



**Department of Land  
Conservation and Development  
Wind Energy Advisory Committee**

**MINUTES**

Meeting 1

September 15, 2008

10:00 AM – 2:00 PM

Gilliam County Grains Quality Lab  
14000 Shutler Drive, Arlington

**Advisory Committee Members Present**

Hanley Jenkins, LCDC (Chair)

Susie Anderson, Gilliam County

Karen Chase, Oregon Department of Energy

Jim Johnson, Oregon Department of Agriculture

Gregory McClarren, Citizen Involvement Advisory Committee

Chris Moore

Patty Snow, Oregon Department of Fish and Wildlife

Bruce Zimmerman, Confederated Tribes of Umatilla

**DLCD Staff Present**

Katherine Daniels, Farm/Forest Specialist

Jon Jinings, Central and Eastern Oregon Regional Representative

**Interested Persons Present**

Suzi Asmus, Horizon Wind

Scott Hartell, Union County

Elon Hasson, Horizon Wind

Brent Lake

Carter McClarren

Carla McLane, Morrow County

Les Ruark

Eric Udelhofen, Horizon Wind

**Meeting Materials**

[Agenda](#)

[DLCD Staff Report on Initiation of Rulemaking](#)

[Rulemaking Timeline](#)

[New York State Department of Agriculture and Markets](#)

[Guidelines for Agricultural Mitigation for Wind Power Projects](#)

## **Agenda Item 1 – Tour of Rattlesnake Road Wind Power Project under Construction**

The tour departed by carpool from the meeting location to the nearby site—a 5,900-acre ranch just east of Arlington. We noted a grouping of 10 RVs/mobile homes on-site, presumably for workers' housing, and another grouping of 11 RVs/mobile homes, presumably for business and possibly workers' housing, where we met our tour guides. Horizon officials described the project, which will consist of 49 turbines of 2.1 megawatts each, for a total of just under 100 megawatts, below the threshold for review by the Oregon Energy Facility Siting Council (EFSC). The project is therefore subject to county review. Gilliam County has required a variety of studies to assure compatibility of the project with onsite and adjacent uses. Significant wind work has been subcontracted to locals. The two area RV parks are full, as well as the hotel; additional housing opportunities are needed for workers.

All roads have been built (16 miles), many of them existing farm roads that have been widened to 34 feet to accommodate the very large trucks and cranes needed to erect the turbines and blades. Later, these roads will be reduced in width. Turbine sites and new road sites were chosen based on geologic stability, grade requirements and wind exposure. The underground cables will interconnect with an existing Bonneville Power Administration (BPA) substation nearby after the power is stepped up twice to match BPA voltage at the substation. Many of the turbines (minus blades) are up and in string configurations of several turbines each. We drove out to a site under construction and observed the 55-foot diameter gravel pads (8 feet deep) for the cranes, which will be reduced to 15 feet in width and the gravel reused after the blades are attached to the turbines.

## **Agenda Item 2 – Opening Remarks from the Chair and Committee “Assignment”**

Jon Jinings convened the formal part of the meeting at noon and welcomed the committee. He reviewed the agenda, the purpose of the meeting, and current regulations that apply to power generation facilities, including the requirement for an exception for facilities on 12 or more acres of high-value farmland or 20 or more acres of non-high-value farmland. He noted that it is unclear how these regulations apply to proposed wind power generation facilities on agricultural land. He stated that, while there are other important issues surrounding the siting of wind power generation facilities, the purpose of this committee is to focus on the impacts to farmland.

Chair Jenkins also welcomed the committee and stressed that although LCDC appreciates the full range of issues such as habitat, etc., that are involved in wind energy siting, the issue that needs immediate attention is whether wind farms should be reviewed through the exceptions process or a conditional use permit (CUP) process. He encouraged us to be efficient with our time over the three planned meetings and come up with a concise definition of process for LCDC by

early November. He also shared the review process that Union County follows for siting wind facilities.

Members of the committee and the public introduced themselves and their interest in wind power energy facility siting on agricultural land.

