

**EXHIBIT K
LAND USE**

OAR 345-021-0010(1)(k)

TABLE OF CONTENTS

	Page
K.1 LAND USE REVIEW APPROACH	K-1
K.2 LAND USE ANALYSIS AREA AND OTHER MAPS	K-1
K.3 COUNTY AND STATE LAND USE APPROVAL	K-2
K.3.1 Lake County Applicable Criteria	K-3
K.3.1.1 Lake County Zoning Ordinance	K-3
K.3.1.2 Lake County Comprehensive Plan	K-8
K.3.2 State Goals, Statutes, and Administrative Rules	K-11
K.3.2.1 Oregon Revised Statutes	K-12
K.3.2.2 Oregon Statewide Planning Goals	K-13
K.3.2.3 Oregon Administrative Rules	K-14
K.3.3 Goal 3 Exception	K-21
K.3.3.1 Demonstration that a “Reasons” Exception is Appropriate	K-22
K.3.3.2 Evidence That Environmental, Socioeconomic, and Energy Consequences Favor the Exception	K-24
K.3.3.3 Compatibility with Adjacent Land Uses	K-25
K.4 FEDERAL LAND MANAGEMENT PLANS	K-26
K.5 SUMMARY	K-27
K.6 REFERENCES	K-27

FIGURES

K-1 Lake County Zoning Map

K-2 Soil Classification

INTRODUCTION

Archway Solar Energy LLC (Applicant) proposes to construct the Archway Solar Energy Facility (Facility) in Lake County, Oregon, with generating capacity of up to 400 megawatts (MW). This Exhibit presents land use review as required by OAR 345-021-0010(1)(k).

K.1 LAND USE REVIEW APPROACH

OAR 345-021-0010(1)(k) *Information about the proposed facility’s compliance with the statewide planning goals adopted by the Land Conservation and Development Commission, providing evidence to support a finding by the Council as required by OAR 345-022-0030. The applicant shall state whether the applicant elects to address the Council’s land use standard by obtaining local land use approvals under ORS 469.504(1)(a) or by obtaining a Council determination under ORS 469.504(1)(b). An applicant may elect different processes for an energy facility and a related or supporting facility but may not otherwise combine the two processes. Once the applicant has made an election, the applicant may not amend the application to make a different election. In this subsection, “affected local government” means a local government that has land use jurisdiction over any part of the proposed site of the facility.*

Response: To issue a site certificate, the Energy Facility Siting Council (Council) must find that the Archway Solar Energy Facility (Facility) complies with Oregon’s Statewide Planning Goals adopted by the Land Conservation and Development Commission (LCDC). See Oregon Administrative Rule (OAR) 345-022-0030(1). Archway Solar Energy LLC (Applicant) has elected to seek a Council determination of compliance under Oregon Revised Statute (ORS) 469.504(1)(b). Under this election, the Application for Site Certificate (ASC) complies with the Council’s land use standard if the Council determines:

ORS 469.504(1)(b)(A) *The facility complies with applicable substantive criteria from the affected local government’s acknowledged comprehensive plan and land use regulations that are required by the statewide planning goals and in effect on the date the application is submitted, and with any Land Conservation and Development Commission administrative rules and goals and any land use statutes that apply directly to the facility under ORS 197.646;*

ORS 469.504(1)(b)(B) *For an energy facility or a related or supporting facility that must be evaluated against the applicable substantive criteria pursuant to subsection (5) of this section, that the proposed facility does not comply with one or more of the applicable substantive criteria but does otherwise comply with the applicable statewide planning goals, or that an exception to any applicable statewide planning goal is justified under subsection (2) of this section; or*

ORS 469.504(1)(b)(C) *For a facility that the council elects to evaluate against the statewide planning goals pursuant to subsection (5) of this section, that the proposed facility complies with all applicable statewide planning goals or that an exception to any applicable statewide planning goal is justified under subsection (2) of this section.*

Response: Exhibit K demonstrates the Facility’s compliance with the applicable substantive criteria from the applicable comprehensive plan and zoning code for the jurisdictions in which the Facility is located. In addition, Exhibit K demonstrates the Facility’s compliance with the LCDC administrative rules and goals and any land use statutes directly applicable to the Facility. Exhibit K also demonstrates that a reasons exception to statewide planning Goal 3, agriculture, is justified under ORS 469.504(2). Finally, Exhibit K provides evidence upon which the Council may find that the proposed Facility meets OAR 345-022-0030.

K.2 LAND USE ANALYSIS AREA AND OTHER MAPS

ORAR 345-021-0010(1)(k)(A) *Include a map showing the comprehensive plan designations and land use zones in the analysis area.*

Response: The analysis area for Exhibit K is 0.5 miles from the Facility site boundary. Figure K-1 (Zoning Map) shows the entire analysis area is zoned A-2 by Lake County. Figure K-2 shows the NRCS soil type classifications within the analysis area.

K.3 COUNTY AND STATE LAND USE APPROVAL

ORAR 345-021-0010(1)(k)(B) *If the applicant elects to obtain local land use approvals:*

- (i)** *Identify the affected local government(s) from which land use approvals will be sought.*
- (ii)** *Describe the land use approvals required in order to satisfy the Council's land use standard.*
- (iii)** *Describe the status of the applicant's application for each land use approval.*
- (iv)** *Provide an estimate of time for issuance of local land use approvals.*

Response: ORAR 345-021-0010(1)(k)(B) is not applicable. The Applicant has elected to obtain a Council determination on land use.

ORAR 345-021-0010(1)(k)(C) *If the applicant elects to obtain a Council determination on land use:*

- (i)** *Identify the affected local government(s).*

Response: The Facility will be sited in Lake County which is the affected local government.

- (ii)** *Identify the applicable substantive criteria from the affected local government's acknowledged comprehensive plan and land use regulations that are required by the statewide planning goals and that are in effect on the date the application is submitted and describe how the proposed facility complies with those criteria.*

Response: The applicable substantive criteria from Lake County are identified and addressed below in Section K.3.1.

- (iii)** *Identify all Land Conservation and Development Commission administrative rules, statewide planning goals and land use statutes directly applicable to the facility under ORS 197.646(3) and describe how the proposed facility complies with those rules, goals and statutes.*

Response: The applicable Land Conservation and Development Commission administrative rules, statewide planning goals, and land use statutes are identified and addressed below in Section K.3.2.

- (iv)** *If the proposed facility might not comply with all applicable substantive criteria, identify the applicable statewide planning goals and describe how the proposed facility complies with those goals.*

Response: The Facility will comply with all applicable substantive criteria as demonstrated in Section K.3.1.

- (v)** *If the proposed facility might not comply with all applicable substantive criteria or applicable statewide planning goals, describe why an exception to any applicable statewide planning goal is justified, providing evidence to support all findings by the Council required under ORS 469.504(2).*

Response: The Facility requires an exception to Statewide Planning Goal 3 which is justified as demonstrated in K.3.3.

K.3.1 Lake County Applicable Criteria

K.3.1.1 Lake County Zoning Ordinance

This section includes a demonstration of compliance with the following applicable substantive criteria from the LCZO:

Article 3 Agricultural Use Zone A-2

- Section 3.02 (Permitted Uses) – Subsection C
- Section 3.04 (Conditional Uses) – Subsection B
- Section 3.05 (Dimensional Standards) – Subsections F, G, H

Article 20 Supplementary Provisions

- Section 20.08 (Vision Clearance Area)
- Section 20.09 (Riparian Habitat) – Subsections A, B, C
- Section 20.12 (Fences)
- Section 20.13 (Compliance with and Consideration of State and Federal Agency Rules and Regulations)

Article 21 Off-Street Parking and Loading Requirements

- Section 21.01 (Application)
- Section 21.02 (Standards) – Subsections A, B, C, D, E, F, H, I, K, M, N
- Section 21.04 (Completion Time for Off-Street Parking and Loading Facilities)
- Section 21.05 (Access to Off-Street Parking and Loading)

Article 24 Conditional Uses

- Section 24.01 (Authorization to Grant or Deny Conditional Uses) – Subsections A and B
- Section 24.04 (Standards Governing Conditional Uses)
- Section 24.16 (Radio or Television Transmitter Tower, Utility Station or Substation) – Subsections B and C
- Section 24.18 (Renewable Energy Facilities Conditional Uses)
- Section 24.19 (Criteria for Nonfarm Uses, Excluding Farm Related or Accessory Uses, in an A-1 or A-2 Zone)

Article 3 Agricultural Use Zone A-2

3.02(C) *In an A-2 Zone, the following uses and their accessory uses are permitted outright: C. Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height.*

Response: LCZO Section 3.02(C) identifies utility facilities “necessary for public service” as permitted outright on A-2 zoned land. A utility facility is necessary for public service if it is an associated transmission line as defined in ORS 215.275. The proposed Facility location was selected to have the most direct connection to the point of interconnection (POI). The Facility is locationally dependent to the associated interconnection transmission line. As visible in figure K-1, all other areas in or around the analysis area are also zoned A-2. The selected location includes the closest possible connection to the interconnection and is necessary to provide the public service. While the Facility has an associated transmission line to the point of interconnection, the steel monopoles of the transmission line do not exceed 200 feet, therefore do not exceed the restriction established by LCZO Section 3.02(C).

