Land Use Exhibit

PREPARED FOR

DATE

December 2025

REFERENCE

Oregon Energy Facility Siting Council

CONTENTS

ATTACHMENTS

TABLES

ACRONYMS AND ABBREVIATIONS

Acronym	Description
Applicant	DECH bn, LLC
ASC	Application for Site Certificate
ASFH	Areas of Special Flood Hazard
BESS	Battery energy storage system
BMP	Best Management Practices
BOR	United States Bureau of Reclamation
BPA	Bonneville Power Administration
Council, EFSC	Oregon Energy Facility Siting Council
DSL	Oregon Department of State Lands
EFU	Exclusive Farm Use
ERM	Environmental Resources Management, Inc.
ESEE	Environmental, Social, Economic, and Energy
Facility	Solar photovoltaic power generation facility and related or supporting facilities in Wasco County, Oregon
FEMA	Federal Emergency Management Agency
gen-tie	generation-tie
GIS	Geographic Information Systems
IDP	Inadvertent Discovery Plan
JFDIC	Juniper Flat District Improvement Company
JFRFPD	Juniper Flat Rural Fire Protection District
kV	kilovolt
LCDC	Land Conservation and Development Commission
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NSRs	noise-sensitive receptors
O&M	operation and maintenance
OAR	Oregon Administrative Rules
ODEQ	Oregon Department of Environmental Quality
ODFW	Oregon Department of Fish and Wildlife

Acronym	Description
ODOT	Oregon Department of Transportation
ORS	Oregon Revised Statute
OWRD	Oregon Water Resources Department
SHPO	Oregon State Historic Preservation Office
USACE	U.S. Army Corps of Engineers
USDA	U.S. Department of Agriculture
WCCP	Wasco County 2040 Comprehensive Plan
WCLUDO	Wasco County Land Use and Development Ordinance
WSCO	Wasco County Sheriff's Office

1. INTRODUCTION

DECH bn, LLC (Applicant) plans to construct a solar photovoltaic power generation facility and related or supporting facilities in Wasco County, Oregon (Facility). The Facility will include up to 1,000 megawatts of solar capacity and a battery energy storage system (BESS) with up to 4,000 megawatt hours storage capacity. This Land Use Exhibit has been prepared to meet the requirements in Oregon Administrative Rule (OAR) 345-022-0030.

2. LAND USE ANALYSIS AREA AND FACILITY OVERVIEW

2.1 LAND USE ANALYSIS AREA

OAR 345-022-0030(7)(b)(A) Include a map showing the comprehensive plan designations and land use zones in the analysis area.

The analysis area for Land Use is the site boundary plus a half mile (Attachment 1, Figure 1) as defined in the Project Order. The analysis area is approximately 24,756 acres of private land, of which approximately 14,418 acres are within the site boundary. All land within the site boundary is within the Wasco County Exclusive Farm Use (EFU) zone, except for two small areas near Pine Grove, which are zoned Rural Residential and Rural Industrial. Attachment 1, Figure 2 depicts the Wasco County land use zones and Attachment 1, Figure 3 depicts the Wasco County 2040 Comprehensive Plan (WCCP) (Wasco County 2020) designations within the analysis area.

2.2 FACILITY OVERVIEW

This Land Use Exhibit analyzes potential land use impacts within the analysis area. For this analysis, the Facility is considered a "photovoltaic solar power generation facility" under OAR 660-033-0130(38)(f) except for the approximately half mile 500-kilovolt (kV) generation-tie (gen-tie) line that is characterized as an "associated transmission line" under OAR 660-033-0130(16)(b). The Facility is an "energy facility" as defined under Oregon Revised Statute (ORS) 469.300(11)(a)(D) and does not include a "transmission line" within the meaning of ORS 469.300(11)(a)(C).

The Applicant seeks to permit a range of technologies to preserve design flexibility and maximize use of space as technologies continue to evolve. This Application for Site Certificate (ASC) analyzes the largest anticipated buildable footprint of the Facility and therefore maximum potential land use impacts. The Applicant has defined a 12,532-acre micrositing corridor; however, within the micrositing corridor, the Applicant will further microsite to avoid and minimize potential impacts as well as offer potential customers scalable power production. The permanent disturbance associated with the Facility is anticipated to be approximately 5,442 acres. The final design will not exceed those impacts analyzed in this ASC and approved in the Final Order.

A detailed description of the Facility, associated components, and supporting facilities is provided in the Background Information Exhibit along with anticipated permanent and temporary disturbance areas. Attachment 1, Figure 4, shows the preliminary Facility layout.

3. LAND USE REVIEW APPROACH

To issue a site certificate, the Oregon Energy Facility Siting Council (Council, or EFSC) must find that the Facility complies with the Statewide Land Use Planning Goals adopted by the Land Conservation and Development Commission (LCDC) and in accordance with OAR 345-022-0030(1). The Applicant has elected to seek a Council determination of compliance under ORS 469.504(1)(b), which includes the following:

> *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 the applicable statewide planning goals or that an exception to any applicable statewide planning goal is justified under subsection (2) of this section.*

This exhibit demonstrates compliance with applicable substantive criteria from the Wasco County Land Use and Development Ordinance (WCLUDO) (Wasco County 2022) that incorporates the goals and policies from the WCCP. This Land Use Exhibit also demonstrates compliance with the LCDC administrative rules and goals and any land use statutes directly applicable to the Facility and includes justification that exception to statewide planning Goal 3 (Agriculture) is warranted under ORS 469.504(2). Finally, this Exhibit provides evidence upon which the Council may rely on finding that the Facility meets OAR 345-022-0030.

4. LAND USE REVIEW

To support the responses to the applicable substantive criteria under OAR 660-033-0130(38), this section describes the factors that influence whether the land within the site boundary and analysis area meets the definition of arable land under OAR 660-033-0130(38)(a) and/or meets the definition of high-value farmland under ORS 195.300(10).

The Applicant evaluated existing conditions within the site boundary and analysis area (Section 4.1) as well as primary influences on existing land use including water rights (Section 4.2), irrigation activities (Section 4.3), underlying soil classifications (Section 4.4), and farming practices (Section 4.5).

Section 5 discusses lands within the analysis area that meet the definition of high value farmland per ORS 195.300(10) and arable lands per OAR 660-033-0130(38)(a).

4.1 EXISTING LAND USES

Existing land uses within the analysis area are illustrated in Attachment 1, Figure 5. The data evaluated includes the U.S. Department of Agriculture (USDA) National Land Cover Dataset (USDA 2024), the USDA National Agricultural Statistics Service USA Cropland Dataset (USDA National Agricultural Statistics Service 2023), and landowner survey responses regarding current and past land uses.

Most of the land cover within the site boundary is classified by the USDA Cropland layer as shrub/scrub and grassland/herbaceous land, with limited cropland land interspersed throughout. Rural residential use is present in the western portion of the site boundary. Land use within the site boundary was analyzed by 'tract', i.e., contiguous parcels with the same landowner. There are a total of 25 tracts of land owned by 19 landowners within the site boundary (see Attachment 1, Figure 6). To supplement publicly available data, the Applicant sent a survey to landowners requesting additional information regarding the use of their land and agricultural practices. Responses to the landowner survey are provided in Attachment 3.

According to public data sources and landowner survey responses, there is limited cropland within the site boundary, which currently supports hay, grass, barley and wheat production. These crops are primarily used as feed for livestock. Much of the remaining land consists of grassland/herbaceous cover, approximately 4,994 acres of which is used as rangeland for livestock, including cattle and sheep.

In the portion of the analysis area that is outside of the site boundary, land use is largely grassland/herbaceous. According to the USDA Cropland layer, approximately 696 acres of land in the analysis area (outside the site boundary) are cultivated. These cultivated lands are located east of the site boundary and are primarily utilized for barley, alfalfa, winter wheat, and fallow idle cropland[1].

4.2 EXISTING WATER RIGHTS

4.2.1 JUNIPER FLAT DISTRICT IMPROVEMENT COMPANY

The site boundary and analysis area are located within the boundary of the Juniper Flat Irrigation District Improvement Company (JFDIC), except a portion of the site boundary and analysis area located to the south. JFDIC is bordered to the north by the White River canyon and to the south by the Nee Nee's mountain range along the northern boundary of the Warm Springs Indian Reservation. To the east is the Deschutes River, and to the west, Mt. Hood National Forest.

[1] The description of lands within the analysis area was confirmed through coordination with the Wasco County Soil and Water Conservation District that occurred in November 2025.

4.2.1.1 JUNIPER FLAT IRRIGATION DISTRICT HISTORY

According to the White River Watershed Assessment[2] (Wasco County Soil and Water Conservation District, 2004), irrigation developed slowly in the White River Basin, due to limited surface water, and the costs to construct irrigation facilities. The following information is summarized from this source:

- 1904 – 1916: In 1904 Joseph R. Keep obtained private land on Clear Creek and filed for a right of way for a dam, reservoir, and ditch to provide water for his sawmill. Rights and property changed hands several times before Juniper Flat Irrigation Ditch would be completed and functioning in 1916. At this time the ditch and reservoir were owned and operated by Wapinitia Irrigation Company. Work continued for several years on extensions to reach the lower Juniper Flat.
- 1928 – 1937: Work began on a 15-foot-high dam at Clear Lake in 1928 (Clear Lake Dam). In 1929, Mount Hood Land and Water Company took over ownership of the irrigation ditch from Wapinitia Irrigation Company. The Clear Lake Dam was also completed this year. However, legal battles interfered with delivery of water through 1937. Water Users Corporation of Juniper Flat took over ownership of the Juniper Flat irrigation system in 1937.
- 1938: Clear Lake Dam burst while being filled. Water Users Corporation of Juniper Flat reorganized as Juniper Flat District Improvement Company (JFDIC). The Articles of Incorporation for the JFDIC are included in Attachment 2.
- 1952 – 1959: The United States Bureau of Reclamation (BOR) began the Wapinitia Project, an effort to re-build the Clear Lake Dam (now known as Wasco Dam), which was constructed from 1958 to 1959.
- 1959 – Present: BOR owns the Wasco Dam and Clear Lake and daily responsibility for O&M activities have been transferred to and are financed by JFDIC. JFDIC is the owner and operator of the Clear Creek Diversion structure as well as the portions of Clear Creek and Frog Creek that include the JFDIC Canal and associated downstream infrastructure and has continued to manage the system to present.

4.2.1.2 DISTRICT HYDROLOGY

The primary sources of water for the JFDIC include Clear Creek, Frog Creek and Clear Lake. JFDIC provides irrigation water to scattered lands on Juniper Flat, a plateau three to six miles wide and approximately seventeen miles long, between the Deschutes and White Rivers. The system conveys water from Clear Lake to a diversion structure on Clear Creek, about three miles downstream from the Wasco Dam, and then into a delivery canal (JFDIC Canal). The JFDIC Canal then conveys water about twelve miles before discharging into McCubbins Gulch. McCubbins Gulch[3], which is to the immediate west of the site boundary in Pine Grove, carries water an additional four miles before rediverting the water into the distribution system for irrigation.

[2] Source: White River Watershed Assessment, May 2004

[3] McCubbins Gulch is a streambed that has been used as an irrigation ditch since the early 1900s (BLM and USFS). It runs roughly parallel to the White River between the White River and OR 216 to the west of the site boundary. McCubbins Gulch is immediately adjacent to OR 216 in Pine Grove.

See Attachment 1, Figure 7(a) for the JFDIC boundary and associated features relative to the site boundary and analysis area.

4.2.1.3 JFDIC INFRASTRUCTURE AND USE

The JFDIC was formed in 1938 under former ORS Chapter 205, and under current law, is considered a corporation under ORS Chapter 554 and more specifically, a district improvement company. The Articles of Incorporation for the JFDIC are included in Attachment 2.

JFDIC delivers irrigation water within a 53,000-acre area, currently serving 57 customers in southern Wasco County. JFDIC operates and maintains 35 miles of ditch outside the JFDIC boundary, and 72 miles of ditch inside the JFDIC boundary. Inside the JFDIC boundary, three canals: the main ditch, the middle ditch, and the south ditch provide water to "laterals" and users. JFDIC has indicated that it conveys water using unlined ditches and flooding of open areas, which are controlled by two types of irrigation control devices (large and small).

The Applicant conducted a site walk with JFDIC on 22 August 2025 and has coordinated with JFDIC to map and delineate the irrigation ditches and control devices within the site boundary (Attachment 1, Figure 7(b)). During the site walk, irrigation control devices were observed to be limited to gates, weirs, culverts, and valves.

According to the White River Watershed Assessment[4] (Wasco County Soil and Water Conservation District, 2004):

- Irrigated cropland is spread throughout the JFDIC boundary, resulting in many miles of ditches. In between irrigable lands are non-farmable "scab lands" with rocky, shallow soils. Many ditches in the JFDIC boundary convey relatively small flows for long distances. For example, 24,000 feet of open ditch deliver water to just 26.34 acres.
- Irrigated crops in the JFDIC boundary are mainly hay (62 percent), winter wheat (33 percent), and pasture (5 percent). Organic row crops are also grown on a small scale (<0.1 percent). Water delivered for irrigation is less than what is required for normal crop yields. Yields for all three major crops are approximately 70 percent of what full season irrigation would produce. After mid-June, water is typically not available in adequate quantity for crop needs, and is considered a "partial season" supply.
- JFDIC ditches are generally open, unlined ditches that lose water to both evaporation and seepage into the ground. Ditch losses in some parts of JFDIC are estimated to be as high as 65 percent. Lava tubes and fractures in bedrock are believed to account for some of the water loss. Flat grades in JFDIC also contribute to losses from evaporation.

Per discussions with the President of JFDIC, the JFDIC water rights authorize customers to receive up to 3–acre-feet of water a year for irrigation, however JFDIC has not been able to reliably provide customers with this amount of water since the 1970s due to decreases in the available water supply (currently, customers receive 1 and 1.5 acre-feet per year on average)[5]. In

[4] Source: White River Watershed Assessment, May 2004

comparison, irrigation water rights in Oregon generally allow use of up to 2.5 to 4.0 acre-feet per year to allow adequate supply for beneficial irrigation use. The available water supply varies annually, depending on the streamflow in Clear and Frog Creek, and the volume of water in Clear Lake.

4.2.1.4 JFDIC WATER RIGHTS AND INFRASTRUCTURE WITHIN SITE BOUNDARY

Though approximately 12,770 acres (89 percent) of the site boundary is located within the boundary of the JFDIC, only 13 landowners have JFDIC water rights on their properties, and these water rights allow irrigation on approximately 456 acres of land (i.e., approximately 3 percent of the site boundary). Table 1 below identifies, for each parcel, the landowner and acres currently authorized to receive water from JFDIC on an annual basis.

While the total authorized place of use acreage for JFDIC water rights within the site boundary is approximately 456 acres, a review of the historical use of water under those rights and current water availability, along with information obtained from landowners, indicate that the actual current acreage of use is 322.15 acres of which only 117 acres may be permanently impacted by the Facility.

Irrigation water within the site boundary is primarily utilized for irrigated hay/grass cultivation and livestock pasture as further detailed in Section 4.3. Due to the limited irrigation water available, the unpredictable annual variability in water supply, and poor soil quality, landowners indicate that growing crops within the analysis area is extremely difficult and not economically viable.

The Applicant has worked to develop an understanding of long-term maintenance and access needs to minimize impacts associated with the Facility. JFDIC has communicated that irrigation ditches typically require annual maintenance and irrigation control devices are accessed based on land-owner needs and requests. Land within the site boundary that is going to be used for the Facility would likely not require irrigation during Facility operation; therefore, several of the irrigation canals and devices within the Facility would not require maintenance or access as frequently while the Facility is operating. The Applicant will work with JFDIC to develop a maintenance schedule such that irrigation ditches that are not being actively used are maintained such that they can return to their prior use after Facility decommissioning.

The Applicant is in continued discussion with JFDIC regarding a Memorandum of Understanding (MOU). Additionally, the Applicant will develop an Access and Maintenance Coordination Plan to facilitate access to control devices within the site boundary as well as maintenance access to irrigation ditches that extend outside the site boundary. These coordination efforts will also be captured in the Water Rights Management Plan. Placeholders for these documents and plans are included as Attachment 2A and 2B and will be provided prior to the ASC being deemed complete.

Based on input from JFDIC, the preliminary Facility layout has been microsited to incorporate a minimum 50-foot setback between the centerline of an irrigation ditch and any above-ground Facility components, excluding new Facility access roads. This ensures that the Facility will avoid impacts on the main irrigation ditch that extends laterally across the northern portion of the site boundary, which JFDIC indicated is of particular importance. Additionally, this setback will provide

sufficient width for maintenance equipment (e.g., excavators) to access irrigation ditches for maintenance.

Attachment 1, Figure 7(b) depicts the location of the JFDIC boundary, water rights, and irrigation infrastructure within the site boundary. Attachment 1, Figure 7(c) depicts the location of water rights relative to permanent impacts associated with the Facility.

TABLE 1 JFDIC WATER RIGHTS WITHIN SITE BOUNDARY

Tract	Tract Name	Parcel(s)	JFDIC Certificate No.	Source	Infrastructure Located on Parcel	Maximum Annual Volume	Authorized Acreage	
							Site Boundary & Micrositing Corridor	Permanent Disturbance[1]
2	Dodge Family B	5S 12E 0 4300	82179	Clear Creek, with any deficiency made up from Frog Creek and Clear Lake Reservoir	Sprinkler System	0.025 cfs/acre when necessary for beneficial use	114.2	34.54
		5S 12E 0 4300	77326/77733	Surface water from Clear Creek and Frog Creek; stored water from Clear Lake Reservoir	Well	1,400 (acre-ft)	55	4.28
3	Woodside A	5S 12E 0 5900 and 6600			Well – not used, underground piping		81.2	18.74
6	Fullington	5S 12E 0 3500			Well		24.73	17.58
7	Groce	5S 12E 0 3200, 3300 and			Well		76.98	9.19
9	Dodge A	5S 12E 0 7901			Ditches mapped		0.3	-
10	Holder	5S 12E 0 5700			Well, irrigation ditch		20.34	4.66
11	Skogrand	5S 12E 0 7200			Irrigation ditch		9.7	9.19
12	Sterling	5S 12E 0 8100 and 8200			Irrigation ditches mapped		10	4.66
13	Elmer	5S 12E 0 4800			Underground piping		20	-
14	Lewis	5S 12E 0 8300			None - some hand line in place (not used) - production value not worth price of pump and power for		11.1	11.36
21	Hill	5S 12E 0 8400			Irrigation ditches mapped		10	5.66
22	Dodge B	5S 12E 0 9000			Irrigation ditches mapped		12	0.22
25	Frasier	5S 12E 0 5800			Irrigation ditches mapped		10	-
						Total	455.55	120.08

[1] - Permanent disturbance relative to solar array fence line areas. The area within the fence line includes all solar components and supporting facilities.