### **Agenda Item 3 – Committee Business**

Katherine Daniels informed the committee of Public Meetings Law requirements and distributed the Rulemaking Timeline. She agreed to provide Public Meetings Law requirements to committee members and the present public. After discussion, committee members agreed to meet October 20 and November 3 from 10:00 a.m. to 2:00 p.m. in eastern Oregon. Carla McLane agreed to coordinate the locations of those meetings with Susie Anderson and Todd Cornett.

### **Agenda Item 4 – Discussion of Issues**

Jon Jinings began the discussion by asking whether the committee understood the difference between the exceptions and CUP processes. Chair Jenkins explained the difference between the two processes (exceptions process is more complex and provides for greater level of DLCD review) and stated that EFSC reviews projects of 105MW or greater. He also stated that appeals of EFSC decisions go straight to the Oregon Supreme Court, whereas appeals of county decisions begin at circuit court. This jurisdictional difference can lead controversial projects to choose the EFSC process.

Gregory McClarren asked whether LCDC wants a short-term fix or a long-term solution. Chair Jenkins responded that LCDC wants clarity and certainty on whether the current acreage threshold is the appropriate vehicle for review. He stated that LCDC recognizes that other issues that need a larger discussion are involved, and he hopes those issues will eventually be coordinated under one program.

Jim Johnson stated that he thinks there are two issues—clarity of language and impacts on agriculture—and asked if this committee is to consider both. He stated that looking at only the footprint of wind development does not get at all of the issues that might affect agriculture. Chair Jenkins responded that the committee should look at a little of both issues. Jim Johnson responded that we need a comprehensive approach to both the conversion of land and land compatibility issues. Jon Jinings stated that although DLCD wants a quick fix on the acreage issue, the committee can examine other impact issues as they surface.

Carla McLane asked whether it is correct that a CUP is needed whether an exception is involved or not. Chair Jenkins responded yes. Jon Jinings expanded by saying that if there were an exception, the CUP process would be more of a site plan review because once an exception is adopted, there is little discretion left

to disapprove. Jim Johnson concurred. Patty Snow added that there could be other local standards that need to be met that are not discussed in an exception, such as Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) standards.

Jon Jinings discussed what goes into an exception and stated that an exception should address all goals. He said that it can be easier to challenge an exception than a CUP. Chair Jenkins stated that he thinks an exception and CUP can be done at the same time and that both must be done and be substantive. Jon Jinings offered (with Katherine Daniels) to research whether the CUP process must be substantive where an exception is involved and whether all goals apply. Patty Snow noted again that local standards may not be addressed in an exception. Gregory McClarren requested that the results of the research be disseminated to the committee before the next meeting.

Bruce Zimmerman noted that footprints of facilities are not defined but could include roads, transmission lines, substations, etc. He questioned what should be counted and how acreage should be calculated; should roads be measured before or after construction or after reclamation; and should roads be counted if they are built by a county or utility company. Chair Jenkins responded that one of the committee's tasks is to decide whether acreage or something else should be used as a threshold. Jim Johnson stated that current law states that substations are not energy generating facilities, but the committee could change that definition.

Jon Jinings asked whether the Oregon Department of Energy (DOE) has a definition of "project." Karen Chase responded no—"project" is a nebulous term. She asked what the cumulative impact of projects is. Jim Johnson stated that the current rule uses "shall not preclude" language and questioned what that means: does it refer to developed land only or other impacted land. Chair Jenkins responded that the language is project-focused and not intended to measure cumulative impacts. He thought the committee should define what the impacts of a single project are on farmland.

Bruce Zimmerman asked how the committee should define "project." Chair Jenkins responded that it is a single application that comes before local government. Mr. Zimmerman then asked about if there are multiple applications on one parcel. Katherine Daniels suggested that the committee could define multiple phases as being part of one project. Chair Jenkins stated that then the projects would go over 105MW and go to EFSC for review. Chris Moore offered that companies are sizing applications to be under 105MW. Jim Johnson and Jon Jinings concurred. Mr. Johnson stated that multiple applications need to be reviewed as one to address full impacts. He provided the example of two simultaneous applications on adjacent properties. Chair Jenkins stated that individual applications are what need to be addressed.