3.04(B)(6) *In an A-2 Zone, the following uses and their accessory uses are permitted subject when authorized in accordance with the requirements of this Article and Article 24 of this*

Ordinance. Commercial utility facilities for the purpose of generating power for public use by sale.

Response: The Facility is a “commercial utility facility for the purpose of generating power for public use by sale” that includes a “power generation facility” Therefore, the Facility will comply with LCZO 3.004(B)(6) with an approved exception pursuant to OAR 660 Division 4, as discussed in Section K.5.5.

3.05(F) *In an A-2 Zone the following Dimensional Standards shall apply: For nonfarm uses permitted in areas not designated by the Plan as Farm Residential, Rural Residential or Rural Center, the minimum lot or parcel size shall be one (1) acre and should not be more than necessary to accommodate the intended or proposed use.*

Response: The Facility will not require new lots or parcels; therefore, this provision does not apply.

3.05(G) *In an A-2 Zone the following Dimensional Standards shall apply: The minimum Front and Rear yard setbacks shall be 20 feet, and sideyard setbacks shall be 10 feet, except that a sideyard of a nonfarm use adjacent to a farm use in an area not designated as Farm Residential, Rural Residential or Rural Center shall be 50 feet.*

Response: The Facility meets or exceeds minimum front, rear and sideyard setbacks as noted in Exhibit C Attachment C-2. None of the areas adjacent to the Facility are designated Farm Residential, Rural Residential or Rural Center; therefore, the 50-foot setback minimum does not apply.

3.05(H) *In an A-2 Zone the following Dimensional Standards shall apply: All structures shall be setback at least 60 feet from the centerline of any State or Federal Highway rights-of-way and 45 feet from the centerline of any County or other public road or street right-of-way.*

Response: The Facility meets or exceeds minimum setback from County or other public roads as noted in Exhibit C Attachment C-2. The Facility is not near a State or Federal Highway right-of-way; therefore, the 60-foot setback minimum does not apply.

Article 20 Supplementary Provisions

20.08 Vision Clearance Area. *A clear-vision area shall be maintained on the corners of all property at the intersection of any two streets or a street and a railroad.*

A. *A clear-vision area shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance of 20’ or where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting sides of the other two sides.*

B. *A clear-vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding 2.5 feet in height, measured from the top of the curb or, where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height eight (8) feet above grade.*

Response: Adequate sight distance will be maintained at the intersection of Three mile Road and Christmas Valley Highway.

20.09 Riparian Habitat. *In A-1, A-2 and F-1 zones, structural setbacks as follows shall be provided to recognize the value of riparian habitat.*

Response: The County has no inventoried riparian habitat within the analysis area. There are intermittent playas within the Facility site boundary, but these features do not provide riparian habitat within the meeting of LCZO 20.09; therefore, this provision does not apply.

20.12 Fences. *Fences are permitted in any Zone and not require a permit for construction, however, with the exception of the A-1, A-2, F-1 and other “resources zones,” barbed wire and similar hazardous materials are not permitted except as approved otherwise by the County. Also, in the non-resource zones, fences exceeding a height of six (6) feet require a building permit. In no zone shall sight-obscuring fences be maintained in violation of vision clearance requirements and in all zones fences shall be maintained in good conditions.*

Response: The Facility will be enclosed by a chain-link perimeter fence.

20.13 Compliance With and Consideration of State and Federal Agency Rules and Regulations. *Approval of any use or development proposal pursuant to the provisions of this Ordinance shall require compliance with and consideration of all applicable State and Federal Agency rules and regulations. Specific rules and regulations which may affect any specific use or development proposal, and for which compliance is required for approval by the County include, but are not limited to the following.*

- A.** *Air quality standards administered by DEQ and EPA.*
- B.** *Noise pollution standards administered by EPA.*
- C.** *Water quality standards administered by DEQ and WRD.*
- D.** *Sewage Disposal regulations administered by DEQ.*
- E.** *Uniform Building Code.*
- F.** *Surface and Ground Water Withdrawals by WRD.*
- G.** *Scenic Area rules administered by State Highway Division.*
- H.** *Forest Practices Act administered by DOF.*
- I.** *Access regulations administered by State Highway Div.*
- J.** *Surface mining regulations administered by DOGAMI.*

Response: As summarized in Exhibits E and DD, Applicant will comply with all applicable state and federal rules and regulations.

Article 21 Off-Street Parking and Loading Requirements

21.02 Off-street Parking and Loading Requirements. Standards. *At the time a new structure is erected or enlarged or the use of an existing structure is changed, off-street parking spaces, loading areas and access thereto shall be provided as set forth in this section unless greater requirements are otherwise established. If such facilities have been provided in connection with an existing use, they shall not be reduced below the requirements of this ordinance.*

Response: The LZCO does not provide specific parking and loading standards for commercial utility facilities. However, during construction, all parking and loading will occur within the Facility site. During operations, designated off-street parking will be located adjacent to the operations and maintenance building, also within the Facility site.

21.02 Access to Off-street Parking and Loading. *Access aisles or driveways to off-street parking and loading facilities shall be surfaced and of sufficient width for all vehicles turning and maneuvering, and in no case shall such access aisles or driveways be approved which are less than 11.0 feet in width per driving lane. Access approval for such aisles or driveways from the*

intersection public street or highway shall be obtained from the appropriate jurisdiction prior to construction thereof.

Response: The roads and parking areas within the Facility will be graveled, all-weather roads and designed to meet applicable fire code requirements for emergency access. Applicant will obtain an access permit if required.

24.01(A) General Criteria. *In determining whether a Conditional Use shall be approved or denied, it shall be determined that the following criteria are either met or can be met through the compliance with specific conditions.*

- 1.** *The proposal is in compliance with the applicable Comprehensive Plan and Policies set forth thereby.*
- 2.** *The proposal is in compliance with the standards and requirements set forth by the applicable primary Zone, any applicable Combining Zone, and the standards and conditions set forth by this Article and any other provisions of this Ordinance.*
- 3.** *That, for proposals requiring approvals or permits from other local, State and/or federal agencies, evidence of such approval or permit compliance is established or can be assured prior to final approval.*
- 4.** *That no approval be granted for any use which is or is expected to be found to exceed resource and public service/facility carrying capacities, or for any use which is found to not be in compliance with applicable air, water, land, solid waste, or noise pollution standards.*

Response: This Exhibit K demonstrates the Facility will comply with applicable LCCP, LCZO, state and federal provisions.

Several other exhibits demonstrate how potential impacts will be mitigated. Potential impacts on soils are described in Exhibit I; to wetlands and waters of the state in Exhibit J; to water in Exhibit O; fish and wildlife in Exhibit P; to threatened and endangered species in Exhibit Q; and, to ambient noise levels in Exhibit X. Retirement of the Facility and restoration of the site to a useful, nonhazardous condition is discussed in Exhibit W.

Permits required for the construction, operation, and retirement of the Facility are outlined in Exhibit E.

Exhibit U addresses public services that could potentially be affected by the Facility, including sewage disposal, water supply, stormwater drainage, solid waste disposal, housing, transportation, police protection, fire protection and emergency response, health care, and schools. For reasons discussed in Exhibit U, construction and operation of the Facility will not significantly impact or exceed the carrying capacities of public facilities in Lake County.

24.01(B) General Conditions. *In addition to the standards and conditions set forth in a specific primary Zone, a Combining Zone, this Article, this Ordinance, and other applicable local, State and/or federal regulations, additional conditions may [be] imposed which are found to be necessary to avoid a detrimental impact on adjoining properties, the general area or the County, and to otherwise protect the general welfare and interests of the surrounding area, the County as a whole, and the general public. Such conditions may include, but are not limited to, the following:*

- 1.** *Limiting the manner in which the use i[s] conducted including restricting the time an activity may take place and restrictions to minimize environmental effects such as noise, vibration, air or water pollution, glare and odor.*
- 2.** *Establishing special setback or other open space requirements, including increasing the required lot size or other dimensional standards.*

3. *Increasing street width and/or requiring improvement to public streets and other facilities, on-site and off-site, serving or required to serve the proposed use or development.*
4. *Limiting the height, size or location of buildings or other structures or uses*
5. *Designating the size, number, improvements, location and nature of vehicle access points and routes, off-street parking and loading, and assurance that use of public rights-of-way is in compliance with the regulations of the affected agency.*
6. *Limiting or otherwise designating the number, size, location, height and lighting of signs and outdoor lighting.*
7. *Requiring diking, screening, fencing, landscaping, or other improvements or facilities, including reclamation plans and assurances, deemed necessary to protect adjacent or nearby properties, and the environment, and establishing requirements, standards and assurances for the installation and maintenance thereof.*
8. *Protecting and/or preserving existing trees, other vegetation, water, scenic, historic, archaeological, unique or other natural or significant resources.*
9. *Requiring any additional information or documentation deemed necessary as a part of the application for such a use in order to render a proper decision on the subject proposal as related to environmental, social, economic or other factors.*
10. *A requirement that the permit be reviewed on an annual or other periodical established basis.*
11. *A requirement that the permit be renewable on an annual or other periodical established basis.*
12. *A requirement that the permit not be transferable.*

Response: Adverse impacts have been avoided or minimized; therefore, additional conditions imposed by the County are not necessary.