4.2.1.5 BUREAU OF RECLAMATION INTEREST

As outlined in Section 4.2.1.1 above, the BOR was involved in the effort to build the Wasco Dam, which formed Clear Lake, in 1952 (known as the Wapinitia Project). JFDIC has continued to manage and operate the system from 1952 to present.

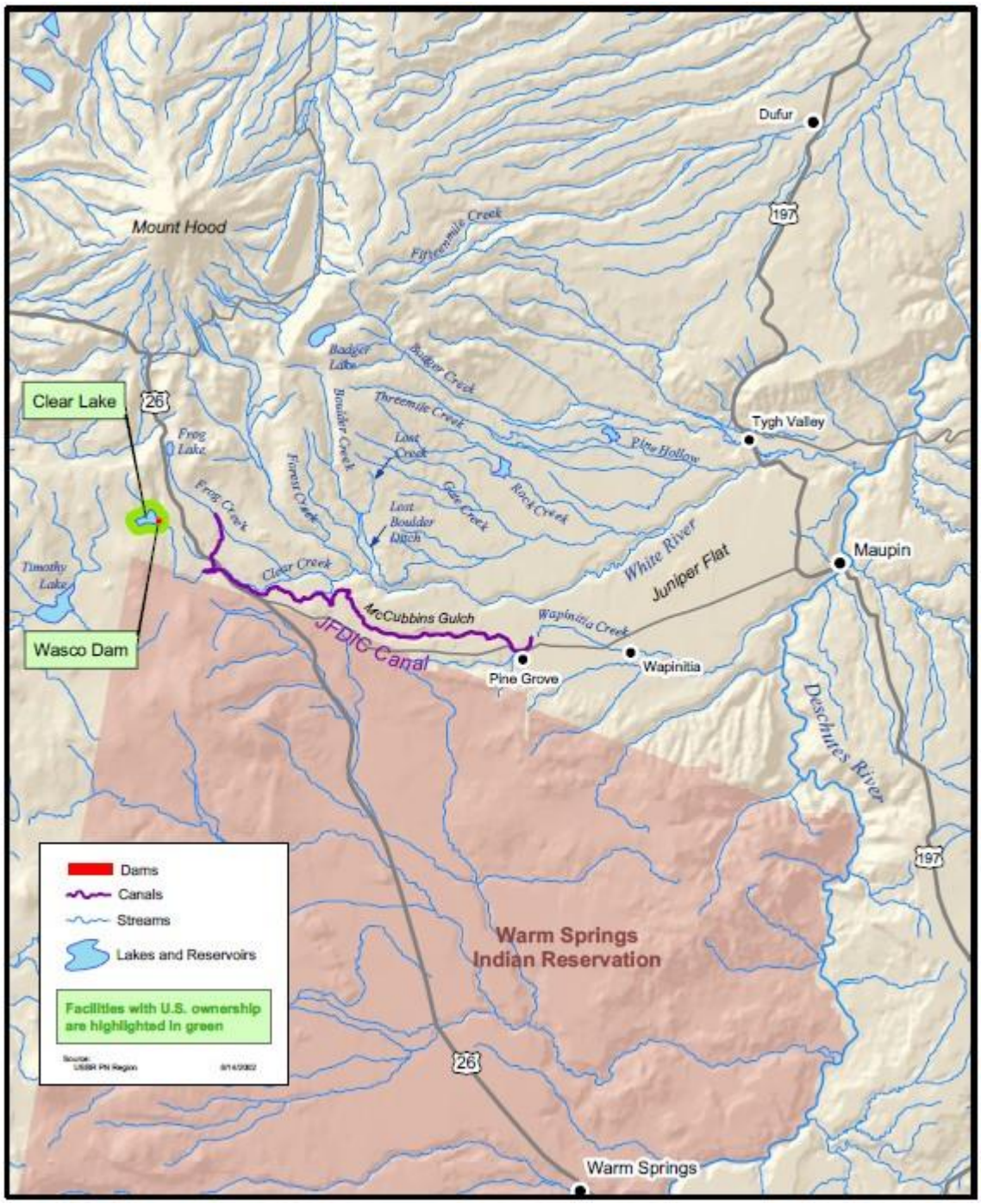
According to the Biological Assessment on Continued Operation and Maintenance of the Deschutes River Basin Projects[6] (BOR, 2003), federally owned components associated with the Wapinitia Project are limited to Wasco Dam and Clear Lake as shown on in-text Figure 1, below. BOR is responsible for the storage behind and release of water from Wasco Dam for diversion at the Clear Creek Diversion (owned by JFDIC). Storage water is diverted into the privately owned and operated Clear Creek Diversion facilities under water rights held by JFDIC.

Verbal correspondence with JFDIC aligns with the above information. It is the Applicant's understanding that JFDIC owns and operates the irrigation infrastructure with no contract or obligations to the BOR. As such, a Use Authorization Permit/Easement Encroachment Permit with the BOR is not anticipated to be required for the Facility.

As noted in Section 4.2.1.4 above, the preliminary Facility layout has been and will continue to be microsited to incorporate a minimum 50-foot setback between the centerline of an irrigation ditch and any above-ground Facility components, excluding new Facility access roads. The Applicant is developing an MOU with JFDIC which will account for potential access road or collector line crossings that may be required over the JFDIC irrigation ditches. The Applicant proposes to implement an Access and Maintenance Coordination Plan with JFDIC and will provide this plan prior to the ASC being deemed complete (Attachment 2A).

[6] Source - Biological Assessment on Continued Operation and Maintenance of the Deschutes River Basin Projects & Effects on Essential Fish Habitat under the Magnuson-Stevens Act

FIGURE 1 – WAPINITIA PROJECT



Source - Biological Assessment on Continued Operation and Maintenance of the Deschutes River Basin Projects & Effects on Essential Fish Habitat under the Magnuson-Stevens Act

4.2.2 NON-JFDIC WATER RIGHT PERMITS AND CERTIFICATES

Approximately 250 acres of land within the site boundary have appurtenant groundwater and surface irrigation water rights that are not delivered or managed by JFDIC (see Attachment 1, Figure 7(b) and 7(c)). Table 2 below summarizes these non-JFDIC water rights and associated authorized acreage within the site boundary.

A permit issued by the Oregon Water Resources Department (OWRD) is the initial authorization to construct a water system and begin using water and is the first step in a multi-step process, granting temporary permission. A water right certificate is the final document that provides conclusive evidence of a completed and fully vested water right.

TABLE 2 NON-JFDIC WATER RIGHTS WITHIN SITE BOUNDARY

Tract	Tract Name	Type	Parcel	Certificate or Permit	Authorized Acreage	
					Site Boundary & Micrositing Corridor	Permanent Disturbance[2]
1	Dodge Family A	Groundwater	5S 12E 08500	Permit G-11652	60.30	13.60
12	Sterling	Groundwater	5S 12E 08000	Permit G-18068	79.10	-
13	Elmer	Groundwater	5S 12E 04800	Cert 72321	67.85	23.84
		Groundwater		Cert 76974[1]	37.40	-
21	Hill	Surface Water	5S 12E 0 8400	Cert 7805	1.00	0.60
25	Frasier	Surface Water	5S 12E 0 5800	Cert 27278	4.10	-
				Total	**249.75**	**38.04**

[1] - Authorized acreage for Cert 76974 includes 17.4 acres of primary and 20 acres of supplemental irrigation.

[2] - Permanent disturbance relative to solar array fence line areas. The area within the fence line includes all solar components and supporting facilities.

While the total authorized place of use acreage for non-JFDIC water rights within the site boundary is approximately 250 acres, based upon a review of the historical use of water under those rights and current water availability, along with information obtained from landowners, the actual current acreage of use from state-issued water rights is approximately 101 acres as explained further in Section 4.3 below.

4.2.3 EXISTING WATER RIGHTS WITHIN ANALYSIS AREA

Mapped water rights are located within the analysis area, primarily to the north and east of the site boundary (see Attachment 1, Figure 7(b)). Table 3 below summarizes the irrigation water rights and associated authorized place-of-use acreage located within the analysis area and outside of the site boundary.

Within the analysis area, 17 parcels receive surface water from JFDIC, and 7 parcels have privately held (non-JFDIC) groundwater and surface water rights totaling approximately 284 acres of land. These existing rights are not anticipated to be impacted by the Facility. In fact, cessation of water right use within the site boundary, to the extent that water use is discontinued within the site boundary as a result of the Facility, ultimately results in less competition for limited water resources in the region and additional supply for users outside of the site boundary (within the analysis area and beyond). This shift in water supply would significantly benefit users that are

currently putting their water rights to beneficial use by increasing the reliability of their annual allocations.

The analysis area also contains limited portions of the Pine Grove Water District[7] as well as the Lost and Boulder Ditch Improvement District. These districts are not located within the micrositing corridor or area of permanent disturbance and therefore are not anticipated to be impacted by the Facility.

TABLE 3 WATER RIGHTS WITHIN ANALYSIS AREA

Parcel	Type	Certification		Authorized Acreage within Parcel
		District - JFDIC	Non-District	
5S 12E 0 1700	Surface Water	-	2328	1.50
5S 13E 0 6600			33113	23.50
5S 12E 0 6900			34937	8.80
5S 12E 0 9400	Groundwater		67569	19.98
5S 13E 0 6800				22.46
5S 12E 0 2900			67908	30.40
5S 12E 31 200			82147	4.00
5S 12E 0 1700	Surface Water	77326/77733	-	31.39
5S 12E 0 2200				24.74
5S 12E 0 2700				12.32
5S 12E 0 2702				0.01
5S 12E 0 2703				6.64
5S 12E 0 2900				12.90
5S 12E 0 5200				5.01
5S 12E 0 5800				0.03
5S 12E 0 6000				15.33
5S 12E 0 6501				1.81
5S 12E 0 6700				5.74
5S 12E 0 6900				0.50
5S 12E 0 7300				10.99
5S 12E 0 8700				18.91
5S 12E 0 9000				0.07
5S 13E 0 6600				24.11
5S 12E 0 1500	Surface Water	80561 (T 7765 RR)	-	2.75
			Total	**283.89**

Note: This summary excludes water rights within the site boundary.

[7] The Applicant is in the process of negotiating a Memorandum of Understanding with Pine Gove Water District; as part of this Memorandum of Understanding, the Applicant will be making a community benefit contribution to Pine Grove Water District.

4.2.4 WATER RIGHTS MANAGEMENT

As shown in Tables 1 and 2, approximately 158 acres of land with appurtenant irrigation water rights will be permanently impacted by the Facility. However, many of these water rights are not used up to their full authorized acreage because of limited water availability or inadequate infrastructure, resulting in a lower actual acreage of permanent impact. In addition, even the permanently impacted acreage may result in an agricultural benefit to the region by making more water available on nearby land that is more suited for farming.

The water rights that will be either fully or partially impacted by the Facility include portions of JFDIC[8] water rights appurtenant to 11 of the 13 tracts (identified in Table 1) and 3 of the 6 non-JFDIC water rights[9] (identified in Table 2). A Water Rights Management Plan (Attachment 2B) will be prepared in consultation with JFDIC and pertinent landowners to address impacted water rights, including potential instream transfers of surface water rights, place-of-use transfers of surface and groundwater rights, or abandonment of water rights that are no longer in use. The Water Rights Management Plan will be provided prior to the ASC being deemed complete.

The overall goal of the Water Rights Management Plan will be, to the extent possible, to maintain the impacted rights for irrigation use and/or use available OWRD transactions to preserve the water rights for irrigation use after the life of the Facility. However, many of these water rights do not provide a reliable water supply. Accordingly, if any of the water rights cannot be modified to allow ongoing or future use of water for irrigation purposes, the expected result would be an increase in the reliability of the water supply for other irrigators relying on the same source of supply because of less competition for the limited water resources in the region.

4.3 IRRIGATED AREAS

The term "irrigated" is defined in OAR 660-033-0020(9) as follows:

> "watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is 'irrigated' if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for irrigation from a water or irrigation district or other provider. For the purposes of this division, an area or tract within a water or irrigation district that was once irrigated shall continue to be considered 'irrigated' even if the irrigation water was removed or transferred to another tract."

As outlined in Section 4.2.1 above, 12,770 acres (i.e., 89 percent) of the site boundary is located within the JFDIC and therefore is 'irrigated' by application of law.

The Applicant sent a survey to landowners to obtain information regarding water rights, agricultural practices, and irrigated areas specific to each tract. The Applicant determined whether land was actually "irrigated" through a review of JFDIC and non-JFDIC records as well as review of aerial imagery, interviews with landowners, and field verification.

[8] Certificate 77326/77733 and 82179.
[9] Certificate 72321 and 7805 and Permit 11652.

Only 13 of the 25 tracts hold water right within the site boundary, occupying approximately 705 acres (see Table 1 and 2 above. Only 424 acres are actually irrigated within the site boundary. Of those 424 acres, only 119 acres would be permanently impacted by the Facility. Due to the limited irrigation water available and the unpredictable annual variability in supply, landowners indicate that growing crops within the analysis area is extremely difficult and not economically viable.

Non-JFDIC water rights have also not been fully reliable due to diminishing water supplies in the area. Based on these challenges, landowners indicate that growing crops within the analysis area is extremely difficult and not economically viable.

As depicted in Attachment 1, Figure 5, existing water rights within the site boundary are primarily utilized for flood irrigation (i.e., using the water to maintain the water right), irrigated hay/grass cultivation (for personal use as stock feed), and irrigated pasture. Cultivated crop production consists of dryland barley and wheat (i.e. not irrigated).

TABLE 4 ACTUAL IRRIGATED AREAS

Tract	Tract Acreage	Irrigated by Law - Site Boundary			Actual Irrigated Acreage		Notes
		Acreage within JFDIC Boundary	Water Rights - Authorized Place of Use Acreage		Site Boundary & Micrositing Corridor	Permanent Disturbance[2]	
			JFDIC	Non-JFDIC			
1 - Dodge Family A	3,527.71	1,745.69	-	60.3	18.18	-	Irrigated hay/grasses and irrigated pasture
2 - Dodge Family B	1,718.63	1,717.48	169.20	-	77.80	72.23	Irrigated hay/grasses
3 - Woodside A	1,717.23	1,697.75	81.20	-	72.48	-	Irrigated hay/grasses
4 - Hein	1,042.30	900.57	-	-	-	-	
5 - Dodge Family C	1,022.71	1,022.87	-	-	-	-	
6 - Fullington	990.71	990.86	24.73	-	23.83	20.88	Flood irrigation for cattle pasture
7 - Groce	780.18	780.28	76.98	-	78.76	3.38	Irrigated hay/grasses
8 - Ambrose	674.77	674.87	-	-	-	-	
9 - Dodge A	586.74	586.84	0.30	-	-	-	
10 - Holder	513.24	513.32	20.34	-	34.42	-	Irrigated hay/grasses
11 - Skogrand	320.36	320.40	9.70	-	10.95	-	Flood irrigation
12 - Sterling	273.85	273.89	10.00	79.10	-	-	
13 - Elmer	211.96	212.00	20.00	105.25	78.13	21.88	Irrigated hay/grasses
14 - Lewis	198.30	198.34	11.10	-	-	-	
15 - Brown	188.03	188.06	-	-	-	-	
16 - Yanez	161.33	5.13	-	-	-	-	
17 - Treanor	159.17	159.19	-	-	-	-	
18 - Woodside B	158.81	159.84	-	-	-	-	
19 - Waine	157.48	157.51	-	-	-	-	
20 - Brace	153.85	153.87	-	-	-	-	
21 - Hill[1]	117.10	117.12	10.00	1.00	11.00	-	No evidence of cultivation
22 - Dodge B	77.98	77.99	12.00	-	3.91	0.30	Irrigated hay/grasses
23 - Soskin	77.11	77.12	-	-	-	-	
24 - Dodge C	39.54	-	-	-	-	-	
25 - Frasier[1]	38.85	38.86	10.00	4.10	14.10	-	No evidence of cultivation
Total	**14,907.94**	**12,769.85**	**455.55**	**249.75**	**423.56**	**118.67**	

[1] - Entire place-of-use water right assumed to be irrigated due to lack of detailed information from landowner.

[2]-Permanent disturbance relative to solar array fence line areas. The area within the fence line includes all solar components and supporting facilities.

4.4 SOIL CLASSIFICATIONS

The site boundary is comprised of 34 soil types based on the Natural Resources Conservation Service (NRCS) geographic information system. Attachment 1, Figure 8 depicts the NRCS soil types underlying the analysis area and Attachment 1, Figure 9 depicts the NRCS soil capability classes within the site boundary and analysis area.

The NRCS classification system indicates the general suitability of soils for most kinds of field crops. The soils are grouped according to their limitations for field crops, the risk of damage if they are used for crops, and the way they respond to management. Soils are first assessed for their capability under non-irrigated conditions, which is the standard Land Capability Classification system. An additional Land Irrigability Classification is applied if the soil can be sustainably farmed with irrigation.

According to the NRCS capability system, soils are generally grouped at three levels: capability class, subclass, and unit. Capability classes are designated by the numbers I through VIII. The numbers indicate progressively greater limitations and narrower choices for practical use (NRCS 2023). The classes are defined as follows:

- Class I soils have slight limitations that restrict their use.
- Class II soils have moderate limitations that restrict the choice of plants or that require moderate conservation practices.
- Class III soils have severe limitations that restrict the choice of plants or that require special conservation practices, or both.
- Class IV soils have very severe limitations that restrict the choice of plants or that require very careful management, or both.
- Class V soils are subject to little or no erosion but have other limitations, impractical to remove, that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.
- Class VI soils have severe limitations that make them generally unsuitable for cultivation and that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.
- Class VII soils have very severe limitations that make them unsuitable for cultivation and that restrict their use mainly to grazing, forestland, or wildlife habitat.
- Class VIII soils and miscellaneous areas have limitations that preclude commercial plant production and that restrict their use to recreational purposes, wildlife habitat, watershed, or esthetic purposes.

Additionally, the NRCS assigns farmland classifications to soil map units as prime farmland, prime farmland if irrigated, farmland of statewide importance, farmland of local importance, or unique farmland. Farmland classifications identify the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops (NRCS 2023). Soils are classified by the NRCS as either prime farmland if irrigated, farmland of statewide importance, or not prime farmland. See Table 5 below for a summary of NRCS soil classifications within the site boundary.