Jon Jinings stated that the committee cannot come up with all the definitions needed within the short timeframe. He suggested that the committee also consider

is the real need for temporary housing for wind project workers, who often must travel great distances. Chair Jenkins recommended that the committee focus on the original issue and asked Chris Moore to describe impacts to agriculture from wind generators from his perspective.

Chris Moore stated that he rents land that has 23 towers. Many absentee landowners in the county mean that agriculture has taken a back seat in county concerns. He thinks that Sherman County's CUP process is inadequate for reviewing wind facilities as several issues are not addressed, including: large fields being turned into smaller fields with more corners, which are difficult for large farm machinery to navigate; and construction equipment compacting soil, which makes it difficult to grow crops thereafter. He thinks the exceptions process provides more opportunity for mitigation of such impacts. He stated that Sherman County reviewed the first project with no exception and that EFSC reviewed the second project with an exception.

Jon Jinings stated that EFSC reviews land use and other issues not reviewed by counties through the CUP process. Chair Jenkins read the EFSC soil standards from OAR 345-022-0022, which are fairly general, and asked Karen Chase whether DOE uses any more specific review standards. Ms. Chase responded that she will check.

Gregory McClarren noted that there is no distinction in the rule between farmland and rangeland, and that most projects are on rangeland—not on land intended for the highest level of protection. Chair Jenkins responded that the rule does distinguish between high-value cropland and non-high value cropland. Katherine Daniels offered that we could distinguish between eastern and western Oregon. Jim Johnson noted that he hasn't seen the same issues on rangeland as on tillable ground. Patty Snow responded that rangeland can have important habitat value and that the exceptions process can be used to address that.

Susie Anderson noted that Gilliam County has a rigorous review process, requiring several surveys and mitigation efforts, including mitigation for impacts to wildlife.

Bruce Zimmerman noted that roads for wind power generation facilities can open up rangeland and enhance agricultural opportunities.

Chair Jenkins stated that there are not nearly the problems with wind power generation facilities on rangeland as cropland, except for operators of rented land. Jim Johnson added that the committee should be looking at the land use impacts and operation of facilities, not the landowner.

Carla McLane brought up the issue of "orphaned land," which is land unused for wind power generating facility operations that lies between turbines. Katherine Daniels suggested that "orphaned land" is similar to "committed land" that can no longer be used easily for farming. Jim Johnson used the term "shadow fields"

similarly. Chair Jenkins asked whether such lands can't be efficiently operated. Carla McLane responded that large farm machinery cannot navigate around some facilities and that more land is effectively lost to farming than just what is under turbine pads. Chris Moore added that state highway access limitations can also remove land from agricultural production unnecessarily.

Chair Jenkins summarized the problem impact areas as follows: croplands; operating practices; inefficiencies; and orphaned land and shadow fields. He stated that homework for the next meeting was (1) can conditional uses be addressed through the exceptions process or are both needed (Jenkins and Daniels); and (2) does DOE have specific standards for reviewing soils issues and, if so, how does DOE use such standards (Chase and Johnson).

### **Public Comment**

Chair Jenkins asked for any other comments from committee members or the public.

Katherine Daniels noted that other states have tackled this issue, too, and handed out copies of the New York State Department of Agriculture and Markets's Guidelines for Agricultural Mitigation for Wind Power Projects for the committee to review.

Brent Lake noted that LCDC has historically stayed away from state-mandated standards or zones. Jim Johnson responded that the statutes already include specific standards.

Chair Jenkins asked Susie Anderson to provide Gilliam County's wind standards. He also asked Katherine Daniels to forward all materials that are disseminated to committee members to interested parties as well.

### **Agenda Item 6 – Next Meeting Date and Adjourn**

Chair Jenkins adjourned the meeting at 3:10 p.m. The next meeting is scheduled for Monday, October 20 from 10:00 a.m. to 2:00 p.m. in eastern Oregon, at a place to be determined.

### **Member Tasks (for next meeting)**

Jon Jinings and Katherine Daniels

- Determine how the exceptions process and CUPs interact and whether both needed; if so, determine whether CUPs are substantive.

Karen Chase and Jim Johnson

- Research whether EFSC has specific soil review standards and how such standards are used.