24.16(B,C) *Radio or Television Transmitter Tower, Utility Station or Substation. When authorized as a conditional use, the following standards and limitations shall apply: The use may be required to be fenced and landscaped. Coloring of structures, buildings and other permanent installations shall be of neutral colors.*

Response: The Facility substation will be fenced and landscaped as required, and the coloring of the control house and other permanent installations will be of neutral colors.

24.18 *Renewable Energy Facilities. For proposed facilities under Oregon Energy Siting Council (EFSC) jurisdiction, conditional use permits shall be granted consistent with the EFSC siting standards as adopted in Oregon Administrative Rules Chapter 345, or amended hereafter. For facilities not under EFSC jurisdiction, the following siting standards shall apply.*

Response: The Facility is under EFSC jurisdiction. If EFSC grants a site certificate for the Facility, the conditional use permit will be granted consistent with OAR Chapter 345.

24.19(A) *Nonfarm uses, excluding farm related or farm accessory uses, may be approved in a A-1 or A-2 zone upon findings that such use is compatible with farm uses described in ORS 215.203(2) and is consistent with the intent and purposes set forth in ORS 215.243.*

Response: Energy generation through solar PV technology is a passive activity. Once construction of the Facility is complete, the Facility requires very little maintenance or ground disturbance. The Facility will have minimal impacts on agricultural operations within the analysis area, the Applicant will undertake measures to minimize impacts including erosion control measures, reseeding, and noxious weed control. The proposed site area is not actively farmed. The proposed site is used for occasional cattle grazing. The underlying land does not have water rights. Without available water rights, the underlying land will only be available to occasional cattle grazing.

While construction of the Facility may remove up to 4470 acres of A-2 zoned land supply for the duration of the project, at the end of the project life the site area will be restored, and the land returned to its prior use and conditions. No zone changes are proposed that would result in permanently converting the agricultural land to non-agricultural use, and the Goal 3 exception will be removed once the Facility is retired. For these reasons, the Facility satisfies LCZO 24.19(A). However, to the extent the Facility does not satisfy ZCO 24.19(A), it is nonetheless allowed because it justifies a Goal 3 exception.

24.19(B) *Nonfarm uses, excluding farm related or farm accessory uses, may be approved in a A-1 or A-2 zone upon findings that such use does not interfere seriously with accepted farming practices as defined in ORS 215.203(2)(c), on adjacent lands devoted to farm use.*

Response: The accepted farming practices within the analysis area consist primarily of cultivated crop production through center pivot irrigation and grazing and ranching activities. Applicant has taken measures throughout this application to ensure that the Facility will not cause serious interference with the land uses of adjacent lands. Three ways in which the Facility may impact adjacent lands devoted to farm use include traffic, water use, and erosion.

Exhibit U discusses the Facility's impact to traffic. Though the Facility may cause additional congestion through the town of Christmas Valley, those impacts are limited to the duration of construction (21 months). The Facility will have no impact on traffic through the entirety of the Facility operations, as the Facility will only require 2-3 full time operations staff. Traffic control measures will be in place near the entrance of the Facility during construction to ensure that the Facility construction's impact on traffic is minimized.

Exhibit O describes the water use at the Facility. During construction, the Facility is expected to use between 40,000 and 80,000 gallons of water per day. The majority of this water will be used for dust control, which ensures that the Facility does not pollute the air and affect any adjacent properties. All water used during construction will be purchased from approved sources with existing water rights. During Facility operations, the Facility will use water from a single onsite exempt well to service the operations staff in the O&M building. If panel washing is determined to be required, approximately 500,000 gallons of water will be used annually over two washes. Any water used for panel washing will also be purchased from approved sources with existing water rights. Use of water on site will primarily be towards dust control, which directly protects adjacent parcel's ability to practice farming. Water will be purchased from approved sources with existing water rights, ensuring that neighboring parcels water rights are not affected. Refer to Exhibit O for further detail on Facility water use.

Erosion will be mitigated through use of best management practices (BMP) as described in the erosion control plan for the Facility in Exhibit I. Noxious weeds will also be mitigated to ensure no impact to adjacent land's ability to practice farming. Applicant's revegetation and noxious weed mitigation plan is attached to Exhibit P-3.

Applicant will construct and operate the Facility in a manner that minimizes potential impacts on adjacent farm uses such that any potential impact will not rise to the level of serious. Based on the information above, and the information cross-referenced in the relevant exhibits, Applicant demonstrates that the Facility satisfies LCZO 24.19(B).

24.19(C) *Nonfarm uses, excluding farm related or farm accessory uses, may be approved in a A-1 or A-2 zone upon findings that such use does not materially alter the stability of the overall land use pattern of the area.*

Response: For purposes of evaluating compliance with this criterion, Applicant considers the “area” to be Lake County. Lake County in its entirety covers approximately 8,300 square miles, or 5,337,600 million acres. Approximately 77 percent of the land is managed by government agencies. The remaining 23 percent of the land area in the county (about 1,227,648 acres) is privately owned (Lake County n.d.). As of 2012, 657,055 acres were in farms, with approximately 67 percent in pastureland, 20 percent in cropland, and the remainder in woodland or other uses (USDA n.d.). The proposed Facility will occupy up to 4470 acres which would otherwise be used for occasional grazing. The Facility will affect less than 0.7% of the acres in farms in the county, and thus will not materially alter the stability of the overall land use pattern of the area.

24.19(D) Nonfarm uses, excluding farm related or farm accessory uses, may be approved in a A-1 or A-2 zone upon findings that such use is situated upon generally unsuitable land for the production of farm crops and livestock, considering the flooding, vegetation, location and size of the tract.

Response: Land within the site boundary is characterized in detail in Exhibit I (soils) and Exhibit P (wildlife). The land within the site boundary is predominantly Shrub/Scrub-Shrub Steppe without Big Sagebrush. Due to these site characteristics, the land is not suitable for production of farm crops. The current use for the site is occasional animal grazing. The predominant site vegetation only allows for occasional cattle grazing and thus is not suitable for the production of livestock as required by LCZO 24.19(D). Applicant is willing to supply a letter of support from underlying landowner confirming that the site is generally unsuitable for successful production of farm crops.

24.19(E) Nonfarm uses, excluding farm related or farm accessory uses, may be approved in a A-1 or A-2 zone upon findings that such use complies with other applicable natural resource provisions.

Response: The Facility has surveyed for and identified wildlife and wetlands (natural resources) in and around the site boundary. Impacts and mitigation to wildlife are discussed in detail in Exhibits P and Q, and no federally recognized wetlands were identified in the site boundary as discussed in Exhibit J (wetlands). The Facility sits outside of any identified big game winter range protected by Oregon Planning Goal 5. Thus, the Facility complies with applicable natural resource provisions as required by LCZO 24.19(E).

24.19(F) Nonfarm uses, excluding farm related or farm accessory uses, may be approved in a A-1 or A-2 zone upon findings that such use complies with other conditions as the County considers necessary

Response: The Facility will comply with LCZO 24.19; therefore, no conditions or approval are necessary to ensure compliance.

K.3.1.2 Lake County Comprehensive Plan

This section includes a demonstration of compliance with the following applicable policies from the LCCP:

Goal 2 Planning Process – Policies 17 and 18

Goal 3 Agricultural Lands – Policy 12

Goal 5 Open Space, Scenic and Historic Areas and Natural Resources – Policies 4, 5, 8, 10, 14

Goal 6 Air, Water, and Land Resource Quality – Policies 1, 3, 4, 5, 11

Goal 9 Economic Development – Policies 1, 6, 8

Goal 11 Public Services and Facilities – Policies 1, 4, 6

Goal 13 Energy Conservation – Policies 1, 3

Goal 14 Urbanization – Policy 9

Goal 2 Planning Process

II(A) *State Planning Goal No. 2. To establish a land use policy framework and planning process as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

II(B)(17) *That development will be encouraged, providing it does not unduly diminish agriculture or forestry resources of the area, nor unduly increase related public service costs or taxes.*

II(B)(18) *That private property investments will be protected from incompatible development which might likely diminish property value or unduly increase taxes.*

Response: As described in Section K.5.1.1 and Exhibit U, the Facility will not unduly diminish the agricultural resources of the area, increase public service costs or taxes or diminish property value. On the contrary, the Facility will contribute to the economic base of the county through property taxes and employment.

Goal 2 Agricultural Lands

III(A) *State Planning Goal 3. To preserve and maintain productive agricultural lands.*

III(B)(12) *That services, such as water and sewage disposal, which extend into or pass through areas designated Agriculture on Plan maps will be appropriated only for the needs of agriculture, farm use and non-farm uses authorized under ORS 215.*

Response: The Facility does not require the extension of water or sewage service.