TABLE 5 NRCS SOIL CLASSIFICATIONS WITHIN SITE BOUNDARY

NRCS Soil Type ID / Soil Unit*	Farmland Classification	NRCS Irrigated Soil Capability Class	NRCS Non-Irrigated Soil Capability Class	Acreage within Site Boundary	Percentage of Site Boundary
2D/Bakeoven very cobbly loam, 2 to 20 percent slopes	Not prime farmland	None[1]	VII	607	4.21%
3D/Bakeoven-Condon complex, 2 to 20 percent slopes	Not prime farmland	None	VII	1	0.01%
4C/Bakeoven-Maupin complex, 0 to 12 percent slopes	Not prime farmland	None	VII	738	5.12%
5C/Bakeoven-Watama complex, 0 to 12 percent slopes[2]	**Not prime farmland**	**None**	**VII**	**5,195**	**36.03%**
6E/Bald cobbly loam, 5 to 45 percent slopes	Farmland of statewide importance	None	VI	458	3.18%
10E/Bodell cobbly loam, 5 to 45 percent slopes	Not prime farmland	None	VII	521	3.61%
11F/Bodell very cobbly loam, 45 to 75 percent slopes	Not prime farmland	None	VII	35	0.24%
12/Bodell very cobbly loam, 30 to 55 percent slopes	Not prime farmland	None	VII	3	0.02%
28E/Hesslan-Skyline complex, 5 to 40 percent slopes	Farmland of statewide importance	None	IV	72	0.50%
29E/Ketchly loam, 3 to 30 percent slopes	Farmland of statewide importance	None	VI	133	0.73%
29F/Ketchly loam, 30 to 65 percent slopes	Not prime farmland	None	VII	28	0.19%
30E/Lickskillet very stony loam, 15 to 40 percent slopes	Not prime farmland	None	VII	23	0.16%
32A/Maupin loam, 0 to 5 percent slopes	Prime farmland if irrigated	II	II	403	2.80%
35/Pedigo silt loam	Prime farmland if irrigated	IV	IV	56	0.39%
40E/Sherar cobbly loam, 5 to 45 percent slopes	Farmland of statewide importance	None	VI	105	0.73%
42F/Sinamox silt loam, 45 to 70 percent slopes	Not prime farmland	None	VII	81	0.56%
44/Tygh fine sandy loam	Prime farmland if irrigated	III	III	38	0.26%
49B/Wamic loam, 1 to 5 percent slopes	Prime farmland if irrigated	None	III	126	0.87%
49C/Wamic loam 5 to 12 percent north slopes	Farmland of statewide importance	None	IV	6	0.04%
50E/Wamic loam, 20 to 40 percent slopes	Farmland of statewide importance	None	VI	4	0.03%
51D/Wamic-Skyline complex, 2 to 20 percent slopes	Farmland of statewide importance	None	IV	24	0.17%
52B/Wapinitia variant silt loam, 1 to 7 percent slopes	**Prime farmland if irrigated**	**None**	**III**	**1,125**	**7.80%**
54B/Watama-Wapinitia silt loams, 0 to 5 percent slopes[3]	**Prime farmland if irrigated**	**III**	**IV**	**4,100**	**28.44%**
54C/Watama-Wapinitia silt loams, 5 to 12 percent slopes[3]	Farmland of statewide importance	III	IV	42	0.29%
54D/Watama-Wapinitia silt loams, 12 to 20 percent slopes	Farmland of statewide importance	None	VI	20	0.14%
54E/Watama-Wapinitia silt loams, 20 to 35 percent slopes	Farmland of statewide importance	None	VI	3	0.02%
57F/Wrentham-Rock outcrop complex, 35 to 70 percent slopes	Not prime farmland	None	VII	26	0.18%
58E/Mutton gravelly loam, 12 to 30 percent slopes	Farmland of statewide importance	None	VI	97	0.67%
58F/Mutton gravelly loam, 30 to 55 percent slopes	Farmland of statewide importance	None	VI	149	1.03%
59D/Rockly extremely gravelly silt loam, 2 to 20 percent slopes	Farmland of statewide importance	None	VI	188	1.30%
85/Mutton gravelly loam, 12 to 30 percent slopes	Farmland of statewide importance	None	VI	5	0.03%
86/Mutton gravelly loam, 30 to 55 percent slopes	Farmland of statewide importance	None	VI	2	0.01%
113/Rockly extremely gravelly silt loam, 2 to 20 percent slopes	Not prime farmland	None	VII	16	0.11%
W/Water	Not prime farmland	None	None	5	0.03%

[1] - No irrigated soil capability class indicates that the soils cannot be sustainably farmed with irrigation.
[2] - **Bold** = primary soil type/soil unit underlying site boundary
[3] - Soils within the analysis area either do not have an irrigated capability classification or have the same capability classification regardless of irrigation with exception of these two soil types. As depicted in Table 8, only 180 acres of NRCS irrigated capability Class III soils have place of use water rights to which the irrigated capability classification has been applied.
* 57/John-Bodell complex, 30 to 55 percent is not included in this table since it only accounts for 0.003% of the site boundary.

The primary soil unit underlying the site boundary is 5C/Bakeoven-Watama complex (5,195 acres, 36 percent) which is described as 'very cobbly loam'. Additional significant underlying soil units within the site boundary include the 54B/Watama-Wapinitia silt loams (4,100 acres, 28 percent) and 52B/Wapinitia variant silt loam (1,125 acres, 8 percent). The Wapinitia series consists of deep, well-drained soils that formed in loess, colluvium and alluvium weathered from basalt and consolidated sediment and are characterized as less than 40 inches deep to bedrock.

As further outlined in the Soil Protection Exhibit, most soils (i.e., 98 percent) within the site boundary are categorized as having slow to very slow infiltration rates and rates of water transmission. Generally, this means that the soils have poor water retention and depth to bedrock within the site boundary is shallow, ranging from 2.2 to 8.5 feet below ground. Slow infiltration rates can result in ponding in level areas, surface runoff, and erosion in sloping areas and can lead to flooding or inadequate moisture for crop production. A shallow depth to bedrock results in a lower available water capacity and thus drier conditions for plants. It also restricts the rooting depth.

The NRCS also assigns capability subclasses for each soil unit. The NRCS subclass for the 5C/Bakeoven-Watama complex and 54B/Watama-Wapinitia silt loams is 's' which indicates that these soils have limitations within the rooting zone, such as shallowness of the rooting zone, stones, low moisture-holding capacity, low fertility that is difficult to correct, and salinity or sodium content. The 52B/Wapinitia variant silt loam unit is assigned a subclass 'e' which indicates high risk of erosion unless close-growing plant cover is maintained. Landowner testimony is consistent with these descriptions of the mapped soil types; landowners indicate the soils are rocky, shallow, and have been unproductive for the last several decades.

Rangeland is commonly comprised of NRCS agricultural capability Class V and VI soils. There are no Class V soils within the site boundary and only 1,208 acres (i.e., 8 percent) of the site boundary consists of Class VI soils, indicating severe limitations that make soils generally unsuitable for cultivation and that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat. Class VI soils are primarily located within more heavily sloped areas in the southern portion of the site boundary, outside of the micrositing corridor. A large part of the site boundary, about 7,628 acres (or 53 percent), is comprised of Class VII soils. Class VII indicates very severe limitations that make them unsuitable for cultivation and that restrict their use mainly to grazing, forestland, or wildlife habitat.

Section 5 of this exhibit discusses land within the analysis area that meets the definition of high value farmland per ORS 195.300(10) and arable land per OAR 660-033-0130(38)(a).

4.5 TYPES OF ACCEPTED FARMING PRACTICES

The Applicant inventoried the types of accepted farming practices occurring within the analysis area, distinguishing between practices occurring on cultivated land versus rangeland.

As stated above, the Applicant coordinated with landowners to evaluate impacts to farming activity from the Facility. There are a total of 25 tracts of land owned by 19 landowners within the site boundary (see Attachment 1, Figure 6). The Applicant sent a survey to landowners to obtain information regarding agricultural practices specific to each tract. The survey, provided in Attachment 3, requested information about crop practices, historical revenues, crop yield, water availability, and farming operations that would be impacted.

Approximately 991 acres of land within the analysis area are enrolled in the NRCS Conservation Reserve Program (CRP), indicating a portion of the land is managed for conservation rather than active agricultural production.

4.5.1 CULTIVATED LANDS

For this evaluation, 'cultivated land' is considered land that has been prepared and is currently used for growing crops. Accepted farming practices include raising, harvesting, and selling of crops. Landowner surveys indicate that much of the land within the site boundary is currently unfarmable due to soil quality, water availability, and prevailing economic conditions that make farming economically infeasible.

The Applicant utilized landowner testimony (Attachment 3) as well as aerial imagery and field verification to identify and delineate cultivated lands within the site boundary. As depicted in Attachment 1, Figure 5, approximately 596 acres of land (i.e., 4 percent) within the site boundary are currently considered cultivated[10]. These lands are utilized for grass and hay cultivation (435 acres, i.e., 3 percent) and dryland wheat and barley (161 acres, i.e., 1 percent). The landowners indicated that some of this cultivation is for 'personal use' and some of the harvest is sold commercially. For this assessment, 596 acres are conservatively considered cultivated land within the site boundary. Cultivated lands are shown on Attachment 1, Figure 5 and Attachment 1, Figure 11.

Outside of the site boundary, the analysis area contains approximately 696 acres of cultivated land based upon aerial imagery and the NCLD Cropland Dataset. These cultivated lands are located just east of the site boundary and are primarily utilized for barley, alfalfa, winter wheat, and fallow idle cropland. The location of these cultivated lands outside of the site boundary aligns with the limited area of mapped Class II soils within the analysis area.

4.5.2 RANGELAND

Most of the land cover within the site boundary and analysis area is classified as shrub/scrub and grassland/herbaceous. According to landowner surveys, approximately 4,994 acres (i.e., approximately 35 percent) of land within the site boundary is currently used as pastureland for

[10] Cultivated areas do not include areas used for flood irrigation and irrigated or non-irrigated pastureland.

grazing (cattle, horses, sheep) and livestock (hogs, beef steer, lamb) production. Most of the grazing activity is for cattle. In addition to grazing livestock, one landowner (Tract 16 – Yanez) utilizes land for equine operations.

TABLE 6 RANGELAND WITHIN SITE BOUNDARY

Tract	Tract Name(s)	Rangeland Use
1, 2, 5, 9	Dodge Family A, B, C and Dodge A	Cattle grazing
3	Woodside A	Cattle grazing
6	Fullington	Cattle grazing
10	Holder	Cattle grazing
12, 23	Sterling, Soskin	Livestock
13	Elmer	Livestock
14	Lewis	Hogs, beef steers and lamb
15	Brown	Livestock
16	Yanez	Horses
19	Waine	Livestock
20	Brace	Livestock

Note: 'Livestock' indicated where type not specified by landowner in survey

In the portion of the analysis area that is outside of the site boundary, areas to the north are largely categorized as evergreen forest associated with the White River. Land cover to the east and west is largely mapped as grassland/herbaceous that could be utilized as rangeland based on National Land Cover dataset.

Equine operations within the analysis area outside the site boundary include Parcel 5S 12E 0 6000 (Ashchoff Quarter Horses). Land within this parcel is currently used for an arena and foaling calving pastures used to raise, train, and breed horses and cattle. Irrigation water from the JFDIC (Certificate 77326) is used for these operations and will not be impacted by the Facility as the Facility has been microsited to avoid JFDIC infrastructure.

Land to the south of the site boundary is located within the Warm Springs Reservation and is heavily sloped and interspersed with forest land and, as such, is unlikely to be used for rangeland activity.

5. HIGH-VALUE FARMLAND AND ARABLE LANDS ASSESSMENT

5.1 HIGH-VALUE FARMLAND

OAR 660-033-0130(38) looks to ORS 195.300(10) for the definition of high-value farmland. ORS 195.300(10) provides several definitions for what constitutes high-value farmland. Only ORS 195.300(10)(a) and (c) are relevant for this analysis. Attachment 1, Figure 10 depicts high-value farmland under these definitions.

This section describes the factors that influence whether the land within the site boundary and analysis area meets the definition of arable land under OAR 660-033-0130(38)(a)

and/or meets the definition of high-value farmland under ORS 195.300(10)(a) or (c). The subsections below detail each of these factors as they apply to the site boundary. While the site boundary contains high-value farmland and arable land based on simple application of the relevant statutes and rules, a more in-depth assessment of site characteristics detailed throughout this Land Use Exhibit demonstrates that conditions on the ground are not conducive to agricultural production and that agricultural production within the site boundary is not economically viable.

Relevant factors include the following:

- While most of the site boundary (89 percent) is located within an irrigation district, only 456 acres (i.e., 3 percent) of the site boundary contains JFDIC water rights, approximately 322 acres of which are currently irrigated based upon landowner surveys, aerial imagery and field reconnaissance.
- Irrigation water resources are intermittent and limited, particularly for JFDIC irrigation water that is only available one to three times per year in limited volumes. The existing JFDIC water infrastructure is inadequate, coupled with that the production value of the acreage receiving water is not worth the cost of the necessary infrastructure upgrades, particularly given the lack of autonomy on timing of water use.
- Soil attributes within the site boundary and in the analysis area limit agricultural productivity; soils are predominantly (i.e., 64 percent) nonarable (Class VI and VII) which indicates severe to very severe limitations, making the soils unsuitable for cultivation. Landowners within the site boundary have noted that their land has not generated agricultural revenue in over two decades, serving primarily for livestock grazing.

5.1.1 ORS 195.300(10)(a)

High-value farmland under this definition is land in a tract composed predominantly of soils that are: (a) irrigated and classified prime, unique, Class I or II, or (b) not irrigated and classified prime, unique, Class I or Class II.

The NRCS assigns farmland classifications to mapped soil units: prime farmland, prime farmland if irrigated, farmland of statewide importance, farmland of local importance, or unique farmland. Farmland classifications identify the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops (NRCS 2023).

Approximately 5,759 acres (i.e., 40 percent) of the site boundary consists of soils categorized as "prime farmland, if irrigated" per the NRCS Oregon State Prime Farmland List (NRCS 2023). There are no NRCS Class I soils within the site boundary and larger analysis area. Approximately 403 acres (i.e., 3 percent) of prime farmland soils within the site boundary are also classified as NRCS Class II soils, regardless of their irrigation status, and therefore are considered high-value farmland soils under ORS 195.300(10)(a).

Though the site boundary contains high-value farmland soils, no tracts within the site boundary are predominantly composed of high-value farmland soils and therefore, the site boundary does not contain high-value farmland as defined under ORS 195.300(10)(a) when applying the

predominance test. Table 7 below depicts predominance results for tracts within the site boundary containing high-value farmland soils.

TABLE 7 HIGH-VALUE FARMLAND SOILS WITHIN SITE BOUNDARY

Tract	Total Tract Acreage	Acreage of High-Value Farmland Soils		
		Acreage of NRCS Prime and Class I Soils	Acreage of NRCS Prime and Class II Soils[1]	Percentage of Tract >50% considered predominance
3 - Woodside A	1,717.23	0.00	357.35	21%
20 - Brace	153.85	0.00	45.44	30%
Total	**1,871.08**	**0.00**	**402.79**	

[1] - NRCS Class II soils underlying the site boundary have the same agricultural capability class regardless of irrigability.

Approximately 814 acres of land outside the site boundary within analysis area contain prime and NRCS Class II soils, regardless of their irrigation status, and are considered high-value farmland soils under ORS 195.300(10)(a). These agriculturally productive soils align with mapped cultivated lands primarily utilized for barley, alfalfa, winter wheat, and fallow idle cropland in the analysis area to the east of the site boundary.

Attachment 1, Figure 10 shows the areas within the site boundary and analysis area comprised of high-value farmland soils under ORS 195.300(10)(a).

5.1.2 ORS 195.300(10)(c)(A)

High-value farmland under this definition, in relevant part, is land zoned EFU and that on 28 June 2007, was located "[w]ithin the place of use for a permit, certificate or decree for the use of water for irrigation issued by the Water Resources Department".

As outlined in Section 4.2 above, 705 acres (i.e., 5 percent) of the site boundary contains place of use water rights (both JFDIC and non-JFDIC) for irrigation, only 424 acres (i.e., 3 percent) of which are irrigated as further discussed in Section 4.3 above. Outside the site boundary and within the analysis area, approximately 284 acres of land contain authorized place of use water rights. As shown in Attachment 1, Figure 10, all water rights are within the boundary of the JFDIC except for two non-JFDIC water rights within the analysis area.

5.1.3 ORS 195.300(10)(c)(B)

High-value farmland under this definition, in relevant part, is land zoned EFU and that on 28 June 2007, was located "[w]ithin the boundaries of a district, as defined in ORS 540.505 (Definitions)."

Applying ORS 195.300(10)(c)(B), 19,276 acres of the analysis area, including 12,770 acres of the site boundary, are defined as high-value farmland because of the location of the Facility within the boundary of the JFDIC, which is a "district" under ORS 540.505(1). See Section 4.2 above for further details.

5.2 ARABLE LAND

OAR 660-033-0130(38)(a) defines arable land as "a tract that is predominantly cultivated, or if not cultivated, predominantly comprised of arable soils." OAR 660-033-0130(38)(b), in turn, defines "arable soils" as "suitable for cultivation as determined by the governing body * * *, but 'arable soils' do not include high-value farmland soils described at ORS 195.300(10) unless otherwise stated."

Only 4 percent (i.e., 596 acres) of the land within the site boundary is cultivated and none of the tracts containing cultivated land are considered predominantly cultivated (i.e., greater than 50 percent). Therefore, none of the site boundary is considered predominantly cultivated.

Per the USDA Soil Conservation Service, arable soils (NRCS Class I through IV soils) are suitable for cultivation. As Class I and II soils are considered high-value farmland soils per ORS 195.300(10) and the definition of arable soils per OAR 660-033-0130(38)(b) excludes high-value farmland soils, arable soils by definition include only NRCS Class III and IV soils.

Within the site boundary, in areas that are not cultivated (i.e., most of site boundary), there are 5,163 acres of arable soils considered suitable for cultivation, with approximately 1,453 acres of Class III soils and 3,710 acres of Class IV soils, accounting for actual irrigated capability. Attachment 1, Figure 11 depicts arable soils within the analysis area.

Table 8 below depicts predominance results relative to arable soils by tract.

When applying the predominance test to the tracts containing these soil classes, 14 of the 25 tracts are considered predominantly comprised of arable soils, resulting in 5,193 acres of arable lands (i.e, 36 percent) within the site boundary under OAR 660-033-0130(38)(a).

