



# Oregon

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**To:** Energy Facility Siting Council

**From:** Kellen Tardaewether, Senior Siting Analyst

**Date:** November 5, 2021

**Subject:** Agenda Item E (Action Item): West End Solar Energy Project; Appointment of Umatilla County Board of Commissioners as the Special Advisory Group for the November 18-19 EFSC Meeting

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## BACKGROUND:

In accordance with ORS 469.370(10), any person proposing to construct and operate an energy facility with an average electric generating capacity of less than 100 megawatts who chooses to request expedited review of an application for a site certificate shall submit to the Oregon Department of Energy (Department) a request for expedited review including the contents designated in OAR 345-015-0300(2).<sup>1</sup> On December 11, 2020, the Department received a Request for Expedited Review for Small Capacity Facilities under OAR 345-015-0300 submitted by EE West End Solar LLC (applicant) a subsidiary of Eurus Energy America Corporation for the West End Solar Energy Project. On December 17, 2020 the Department notified the applicant it approved the Request for Expedited review because it had provided the necessary information in its Request. One primary process difference between an expedited review facility and other application for site certificate for energy facility is that there is not a Notice of Intent (NOI) phase. After the applicant submits its preliminary application for site certificate (pASC), the Department issues the Project Order.<sup>2</sup>

The West End Solar Project is a proposed solar photovoltaic (PV) energy generation facility with battery storage with an average generating capacity of 50 megawatts (MW), located within a

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<sup>1</sup> In the request for expedited review, the applicant shall include:

- (a) A description of the facility and the proposed site;
- (b) The applicant's name and address;
- (c) A schedule stating when the applicant expects to submit a preliminary application for a site certificate;
- (d) A list of all statutes, rules and ordinances applicable to the facility;
- (e) A statement indicating whether the applicant intends to satisfy the Council's land use standard, OAR 345-022-0030, by obtaining local land use approval pursuant to ORS 469.504(1)(a) or by seeking a Council determination pursuant to ORS 469.504(1)(b); and
- (f) The reason and justification for any request for exception to an analysis area as provided under section (3).

<sup>2</sup> OAR 345-015-0160 (1) Following the review of a notice of intent or, in the case of an expedited review, following receipt of a preliminary application for a site certificate, the Department of Energy shall send a project order to the applicant establishing the following

site boundary of approximately 324 acres zoned Exclusive Farm Use in Umatilla County, approximately two miles southeast of the City of Hermiston. Of the 324 acres, the proposed facility site includes approximately 238 acres of high-value farmland under ORS 195.300(10)(f) because of the location within the designated Columbia Valley American Viticulture Area (AVA). The proposed facility site does not include high-value farmland as defined under ORS 195.300(10)(a) (soils) or ORS 195.300(10)(c) (water rights).

The preliminary application for site certificate (pASC) and payment under ORS 469.421 was filed on November 5, 2021. The Department is beginning its preview of the pASC and preparing to issue the Project Order.

**SPECIAL ADVISORY GROUP APPOINTMENT:**

ORS 469.480(1) requires the Energy Facility Siting Council (EFSC or Council) to designate as a Special Advisory Group (SAG) the governing body of any local government within whose jurisdiction a facility is proposed to be located. Based on the proposed facility location and governing body within Umatilla County, the Council is required to designate the Umatilla County Board of Commissioners as the SAG for Council proceedings associated with the proposed facility. As a SAG, the Umatilla County Board of Commissioners or the Planning Department, if designated to comment on their behalf, is tasked with identifying applicable substantive criteria from its acknowledged comprehensive land use plan and land use ordinance which the applicant and proposed facility must comply.

**ATTACHMENTS:**

Attachment 1: Umatilla County Special Advisory Group Appointment Order