Goal 5 Open Space, Scenic and Historic Areas and Natural Resources

V(A) *State Planning Goal 5. To conserve open space and protect natural, cultural, historical and scenic resources*

V(B)(4) *That the following concerns will be taken into account in protecting area visual attractiveness: a. maintaining vegetative cover wherever practical. b. Using vegetation or other site obscuring methods of screening unsightly uses. c. Minimizing the number and size of signs. d. Siting developments to be compatible with surrounding area uses and to recognize the natural characteristics of the location.*

Response: Exhibit R analyzes the Facility's potential impacts on significant or important scenic resources within 10 miles of the site boundary. Applicant demonstrates that the Facility will not result in significant adverse impacts on significant or important scenic resources and will take steps to minimize potential visual impacts from the Facility. Vegetation will be allowed to reestablish within the site boundary but will be maintained at a height below the solar panel modules. Exhibit S describes the Applicant's measures to avoid, minimize, and mitigate potential impacts to cultural and historic resources.

V(B)(5) *That potential water resources, e.g., irrigation, geothermal and hydroelectric will be protected from encroachments which may limit development of those resources.*

Response: The Facility will not affect irrigation resources, and the analysis area does not have resources that could be developed for geothermal or hydroelectric uses.

V(B)(8) *That sites or structures that have local, regional, statewide or national historical or cultural significance will be protected to the extent practical.*

Response: Exhibit S describes the Facility’s measures to avoid, minimize and mitigate potential impacts on historic and cultural resources.

V(B)(10) *That appropriate buffer setbacks will be incorporated into river, stream, lake and reservoir developments.*

Response: There are no river, stream, lake or reservoir developments in the analysis area. Exhibit J describes the Facility’s measures to avoid and minimize potential impacts to play resources.

V(B)(14) *That the County will consider the merits of proposals, and protect fish and wildlife habitat in Plan implementation decisions.*

Response: Exhibit P describes the Facility’s measures to avoid, minimize and mitigate potential impacts on fish and wildlife habitat.

Goal 6 Air, Water, and Land Resource Quality

VI(A) *That the County will consider the merits of proposals, and protect fish and wildlife habitat in Plan implementation decisions.*

VI(B)(1) *That Lake County will comply with all applicable State and Federal air, water, land quality and noise statutes.*

Response: Exhibit E describe how the Facility will comply will all applicable state and federal environmental regulations. Exhibit X demonstrates the Facility’s compliance with noise statutes.

VI(B)(3) *That planning decisions will recognize immediate and long-range effects on the quality of natural resources, and those uses which may likely have an adverse effect on resource quality may be prohibited.*

Response: As demonstrated in this Exhibit K, the Facility will not have an adverse effect on natural resource quality.

VI(B)(4) *That fish and wildlife habitat will be protected to the extent practical.*

Response: Exhibit P describes the Facility’s measures to avoid, minimize and mitigate potential impacts on fish and wildlife habitat.

VI(B)(5) *That conservation of water resources and protection of municipal watersheds will be encouraged.*

Response: Exhibit O describes the Facility’s measures to avoid, minimize and mitigate potential impacts to water resources.

VI(B)(11) *That transportation and other sources of excessive levels of noise will be considered in evaluating the suitability of uses proposed in such an area as well as evaluating proposals for development that may create such noise levels.*

Response: Exhibit X describes the Facility’s compliance with DEQ noise thresholds.

Goal 9 Economic Development

IX(A) *To diversity and improve the economy of the County and State.*

IX(B)(1) *That those employment opportunities will be accommodated that are compatible with existing and anticipating uses and will improve employment, providing desirable living conditions in the area that are not diminished.*

Response: The Facility will provide employment opportunities, and provide contributions to the local tax base. Facility construction is anticipated to take approximately 21 months to commercial operation. During construction, an estimated average workforce of 300 people will be employed, with a maximum of 600 people during the peak months of construction. Operation of the Facility will require two full-time employees. These permanent jobs will contribute to the local economy. In addition, development of the Facility will result in an increase in annual property tax revenue to Lake County. The additional tax revenue generated by the existence of the Facility will increase each County's ability to provide roadways, police protection, fire protection and emergency response, and other services to its citizens.

IX(B)(6) *That the County will support the expansion of an increased productivity from existing industries and businesses as a means to further strengthen local and regional economic development.*

Response: The Facility will contribute to existing local businesses and industries during its construction, by creating jobs and wages that are then distributed through the local economy. The Facility will support this policy while at the same time ensuring that the existing agricultural operations in the area will not be significantly impacted. In other words, the Facility will be additive to the Lake County economies rather than replacing one economic driver with another. The Facility will also supplement the landowner's income with lease payments without reducing the farmers' productive land base for farming operations.

IX(B)(8) *Industries having few or no adverse effects on housing conditions, service costs, school and other public facility capacities and similar considerations will be encouraged.*

Response: As described in Exhibit U, the Facility will have minimal impacts on public services within the county.

Goal 11 Public Services and Facilities

XI(A) *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as the framework for urban and rural development.*

XI(B)(1) *That development will be approved only where existing capacity or planned capability of public or private utilities and facilities can accommodate such, unless the development provides funding for the increased services which will be needed.*

XI(B)(4) *That no services will be provided beyond the practical limitations of respective service systems.*

Response: As discussed in Exhibit U, the Facility will have few impacts on existing or planned public utilities and facilities. Water supply and fire suppression are two identified issues of concern, which Applicant has addressed in Exhibit O and Exhibit U, respectively.

XI(B)(6) *That underground installation of utilities will be encouraged and that new utility improvements will be located in existing rights-of-way wherever possible.*

Response: All utilities will be underground with the exception of the 500-kV gen-tie. Due to the voltage of this line, it is common for this to run overhead. It will not be within an existing right-of-way because there are none within the Facility.

Goal 12 Transportation

XII(A) *To provide and encourage a safe, convenient, and economic transportation system.*

XIII(B)(8) *That transportation improvements will avoid dividing existing economic farm units, unless no feasible alternative exists.*

Response: The Facility does not require any transportation improvements that would divide existing farm units.

Goal 13 Energy Conservation

XIII(A) *To conserve energy*

XIII(B)(1) *That renewable energy resources, such as wind, solar, hydroelectric and geothermal will be used in preference to non-renewable resources wherever possible.*

Response: The Facility is a solar energy resource and will itself generate renewable electric power for public use.

XIII(B)(3) *That high density residential, industrial, and commercial development will be located along major transportation and utility routes to conserve energy.*

Response: The Facility site was located because of its proximity to the existing PacifiCorp utility route and access to Christmas Valley Highway for transportation.

Goal 14 Urbanization

XIV(A) *To provide for an orderly and efficient transition from rural to urban use and to minimize the adverse effects of growth and/or change.*

XIV(B)(9) *That uses with undesirable noise, smoke, odor, visual and other objectionable characteristics may be prohibited from locating in areas where such conditions are incompatible with surrounding area development.*

Response: The Facility will not result in smoke or odor. Exhibit X demonstrates that the Facility will be below all DEQ noise thresholds. Visual impacts are addressed in Exhibits L, R, and T, wherein Applicant demonstrates that the Facility will not result in significant adverse impacts on the identified significant or important protected areas, scenic areas, or recreational areas.

K.3.2 State Statutes, Goals and Administrative Rules

This section includes a demonstration of compliance with the following applicable state statutes, goals and administrative rules:

Oregon Revised Statutes

- 215.283 – Uses Permitted in Exclusive Farm Use Zones in Nonmarginal Lands Counties
- 215.274 – Associated Transmission Lines Necessary for Public Service

Oregon Statewide Planning Goals

- Goal 3 – Agricultural Lands

Oregon Administrative Rules

- 660-033-0130(5) – Minimum Standards Applicable to the Schedule of Permitted and Conditional Uses
- 660-033-0130(38) – Photovoltaic Solar Power Generation Facility
- 660-012-0065 – Transportation Improvements on Rural Lands

K.3.2.1 Oregon Revised Statutes

215.283 *Uses permitted in exclusive farm use zones in nonmarginal lands counties; rules.*

Pursuant to ORS 215.283(2)(g), “commercial utility facilities for the purpose of generating power for public use by sale” may be established in the EFU zone of nonmarginal lands counties (including Lake County) “subject to the approval of the governing body or its designee in any area zoned for exclusive farm use subject to ORS 215.296.” LCZO 3.010.D(14) lists the same use as a conditional use in the Lake County A-2 zone. The standards for a conditional use in the EFU zone are set forth in LCZO 6.025(A), and are identical to ORS 215.296(1) and to OAR 660-033-0130(5), which is addressed below.

Pursuant to ORS 215.283(1)(C), “utility facilities necessary for public service” may be established in the EFU zone of nonmarginal lands counties (including Lake County) pursuant to ORS 215.274 if the utility is an associated transmission line. A demonstration of compliance with ORS 215.274 is provided further below in this section.