TABLE 8 TRACT ANALYSIS PREDOMINANCE TEST OF ARABLE LAND

Tract	Total Tract Acreage	Acreage of Cultivated Land	Farming Practices	Acreage of Arable Soils				Total Cultivated Land and Arable Soils (Acres)	Percentage of Tract >50% considered predominance
				Irrigated Capability Class III Soils[3]	Non-Irrigated Capability Class III Soils	Non-Irrigated Capability Class IV Soils	Total Arable Soils[1]		
1 - Dodge Family A	3,527.71	18.18	Grass and Hay	-	580.60	62.60	643.20	661.38	18.75%
2 - Dodge Family B	1,718.63	25.61	Grass and Hay	69.16	166.75	713.89	949.80	975.41	56.76%
3 - Woodside A	1,717.23	72.52	Grass and Hay	6.52	7.70	212.62	226.84	299.36	17.43%
4 - Hein	1,042.30	-	-	-	43.73	147.29	191.02	191.02	18.33%
5 - Dodge Family C	1,022.71	-	-	-	-	509.48	509.48	509.48	49.82%
6 - Fullington	990.71	-	-	21.57	2.00	434.39	457.96	457.96	46.23%
7 - Groce	780.18	184.77	Grass and Hay	6.70	-	214.11	220.81	405.58	51.98%
8 - Ambrose	674.77	-	-	-	-	357.85	357.85	357.85	53.03%
9 - Dodge A	586.74	-	-	0.02	-	276.25	276.26	276.26	47.08%
10 - Holder	513.24	34.43	Grass and Hay	0.45	-	321.96	322.41	356.84	69.53%
11 - Skogrand	320.36	-	-	9.25	-	96.56	105.81	105.81	33.03%
12 - Sterling	273.85	-	-	26.60	96.94	14.80	138.34	138.34	50.52%
13 - Elmer	211.96	95.69	Hay	30.52	2.93	32.82	66.27	161.96	76.41%
14 - Lewis	198.30	10.14	Barley	2.22	43.07	55.34	100.63	110.76	55.86%
15 - Brown	188.03	-	-	-	37.80	134.83	172.63	172.63	91.81%
16 - Yanez	161.33	-	-	-	8.99	7.17	16.16	16.16	10.01%
17 - Treanor	159.17	-	-	-	91.80	-	91.80	91.80	57.68%
18 - Woodside B	158.81	-	-	-	-	91.97	91.97	91.97	57.91%
19 - Waine	157.48	150.85	Wheat	-	-	4.47	4.47	155.32	98.63%
20 - Brace	153.85	-	-	-	-	0.89	0.89	0.89	0.58%
21 - Hill	117.10	-	-	-	73.94	-	73.94	73.94	63.15%
22 - Dodge B	77.98	3.94	Grass and Hay	-	65.13	-	65.13	69.08	88.58%
23 - Soskin	77.11	-	-	-	51.56	11.77	63.33	63.33	82.12%
24 - Dodge C	39.54	-	-	-	-	-	-	-	-
25 - Frasier	38.85	-	-	6.51	0.29	8.97	15.77	15.77	40.59%
Total	**14,907.94**	**596.14**		**179.51**	**1,273.24**	**3,710.01**	**5,162.76**	**5,758.90**	

Arable Land[2]	Total Acreage	Percentage[5]
Total Predominant Tract Acreage[4]	5,307	36%
Site Boundary	5,193	36%
Micrositing Corridor	5,014	40%
Permanent Impacts	2,322	43%

Notes

Green tracts = comprised of predominantly arable soils.

[1] - OAR 660-033-0130(38)(a) and (b) define 'arable soils' as soils that are suitable for cultivation (NRCS Class I-IV), excluding high-value farmland soils (NRCS Class I-II) per ORS 195.300(10).
[2] - OAR 660-033-0130(38)(a) defines 'arable land" as land in a tract that is predominantly cultivated or predominantly comprised of arable soils suitable for cultivation (NRCS Class III-IV).
[3] - Soils within the site boundary either do not have an irrigated capability classification or have the same capability classification regardless of irrigation with exception of two NRCS Class IV soil types (54B/Watama-Wapinitia silt loams and 54C/Watama-Wapinitia silt loams). These soil types have a Class III irrigated capability classification, which has been applied to areas with place of use water rights
[4] - The total tract acreage of tracts containing predominantly arable soils was considered arable land to provide a conservative estimate for the assessment of potential impacts associated with the Facility.
[5] - For percentage calculations, site boundary = 14,418 acres; micrositing corridor = 12,532 acres; total permanent disturbance area = 5,442 acres.

5.3 NONARABLE LAND

OAR 660-033-0130(38)(d) defines "nonarable land" as a "tract that is predominantly not cultivated *and* predominantly comprised of nonarable soils." OAR 660-033-0130(38)(e), in turn, defines "nonarable soils" as "soils that are not suitable for cultivation [and] [s]oils 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 history of irrigation, to be nonarable based on substantial evidence in the record of a local land use application.

No tracts are predominantly cultivated as outlined in Section 4.3.3 above, therefore all 25 tracts are predominantly not cultivated. As shown in Table 9 below, approximately 8,741 acres (i.e., 61 percent) of soils within the site boundary are classified as NRCS Class VI and VII soils and are considered nonarable and not suitable for cultivation, which restricts their use mainly to grazing, forestland, or wildlife habitat.

When applying the predominance test, 11 of the 25 tracts are considered predominantly comprised of non-arable soils, resulting in 9,158 acres of nonarable land (i.e., 64 percent) within the site boundary as defined under OAR 660-033-0130(38)(d) and (e). Attachment 1, Figure 11 depicts nonarable soils within the site boundary.

The Applicant acknowledges that the majority (87%) site boundary is located within the JFDIC and therefore whether in practice or not, has a history of irrigation by definition. Substantial evidence, however, indicates that these soils are nonarable for the reasons listed below:

- Though 12,770 acres of the site boundary are located within the boundary of the JFDIC and; therefore, likely have a 'past history of irrigation', only 705 acres (i.e., 5 percent) of the site boundary contains place of use water rights (JFDIC and non-JFDIC) and only 424 acres (i.e., 3 percent) of these water rights are currently irrigated. Landowner testimony indicates that use of the existing JFDIC infrastructure is sparse due to inadequate conveyance (leaking/evaporation) and that the production value is not worth the cost of the upgrades necessary to modernize the infrastructure, particularly given the lack of landowner autonomy regarding the timing of water use and the unreliability of water supply due to diminishing water supplies in the area. Based on these challenges, landowners indicate that growing crops within the analysis area is extremely difficult and not economically viable.
- The 5C—Bakeoven-Watama complex is the largest soil unit within the site boundary (5,195 acres, i.e., 36 percent); the NRCS subclass for this unit is 's' which indicates the soil has limitations within the rooting zone, such as shallowness of the rooting zone, stones, low moisture-holding capacity, low fertility that is difficult to correct, and salinity or sodium content.
- All Class VI and VII soil units within the site boundary are assigned a subclass of 's' or 'e'. Subclass 'e' indicates the main hazard is the risk of erosion unless close-growing plant cover is maintained.

- Landowner testimony is consistent with mapped soil descriptions; landowners indicate the soils are rocky, shallow, and do not support productive agricultural activity.
- Class VI and VII soils within the site boundary have no irrigability classification, which indicates that the soils cannot be sustainably farmed with irrigation. See Table 5 in Section 4.4 above.

TABLE 9 TRACT ANALYSIS PREDOMINANCE TEST OF NON-ARABLE LAND

Tract	Total Tract Acreage	Acreage of NRCS Class VI Soils[2]	Acreage of NRCS Class VII Soils[2]	Total Acreage of Nonarable Soils[1]	Percentage of Tract >50% considered predominance
1 - Dodge Family A	**3,527.71**	761.36	2,104.98	2,866.34	81.25%
2 - Dodge Family B	1,718.63	40.81	700.31	741.13	43.12%
3 - Woodside A	**1,717.23**	99.29	961.28	1,060.57	61.76%
4 - Hein	**1,042.30**	113.42	737.86	851.28	81.67%
5 - Dodge Family C	**1,022.71**	150.83	361.13	511.96	50.06%
6 - Fullington	**990.71**	-	531.01	531.01	53.60%
7 - Groce	780.18	-	374.66	374.66	48.02%
8 - Ambrose	674.77	-	316.93	316.93	46.97%
9 - Dodge A	**586.74**	-	310.48	310.48	52.92%
10 - Holder	513.24	-	156.42	156.42	30.48%
11 - Skogrand	**320.36**	-	214.55	214.55	66.97%
12 - Sterling	273.85	-	135.51	135.51	49.48%
13 - Elmer	211.96	-	49.57	49.57	23.39%
14 - Lewis	198.30	-	87.55	87.55	44.15%
15 - Brown	188.03	-	15.12	15.12	8.04%
16 - Yanez	**161.33**	21.39	123.79	145.18	89.99%
17 - Treanor	159.17	-	67.36	67.36	42.32%
18 - Woodside B	158.81	-	66.85	66.85	42.09%
19 - Waine	157.48	-	2.39	2.39	1.52%
20 - Brace	**153.85**	5.56	101.97	107.53	69.89%
21 - Hill	117.10	-	43.14	43.14	36.84%
22 - Dodge B	77.98	-	8.92	8.92	11.44%
23 - Soskin	77.11	-	13.78	13.78	17.88%
24 - Dodge C	**39.54**	14.84	24.70	39.54	100.00%
25 - Frasier	**38.85**	-	23.04	23.04	59.31%
Total	**14,907.94**	**1,207.51**	**7,533.28**	**8,740.79**	

Nonarable Land[3]	Total Acreage	Percentage[5]
Total Predominant Tract Acreage[4]	9,601	64%
Site Boundary	9,158	64%
Micrositing Corridor	7,517	60%
Permanent Impacts	**3,117**	**57%**

Notes:

Green tracts are comprised of predominantly nonarable soils.

[1] - OAR 660-033-0130(38)(e) defines 'nonarable soils" as soils that are unsuitable for cultivation (NRCS Class V-III). There are no Class V or VIII soils within the site boundary, therefore only Class VI and VII are shown. These soils either do not have an irrigated capability classification.

[2] -NRCS Class VI and VIII soils underlying the site boundary either do not have an irrigated capability classification or have the same capability classification regardless of irrigation. No irrigated capability class indicates that soils cannot be sustainably farmed with irrigation.

[3] - OAR 660-033-0130(38)(d) defines 'nonarable land" as land in a tract that is predominantly not cultivated and predominantly comprised of nonarable soils (NRCS Class V - III).

[4] - The total tract acreage of tracts containing predominantly nonarable soils was considered nonarable land to provide a conservative estimate for the assessment of potential impacts associated with the Facility.

[5] - For percentage calculations, site boundary = 14,418 acres; micrositing corridor = 12,532 acres; total permanent disturbance area = 5,442 acres

5.4 SUMMARY OF HIGH-VALUE FARMLAND AND ARABLE LAND ANALYSIS

By application of law, applying ORS 195.300(10)(c)(B), 89 percent of the site boundary is considered high-value farmland given its location within the district boundary of the JFDIC. The definition of high-value farmland also considers underlying soils well as irrigated and cultivated areas.

As outlined in Sections 5.1 through 5.3 above, the composition of the site boundary reflects more accurately the underlying soils and productivity levels attested to by landowners and supported by public data as follows:

- Though the majority of the site boundary is located within the JFDIC, only 456 acres (i.e., 3 percent) within the site boundary contain water rights with JFDIC, of which only 322 acres (i.e., 2 percent) are currently irrigated. Irrigation water is primarily utilized for flood irrigation (i.e., using the water to maintain the water right), irrigated hay/grass cultivation (for personal use as stock feed), and irrigated pasture. The Facility is anticipated to permanently impact to 158 acres of JFDIC water rights within the site boundary, 120 acres of which are actively irrigated.
- High-value farmland soils comprise only 404 acres (i.e., 3 percent) of the site boundary, only 157 acres of which will be impacted by the Facility. As noted in Section 5.1.1 above, as no tracts are predominantly composed of NRCS Class I or Class II soils, the site boundary does not contain high-value farmland as defined under ORS 195.300(10)(a) when applying the predominance test.
- Class VI and VII soils within the site boundary have no irrigability classification, which indicates that the soils cannot be sustainably farmed with irrigation. See Table 5 in Section 4.4 above.
- Soil attributes within the site boundary and in the analysis area limit agricultural productivity; soils are predominantly (i.e., 64 percent) nonarable (NRCS Class VI and VII). Approximately 52% percent of the site boundary consists of Class VII soils which indicates severe to very severe limitations, making the soils unsuitable for cultivation. All Class VI and VII soil units within the site boundary are assigned a subclass of ‘s’ or ‘e’. Subclass ‘e’ indicates the main hazard is the risk of erosion unless close-growing plant cover is maintained.
- Landowners within the site boundary have noted that their land has not generated agricultural revenue in over two decades, serving primarily for livestock grazing.
- Approximately 5,193 acres (i.e., 36 percent) of the site boundary consists of arable land, of which only 596 acres (i.e., 4 percent) is cultivated. None of the tracts containing cultivated land are considered predominantly cultivated (i.e., greater than 50 percent). Therefore, none of the site boundary is considered predominantly cultivated. Cultivated crop production consists of dryland barley and wheat (i.e. not irrigated).
- Within the site boundary, in areas that are not cultivated (i.e., most of site boundary), there are 5,163 acres of arable soils (NRCS Class III and IV) considered suitable for cultivation, with approximately 1,453 acres of Class III soils and 3,710 acres of Class IV soils, accounting for

actual irrigated capability. Attachment 1, Figure 11 depicts arable soils within the analysis area.

- Landowner testimony is consistent with mapped soil descriptions; landowners indicate the soils are rocky, shallow, and do not support productive agricultural activity.

Attachment 1, Figure 10 depicts the areas of high-value farmland relative to the site boundary and analysis area. A

As outlined in Table 10 below, the site boundary contains 12,770 acres of high-value farmland as defined under ORS 195.300(10)(c), 5,193 acres of which are defined as arable land under OAR 660-033-0130(38)(a). Permanent impacts associated with the Facility are anticipated to occupy up to 5,279 acres of high-value farmland as defined under ORS 195.300(10)(c), 2,322 acres of which are defined as arable land under OAR 660-033-0130(38)(a).

TABLE 10 FARMLAND CLASSIFICATION AND ESTIMATED DISTURBANCE

High Value Farmland

	High Value Farmland by Definition								High Value Farmland Soils					
	Analysis Area		Site Boundary		Micrositing Corridor		Permanent Disturbance		Analysis Area		Site Boundary*		Permanent Disturbance	
High-value farmland per **ORS 195.300(10)(a)** - Land in a tract composed predominantly of soils that are: (a) irrigated and classified prime, unique, Class I or II, or; (b) not irrigated and classified prime, unique, Class I or Class II.	Acreage	%	Acreage	%	Acreage	%	Acreage	%	Acreage	%	Acreage	%	Acreage	%
	1,218	5%	0	0%	0	0	**0**	0%	1,218	5%	404	3%	**157**	3%

	High Value Farmland by Definition								Actual Irrigated Areas					
	Place-of-Use Water Rights - Non-JFDIC								Non-JFDIC					
	Analysis Area		Site Boundary		Micrositing Corridor		Permanent Disturbance		Analysis Area		Site Boundary		Permanent Disturbance	
High-value farmland per **ORS 195.300(10)(c)(A)** - Land within a place-of-use water right	Acreage	%	Acreage	%	Acreage	%	Acreage	%	Acreage	%	Acreage	%	Acreage	%
	173	1%	456	3%	456	4%	**120**	2%	111	0.4%	250	2%	**38**	1%

	High Value Farmland by Definition								Place of Use Water Rights and Irrigation							
	Land within JFDIC Irrigation District								Place of Use Water Rights - JFDIC						Actual Irrigated Areas			
	Analysis Area		Site Boundary		Micrositing Corridor		Permanent Disturbance		Analysis Area		Site Boundary*		Permanent Disturbance		Site Boundary		Permanent Disturbance	
High-value farmland per **ORS 195.300(10)(c)(B)** - Land within an irrigation district	Acreage	%	Acreage	%	Acreage	%	Acreage	%	Acreage	%	Acreage	%	Acreage	%	Acreage	%	Acreage	%
	19,276	78%	12,770	89%	11,930	95%	**5,279**	97%	284	1%	456	3%	**158**	3%	322	2%	**120**	2%

Arable Land

	Arable Land by Definition								Arable Soils and Cultivated Land							
	Analysis Area		Site Boundary		Micrositing Corridor		Permanent Disturbance		Analysis Area		Site Boundary		Micrositing Corridor		Permanent Disturbance	
OAR 660-033-0130(38)(a) and **(b)** defines 'arable land" as land in a tract that is predominantly cultivated or predominantly comprised of soils suitable for cultivation (NRCS Class I-IV), excluding high-value farmland soils (NRCS Class I-II) per **ORS 195.300(10).**	Acreage	%	Acreage	%	Acreage	%	Acreage	%	Acreage	%	Acreage	%	Acreage	%	Acreage	%
	7,683	31%	5,193	36%	5,014	40%	**2,322**	43%	8,979	36%	5,163	36%	**5,502**	44%	**5,759**	

Notes:

1. For percentage calculations, analysis area = 24,756 acres; site boundary = 14,418 acres; micrositing corridor = 12,532 acres; total permanent disturbance area = 5,442 acres
2. Permanent disturbance relative to solar array fence line areas. The area within the fence line includes all solar components and supporting facilities.
3. No tracts within the site boundary are predominantly composed of high-value farmland soils. Therefore, the site boundary does not contain high-value farmland as defined under ORS 195.300(10)(a) when applying the predominance test.
4. Permanent impacts associated with the Facility are anticipated to occupy up to 5,279 acres of high-value farmland as defined under ORS 195.300(10)(c), 2,322 acres of which are defined as arable land under OAR 660-033-0130(38)(a).
5. Place-of-use water rights within the site boundary are located within the Juniper Flat District Improvement Company (JFDIC) boundary, which is considered high-value farmland per ORS 195.300(10)(c)(B).

5.5 AGRICULTURAL IMPACTS AND MITIGATION

5.5.1 AGRICULTURAL IMPACTS

The Applicant has included an Agricultural Impact Analysis (Attachment 4), that assesses the potential economic impacts on agricultural production from the construction and operation of the Facility. The Agricultural Impact Analysis provides the worst-case scenario by evaluating the 12,532-acre micrositing corridor. This is a worst-case scenario because the permanent disturbance of the Facility is anticipated to be significantly less, totaling about 5,442 acres. Economic impacts associated with agricultural production were assessed for the entire micrositing corridor and compared to Wasco County and Oregon data[11]. Data was also derived from landowner surveys across 92 percent of the micrositing corridor. Landowner responses included feedback on current agricultural-related activities, economic data, farming conditions, and reasons for leasing their land. Employment impacts and indirect and induced effects were determined using the IMPLAN economic modeling package (see Attachment 4).

Of the 12,532 acres within the micrositing corridor, approximately 4,994 acres are currently used as pastureland for grazing leases and livestock production. In addition, limited areas (approximately 596 acres or less than 5 percent of the micrositing corridor) are dedicated to growing hay for cattle feed, winter wheat production on one parcel, and miscellaneous activities like boarding and selling horses. From an economic standpoint, most landowners derive income not from crop production but from leasing arrangements.

Landowner surveys indicate that much of the land is currently unfarmable due to poor soil quality, low water availability, and prevailing economic conditions, making farming economically infeasible. Several respondents characterized the land as rocky, shallow, and underlain by hard clay or basalt. Respondents noted that the land has not produced crop-related agricultural income in over two decades, serving only as grazing ground for cattle. Reported hay yields varied between 1 to 3 tons per acre, with some landowners using the hay for personal livestock and others selling it commercially. However, these yields are considered suboptimal. Others noted that hay and winter wheat production on their land yielded far below regional averages, prompting them to leave most of their acreage fallow. One respondent stated that no amount of water would make the land agriculturally productive due to its rocky composition. Another landowner stated that, aside from hay, the land is economically unviable for farming under current conditions.

