one side of a road and not

on the other side, signed by Mick Kilby, Scott Harper, Jeff Newton, Bill & March Holton, Bob Newton, Jerry Terjeson, Nancy Rees Duff, Gerald Terjeson, Fred Price, Pat Terjeson, Tom Winn, Sheldon Kirk

123. Paper titled, "Umatilla County's Economic Structure and the Economic Impacts of Wind Energy Development: An Input-Output Analysis" by Melissa Torgerson, Bruce Sorte, and Tim Nam
124. Comparison Table of proposed ordinance changes between the February 24th, May 3rd ordinance versions and suggested ordinance changes provided by Stoel Rives LLP
125. Consensus Items recommended for adoption, dated June 10, 2011.
126. Written Testimony by Bill Timmerman
127. Letter from the City of Milton-Freewater, dated June 14, 2011
128. Petition with signatures in support of two mile setback between homes and wind turbines submitted by Robin Severe
129. Email from Jack Bascomb regarding monies for the City of Helix and/or Helix School from local wind project(s)
130. Petition with signatures in support of two mile setback between homes and wind turbines submitted by Cindy Severe
131. Proposed Order Comments for the Helix Wind Power Facility submitted by Cindy Severe
132. Comments by Eleanor Hockensmith on vibration by wind structures
133. Stoel Rives Letter, dated June 13, 2011
134. Petition with signatures in support of two mile setback between homes and wind turbines submitted by Tom Rugg
135. Letter from Cofield Law Office submitted by Kirk Terjeson
136. Written Testimony (2nd) from Bill Timmerman

Written Comments, Added to the Record by the Board of Commissioners at their June 28, 2011 Hearing

137. Article submitted by Richard Jolly June 14, 2011
138. petitions submitted on June 15, 2011 (also faxed to Board on June 21, 2011)
139. June 21, 2011 letter from Teara Farrow-Ferman, CTUIR

140. email from Brian Wolcott, WWBWC, with suggested section (11) edits.
141. metadata for 303(d) streams map
142. email from Diana Walker, Department of Agriculture, GIS Coordinator with explanation of erosion model and data source, NRCS is source for soil data.
143. OAR Division 507 Umatilla Basin Program
144. Summary of applicable Comprehensive Plan and Technical Report in support of section (11) standards.
145. Maps of Watershed (4)
146. Summary of Comprehensive Plan Goal 5 resources in the Walla Walla Watershed Sensitive Habitat Area (Table)
147. June 27, 2011 letter from WindWorks! Northwest with comments refuting Dr. Pierpont
148. June 27, 2011 letter from Mona Geidl with Minnich-Hayner in opposition to setbacks
149. June 28, 2011 email & letter from Kevin Scribner in favor of #11 protection of the Walla Walla Watershed
150. Letter received June 27, 2011 from Marcy Holton in favor of property rights and revenues generated by Wind Projects
151. Letter received June 27, 2011 from Natasha Bellis - The Freshwater Trust in favor of code changes and protection of the Walla Walla River watershed
152. Signed petition submitted by Arla-June Ruthven in support of the 2-mile setback to homes from wind turbines, protection of water quality, wildlife and wildlife habitat
153. Copy of ORS 215.283
154. Testimony presented by Leo Stewart, Interim Chair of the Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation.
155. Affected Environmental Section 3.0 of the Walla Walla Environmental Impact Statement dated December 31, 2007, submitted by Ron Brown
156. Oregon Columbia Plateau Ecoregion Wind Energy Siting and Permitting Guidelines September 29, 2008, submitted by Ron Brown
157. Letter and photos presented by Stephen Haddock on soils in the Walla Walla Watershed
158. Testimony and suggested changes to new Section #11 of the Wind Ordinance presented by Brian Wolcott, Executive Director, Walla Walla Basin Watershed Council

159. Testimony presented by Sherry Eaton and personal experience living near wind turbines, supports setbacks
160. Letter by Rob and Ann Burnside
161. Signed petition submitted by Cindy Severe in support of the 2-mile setback to homes from wind turbines, protection of water quality, wildlife and wildlife habitat
162. Letter submitted by Robin Severe addressed from Larry Khudsen, Department of Justice, to Hanley Jenkins, Union County Planning Director, regarding the Elkhorn Wind Power Project, on subject of funding for DEQ to enforce the state's noise program
163. Email submitted by Robin Severe from Linda Hayes-Gorman, DEQ Eastern Region Administrator sharing the "Internal DEQ Guidance on Noise Control Issues" addressing noise program termination due to no funding
164. Testimony presented by Debbie Kelly regarding shifting the burden to citizens for Wind Project noise violations, also presented copies of the Larry Khudsen – DOJ letter to Hanley Jenkins in exhibit 162 and the "Internal DEQ Guidance on Noise Control Issues" in exhibit 163
165. Signed petition submitted by Bob Lazinka in support of the 2-mile setback to homes from wind turbines, protection of water quality, wildlife and wildlife habitat
166. Testimony presented by Bob Lazinka supporting the 2-mile setback to a dwelling and concern on removal of towers becoming the responsibility of the landowner
167. Testimony presented by Doug Corey, Cunningham Sheep & Land Company, against the 2-mile setback and considers that the 2-mile setback is not based on scientific information

END OF EXHIBIT LIST

UNTY PLANNING DEPT

OR 97862



**ATTENTION:PLAN AMENDMENT
SPECIALIST / DLC
635 CAPITOL STREET NE, SUITE 150
SALEM, OR 97301-2540**