The Facility’s private service roads and access road are allowable on EFU land under ORS 215.283(3). ORS 215.283(3) allows “roads, highways and other transportation facilities and improvements” that are not otherwise allowed under paragraphs (1) and (2) of ORS 215.283 to be established in an EFU zone, subject to:

- (a) *Adoption of an exception to the goal related to agricultural lands and to any other applicable goal with which the facility or improvement does not comply; or*
- (b) *ORS 215.296 for those uses identified by rule of the Land Conservation and Development Commission as provided in section 3, chapter 529, Oregon Laws 1993.*

The subparagraphs are conjoined by “or” and so either (a) or (b) applies. In this case, subparagraph (b) applies because the Facility private service roads and access road are a use identified by the LCDC. OAR 660-033-0120 (Table 1) lists “transportation improvements on rural lands allowed by OAR 660-012-0065” as a type “R” use (“use may be approved, after required review”) authorized on agricultural lands. OAR 660-012-0065(2)(d) defines “accessory transportation improvements” as “transportation improvements that are incidental to a land use to provide safe and efficient access to the use.” The proposed Facility service roads and access road are “incidental” to the principal use (the Facility) and will provide safe and efficient access to the Facility.

Under OAR 660-012-0065(3)(a), transportation improvements for a use that is conditionally allowed by ORS 215.283 are consistent with Goal 3, subject to the requirements of OAR 660-012-0065. The principal use (a commercial utility facility for the purpose of generating power for public use by sale) is conditionally allowed by ORS 215.283(2)(g).

Accordingly, the service roads and access road serving that use are consistent with Goal 3 subject to the requirements of OAR 660-012-0065. The requirements of OAR 660-012-0065(4) are applicable and the Applicant’s demonstration of compliance is provided further below.

215.274 *Associated transmission lines necessary for public service*

The transmission line meets the definition of an associated transmission line in ORS 469.300(3) because it will connect the Facility, “...to the first point of junction of such transmission line or lines...” to the Northwest Power Grid via the proposed POI.

(1) *As used in this section, associated transmission line has the meaning given that term in ORS 469.300 (Definitions).*

Response: The Facility’s transmission line meets the definition of an associated transmission line in ORS 469.300 (3) because it will connect the Facility to the Northwest Power Grid via the proposed POI.

(2) *An associated transmission line is necessary for public service if an applicant for approval under ORS 215.213 (Uses permitted in exclusive farm use zones in counties that adopted marginal lands system prior to 1993) (1)(c)(B) or 215.283 (Uses permitted in exclusive farm use zones in nonmarginal lands counties) (1)(c)(B) demonstrates to the governing body of a county or its designee that the associated transmission line meets:*

- (a)** *At least one of the requirements listed in subsection (3) of this section; or*
- (b)** *The requirements described in subsection (4) of this section.*

Response: The Facility transmission line meets one of the requirements of subsection (3) as outlined below.

(3) *The governing body of a county or its designee shall approve an application under this section if an applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements:*

- (a)** *The associated transmission line is not located on high-value farmland, as defined in ORS 195.300 (Definitions for ORS 195.300 to 195.336), or on arable land;*
- (b)** *The associated transmission line is co-located with an existing transmission line;*
- (c)** *The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or*
- (d)** *The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground.*

Response: The transmission line route is not located on high-value farmland or on arable land and therefore meets one of the requirements. It is not co-located with or parallel to an existing transmission line.

K.3.2.2 Oregon Administrative Rules

In OAR 660-033-0120, development and use of photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale on agricultural lands is authorized, subject to the standards of OAR 660-033-0130(5) and OAR 660-033-0130(38). The Applicant's compliance with the applicable standards is demonstrated below.

The Facility's private service roads and access road are "incidental" or "accessory" to the principal use (the Facility) and will provide safe and efficient access to the Facility. Accordingly, the service roads and access road serving that use are consistent with Goal 3 subject to the requirements of OAR 660-012-0065. The requirements of OAR 660-012-0065(4) are applicable and the Applicant's compliance with these requirements is demonstrated below.

660-033-130(5) *Approval requires review by the governing body or its designate under ORS 215.296. Uses may be approved only where such uses:*

- (a)** *Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and*
- (b)** *Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.*

Response: There are no surrounding forest lands within the analysis area.

Within the analysis area, only the surrounding lands to the West are used for farming. All of these lands are owned by the same underlying landowner, JRS Properties III, L.P. as shown in Exhibit F. Applicant is willing to provide a letter from JRS Properties III, L.P. in support of the Facility construction, stating that the Facility will not force a significant change in accepted farming practices on their surrounding lands. The remainder of the surrounding lands are used for cattle grazing. As outlined in the section under LCZO 24.19(B), the Facility will not impact neighboring parcels

ability to practice accepted farming practices. During construction, The Facility will implement erosion control measures to prevent water runoff and erosion. During construction, the Facility will implement dust control and noxious weed control to prevent dust pollution or noxious weed introduction into any neighboring parcels. The Facility will purchase all of its construction water from permitted sources with existing water rights.

The presence of the Facility during both construction and operations will have no impact on the cost of accepted farming practices in the area. Thus, the proposed Facility complies with OAR 660-033-0130(5) and the identical provisions of LCZO 24.19B and ORS 215.296(1).

660-033-0130(38) *A proposal to site a photovoltaic solar power generation facility shall be subject to the following definitions and provisions:*

OAR 660-033-0130(38) establishes standards specific to siting of a “photovoltaic solar power generation facility” as defined in OAR 660-033-0130(38)(e). The applicable standards under OAR 660-033-0130(38) depend on whether the tract containing the photovoltaic solar power generation facility is “high-value farmland” as described in ORS 195.300(10), “arable land” as defined in OAR 660-033-0130(38)(a), or “nonarable land” as defined in OAR 660-033-0130(38)(c). The relevant definitions for “arable” and “nonarable” lands in OAR 660-033-0130(38) provide:

- (a) *“Arable land” means land in a tract that is predominantly cultivated or, if not currently cultivated, predominantly comprised of arable soils.*
- (b) *“Arable soils” means soils that are suitable for cultivation as determined by the governing body or its designate based on substantial evidence in the record of a local land use application, but “arable soils” does not include high-value farmland soils described at ORS 195.300(10) unless otherwise stated.*
- (c) *“Nonarable land” means land in a tract that is predominantly not cultivated and predominantly comprised of nonarable soils.*
- (d) *“Nonarable soils” means soils that are not suitable for cultivation. Soils with an NRCS agricultural capability class V–VIII and no history of irrigation shall be considered nonarable in all cases. The governing body or its designate may determine other soils, including soils with a past history of irrigation, to be nonarable based on substantial evidence in the record of a local land use application.*

As discussed in Section K.2, the Facility site is not cultivated and has no water rights for irrigation. As shown in attachment K-1, the majority of the soil on the site is Flagstaff complex, 0 to 1 percent slopes classified as not prime farmland (custom soils report). For this reason, the Facility lies on Nonarable land.

- (f) *For high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:*

Response: The Facility will not preclude more than 12 acres of high-value farmland, thus, this requirement is fulfilled.

- (A) *The proposed photovoltaic solar power generation facility will not create unnecessary negative impacts on agricultural operations conducted on any portion of the subject property not occupied by project components. Negative impacts could include, but are not limited to, the unnecessary construction of roads dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing photovoltaic solar power generation facility project components on lands in a manner that could disrupt common and accepted farming practices;*

Response: There are no agricultural operations conducted on the subject property. Construction and maintenance of solar panels and associated equipment at the Facility would not impact agricultural operations on the subject property if there were agricultural practices on the portions of the subject property not occupied by project component. Cattle watering that occurred on the subject parcel will continue to occur with no impact, since the Applicant has agreed to relocate cattle watering areas to the East edge of the subject parcel to allow cattle access. Applicant has also maintained a 300' cattle corridor running East to West, allowing cattle to travel across the subject property rather than around, as shown in figure C-1.

Applicant is willing to supply a letter of support from the underlying landowner with cattle grazing operations, JRS Properties III, L.P. in support of the project. Thus, the Facility will not create unnecessary negative impacts on agricultural operations conducted on any portion of the subject property not occupied by Facility components.

- (B) *The presence of a photovoltaic solar power generation facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;*

Response: The potential for soil erosion is addressed in Exhibit I. Construction of the Facility will be performed under an NPDES 1200-C permit, including a DEQ-approved Erosion and Sediment Control Plan (Attachment I-2). After completing construction in an area, the Applicant or its contractor will monitor the area until soils are stabilized, to evaluate whether construction-related impacts on soils are being adequately addressed by the mitigation procedures described in the erosion and sediment control plan and the Facility's Revegetation and Noxious Weed Control Plan. As necessary, the Applicant or its contractor will implement follow-up restoration measures such as scarification and reseeded to address those remaining impacts.

- (C) *Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval;*

Response: Construction and maintenance activities will be limited to areas inside the Facility site boundary. Though none of the land occupied by the facility is harvested or farmed, Applicant will restore the property to its original conditions following the retirement of the Facility. After

construction, scarification of compacted soils will occur as necessary for revegetation of those areas outside the permanent footprint and temporarily impacted by construction.

- (D) *Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weed species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval;*

Response: The Applicant understands that the Council will impose a condition to the site certificate requiring that the certificate holder implement a Revegetation and Noxious Weed Control Plan and comply with the applicable provisions of the weed control ordinances in Lake County. The certificate holder must consult with the appropriate weed control authorities in Lake County and obtain approval of a Revegetation and Noxious Weed Control Plan. The final Revegetation and Noxious Weed Control Plan must be submitted to the Oregon Department of Energy for approval prior to the start of construction. This condition will adequately ensure that construction and maintenance activities at the Facility will not result in the unabated introduction or spread of noxious weeds and other undesirable weed species. The Applicant's Draft Noxious Weed Control Plan is included in Exhibit P.