Collectively, landowners reported an agricultural economic output of $148,060 annually, which represents 1.37 percent of Wasco County cattle production value, and 0.01 percent of Oregon State Cattle production value. Of that 1.37 percent, much is from one landowner, who has noted in landowner surveys that they would simply move operations elsewhere.

[11] Although the entire micrositing corridor was evaluated for potential agricultural impacts, much of the area does not appear to be under active agricultural production. Portions of the corridor are likely fallow or used for non-agricultural purposes. As discussed in Section 4.5.1 and 4.5.2 of this exhibit, approximately 596 acres are used for cultivated lands and approximately 4,994 acres are pastureland used for grazing.

The estimated agricultural-related economic loss of $148,060 will be replaced by lease values from the solar development at a much higher value; therefore, direct impacts will be offset significantly. An indirect economic loss, representing spending in local communities, is estimated annually at $89,134 with an induced loss of $6,582, as discussed in Attachment 4 of this exhibit.

According to landowners, labor associated with current agricultural activities within the micrositing corridor would be transferred to other parcels and no jobs would be lost, though IMPLAN calculates 1.7 direct and 0.7 indirect jobs associated with the economic output value (see Attachment 4). Overall, agricultural employment has only accounted for 10.8 percent of total employment in Wasco County over the past 10 years, with 2 percent dedicated to beef cattle ranching across the most recent data.

In summary, the land within the micrositing corridor has relatively low agricultural productivity and value to landowners. Land is generally unsuitable for widespread farming and negative labor income values for beef cattle ranching and grain farming indicate that proprietors overall lost income on their business operations in 2024 across Wasco County. Indirect impacts of reduced spending within the County will be mitigated under the Agricultural Mitigation Plan, as described below in Section 5.5.2.

5.5.2 AGRICULTURAL MITIGATION

The Applicant proposes an Agricultural Mitigation Plan that looks to reinvest dollars into the local community to offset adverse impacts from the Facility, including indirect impacts from removing acres from the agricultural land supply. A preliminary outline of the Agricultural Mitigation Plan is included as Attachment 5.

The Applicant is working with stakeholders in the community to develop the Agricultural Mitigation Plan, having started with outreach, coordination, and discussion of MOUs and community benefit agreements. The Applicant proposes to contribute approximately $167.22/acre or up to a total of approximately $2.1 million for the 12,532 acres removed from the agricultural land supply for the life of the Facility. These dollars would be contributed to a fund or directly contributed to stakeholder groups critical to the agricultural economy of Wasco County, with the goal of keeping the dollars in south Wasco County. The Applicant will continue to develop the contents of the Agricultural Mitigation Plan through completeness review.

6. EFSC DETERMINATION ON LAND USE

OAR 345-022-0030(7)(b)(C) If the applicant elects to obtain a Council determination on land use:

(i) Identify the affected local governments;

(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;

(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;

(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; and

(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).

The Applicant has elected to address EFSC's Land Use standard by obtaining a land use determination from the Council under ORS 469.504(1)(b). The Facility sits entirely within Wasco County, which is the designated the affected local government. In identifying applicable substantive criteria, the Applicant has followed the County's direction provided in its comments on the Notice of Intent (NOI) regarding what qualifies as substantive criteria. The County identified both the WCCP (Wasco County 2020) and the WCLUDO (Wasco County 2025a) as applicable substantive criteria, and the Applicant addresses the relevant portions of the WCCP directly as well as the applicable provisions of WCLUDO. While the County did not identify Chapter 4 of WCLUDO, the Applicant has included it as part of the substantive criteria. In addition, Applicant addresses directly applicable rules from the DCLD and seeks a goal exception for Goal 3 (Agricultural Lands). Applicable substantive criteria from Wasco County are addressed in Section 6.1 and 6.2 and are listed below.

<u>Wasco County Land Use and Development Ordinance</u>

- WCLUDO 1.030 – Legal Parcel Status
- WCLUDO 3.211 – Exclusive Farm Use (A-1) Zone Purpose

- WCLUDO 3.212 – Uses Permitting Without Review (A-1 Zone)
- WCLUDO 3.215(M) – Uses Permitted Subject to Conditional Use Review/Type III (A-1 Zone)
- WCLUDO 3.216 – EFU Property Development Standards
- WCLUDO 3.218 – Agricultural Protection (A-1)
- WCLUDO 3.710 – Flood Hazard Overlay Zone (OZ-1)
- WCLUDO 3.712 – Development Permit
- WCLUDO 3.722 – Geologic Hazards Overlay Zone (OZ-2)
- WCLUDO 3.740 – Cultural, Historic, and Archeological Overlay Zone (OZ-4)
- WCLUDO 3.760 – Mineral and Aggregate Overlay Zone (OZ-5)
- WCLUDO 3.800 – Sensitive Bird Site Overlay Zone (OZ-12)
- WCLUDO 3.870 – Military Airspace Overlay Zone (OZ-15)
- WCLUDO 4.070 – General Exceptions to the Building Height Requirements
- WCLUDO 4.090 – Vision Clearance
- WCLUDO 4.100 – Fences
- WCLUDO 5.020 – Authorization for Grant or Deny Conditional Uses, and Standards and Criteria Used
- WCLUDO 10.020 to 10.150 – Fire Safety Standards
- WCLUDO 19.030 – Commercial Power Generating Facilities Review Process and Approval Standard
- WCLUDO 20.030 to 20.080 – Site Plan Review

Wasco County Comprehensive Plan:

- Goal 1 – Citizen Involvement
- Goal 3 – Agricultural Lands
- Goal 5 – Open Spaces, Scenic and Historic Areas and Natural Resources
- Goal 6 – Air, Water and Land Resources Quality
- Goal 7 – Areas Subject to Natural Hazards
- Goal 9 – Economic Development
- Goal 10 – Housing
- Goal 11 – Public Facilities and Services
- Goal 12 – Transportation
- Goal 13 – Energy Conservation

Applicable Substantive Criteria from Section 6.1 of this Land Use Exhibit demonstrates the Applicant's compliance with applicable substantive criteria from the WCLUDO.

6.1 APPLICABLE WASCO COUNTY LAND USE AND DEVELOPMENT ORDINANCES

6.1.1 WCLUDO CHAPTER 1 – INTRODUCTORY PROVISIONS

6.1.1.1 SECTION 1.030 SEVERABILITY (LEGAL PARCEL VERIFICATION)

The provisions of this Ordinance are severable. If any section, sentence, clause, or phrase of this Ordinance is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of this Ordinance. The Director, the Director's designee or other Approving Authority shall not approve a development or use of land that has been previously divided or otherwise developed in violation of this Ordinance, regardless of whether the applicant created the violation, unless the violation can be rectified as part of the development proposal.

Response: WCLUDO Section 1.030 specifies that development shall not be approved if located on land that has been previously divided or otherwise developed in violation of the WCLUDO. The Applicant used guidance from Wasco County Planning Division to determine parcel legal status, and the Applicant has completed its due diligence for all parcels in the site boundary. The Applicant did not identify any unapproved parcel divisions, except for four parcels, which have not yet been verified (see Attachment 5). The Applicant will submit documentation confirming the legal status of the remaining parcels prior to the ASC being deemed complete.

6.1.2 WCLUDO CHAPTER 3 – BASIC PROVISIONS

6.1.2.1 SECTION 3.212 – USES PERMITTED WITHOUT REVIEW

The following uses are permitted on lands designated Exclusive Farm Use (A-1) Zone without review:

TRANSPORTATION FACILITIES

G. Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way, but not including additional travel lanes, where no removal or displacement of buildings would occur and not resulting in any new land parcels.

Response: Facility development may require improving existing public and private roadbeds where they are inadequate to accommodate construction equipment, or where new access approaches on public right of ways will be required to accommodate private Facility access roads. Only minor improvements to existing public roads are anticipated, primarily to accommodate the transformer delivery vehicle. These improvements will neither remove nor displace any existing structures, nor result in creation of new land parcels. New private access roads within the site boundary may be constructed where no roads currently exist to access portions of the Facility. Although the anticipated public road improvements meet the criteria in WCLUDO Section 3.212(G) (no additional travel lanes, no displacement of buildings, and no new parcels), the Applicant analyzes all public and private road improvements as accessory to the

conditionally allowed commercial power generation facility under WCLUDO Section 3.215(M), rather than as independent uses under WCLUDO Section 3.212(G) (see Section 6.1.2.3).

6.1.2.2 SECTION 3.214 – USES PERMITTED SUBJECT TO STANDARDS/TYPE II REVIEW

The following uses may be permitted on a legal parcel on lands designated Exclusive Farm Use (A-1) Zone subject to the Section 3.216 - Property Development Standards, Section 3.218 - Agricultural Protection, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards:

UTILITY/ENERGY FACILITIES

N. Utility facilities "necessary" for public service, including wetland waste treatment systems and Electrical Transmission Facilities under 200 feet in height, but not including commercial utility facilities for the purpose of generating electrical power for public use by sale, or Electrical Transmission Facilities over 200 feet in height, subject to Section 3.219 G below.

Response: The Facility will require a short, approximately 0.5 mile gen-tie line to connect to a new Bonneville Power Administration (BPA) switchyard and interconnect with BPA's Marion-Buckley transmission line. The Facility's gen-tie line is considered a "utility facility necessary for public service," but because it is related and supporting to the Facility, it is also considered an "associated transmission line" subject to ORS 215.274. The Applicant has elected to analyze the gen-tie line under WCLUDO Section 3.214(L) and ORS 215.274 rather than treating it as an accessory use to the larger commercial power generation facility under WCLUDO Section 3.215(M). See Section 6.3.2.1 for an analysis of the gen-tie line's compliance with ORS 215.274.

6.1.2.3 SECTION 3.215 – USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW/TYPE III

The following uses may be permitted on a legal parcel designated Exclusive Farm Use (A-1) Zone subject to Section 3.216 - Property Development Standards, Section 3.218 - Agricultural Protection, ORS 215.296, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking or is a commercial event (home occupation or agritourism), as well as any other listed, referenced, or applicable standards:

ENERGY/UTILITY/SOLID WASTE DISPOSAL FACILITIES

M. Commercial Power Generating Facility (Utility Facility for the Purpose of Generating Power) subject to Section 19.030. [remainder omitted]

Response: The Facility meets the definition of "Commercial Power Generating Facility (Utility Facility for the Purpose of Generating Power)" per WCLUDO Section 1.090, as the Facility consists of components "for the production of energy" and "related or supporting facilities […] intended to provide energy for sale." Therefore, the Facility is considered a conditionally allowed use within the EFU (A-1) Zone, subject to the applicable standards of the outlined in WCLUDO Section 3.215 and

WCLUDO Section 19.030, which governs Commercial Power Generating Facilities Review Processes and Approval Standards (addressed in Section 6.1.6)

The Facility will occupy more than 12 acres of high value farmland, more than 20 acres of arable land, and more than 320 acres of nonarable and therefore requires a Goal 3 exception under the EFSC Land Use Standard. The rationale for the Goal 3 exception is detailed in Section 6.4.

6.1.2.4 SECTION 3.216 – EFU PROPERTY DEVELOPMENT STANDARDS

Property development standards are designed to preserve and protect the character and integrity of agricultural lands, and minimize potential conflicts between agricultural operations and adjoining property owners. A variance subject to WCLUDO Chapter 6 or Chapter 7 may be utilized to alleviate an exceptional or extraordinary circumstance that would otherwise preclude the parcel from being utilized. A variance to these standards is not to be used to achieve a preferential siting that could otherwise be achieved by adherence to these prescribed standards.

A. Setbacks

Response: Minimum setbacks for the Facility are provided in Table 11.

TABLE 11 MINIMUM SETBACKS

Description	Value
Participating landowner property line[1]	50 feet
Non-participating landowner property line	200 feet
Existing overhead powerline	75 feet
Wetlands, streams (perennial or intermittent), ponds	25 to 100 feet
Irrigation ditches	50 feet
OR 216[2]	200 feet
County road[2]	50 feet
Cultural resource	30 meters
Floodplain area	25 feet

Note: Setbacks from existing overhead powerlines, OR 216 and county roads are measured from the edge of the right-of-way. Setbacks from irrigation ditches are measured from the centerline of the ditch.
[1] Property line setbacks for participating landowners apply to property lines outside of the Applicant's site boundary, not the internal property lines located within the site boundary.
[2]The county required setback from public roads and OR 216 is 25 feet. The Applicant is planning to exceed this setback.

1. Property Line

a. All dwellings and accessory structures not in conjunction with farm use except utility facilities necessary for public service, shall comply with the following property line setback requirements: [remainder omitted]

Response: The Facility does not include any proposed dwellings or accessory structures to dwellings; therefore, subpart (a) does not apply.

b. All dwellings in conjunction with farm use shall comply with the following property line setback requirements: [remainder omitted]

Response: The Facility does not include any proposed dwellings in conjunction with farm use; therefore, subpart (b) does not apply.

c. Agricultural buildings or farm structures shall be set back a minimum of 25 feet from the property line.

Response: The Facility does not include any proposed agricultural buildings or farm structures; therefore, subpart (c) does not apply.

d. Utility facilities necessary for public service shall be set back a minimum of 25 feet from the property line.

Response: The Facility, except for the gen-tie line, is not a utility facility necessary for public services, nonetheless all Facility components will be setback more than 25 feet from property lines. The Applicant proposes at least a 50-foot setback from participating landowner property lines (outside the site boundary only) and a 200-foot setback from non-participating landowner property lines, as shown in Table 11.

e. Additions, modifications or relocation of existing structures shall comply with all EFU setback standards. Any proposal that cannot meet these standards is subject to the following: [remainder omitted]

Response: No additions, modifications or relocation of existing structures are proposed by the Facility; therefore, subpart (e) does not apply.

f. Property line setbacks do not apply to fences, signs, roads, or retaining walls less than four feet in height.

Front yard (road) property line setbacks do not apply to parking areas for farm related uses. However, parking areas for farm related uses must meet side and rear yard property line setbacks.

Response: Fences or signs over four feet in height will conform to the property line setbacks. For the purpose of this standard, property line setbacks for participating landowners are interpreted to be limited to the property lines outside of the Applicant's site boundary, not the internal property lines located within the site boundary. The Facility will maintain a 200-foot setback from property lines of non-participating landowners. Therefore, the Facility complies with this standard.

2. Waterways

a. Resource Buffers: All bottoms of foundations of permanent structures, or similar permanent fixtures shall be setback from the high water line or mark, along all streams, lakes, rivers, or wetlands.

i. A minimum distance of 100 feet when measured horizontally at a right angle for all water bodies designated as fish bearing by any federal, state or local inventory.

ii. A minimum distance of 50 feet when measured horizontally at a right angle for all water bodies designated as non-fish bearing by any federal, state or local inventory.

iii. A minimum distance of 25 feet when measured horizontally at a right angle for all water bodies (seasonal or permanent) not identified on any federal, state or local inventory.

iv. If the proposal does not meet these standards it shall be subject to Section 3.216 A1c - Additions or Modifications to Existing Structures, above.

v. The following uses are not required to meet the waterway setbacks, however they must be sited, designed and constructed to minimize intrusion into the riparian area to the greatest extent possible:

a) Fences;

b) Streets, roads, and paths;

c) Drainage facilities, utilities, and irrigation pumps;

d) Water-related and water-dependent uses such as docks and bridges;

e) Forest practices regulated by the Oregon Forest Practices Act;

f) Agricultural activities and farming practices, not including the construction of buildings, structures or impervious surfaces; and

g) Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.

Response: The Applicant completed a wetland and waters delineation for the Facility between 4 June to 26 September 2024 and 19 March to 8 June 2025 to determine the extent of wetlands and waters in the micrositing corridor. The field surveys identified a total of 1,891 wetlands and 333 stream segments within the survey area. The wetlands and waters survey results are provided in the State and Local Laws Exhibit. The delineation is subject to verification and approval from the Oregon Department of State Lands (DSL) and Wasco County.

All permanent structures associated with the Facility, including foundations, will meet or exceed the setback requirements specified in this section: 100 feet from fish-bearing waters, 50 feet from non-fish-bearing waters, and 25 feet from other seasonal or permanent water bodies. These

setbacks have been integrated into the Facility design to ensure compliance with WCLUDO Section 3.2.1.2(a).

This standard does not apply to roads or utilities, and collector lines are anticipated to be underground. Nevertheless, the Applicant has prioritized avoiding impacts to Waters of the U.S. and Waters of the State through iterative design revisions. Avoidance measures include:

- Avoid all new impacts to high-functioning wetlands and waters, such as forested wetlands, floodplains, vernal pools, and streams with essential fish habitat.
- Avoid all impacts along the White River.
- Prioritize the use of existing stream crossings for internal access road routes. Where new stream crossings or improvements to existing stream crossings are required, use bridges or spans instead of culverts, to the extent feasible.
- Use horizontal directional drilling or similar techniques to place collection and utility lines below wetlands and waters in a manner that avoids temporary or permanent impacts to the features.
- Avoid grading or other alterations to existing drainage patterns across the landscape to the greatest extent feasible.

Despite these measures, some impacts to streams are unavoidable for construction of internal access roads and installation of collector lines due to the widespread presence of these features within the site boundary. Approximately 13 road crossings may require impacts to Waters of the State; no impacts to wetlands are anticipated. The Applicant is preparing a Joint Permit Application (JPA), which will include detailed water feature data and impact analysis (see Volume 1 of the State and Local Laws and Regulations Exhibit). All required information will be provided prior to the ASC being deemed complete. Accordingly, the Applicant expects that the Removal-Fill permit will be included in and governed by the Facility's site certificate.

> *b. Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.710 - Flood Hazard Overlay (OZ 1).*

Response: The only Facility component that may be constructed in a Federal Emergency Management Agency (FEMA) designated flood zone are the collector lines, which the Applicant assumes will be below ground unless subsurface conditions require that they are overhead. Section 6.1.2.6 addresses the requirements of the WCLUDO Section 3.710 - Flood Hazard Overlay Zone (OZ 1) to demonstrate compliance.

> *3. Irrigation Ditches: All dwellings and structures shall be located outside of the easement of any irrigation or water district. In the absence of an easement, all dwellings and structures shall be located a minimum of 50 feet from the centerline of irrigation ditches and pipelines which continue past the subject parcel to provide water to other property owners. Substandard setbacks*

must receive prior approval from the affected irrigation district. These setbacks do not apply to fences and signs.

Response: The entire site boundary is within the JFDIC. The Facility proposes to maintain at least a 50-foot setback from the centerline of all JFDIC irrigation ditches and pipelines located within the site boundary for all aboveground Facility components, including fences, except where crossings are necessary for Facility infrastructure, in which case the Applicant may enter into crossing agreements with JFDIC prior to construction. Easement information is currently being finalized through the ALTA survey and will be provided prior to completeness of the application to confirm compliance with WCLUDO Section 3.2.1.2(I). In addition, the Applicant is gathering information and coordinating with JFDIC to prepare an Access and Maintenance Coordination Plan that will ensure compliance with irrigation district standards and address long-term access and maintenance needs. The Access and Maintenance Coordination Plan will be provided prior to the ASC being deemed complete.

4. *Wasco County Fairground [remainder omitted]*

Response: This standard does not apply. The site boundary is not within or near the Wasco County Fairground.

5. *All development will be setback 25 feet from roads or access easements.*

Response: The Applicant proposes to site all aboveground Facility components at least 25 feet from all public roads and access easements. As shown in Table 11, the Applicant proposes a minimum 50-foot setback from County Roads and a minimum 200-foot setback from OR 216. However, the Applicant proposes greater setbacks in areas of scenic importance along certain public roads, such as along OR 216. As described in the Scenic Resources Exhibit, along OR 216, the Applicant proposes to setback solar panels at least 200 feet from edge of the highway right-of-way and existing topography and distance will be used to minimize visibility and visual contrast of Facility components from drivers on OR 216. The Applicant proposes to setback the solar array up to 0.5 miles from the right of way on at least one side of the highway for at least 2 miles (i.e., approximately 40 percent) of the approximately 4.8 miles of OR 216 that pass through the site boundary. In addition, the BESS, substation, and gen-tie will be in the southern portion of the site boundary, greater than 1.5 miles from OR 216, thus minimizing the visibility of these Facility components from OR 216.

B. *Height: Except for those uses allowed by Section 4.070 - General Exception to Building Height Requirements, no building or structure shall exceed a height of 35 feet. Height is measured from average grade.*

Response: The Facility is considered a commercial power generating facility and utility facility necessary for public service, which are listed uses under WCLUDO Section 4.070 and subject to the standards in WCLUDO Chapter 19. Therefore, the 35-foot height limitation is not applicable to the Facility. However, all Facility components will be equal to or below 35 feet except for the gen-

tie line, including poles, which may be up to 95 feet and are exempt from the EFU maximum height standard.

C. *Vision Clearance: Vision clearance on corner properties shall be a minimum of 30 feet.*

Response: Vision clearance of a minimum of 30 feet on corner properties shall be adhered to. The Applicant addresses this standard in detail under WCLUDO Section 4.090 (Vision Clearance).

D. *Signs*

1. *Permanent signs shall not project beyond the property line.*
2. *Signs shall not be illuminated or capable of movement.*
3. *Permanent signs shall describe only uses permitted and conducted on the property on which the sign is located.*
4. *Size and Height of Permanent Signs:*
    a. *Freestanding signs shall be limited to twelve square feet in area and 8 feet in height measured from natural grade.*
    b. *Signs on buildings are permitted in a ratio of one square foot of sign area to each linear foot of building frontage but in no event shall exceed 32 square feet and shall not project above the building.*
5. *Number of permanent signs:*
    a. *Freestanding signs shall be limited to one at the entrance of the property. Up to one additional sign may be placed in each direction of vehicular traffic running parallel to the property if they are more than 750 feet from the entrance of the property.*
    b. *Signs on buildings shall be limited to one per building and only allowed on buildings conducting the use being advertised.*
6. *Temporary signs such as signs advertising the sale or rental of the premise are permitted provided the sign is erected no closer than ten feet from the public road right-of-way. Election signs are permitted but shall not be set in place more than 45 days prior to an election and shall be removed within 45 days after an election.*

Response: The Facility may have temporary signs for construction and one or two permanent signs during operation. Typical sign arrangements at the Applicant's renewable energy sites include one or two permanent free-standing signs located at or near the entrance to the energy site and at the entrance to the operation and maintenance (O&M) building. The free-standing signs at the Facility will comply with Wasco County's property development standards and be up to approximately three by five feet. Signs on the O&M building will be mounted on the front façade near the building's main entrance. The sign will not project above the building and will

have an area less than the code's requirement of 1 square foot of sign area per 1 linear foot of building frontage.

The Applicant anticipates using temporary signs during construction to guide construction traffic. Temporary construction signs are addressed in WCLUDO Section 21.410(E)(2)(g) regarding public streets and roadways, and WCLUDO Section 21.420(E)(2) regarding private roads. In accordance with these code provisions, the Applicant's temporary construction signs will comply with the Manual on Uniform Traffic Control Devices, as published by the Federal Highway Administration, and supplemented by the Oregon Department of Transportation's (ODOT) Standard Practice and Interpretations.

E. Lighting: Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and waterways. Shielding and hooding materials shall be composed of non-reflective, opaque materials.

Response: Most of the construction will occur during daylight hours. Should any activities occur during early morning or nighttime hours, lighting will be used only when necessary for safety and fixtures will be fully shielded and hooded with non-reflective, opaque materials in accordance with this measure.

The Facility is proposing permanent outdoor lighting at the BESS, collector substation, and O&M building. Outdoor lighting will be designed and operated in accordance with WCLUDO Section 3.216(E) and dark-sky best practices. Lighting will be used only when necessary for safety and security at the O&M building, substation, and battery storage facility when crews are onsite. All fixtures will be fully shielded and hooded with non-reflective, opaque materials to direct light downward and prevent projection onto adjacent properties, roadways, or waterways. Lighting will be low-level and no brighter than necessary, with warm-colored bulbs to minimize glare and visual impact. Controls such as timers and motion sensors will be implemented to limit lighting duration and intensity. These measures ensure compliance with local standards while reducing light pollution and protecting surrounding resources.

F. Parking: Off street parking shall be provided in accordance with Chapter 20.

Response: Parking will be provided as discussed in the responses to WCLUDO Chapter 20 requirements in Section 6.1.7 below.

G. New Driveways: All new driveways and increases or changes of use for existing driveways which access a public road shall obtain a Road Approach Permit from the appropriate jurisdiction, either the Wasco County Public Works Department or the Oregon Dept. of Transportation.

Response: Construction of new access roads may be required for safe access to portions of the Facility. Road Approach Permits from the appropriate jurisdiction, either the Wasco County Public Works Department or ODOT, will be obtained prior to construction where required.

6.1.2.5 SECTION 3.218 – AGRICULTURAL PROTECTION

The uses listed in Section 3.214 - Uses Allowed Subject to Standards and Section 3.215 - Conditional Uses must meet the following standards:

A. Farm-Forest Management Easement: The landowner is required to sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or case of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

B. Protection for Generally Accepted Farming and Forestry Practices - Complaint and Mediation Process: The landowner will receive a copy of this document.

Response: The Applicant anticipates that execution and recording of a Farm-Forest Management Easement will be included as a condition of approval. Under the authority granted by leases with participating landowners, the Applicant will sign and record the easement document in the Wasco County deed records prior to construction. The Applicant also acknowledges that landowners will receive a copy of the document as required by this section.

6.1.2.6 SECTION 3.710 – FLOOD HAZARD OVERLAY (OZ-1)

A. Background [remainder omitted]

B. Applicability

A. Lands to which this Chapter Applies:

a. This chapter shall apply to all Areas of Special Flood Hazards within the jurisdiction of Wasco County.

[remainder omitted]

Response: Portions of the site boundary associated with Wapinitia Creek include areas designated as Areas of Special Flood Hazard (ASFH) by Wasco County (Wasco County 2025b; see Attachment 1, Figure 12). Therefore, the Facility is subject to the requirements of this Overlay Zone. All structures will be setback from the floodplain at least 25 feet (see Table 11). Therefore, development activities within ASFH are limited to internal access roads, internal collection/feeder lines, and stream crossings. Currently, the locations of the internal access roads, internal collection/feeder lines, and stream crossings are not known. The Applicant will provide all required information regarding ASFH impacts prior to the ASC being deemed complete, and anticipates this information will be finalized concurrently with the JPA (see Volume 1 of the State and Local Laws Exhibit).

6.1.2.7 SECTION 3.712 – DEVELOPMENT PERMIT

A. Establishment of Development Permit

1. *A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.710.B – Applicability. The permit shall be for all structures including manufactured homes, as set forth in the "DEFINITIONS", and for all development including fill and other activities, also as set forth in the "DEFINITIONS".*

2. *If the director determines that it is unclear if a proposed development lies in or out of the Area of Special Flood Hazard, then Establishment of the Development Permit shall be based on the following:*

    a. *Within thirty (30) days of receiving an appropriate Land Use Application, the Director or the Director's designee shall conduct a site inspection on the proposed development. If during that site inspection, the Director is able to determine that the proposed development is reasonably safe from flooding based to topography or other pertinent data, then no ASFH Development Permit will be required.*

    b. *If during the above mentioned site inspection, the Director cannot determine that the proposed development is reasonably safe from flooding, then the applicant will be required to establish the Base Flood Elevation for the Development using FEMA approved methodologies. Appropriate methodologies may include HEC, SMADA, SWWM, QUICK-2, or other FEMA approved hydraulic or hydrologic modeling programs.*

    c. *If the Director determines that the BFE must be established for a development, then the applicant will be required to hire a competent consultant (engineer, surveyor, hydrologist, architect, etc.) with proof of suitable credentials to determine the BFE using appropriate FEMA approved methodologies.*

Response: WCLUDO Section 3.712 applies to development within the ASFH. As stated above, portions of the Facility intersect mapped flood hazard areas associated with Wapinitia Creek. As discussed in the response to WCLUDO Section 3.710, all structures will be setback from the floodplain at least 25 feet. Components located within the ASFH — including any access roads, fill, grading, or collector lines — will be subject to the Development Permit requirements outlined in WCLUDO Section 3.712. Components located outside the ASFH zone are not subject to WCLUDO Section 3.712.

The Applicant will provide all required information regarding ASFH impacts prior to the ASC being deemed complete. This information will be finalized concurrently with the JPA (see Volume 1 of the State and Local Laws Exhibit). Accordingly, the Applicant expects that the Development Permit will be included in and governed by the Facility's site certificate.

B. Application Types

1. *Administrative (Type II) Development Permits: The Administrative (Type II) Development Permit provides the default review process for most Development within the ASFH. Type II Development Permits include but are not limited to structures, improvements to structures (remodel, repair, etc.), critical facilities, utilities, manufactured homes, recreational vehicles,*

mining, paving, and other development that is not specifically addressed in 2 below.

2. *Ministerial (Type I) Development Permits: [remainder omitted]*

Response: Development activities within ASFH are limited to internal access roads, collection/feeder lines, and stream crossings. While these improvements are relatively minor, they involve grading and may include the placement of fill. Pursuant to WCLUDO Section 3.712 and applicable definitions in WCLUDO Chapter 2, a Type II (Administrative) Development Permit is anticipated. The Facility will comply with all applicable floodplain development standards, and the Applicant will coordinate with Wasco County Planning staff to ensure proper permitting and mitigation. As stated previously under WCLUDO Section 3.712(A), the Applicant will provide all required information regarding ASFH impacts prior to the ASC being deemed complete. This information will be finalized concurrently with the JPA (see Volume 1 of the State and Local Laws Exhibit). Accordingly, the Applicant expects that the Development Permit will be included in and governed by the Facility's site certificate.

C. *Application Requirements*

Any application for a Development Permit shall be made on forms furnished by the Planning Director and may include, but not be limited to: plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing structures, proposed structures, fill, storage of materials, utilities, septic facilities, and drainage facilities. Specifically, the following information is required:

1. *General elevation to mean sea level of building site using best information available.*

2. *Elevation of the lowest floor (including basement) of all structures.*

3. *Distance between ground elevation and level to which a structure is to be flood proofed.*

4. *Certification by a registered professional engineer or architect that the flood proofing methods for any non-residential structure meet the flood proofing criteria in Section 3.712.E.6 – Specific Standards.*

5. *Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.*

6. *Copies of all permits required from any governmental agency, together with a certification under penalties of perjury that all certificates and permits requested have been obtained.*

Response: The proposed development within the ASFH is limited to internal access roads, collection and feeder lines, and stream crossings. No structures, septic systems, or drainage facilities are proposed within these areas, rendering several of the application requirements inapplicable. However, general elevation data for the affected areas will be provided using the best

available topographic and floodplain information. Because no structures are proposed within the ASFH, requirements related to floor elevation, floodproofing certification, and elevation-to-floodproofing level do not apply. Any proposed alterations to watercourses are limited to stream crossings and are addressed in the State and Local Laws and Regulations Exhibit. Copies of required permits from applicable agencies will be submitted to the Council and Wasco County as they are received, along with a certification confirming that all necessary approvals have been obtained.

D. General Standards: In all areas of special flood hazards the following standards are required:

1. Anchoring

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

b. All manufactured homes must likewise be anchored to prevent flotation, collapse and lateral movement, according to requirements set forth in the Oregon Manufactured Dwelling Specialty Code. (See FEMA's Manufactured Home Installation in Flood Hazard Areas" guidebook for additional information).

Response: New construction within the ASFH is limited to infrastructure elements that are inherently anchored by design, including internal access roads, underground or overhead collection and feeder lines, and stream crossings. No structures or manufactured homes are proposed within the ASFH that would be subject to floatation, collapse, or lateral movement during a flood event. Therefore, these standards are satisfied.

2. Construction Materials and Methods

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. See FEMA 348 (Protecting Building Utilities from Flood Damage) for details.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Response: All new construction and substantial improvements associated with the Facility will be designed and constructed using materials and methods that are resistant to flood damage, consistent with applicable standards and best practices. Although no structures are proposed within the ASFH, any infrastructure elements located in these areas—such as roads, utility lines, and stream crossings—will be engineered to minimize flood-related impacts. Electrical and utility components will be located and installed to prevent water intrusion or accumulation during flood

conditions, in accordance with applicable building codes and floodplain development standards. Compliance with these requirements will be confirmed through the County's building permit process following issuance of the Project Order.

3. *Utilities*

    a. *All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;*

    b. *New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,*

    c. *On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the North-Central Public Health District.*

Response: Electrical and utility components will be installed in accordance with applicable building codes and floodplain development standards to prevent water intrusion or accumulation during flood conditions.

As described in the State and Local Laws and Regulations Exhibit, during construction, sanitary waste will be managed using portable sanitation facilities that comply with Oregon regulatory standards and are serviced regularly by a licensed contractor. During operation, sanitary waste will be managed by a permitted on-site septic system, ensuring compliance with North-Central Public Health District requirements and minimizing the potential for infiltration or contamination during flooding.

Stormwater runoff during construction will be managed under a National Pollutant Discharge Elimination System (NPDES) 1200-C permit and in compliance with Oregon Department of Environmental Quality (ODEQ) rules. During operation, stormwater management will continue to follow ODEQ requirements. No stormwater runoff will discharge into wetlands, streams, or other waterways. Compliance with these standards will be confirmed through the County's building permit process following issuance of the Project Order.

E. *Specific Standards: In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.711.B.5, Use of Other Base Flood Data, the following standards are required:*

    1. *Residential Construction [remainder omitted]*

Response: No residential construction is proposed within the ASFH. This standard does not apply.

    2. *Partition and Property Line Adjustment Proposals [remainder omitted]*

Response: No partition or property line adjustment is proposed within the ASFH. This standard does not apply.

3. *Subdivision Proposals [remainder omitted]*

Response: No subdivision is proposed within the ASFH. This standard does not apply.

4. *Manufactured Homes [remainder omitted]*

Response: No manufactured homes are proposed within the ASFH. This standard does not apply.

5. *Recreational Vehicles [remainder omitted]*

Response: No recreational vehicles are proposed within the ASFH. This standard does not apply.

6. *Non-residential Construction: New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated at or above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:*

    a. *Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;*

    b. *Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,*

    c. *Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Planning Director as set forth in Section 3.712.C.*

    d. *Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 3.712.E.1 – Specific Standards.*

    e. *Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).*

Response: The standards outlined in WCLUDO Section 3.712(E)(6) apply specifically to non-residential structures, such as commercial or industrial buildings. No such structures are proposed within the ASFH. The development within the ASFH is limited to internal access roads, collection and feeder lines, and stream crossings, which are not considered non-residential structures under the ordinance. These components are designed to be resilient to environmental conditions and do not require elevation or floodproofing as described in this section. Therefore, these standards are not applicable to the proposed development.

7. *Storage of Hazardous or Toxic Materials: The storage of hazardous or toxic materials shall be a minimum of one foot (1') above the BFE of the*

property. This may require alterations to a structure or development to ensure that the potential storage of such materials can be accommodated. Hazardous or toxic materials include but are not limited to those regulated by the EPA and DOT.

Response: No hazardous or toxic materials will be stored in the ASFH. Therefore, this standard is satisfied.

8. *Critical Facilities [remainder omitted]*

Response: The Facility is not considered a "critical facility" as defined in WCLUDO Section 1.090[12], and no structures—critical or otherwise—are proposed within the ASFH. Therefore, this standard does not apply.

9. *Development within Riparian Areas: The Wasco County FIRMs do not designate regulatory floodways. No new construction, substantial improvements, or other development (including fill) shall be permitted within the ASFH unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated onsite development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. The methodology for conducting this research must conform to the methodologies prescribed in the FEMA Region X Procedures for "No-Rise" Certification for Proposed Development in the Regulatory Floodway.*

Response: The proposed development within the ASFH is limited to internal access roads, collection and feeder lines, and stream crossings. These components are not expected to result in measurable increases to the base flood elevation. As part of the ASFH Development Permit application, the Applicant will provide an analysis consistent with FEMA Region X "No-Rise" Certification procedures to confirm compliance with this standard. If necessary, compensatory flood storage will be incorporated to ensure that impacts to flood elevations are avoided. The Applicant will provide all required information prior to the ASC being deemed complete.

10. *Fish Habitat Structures [remainder omitted]*

Response: No fish habitat structures are proposed within the ASFH. This standard does not apply.

6.1.2.8 SECTION 3.722 – GEOLOGIC HAZARDS OVERLAY (OZ-2) APPLICABILITY

This chapter applies to lands that have been designated landslide hazard areas identified on the Geologic Hazards Overlay (Overlay Zone (OZ-2) adopted by reference into the Wasco County Comprehensive Plan.

[12] WCLUDO Section 1.090: Critical Facility – A facility where the potential for even minimal water damage might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire, and emergency response facilities, installation that produce, store or use hazardous materials or hazardous waste.

The findings of the landslide inventories may be superseded by a site-specific study conducted by a licensed Certified Engineering Geologist (CEG) or a Geotechnical Engineer (GE) registered in the State of Oregon.

Response: There are no active landslides mapped by the Oregon Statewide Landslide Information Database (Oregon Department of Geology and Mineral Industries 2025) within the site boundary. The closest landslides mapped by the state database are approximately half a mile south of the site boundary, where the topography steepens. Landslide mapping completed for Wasco County by Burns et al. (2023) identified confident consequential landslides within the southern portion of the site boundary in areas of steeper terrain. As shown on Attachment 1, Figure 13, talus (i.e., boulders) and colluvium (i.e., loose, unconsolidated sediments that have been deposited at the bottom of a slope) have been mapped across the base of the slope within the southern portion of the site boundary. These deposits are considered a Geologic Hazard Overlay Zone (OZ-2), as designated in the WCCP. Solar development will be on the flat portion of the site where landslide deposits have not been mapped.