- (E) *The project is not located on high-value farmland soils unless it can be demonstrated that:
 - (i) *Non high-value farmland soils are not available on the subject tract;*
 - (ii) *Siting the project on non high-value farmland soils present on the subject tract would significantly reduce the project's ability to operate successfully; or*
 - (iii) *The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of non high-value farmland soils;**

Response: The facility is not located on high-value farmland soils.

- (F) *A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:
 - (i) *If fewer than 48 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area no further action is necessary.*
 - (ii) *When at least 48 acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities within the study area, the local government or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it**

more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland or acquire water rights, or will reduce the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

Response: No other solar photovoltaic power generation facilities have been constructed or are approved for construction within the required 1-mile study area from the center of the proposed Facility. Therefore, no further action is necessary. There is one photovoltaic facility located farther than 1 mile however it does not preclude more than 48 acres.

- (g) *For arable lands, a photovoltaic solar power generation facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:*

Response: The Facility will permanently occupy more than 320 acres nonarable agricultural land. Thus, the Facility requires an exception to Statewide Planning Goal 3. For projects under Council jurisdiction, the standards for approving an exception are set forth in ORS 469.504(2)(c) and in the Council's rule (which mirrors the statute), OAR 345-022-0030(4). The justification for an exception to Statewide Planning Goal 3 is set forth in Section K.5.5. The Applicant's demonstration of compliance with the remainder of OAR 660-033-0130(38)(g) is presented in the response directly below.

(A) *The project is not located on high-value farmland soils or arable soils unless it can be demonstrated that:*

- (i)** *Nonarable soils are not available on the subject tract;*
 - (ii)** *Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or*
 - (iii)** *The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of nonarable soils;*
- (B)** *No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10) unless an exception is taken pursuant to 197.732 and OAR chapter 660, division 4*

Response: The Facility is not located on a high-value farmland or arable soils; therefore, these provisions do not apply.

(C) *A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:*

- (i)** *If fewer than 80 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area no further action is necessary.*
- (ii)** *When at least 80 acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities, within the study area the local government or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish*

the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area

Response: No other solar photovoltaic power generation facilities have been constructed or are approved for construction within the required 1-mile study area from the center of the proposed Facility. Therefore, no further action is necessary.

(D) *The requirements of OAR 660-033-0130(38)(f)(A), (B), (C) and (D) are satisfied.*

Response: The requirements of OAR 660-033-0130(38)(f)(A), (B), (C) and (D) are discussed above.

(i) *The county governing body or its designate shall require as a condition of approval for a photovoltaic solar power generation facility, that the project owner sign and record in the deed records for the county a document binding the project owner and the project owner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices as defined in ORS 30.930(2) and (4).*

Response: The Applicant understands that the Council will impose a condition to the site certificate requiring that before beginning construction of the Facility, the certificate holder must record such a document in the deed records of Lake County.

(j) *Nothing in this section shall prevent a county from requiring a bond or other security from a developer or otherwise imposing on a developer the responsibility for retiring the photovoltaic solar power generation facility.*

Response: Exhibit W has information on retiring the Facility and restoring the site.

OAR 660-012-0065(4) *Accessory transportation improvements required as a condition of development listed in subsection (3)(a) of this rule shall be subject to the same procedures, standards and requirements applicable to the use to which they are accessory.*

The criteria specific to OAR 660-012-0065(3)(a), as referenced in the rule, requires that accessory transportation improvements are allowed under ORS 215.283. As described in Section K.5.3.2, the Facility's private service roads and access road are allowable on EFU land under ORS 215.283(3). The rule language applies specifically to accessory transportation improvements "required as a condition of development." Because the service roads and access road are necessary for the operation and maintenance of the Facility, they are a necessary condition of the development of the commercial utility facility. Accordingly, the service roads and access road are subject to the standards and requirements applicable to the principal use (the Facility). The standards and requirements applicable to the principal use are contained in OAR 660-033-0130(5) and (38). The Applicant demonstrates above, compliance of the service roads and access road with the applicable criteria in OAR 660-033-0130(5) and (38).

K.3.2.3 Oregon Statewide Planning Goals

For the reasons discussed above, the Facility complies with the applicable substantive criteria identified by the Applicant, except LCZO Section 3.010(D)(14), which limits the area that a "commercial utility facility" may occupy in an EFU zone.

Pursuant to OAR 660-033-0130(38)(j), a photovoltaic solar power generation facility cannot use, occupy or cover more than 320 acres of nonarable land unless an exception is taken pursuant to ORS 197.732 and OAR Chapter 660, Division 4. As discussed above, the Facility will permanently

occupy more than 320 acres of nonarable land. Thus, pursuant to OAR 660-033-130(38)(h), because the Facility does not comply with all applicable local land use criteria, this section provides analysis, under ORS 469.504(1)(b)(B), on whether the proposed facility “otherwise [complies] with the applicable statewide planning goals.” For a use located within an EFU zone, the “applicable statewide planning goal” is Goal 3, which is the State’s Agricultural Lands goal. As expressed in Oregon’s Statewide Planning Goals and Guidelines, Goal 3 is:

To preserve and maintain agricultural lands.

Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policy expressed in ORS 215.243 and 215.700.

Under Goal 3, nonfarm uses are permitted within a farm use zone as provided under ORS 215.283. As described in K.3.2.1, the Applicant demonstrates compliance with ORS 215.283, showing that the proposed energy facility and its related or supporting facilities are uses that fit within the scope of the uses permitted on EFU land described in ORS 215.283(1), (2) or (3).

K.3.3 Goal 3 Exception

A Goal 3 exception is required because OAR 660-033-0130(38) places a 320-acre limit on the use of non-arable farmland.

The Applicant demonstrates that a reasons exception is warranted. An exception is warranted to allow a locationally dependent facility that will fulfill important state and county goals by providing renewable energy while minimizing impacts on local farming practices. ORS 469.504(2) provides the controlling criteria for exceptions proposed for energy facilities under the jurisdiction of the Council. An “exception” is a “decision to exclude certain land from the requirements of [an] applicable statewide goal.” See OAR 660-004-0000(2). The need for an exception arises when a goal does not permit a particular use. For local jurisdictions, the exceptions process is authorized by Goal 2 (Land Use Planning) and ORS 197.732, and governed by the criteria in OAR 660-004-0000, et seq. The Council may find goal compliance for a facility that does not otherwise comply with a statewide planning goal by taking an exception. Notwithstanding the requirements in ORS 197.732, the Council may take an exception if it makes specific findings under ORS 469.504(2)(a), (b), or (c). In the following sections, the Applicant demonstrates that a Goal 3 exception is warranted under ORS 469.504(2)(c) and OAR 345-022-0030(4)(c).

K.3.3.1 Demonstration that a “Reasons” Exception is Appropriate

ORS 469.504(2)(c)(A); OAR 345-022-0030(4)(c)(A) *Reasons justify why the state policy embodied in the applicable goal should not apply;*

Response: The general state policy embodied in Goal 3 is “[t]o preserve and maintain agricultural lands,” as set forth in OAR 660-015-0000(3). As discussed above, the Facility will not have significant adverse impacts on accepted farm or forest practices. However, the Applicant must nonetheless demonstrate why the policy in Goal 3 should not apply to the Facility because the facility will use, occupy, or cover more than 320 acres of non-arable land. The Applicant is pursuing a “reasons” exception to allow a locationally dependent facility that will fulfill important state and county goals by providing renewable energy while minimizing impacts on

local farming practices. justification for not applying the Goal 3 acreage limitation to the Facility is presented directly below.

First, the proposed Facility is locationally dependent, requiring sufficient solar resource, proximity to regional transportation routes, and proximity to the regional grid for interconnection. This confluence of factors could be interpreted in this case as presenting a unique resource located on farmland consistent with OAR 660-004-0022(3)(a). Solar data collected by the U.S. Department of Energy show that the site provides an excellent solar resource with an existing high voltage regional transmission line system through the project area. At this proximity to high voltage transmission, connecting the Facility to the POI is both technically and economically feasible, and the site is uniquely positioned relative to other locations in Lake County to maximize generation of solar-powered energy. The Facility Site includes sufficient land to develop a project of sufficient size to be economically feasible and has direct access to the regional transportation network to minimize the need for additional infrastructure development and reduce transportation impacts.

The Facility also avoids sensitive environmental features, including waterways and wetlands and habitats. As described in Exhibit J, no federally recognized wetlands exist on the Facility site. Furthermore, as described in Exhibit P, the Applicant designed the Facility to avoid impacts species and high-quality habitat. As demonstrated in Exhibit Q, the Facility is not likely to cause a significant reduction in the likelihood of survival or recovery of any listed plant or animal species. Collectively, Exhibits J, P, and Q demonstrate that the Facility, including proposed mitigation measures, will not cause any significant adverse environmental consequences.

Statewide Planning Goal 13 encourages local land use plans to consider “as a major determinant the existing and potential capacity of the renewable energy sources to yield useful energy output” and calls for land conservation and development actions to “whenever possible [...] utilize renewable energy sources” (see Goal 13, planning guideline No. 5). In addition to supporting Statewide Planning Goal 13, the Facility’s solar energy generation responds to the State’s recently-approved 100 percent Clean Energy Standard (Oregon House Bill 2021 (2021)). Under this new standard, Oregon’s large investor-owned utilities and electricity service suppliers must reduce greenhouse gas emissions associated with electricity sold in Oregon, requiring emission-free electricity by 2040. Since the exception pursued is to increase the allowable size of a solar generation facility beyond the approved 320 acres, the larger size of the proposed Facility is justified to help meet the requirement of 100% emission free electricity by 2040.

Goal 13 of the Lake County Comprehensive Plan reflects these state priorities in Goal 13, Energy. Specifically, the Lake County Comprehensive Plan energy policies provide that the County “supports utilization of renewable resources” upon condition that the “proposed use can be developed in a timely, orderly, and environmentally sound matter, and that adequate protection of the resource is provided so as to ensure its continued availability and productivity over time.” Comprehensive Plan Goal 13 also provides that, “[f]or purposes of compliance with Statewide Planning Goal 5, the County believes that its renewable energy resources and the conflicting uses identified have equal merit. Implementation measures shall provide protection for conflicting uses by conditionally allowing renewable energy development, thereby balancing the benefits to the County from both renewable energy resources and conflicting uses.”

The land within the Project Site Boundary is currently uncultivated and is only used for occasional cattle grazing. The Facility will have minimal impact on cattle in the area by providing a 300’ cattle corridor through the Facility to allow cattle to travel between grazing areas on the E and W of the Facility (Exhibit C Figure C-1). The Facility’s presence will not cause significant

changes in the surrounding land's farming practices since the Facility will not cause a large increase in traffic or water use as explained in Exhibit U. Since the Facility is located on land which is not actively cultivated, the Facility will not displace any agricultural jobs and will not impact any ancillary agricultural businesses. The requested Goal 3 exception will not permanently remove any acreage from agricultural use, because following the retirement of the Facility, the site will be restored to its original conditions and no net impact will occur to Oregon's farm land acreage.

The Facility construction will also provide rural economic development by providing jobs and adding to the tax base of Lake County. This outcome is consistent with other statewide planning Goal 9 of Economic Development. Additional information on economic development is provided in Section K.5.1.2.

K.3.3.2 Evidence That Environmental, Socioeconomic, and Energy Consequences Favor the Exception

ORS 469.504(2)(c)(B); OAR 345-022-0030(4)(c)(B) *The significant environmental, economic, social and energy consequences anticipated as a result of the proposed facility have been identified and adverse impacts will be mitigated in accordance with rules of the Council applicable to the siting of the proposed facility;*

Response:

Environmental. Operation of the Facility will not result in any air emissions of pollutants. Other potential environmental consequences of Facility construction and operation are discussed in Exhibits J (Wetlands), P (Fish and Wildlife Habitats and Species), and Q (Threatened and Endangered Plant and Animal Species). As described in Exhibit J, no federally recognized wetlands exist on the Facility site. Furthermore, as described in Exhibit P, the Applicant designed the Facility to avoid impacts species and high-quality habitat. As demonstrated in Exhibit Q, the Facility is not likely to cause a significant reduction in the likelihood of survival or recovery of any listed plant or animal species. Collectively, Exhibits J, P, and Q demonstrate that the Facility, including proposed mitigation measures, will not cause any significant adverse environmental consequences.

Socioeconomic. The Facility will provide a reliable source of electricity without any associated emissions. The Facility's socioeconomic consequences will not be adverse since the Facility will not displace any agricultural jobs. As demonstrated in Exhibits R (Scenic Resources), S (Historic, Cultural, and Archaeological Resources), and T (Recreational Opportunities), the Facility will have no significant adverse impacts on scenic, cultural, historical, archaeological, or recreational resources. Conversely, the Facility will employ up to 600 workers during 21 months of construction, and 2-3 full-time operations workers. The Facility will generate approximately \$400 million in property tax revenue over the course of its operations, which will help fund social and economic programs.

Exhibit U (Public Services/Socioeconomic Impacts) also demonstrates that the Facility will not have significant adverse impacts on community services such as housing, sewer, water supply, waste disposal, health care, education, and transportation. As discussed above, the Facility will create jobs, contribute significant income to the County, diversify economic income to the landowner, and be consistent with Policies 2A, 3A and 6C. These benefits should be measured against the unproductive EFU-zoned land to be displaced by the Facility.

Energy. The energy consequences of the Facility will be positive, as the Facility will produce approximately 400 MW of renewable, emissions-free energy. The Facility will also contribute to Oregon’s 100 percent Clean Energy Standard (Oregon House Bill 2021 (2021)).

K.3.3.3 Compatibility with Adjacent Land Uses

ORS 469.504(2)(c)(C); OAR 345-022-0030(4)(c)(C) *The proposed facility is compatible with other adjacent uses or will be made compatible through measures designed to reduce adverse impacts.*

Response:

Farm Uses. As described in Section LCZO 24.19, the Facility’s construction and operation will not cause significant changes to accepted farming practices in the surrounding area nor will it significantly increase the costs of such practices. Mitigation measures will be used during construction to ensure that water, traffic, and erosion do not impact the neighboring and adjacent lands from continuing any farming activities. The only neighboring farming practices are to the West of the Facility, and owned by the same underlying landowner as much of the Facility’s area. The landowner, JRS Properties III LP, is in support of the Facility. Applicant is willing to provide a letter from the landowner stating that construction and operation of the Facility will not negatively impact the neighboring parcel’s abilities to practice farming.

Transportation Use. The Facility site boundary is bordered to the north Christmas Valley Highway, as described in Exhibit U. This road is designed and constructed to accommodate trucks and cars, and while impacts will be higher during construction, those impacts will be temporary in nature. During the 20 years of facility operations, the Facility will have negligible impacts on the transportation infrastructure of the community. Further exploration of transportation impacts are explained in Exhibit U.

Recreation Uses: As explained in further detail in Exhibit T, any increased traffic resulting from Facility construction or operation will not have an adverse impact on the recreational uses adjacent to the Facility. Likewise, as explained in Exhibit T, there will be no direct impacts on the recreational uses in the area resulting from the construction or operation of the Facility, and any visual or noise impacts are not expected to be significant.

For these reasons, the Facility is compatible with other adjacent uses.

K.4 FEDERAL LAND MANAGEMENT PLANS

OAR 345-021-0010(1)(k)(D) *If the proposed facility will be located on federal land:*

- (i) Identify the applicable land management plan adopted by the federal agency with jurisdiction over the federal land.*
- (ii) Explain any differences between state or local land use requirements and federal land management requirements.*
- (iii) Describe how the proposed facility complies with the applicable federal land management plan.*
- (iv) Describe any federal land use approvals required for the proposed facility and the status of application for each required federal land use approval.*

- (v) *Provide an estimate of time for issuance of federal land use approvals.*
- (vi) *If federal law or the land management plan conflicts with any applicable state or local land use requirements, explain the differences in the conflicting requirements, state whether the applicant requests Council waiver of the land use standard described under paragraph (B) or (C) of this subsection and explain the basis for a waiver.*

Response: The proposed Facility and supporting facilities are not located on federal lands and this criterion does not apply.

K.5 SUMMARY

Based on the foregoing analysis, the Facility complies with the applicable county, state and federal land use criteria except for the limitation on use of non-arable agricultural land. However, the Applicant demonstrates that a Goal 3 exception is warranted under ORS 469.504(2)(c) and OAR 345-022-0030(4)(c). The Goal 3 exception is warranted to allow a locationally dependent facility that will fulfill important state and county goals by providing renewable energy while minimizing impacts on local farming practices. Accordingly, the information contained in this Exhibit provides the Council with sufficient information to make a determination that the Facility complies with the land use standard set forth in OAR 345-022-0030.

K.6 REFERENCES

Lake County. 1980a. *Lake County Comprehensive Plan*. Most recently amended June 1989.

Accessed on March 25, 2020.

<https://www.lakecountyor.org/government/docs/Comp%20Plan%20-%20June%201989.pdf>.