In addition to the mapping described above, a geological investigation was conducted by a registered professional engineer in the State of Oregon working with ANS Geo, Inc. to evaluate site-specific geologic conditions. The investigation concluded that the site boundary presents negligible slope stability risk, a low potential for karst-related hazards, and a low risk of liquefaction. These findings are documented in the Structural Standards Exhibit, Attachment 3. Based on these findings, no additional geologic hazard mitigation standards under WCLUDO Section 3.723 are applicable to the proposed development.

6.1.2.9 SECTION 3.740 – CULTURAL, HISTORIC AND ARCHAEOLOGICAL OVERLAY (OZ-4)

Section 3.742 – Applicability

A. This ordinance is applied:

1. To all historic, cultural, or archaeological resources that appear on the County's adopted Wasco County Cultural Resource Inventory as designated Historic Landmarks;

2. To all properties in historic districts, designated either locally or nationally.

3. To all historic, cultural, and archaeological resources that are on the National Historic Register.

Response: The site boundary does not include any areas identified under WCLUDO Section 3.742(A)(1) or (2). The site boundary may contain historic, cultural, and archeological resources that are eligible for listing on the National Register of Historic Places (NRHP). The Applicant evaluates WCULDO Section 3.740 accordingly. The Historic, Cultural, and Archaeological Resources Exhibit also provides detailed documentation of the cultural surveys, findings, and coordination with state and tribal entities conducted in accordance with OAR 345-022-0090.

Section 3.743 – Permitted Uses

Properties within the Cultural, Historical, and Archaeological Overlay Zone may be used for any use which allowed in the underlying zone provided such use is not detrimental to the preservation of the resource, subject to the specific requirements for the use and all other requirements of Section 3.740.

Response: The Facility proposes to avoid all historic, cultural, and archeological resources that may be eligible for listing on the NRHP. The site boundary contains cultural resources, including 12 that are likely eligible for listing on the NRHP, 48 that could not be evaluated, and 141 that are recommended as not eligible. For unevaluated resources, the Facility will either avoid them or conduct further evaluation prior to any ground-disturbing activity on the unevaluated resource. For resources that are likely eligible, the Facility will avoid direct impacts and implement protective buffers to prevent disturbance. While Oregon State Historic Preservation Office (SHPO) concurrence on eligibility is still pending, no protective measures are required for resources recommended as not eligible. In addition, an Inadvertent Discovery Plan has been prepared and is included in the Historic, Cultural, and Archeological Resources Exhibit to address any previously unidentified archaeological resources if they are unearthed during construction or operation activities. These measures ensure that the proposed use is not detrimental to the preservation of cultural resources, consistent with the requirements of WCLUDO Section 3.743 and the underlying zone.

6.1.2.10 SECTION 3.760 – MINERAL AND AGGREGATE OVERLAY (OZ-5)

Section 3.762 – Applicability

The provisions of this Chapter shall apply to all lands designated Significant Mineral and Aggregate Overlay. Nothing in this Chapter shall constitute a waiver or suspension of the provisions of any underlying zone or concurrent overlay. Any conflicts between the provisions of the Chapter and the provisions of other chapters of this Ordinance, Comprehensive Plan Goals and Policies and the Statewide Planning Goals shall be resolved through the County process.

Only sites deemed Significant Resource Sites shall be zoned Mineral and Aggregate Overlay. Mining and processing activities at sites not zoned Mineral and Aggregate Overlay may be allowed after conditional use approval under the criteria of Chapter 5 of WCLUDO. All sites which have not been evaluated for significance shall be classified "Potential Sites" on the County inventory until information is available to determine if the site is significant or not significant. [omitted]

Response: There are three points mapped within the Mineral and Aggregate Overlay Zone (OZ-5) within the site boundary. These points, shown in Attachment 1, Figure 13, are in the southern portion of the site boundary, near or within the talus-colluvium deposits described in Section 6.1.2.8 above. Facility components will be microsited to avoid mapped resource points where feasible, and construction activities will not degrade resource quality. Upon decommissioning, all structures will be removed, temporary construction areas will be restored to natural grade, and the site will be revegetated, ensuring that mineral and aggregate resources remain available for

future extraction. These measures demonstrate consistency with WCLUDO Section 3.760 and Statewide Planning Goal 5.

6.1.2.11 SECTION 3.790 – NATURAL AREAS, WILD AND SCENIC RIVERS AND OREGON SCENIC WATERWAYS OVERLAY (OZ-7)

Section 3.792 – Applicability

Natural Areas are designated sites listed in the Oregon State Register of Natural Heritage Resources, the Wasco County Comprehensive Plan, and on the Wasco County Comprehensive Plan Zoning Map.

The White River is a Federally Designated Wild and Scenic River and is also listed as a protected resource in the Wasco County Comprehensive Plan and Comprehensive Plan Zoning Map.

The John Day and Deschutes Rivers are designated Oregon Scenic Waterways and are also listed as protected resources in the Wasco County Comprehensive Plan and Comprehensive Plan Zoning Map.

Response: The White River, which is a federally designated Wild and Scenic River, is present in the northern portion of the analysis area (see Attachment 1, Figure 12). The Facility avoids development activities within the White River corridor. Therefore, the provisions of the Natural Areas, Wild and Scenic Rivers, or Scenic Waterways Overlay Zone do not apply to the proposed development. The Scenic Resources Exhibit presents an analysis of the Facility on significant or important scenic resources as classified in the WCCP, as required by OAR 345-022-0080.

6.1.2.12 SECTION 3.800 – SENSITIVE WILDLIFE HABITAT OVERLAY (OZ-8)

Section 3.802 – Application of Provisions

Except as provided in Section 3.803 below, this overlay district shall be applied to all areas identified in the Comprehensive Plan as Sensitive Wildlife Habitat.

Response: The southern portion of the site boundary includes an area designated as Sensitive Wildlife Habitat under this section (see Attachment 1, Figure 12). The Facility includes limited development activities within this mapped area, which is identified by the Oregon Department of Fish and Wildlife (ODFW) as Big Game Winter Range habitat. In accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy (OAR 635-415-0025(2)), this habitat is classified as Category 2.

A draft Habitat Mitigation Plan is included in the Fish and Wildlife Habitat Exhibit. The plan incorporates measures to avoid, minimize, and mitigate impacts, such as vegetation management to maintain habitat function, use of wildlife friendly fencing, implementation of wildlife movement corridors between infrastructures, and on-site mitigation or contributions to third-party programs that benefit big game species. These measures are designed to ensure that unavoidable impacts are minimized and offset so that the ecological significance of the winter range habitat is maintained. Additional details regarding sensitive wildlife habitat within the site boundary, along with mitigation strategies and ODFW coordination, are provided in the Fish and Wildlife Habitat and Threatened and Endangered Species Exhibits.

Section 3.805 – Siting Standards

A. *Within OZ-8, subject to standards uses permitted in the underlying zone are subject to notice to and comment from the Oregon Department of Fish and Wildlife.*

Response: The Facility does not include any "subject to standards" uses permitted outright in the underlying zone. Because the Facility requires a conditional use permit, the criteria outlined in WCLUDO Section 3.805(A) do not apply. Coordination with the ODFW is addressed through the conditional use review process in WCLUDO Section 3.805(B).

B. *Within OZ-8, conditional uses permitted in the underlying zone are subject to notice and comment from the Oregon Department of Fish and Wildlife. This includes conditional use requirements per Section 5.020 F.*

Response: The Facility requires a conditional use permit for approval. Therefore, this notification requirement outlined in the standard applies. The following exhibits provide detailed assessments of sensitive wildlife habitat, threatened and endangered species, and wetlands and waters within the Facility area: Fish and Wildlife Habitat (OAR 345-022-0060); Threatened and Endangered Species (OAR 345-022-0070); and State and Local Laws and Regulations (OAR 345-022-0160). These exhibits include descriptions of previous consultation with the ODFW, where applicable, regarding potential project impacts and proposed mitigation measures. The Applicant will maintain coordination with ODFW regarding the proposed impacts and associated mitigation strategy. Based on this coordination and the findings presented, the siting standards of the Sensitive Wildlife Habitat Overlay Zone have been satisfied.

C. *Within OZ-8, the following siting standards shall be applied as a condition of approval for all new dwellings in all zones not exempt under Section 3.804: [omitted]*

Response: The Facility does not include any new dwellings. Therefore, this standard does not apply.

D. *For all new dwellings in all zones that cannot meet the standards in (C) above: [omitted]*

Response: The Facility does not include any new dwellings. Therefore, this standard does not apply.

6.1.2.13 SECTION 3.840 – SENSITIVE BIRD SITE OVERLAY (OZ-12)

Section 3.842 – Applicability

Sensitive bird site protection measures are applicable to all uses in the underlying zone(s).

A. *Any use permitted or permitted conditionally in the zone is subject to the sensitive resource review procedure if located within the sensitive habitat protection area identified for the inventoried significant site.*

B. *Land divisions and property line adjustments of parcels within a sensitive habitat protection area shall be reviewed to determine the need for sensitive resource review specifically considering review criterion Section 3.847.E.*

C. The sensitive resource review requirement and resulting protection measures are applicable in addition to and shall be applied concurrently with all other applicable standards and criteria in the county LUDO.

D. Residential development in rural residential zones is prohibited in the Sensitive Bird Site buffer area. Applicants may choose to follow the sensitive resource review procedure as a variance to this prohibition. Residential development in all other zones shall follow the sensitive resource review requirements.

If setbacks or buffers specified in this ordinance overlap or conflict, they should be varied in a manner to achieve, to the greatest extent possible, the overall protection of affected resources and public interest.

Response: The site boundary contains habitat for nesting, roosting, and migratory birds and is, therefore, considered to fall within the Sensitive Bird Sites Overlay Zone (OZ 12). Specifically, the following nests were observed in or within 2 miles of the site boundary during the biological surveys conducted for the Facility between June and September 2024 and April to July 2025: common raven (*Corvus corax*), red-tailed hawk (*Buteo jamaicensis*), unknown raptor, golden eagle (*Aquila chrysaetos*), great horned owl (*Bubo virginianus*), American kestrel (*Falco sparverius*), long-billed curlew (*Numenius americanus*), sharp-shinned hawk (*Accipiter striatus*), Lewis's woodpecker (*Melanerpes lewis*), horned lark (*Eremophila alpestris*), mourning dove (*Zenaida macroura*), and western meadowlark (*Sturnella neglecta*). In accordance with WCLUDO Section 3.842, the sensitive resource review procedure applies to the proposed development. The following exhibits provide detailed assessments of sensitive wildlife habitat and threatened and endangered species within the Facility area: Fish and Wildlife Habitat (OAR 345-022-0060) and Threatened and Endangered Species (OAR 345-022-0070). These assessments include identification of sensitive bird habitat, evaluation of potential impacts, and proposed mitigation measures to avoid or minimize disturbance to sensitive species and their habitats (e.g., avoiding Category 1 and 2 habitats to the extent feasible, avoiding riparian corridors, maintaining native vegetation as feasible, conducting nesting bird surveys, and implementing a seasonal restriction and no disturbance buffer around raptor nests).

Section 3.844 – Procedure for Applying the Overlay Zone

A. Sensitive resource plan elements and description required for completed sensitive resource review application include the following:

1. A plot plan drawn to scale showing the location of all development including existing and proposed roads, driveways and structures.

2. Description of the operating characteristics of the proposed use including times when activity within the sensitive bird habitat area would generate noise, dust, vibration, lights, traffic or be visible from the nest site.

3. *Timing of construction activities including grading or filling land, hauling materials and building.*

4. *Description of existing vegetation and vegetation to be removed for the proposed development.*

B. *Completed plot plan and sensitive resource plan review requests shall be submitted by the County to ODFW for comment. ODFW shall have 20 days from the date that the sensitive resource plan is mailed to the agency, to submit written comments to the County. If the County does not receive a response form ODFW within this time period, the County shall proceed to process the applicant's request.*

C. *Based upon the record, and evaluation of the proposal based on applicable criteria and review of the site specific ESEE analysis in the Comprehensive Plan, the Planning Director or designee shall approve or reject the sensitive resource plan. If a sensitive resource plan review request is rejected the applicant may alter the sensitive resource plan to achieve compliance with the applicable criteria.*

D. *Submittal of an altered sensitive resource plan review request will be considered a new application and will not be subject to limitations on re-submittal of similar applications.*

E. *Once deemed complete, the County will proceed to process altered sensitive resource plan review requests as a new land use application.*

Response: The Facility is located within an area that contains habitat for nesting, roosting, and migratory birds and is, therefore, subject to the Sensitive Bird Site Overlay Zone (OZ-12) and the sensitive resource review procedure outlined in WCLUDO Section 3.844. Required elements for this section are included in this application package including the following:

- A plot plan showing the location of proposed development such as roads, driveways, and structures, as provided in the preliminary Facility Layout included in the Background Information Exhibit.
- A general description of operating characteristics and anticipated construction activities, including timing for grading, hauling, and building, as described in the Background Information Exhibit.
- A description of operating characteristics and potential sources of disturbance (noise, dust, vibration, lighting, and traffic) during construction and operation, as detailed in the Fish and Wildlife Habitat Exhibit and State and Local Laws and Regulations Exhibit.
- Existing vegetation and areas of vegetation removal are documented in the Vegetation and Soil Management Plans in the Soil Protection Exhibit.

Biological surveys conducted in 2024 and 2025 identified multiple bird species nesting in or near the site boundary, including raptors and ground-nesting birds. Protection measures include

implementing a no disturbance buffer around active raptor nests, restricting ground disturbance within those buffers during critical nesting periods, and maintaining vegetation where feasible. Coordination with ODFW has occurred and will continue throughout permitting and construction to ensure compliance with applicable standards and implementation of mitigation measures.

Section 3.845 – Applicable Criteria

Approval of a sensitive resource plan review request shall be based on the following criteria:

A. *The approved sensitive resource plan shall consider the biology of the identified sensitive species, nesting, trees, critical nesting periods, roosting sites and buffer areas. Based on the biology of the species and the characteristics of the site, sensitive resource protection measures shall be applied to provide protection that will prevent destruction of the subject nesting site and will reasonably avoid causing the site to be abandoned.*

B. *Development activities likely to result in disturbance to the resource shall be avoided where possible in the sensitive habitat protection area. If it is impossible to locate a temporary or permanent disturbance outside the sensitive habitat protection area the impacts of the proposed use will be minimized to the greatest extent possible. Activities within the habitat protection area that are likely to result in disturbance to the habitat protection area will be prohibited during the nesting season identified in the site specific ESEE analysis for each site.*

Response: The Fish and Wildlife Habitat Exhibit provides information on sensitive species within the site boundary, including nesting sites, trees, critical nesting periods, roosting areas, and associated survey buffers. Based on this information, the exhibit identifies protection measures intended to prevent destruction of nesting sites and reasonably avoid causing abandonment. These measures include implementing buffers around active raptor nests and restricting ground disturbance and vegetation removal within those buffers during the critical nesting period for ground-nesting birds (April 15 through September 1) to the extent possible. Development activities outside of these buffers may proceed during the nesting season. Coordination with the ODFW has occurred and will continue throughout permitting and construction to ensure compliance with applicable standards and implementation of appropriate mitigation measures.

C. *New roads, driveways or public trails shall be located at the greatest distance possible from the nest site unless topographic vegetation or structural features will provide greater visual protection and/or noise buffer from the nest site.*

Response: New roads and driveways will be located at the greatest feasible distance from identified nest sites, except where topography, vegetation, or structural features provide greater visual or noise buffering. Construction of roads and driveways will follow the protection measures outlined in the Fish and Wildlife Habitat Exhibit, including applying buffers around active raptor nests and restricting ground disturbance and vegetation removal within those buffers during the

critical nesting period for ground-nesting birds (April 15 through September 1) to the extent possible.

D. *Existing vegetation or other landscape features which are located on the subject property and obscure the view of the nest from the proposed structure or activity shall be preserved and maintained. A restrictive covenant to preserve and maintain vegetation shall be required when specified in the ESEE for the site.*

Response: Existing vegetation that obscures the view of a nest from proposed structures or activities will be preserved to the extent feasible. In addition, buffers will be implemented around active raptor nests while they remain active to minimize disturbance. Coordination with the ODFW has occurred as described in the Fish and Wildlife Habitat Exhibit and will continue throughout permitting and construction to ensure compliance with applicable standards and implementation of appropriate protection measures.

E. *No partitions, subdivisions, or property line adjustments shall be permitted which would force location of a dwelling or other structure, not otherwise permitted by the site specific ESEE, within the sensitive habitat protection area.*

Response: The Facility does not include partitions, subdivisions, or property line adjustments. As a result, this standard does not apply.

F. *All exterior lighting, including security lighting, located within the designated sensitive habitat protection area shall be sited and shielded so that the light is directed downward and does not shine on the subject nest site.*

Response: All exterior lighting, including security lighting, will be designed and operated to be dark sky friendly. Lighting will be used only when necessary for safety and security at the O&M building, substation, and battery storage facility when crews are onsite. All fixtures will be fully shielded and hooded with non-reflective, opaque materials to direct light downward and prevent projection into sensitive habitats. Lighting will be low-level and no brighter than necessary, with warm-colored bulbs to minimize glare and visual impact. Controls such as timers and motion sensors will be implemented to limit lighting duration and intensity. These measures will be implemented during construction and operation to ensure compliance with WCLUDO Section 3.847(F).

G. *The sensitive resource plan and resulting development shall conform to the requirements of the ESEE analysis for the specific significant sensitive bird site. Sensitive habitat plan reviews resulting in approvals will include necessary protection measures, as conditions of approval, to ensure protection of sensitive habitat areas.*

Response: The Fish and Wildlife Habitat Exhibit provides a detailed description of sensitive species within the site boundary, including nesting sites, trees, critical nesting periods, roosting areas, and associated survey buffers. Based on this information, the exhibit identifies protection

measures consistent with the requirements of the ESEE analysis for sensitive bird sites. These measures include implementing seasonal restrictions and spatial buffers around active raptor nests and, to the extent possible, restricting ground disturbance and vegetation removal during the critical nesting period for ground-nesting birds (April 15 through September 1). Development activities outside of the spatial buffers may proceed during the nesting season. Coordination with the ODFW has occurred and will continue throughout permitting and construction to ensure compliance with applicable standards and implementation of mitigation measures.

Section 3.846 – Threatened and Endangered Species

Upon receipt of an application for an action or development which will potentially disrupt a habitation or breeding site of a species listed as endangered by the U.S. Fish and Wildlife Service, the County will require verification of Federal coordination and review prior to deeming the application complete and initiating the local review process. ODFW will be consulted in the development and approval of the plan and will also coordinate with federal regulators during their review of the sensitive resource protection.