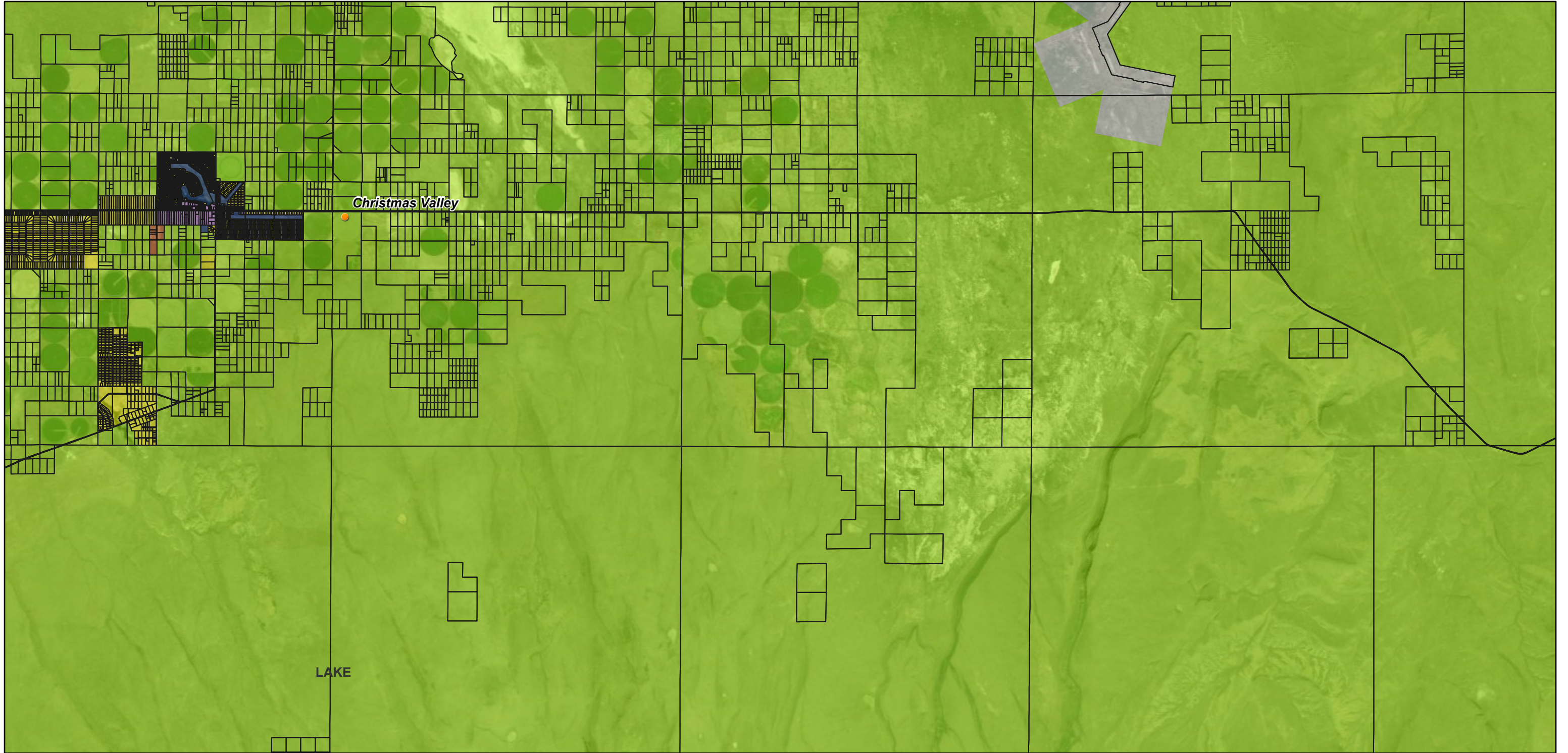
Lake County. 1980b. *Lake County Zoning Ordinance*. Most recently amended on September 6, 2989. Accessed on March 25, 2020.

https://www.lakecountyor.org/government/docs/Lake_County_Zoning_Ordinance__Entire_Document_.pdf.

Oregon Department of Energy. 2005. *Renewable Energy Action Plan*.

FIGURES

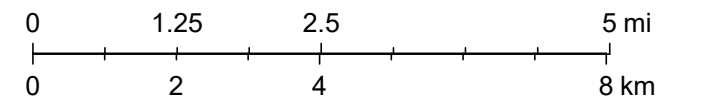
K-1 Christmas Valley Zoning Map



6/8/2022, 10:33:15 AM

- | | | |
|----------------------|----------------------|-------------------|
| Communities | Zoning | Public |
| County Boundary | Agriculture Use, A2 | Residential Use |
| Lake County Tax Lots | Commercial Use, C1 | Back Scatter Site |
| | Light Industrial, M1 | |

1:144,448

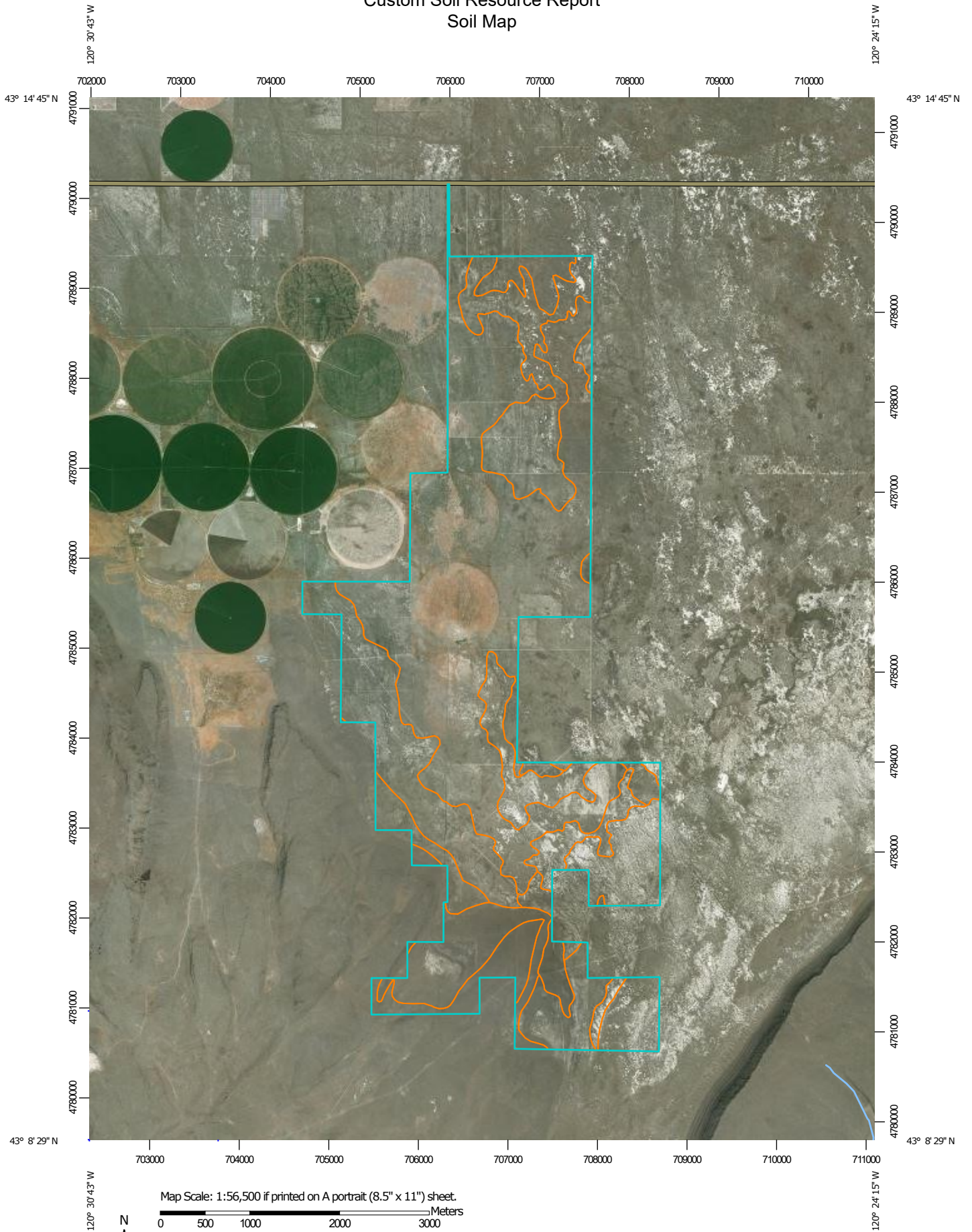


Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report Soil Map



Map Scale: 1:56,500 if printed on A portrait (8.5" x 11") sheet.

0 500 1000 2000 3000 Meters

0 2500 5000 10000 15000 Feet

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 10N WGS84

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)




















Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines


 Soil Map Unit Points

Special Point Features






-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features


Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Lake County, Oregon, Northern Part, Parts of Lake and Klamath Counties
 Survey Area Data: Version 18, Sep 14, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Nov 6, 2015—Aug 23, 2016

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
304	Felcher-Rock outcrop complex, 15 to 45 percent south slopes	7.6	0.2%
313	Flagstaff complex, 0 to 1 percent slopes	2,316.1	51.7%
314	Flagstaff-Playas complex, 0 to 1 percent slopes	685.2	15.3%
315	Flagstaff-Salhouse complex, 0 to 20 percent slopes	172.2	3.8%
317	Fort Rock ashy sandy loam, 0 to 2 percent slopes	146.5	3.3%
435	McConnel gravelly sandy loam, sodic substratum, 0 to 5 percent slopes	266.8	6.0%
520	Playas	13.8	0.3%
530	Rabbothills gravelly loamy sand, 0 to 5 percent slopes	146.0	3.3%
572	Salhouse ashy loamy fine sand, strongly alkaline, 2 to 20 percent slopes	256.0	5.7%
617	Suckerflat-Rock outcrop complex, 8 to 15 percent slopes	0.1	0.0%
628	Thornlake complex, 0 to 2 percent slopes	467.6	10.4%
Totals for Area of Interest		4,477.9	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Custom Soil Resource Report

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion

Custom Soil Resource Report

of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.