Response: The Threatened and Endangered Species Exhibit identifies federal and state listed species that could occur within the site boundary. Five species were determined to have potential presence: gray wolf (*Canis lupus*; federally endangered, Oregon Conservation Strategy Species), bull trout (*Salvelinus confluentus;* federally threatened*,* state candidate, Oregon Conservation Strategy Species), steelhead (*Oncorhynchus mykiss irideus*; federally threatened, Oregon Conservation Strategy Species), monarch butterfly (*Danaus plexippus*; federal candidate endangered, state candidate, Oregon Conservation Strategy Species), and vernal pool fairy shrimp (*Branchinecta lynchi*; federally threatened, Oregon Conservation Strategy Species). Of these, only the monarch butterfly was observed during biological surveys conducted in 2024 and 2025. No adverse effects to these species are anticipated from the Facility. Coordination with the ODFW has occurred and will continue throughout permitting and construction to ensure compliance with applicable standards and implementation of appropriate mitigation measures. Coordination with the U.S. Fish and Wildlife Service will also occur, as needed, prior to final application review to verify compliance with federal requirements.

SECTION 3.870 – MILITARY AIRSPACE OVERLAY ZONE (OZ-15)

Section 3.872 – Applicability

A. *This overlay zone is applicable within the military airspace areas identified in the military airspace overlay zone map (OZ 15) and that includes encroachment of:*

   1. *Structures over 100 feet in height if within 200 feet above ground level (AGL) airspace, and over 400 feet in height if within the 500 feet AGL airspace;*

   2. *Development or uses that create or cause interference within the radar line of sight;*

3. *Energy facility development or uses that produce light emissions, glare, or distracting lights which could interfere with pilot vision or be mistaken for airfield lighting.*

Response: The Facility is located within a military airspace area identified on Wasco County's Military Airspace Overlay Zone (OZ-15) map (see Attachment 1, Figure 14) and is therefore subject to the requirements of this overlay. The Facility does not include structures exceeding the height thresholds specified in WCLUDO Section 3.872(A)(1), nor does it involve development that would interfere with radar line of sight or produce light emissions, glare, or distracting lights that could affect pilot visibility or be mistaken for airfield lighting. A detailed analysis of potential impacts to military airspace is provided in the Public Services Exhibit, which addresses the siting considerations and confirms compliance with the standards of this overlay zone.

Section 3.873 – Notification

A. *Any applicable development or use shall be required to submit a pre-application conference request at least one month ahead of submitting a complete application. The pre-application conference shall include:*

1. *Early notification to the Department of Defense about the proposed development or use;*

2. *Allow for a 15 day review by the NW Regional Coordination Team or local military representative of the proposed development or use;*

3. *Potential mitigation measures for a complete application recommended by the applicant, Department of Defense, or Planning Director.*

Response: In compliance with these provisions, the Department of Defense was notified of the proposed development by EFSC following the Applicant's submittal of the Notice of Intent. The Applicant has engaged with the Department of Defense regarding the Facility, including completing a glare analysis at the Department's request to assess potential impacts to military operations. Additional information about this coordination, results of the glare analysis, and any recommended mitigation measures are provided in the Public Services Exhibit. This process satisfies the notification and review requirements of the Military Airspace Overlay Zone.

6.1.3 WCLUDO CHAPTER 4 – SUPPLEMENTAL PROVISIONS

6.1.3.1 SECTION 4.070 – GENERAL EXCEPTIONS TO BUILDING HEIGHT REQUIREMENTS

Necessary roof structures, housing elevators, stairways, tanks, fans and ventilators and towers, steeples, flagpoles, smokestacks, silos, grain elevators, uses specified in Chapter 19 - Energy Facilities (meteorological towers, transmission towers and lines, and commercial, net-metering, and non-commercial/stand-alone power generating facilities), communication towers, water tanks and skylights and fire or parapet walls may be erected above the height limits of the zone in which they are located provided no usable floor space is provided in such structures above the required

height limits. All structures over 200 feet in height require a Conditional Use Permit for aviation safety.

Response: WCLUDO Section 4.070 lists "uses specified in Chapter 19 – Energy Facilities (meteorological towers, transmission towers and lines, and commercial, net-metering, and non-commercial/stand- alone power generating facilities)" as exceptions to the building height requirements because the standards in WCLUDO Chapter 19 govern. The maximum building height of the Facility will be 35 feet. No usable floor space will be constructed above the 35-foot height limit applicable to development in the EFU (A-1) Zone. No structures are proposed to exceed 200 feet in height. See the Background Information Exhibit for a summary of Facility components. See discussion under WCLUDO Section 19.030 below (Section 6.1.6.1) regarding the Facility's compliance with WCLUDO Chapter 19.

6.1.3.2 SECTION 4.090 – VISION CLEARANCE

A vision clearance area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad.

A. *A vision clearance 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 specified in the appropriate zone, 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 ends of the other two sides.*

B. *A vision clearance area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding two and one half (2 1/2) 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 removed to a height of eight (8) feet above the grade.*

C. *The following measurements shall establish vision areas:*

    1. *In an agricultural or residential zone, the minimum distance shall be thirty (30) feet, or, at intersections including an alley, ten (10) feet.*

    2. *In all other zones where yards are required, the minimum distance shall be fifteen (15) feet or, at intersections including alley, ten (10) feet, except that when the angle of intersection between streets, other than an alley, is less than thirty (30) degrees, the distance shall be twenty five (25) feet.*

Response: The Facility will comply with the vision clearance requirements outlined in this section. Specifically, vision clearance areas will be maintained at intersections of access roads with public streets, consistent with the dimensional standards applicable to the underlying zone. These areas

will remain free of obstructions exceeding two and one-half (2.5) feet in height. Compliance with these standards will be documented through the Road Approach Permit(s) required for new or modified access points to public roads.

6.1.3.3 SECTION 4.100 – FENCES

No fence shall exceed six (6) feet in height or two and one half (2 1/2) feet in a vision clearance area. Game fences designed to protect agricultural crops from game animals shall be included in the definition of fence (protective), however, they are exempt from the height limit.

Response: All fencing associated with the Facility will comply with applicable Wasco County standards and conditions of approval. Security fencing around the solar arrays will be approximately eight (8) feet in height to meet industry safety and security requirements. While WCLUDO Section 4.100 generally limits fence height to six (6) feet, taller fencing may be approved through the conditional use review process for utility-scale facilities. The proposed fencing will be sited outside vision clearance areas and designed to minimize visual impacts, including the use of non-reflective materials and neutral colors.

6.1.4 WCLUDO CHAPTER 5 – CONDITIONAL USE REVIEW

6.1.4.1 SECTION 5.020 - GENERAL CONDITIONAL USE CRITERIA

A. *The proposal is consistent with the goals and objectives of the Comprehensive Plan and implementing Ordinances of the County.*

Response: See Section 6.2 for a discussion of consistency with the WCCP. The Facility is consistent with the applicable substantive criteria from the WCLUDO, which implements the goals and policies of the WCCP.

B. *Taking into account location, size, design and operational characteristics of the proposed use, the proposal is compatible with the surrounding area and development of abutting properties by outright permitted uses.*

Response: The site boundary is approximately 14,418 acres and the micrositing corridor will occupy approximately 12,532 acres of the 14,418-acres. Within the micrositing corridor there are avoidance areas such that the maximum permanent footprint of the Facility is a smaller, approximately 5,442-acre area. For purposes of analyzing this standard, the "surrounding area" is defined as the land use analysis area (the site boundary plus 0.5 mile from the site boundary), and "abutting properties" are those properties adjacent to the site boundary. As described in Section 4.1, most of the land within both the site boundary and surrounding area is classified as shrub/scrub and grassland/herbaceous, with limited cropland interspersed throughout. Rural residential uses occur primarily in the western portion of the site boundary. Cropland in the area supports limited hay, grass, barley, and wheat production, while much of the grassland/herbaceous cover is used as rangeland for cattle and sheep. Approximately 991 acres of land within the analysis area are enrolled in the USDA NRCS CRP, indicating a portion of the land is managed for conservation rather than active agricultural production.

The Facility will be compatible with adjacent agricultural uses in the surrounding area, as it will not limit or impact current or future farm activities on the surrounding land and will not diminish the opportunity for neighboring parcels to expand, purchase, or lease any vacant land available for agricultural uses. In addition, the Facility has been designed to maintain compatibility with surrounding land uses through the following measures:

- **Setbacks and Buffers**: Voluntary setbacks ranging from 50 to 200 feet are proposed from the Facility, with a minimum 200-foot setback from non-participating landowner property lines to reduce visual and physical intrusion (see Table 11).
- **Resource Protection**: The Facility avoids significant natural resources and wildlife habitat to the extent feasible. Where impacts are unavoidable, they are concentrated in previously disturbed areas and will be mitigated consistently with applicable local, state, and federal requirements.
- **Community Integration**: The Applicant will prioritize hiring local construction and operational staff. The Facility will be operated by a small team (10 to 20 staff) to minimize community disruption and maintain responsiveness to landowner concerns.
- **Decommissioning**: At the end of its operational life, the Facility will be decommissioned and the site restored as described in the Retirement and Financial Assurance Exhibit.

Through the EFSC siting process, the Applicant has also completed detailed analyses addressing compatibility with existing and permissible land uses in the surrounding area as follows:

- **Noise**: Potential noise impacts have been analyzed in the State and Local Laws and Regulations Exhibit through an acoustic modeling analysis. The results of the noise analysis indicate compliance with OAR 340-035-0035 at all noise sensitive receptors. There are no anticipated impacts to agricultural uses from Facility noise given the Facility's compliance with OAR 340-035-0035 and the noise reduction measures provided in the State and Local Laws and Regulations Exhibit that will be considered and incorporated into the Facility. On this basis, the Facility will be compatible with the surrounding area from a noise impact perspective.
- **Visual**: Potential visual impacts have been analyzed in the Scenic Resources Exhibit, including a determination of the areas from which the proposed Facility will likely be visible and an assessment of the expected effect of the Facility on the existing visual setting. As documented in the exhibit, the design, construction, and operation of the Facility will not result in a significant direct or indirect impact to visual resources in the surrounding area.
- **Traffic**: Potential traffic impacts have been evaluated in the Public Services Exhibit. As documented in that analysis, construction of the Facility is anticipated to result in short-term, minor impacts on traffic operations along public roads in the surrounding area. To minimize these impacts and maintain compatibility with surrounding development, the Applicant will implement best management practices (BMPs), including but not limited to: establishing and enforcing designated haul routes for Facility-related trucks; implementing active traffic management measures such as temporary signage and flaggers during peak construction periods; scheduling and distributing truck trips and deliveries to avoid queuing along OR 216;

and improving Facility entrances through measures such as turn lanes, road widening, or signalization where necessary. Traffic impacts during Facility operation are expected to be negligible. Therefore, with these measures in place, construction and operation of the Facility will not result in significant adverse impacts on traffic and will remain compatible with the surrounding area.

- **Dust**: Fugitive dust emissions during construction will be controlled primarily through regular water application on disturbed surfaces and unpaved roads. The Applicant has prepared a Dust Control Plan, included in the Soil Protection Exhibit, which outlines specific measures to minimize dust generation and prevent off-site impacts. These measures will ensure compliance with applicable air quality standards and maintain compatibility with surrounding properties throughout construction activities.

As a result, the Facility will remain compatible with the surrounding area and development of abutting properties by outright permitted uses throughout its operational life.

The Applicant will continue to supplement these findings through the completeness review and as additional stakeholder engagement takes place.

C. The proposed use will not exceed or significantly burden public facilities and services available to the area, including, but not limited to: roads, fire and police protection, sewer and water facilities, telephone and electrical service, or solid waste disposal facilities.

Response: The Public Services Exhibit describes the efforts the Applicant has taken and will take to ensure the proposed use does not significantly burden public facilities and services in the area, which are summarized below. No significant burdens to existing public facilities or services are expected to result from the Facility.

- **Roads**: The Facility construction would have minor impacts on traffic operations and road infrastructure in Wasco County. Operation of the Facility would have negligible impacts. The Applicant has coordinated with Wasco County Public Works to determine any potential weight limitations that may require alternate routes or road improvements. The Director of the Wasco County Public Works reviewed the Routing and Hauling Study (see the Public Services Exhibit) A draft road use agreement with Wasco County Public Works has been prepared and is included in the Public Services Exhibit. The Applicant anticipates a condition of approval requiring an executed Road Use Agreement prior to construction.
- **Fire**: The Facility is within the boundaries of the Juniper Flat Rural Fire Protection District (JFRFPD). The Applicant has engaged with JFRFPD to coordinate on fire and emergency response for Facility construction and operation. The Applicant, JFRFPD, and Southern Wasco County Ambulance (SWCA) ambulance service area (ASA) entered an MOU to ensure that potential impacts to public service providers and the community are appropriately offset and that proper fire and emergency response measures are developed and implemented during Facility construction and operation. As part of the coordination commitment embodied in the MOU, the Applicant shared the draft Wildfire Mitigation Plans for Construction and Operation (provided as Attachments 1 and 2 of the Wildfire Prevention and Risk Mitigation Exhibit) with

JFRFPD and JFRFPD shared feedback on these plans on 21 November 2025. The Applicant has incorporated initial feedback from JFRFPD into the Wildfire Mitigation Plans and is committed to continuing dialogue with JFRFPD so that additional input and feedback is incorporated into those plans, as appropriate, prior to submitting the final Application for Site Certificate.

- **Police**: The Facility is within the boundaries of the Wasco County Sheriff's Office (WCSO). A letter from the WCSO is included in the Public Services Exhibit and confirms their ability to respond to incidents at the Facility. The Applicant understands that the WCSO is concerned about the influx of temporary workers in the community. To demonstrate commitment to community safety, and to offset any impact from the Facility construction and operation, the Applicant entered into a MOU with Wasco County and other local emergency response services (Fire and EMS) to document a shared commitment between the Applicant, Wasco County, and emergency responders to public safety. As documented in the MOU, provided in the Public Services Exhibit, the Applicant and Sheriff's Office will work together with a mutual goal of ensuring a safe community. To achieve this mutual goal, the Applicant will seek input from the Sheriff's Office on the Emergency Response Plan and emergency response protocols for the Facility and will provide financial support to the Sheriff's Office to bolster the Sheriff Office's emergency response capabilities.
- **Sewer**: The Facility will not rely on new or existing public or private infrastructure for sanitary sewer drainage or treatment. Since the Facility is in a rural area, there will be no connection to the local sewer system and no potential adverse impacts to sanitary service providers. During construction, portable sanitation facilities will be provided for worker use and maintained by licensed professionals in accordance with local and state regulations. An onsite septic system will be constructed in accordance with local and state regulations for use during the Facility's operational lifetime.
- **Water**: The Facility is not within an existing municipal water district. During construction, the Applicant will obtain water from permitted water sources as documented in the State and Local Laws Exhibit. After consultation with Wasco County, it is anticipated that the water used during construction will come from the County (see Section 2.2.1 of Volume 2 of the State and Local Laws Exhibit). The Applicant will also continue to explore various sources of water for construction to minimize potential impacts to water resources and may supplement water from Wasco County with water from other permitted sources. These sources may include municipal supplies, temporary licenses for the duration of construction, a temporary transfer from an existing water right, or exempt wells. Water required for Facility operation would be minimal (i.e., less than 5,000 gallons per day) and supplied by an exempt well, as documented in the Public Services Exhibit. Withdrawal of this exempt groundwater quantity is not expected to adversely impact the local water supply. To the extent water is needed during Facility operation for panel washing in an amount exceeding 5,000 gallons per day, Applicant would work with Wasco County or other municipal providers or permitted water sources to provide that water.
- **Stormwater:** The Facility would not rely on new or existing public or private infrastructure for stormwater drainage. Since the Facility is in a rural area, there would be no connection to the

local stormwater system and no potential adverse impacts to stormwater drainage service providers. Stormwater runoff during construction and operation is expected to be minimal. Solar panel arrays and access roads would be designed to facilitate ground infiltration, allowing stormwater to absorb directly into the soil. The Applicant's contractor would secure a National Pollutant Discharge Elimination System 1200-C Permit for construction, which will mandate implementation of comprehensive best management practices to mitigate potential erosion and sedimentation risks to minimize disruption to local drainage patterns associated with construction and operation of the Facility.

- **Telephone/Communications**: The Applicant will obtain telephone/communications service through a local provider, including construction of any improvements necessary to provide telephone/communications service to the Facility. The Facility will also have internet service that will be used for communication.
- **Electrical**: The Facility will generate electricity that will be used to power the Facility and will also supply electricity to the grid.
- **Solid Waste Disposal**: Solid waste disposal during construction and operation of the Facility will be provided through a private contract with a local provider. The Wasco County Landfill has provided confirmation of its ability to receive and legally dispose of the forecasted types and quantities of waste during construction and operation of the Facility. A service provider letter from Wasco County Landfill confirming its ability to receive and legally dispose of the forecasted types and quantities of waste during construction is provided in the Public Services Exhibit.

D. The proposed use will not unduly impair traffic flow or safety in the area.

Response: Section 3.7 of the Public Services Exhibit documents vehicle traffic safety impacts and mitigation requirements as required by OAR 345-022-0110, the Wasco County Transportation System Plan, and this standard. No significant adverse impacts from traffic are expected to occur from construction or operation of the Facility.

E. The effects of noise, dust and odor will be minimized during all phases of development and operation for the protection of adjoining properties.

Response: Potential noise impacts have been evaluated through acoustic modeling, as documented in the State and Local Laws and Regulations Exhibit. There are 116 noise-sensitive receptors (NSRs) within the site boundary and the surrounding 1-mile area, all classified as single-family residential structures. Construction activities may generate noise levels above ambient conditions near NSRs; however, noise will attenuate with distance. The solar panel fence line, behind which most construction activities will occur, will be set back a minimum of 50 feet from property lines of participating landowners and 200 feet from property lines of non-participating landowners. Modeling results indicate that operational noise levels, with all Facility sources operating simultaneously at full load, will comply with ODEQ noise regulations (OAR 340-035-0035) at all NSRs, ensuring minimal noise effects on adjoining properties. Measures to further reduce noise during construction and operation are outlined in the same exhibit.

To minimize dust impacts, the Applicant will implement BMPs during construction, including water application to disturbed areas during construction, stabilizing or re-vegetating temporarily disturbed areas, and implementing a speed limit of 15 miles per hour on access roads during the construction and operation phase. Additional details are provided in Volume 2 of the State and Local Laws and Regulations Exhibit and in the proposed Dust Control Plan (see Attachment 2 of the Soil Protection Exhibit).

No odors are anticipated during construction or operation of the Facility.

F. The proposed use will not significantly reduce or impair sensitive wildlife habitat, riparian vegetation along streambanks and will not subject areas to excessive soil erosion.

Response: The Facility has been designed to avoid and minimize impacts to sensitive wildlife habitat, riparian vegetation, and soil resources to the greatest extent feasible. Detailed assessments of wildlife, habitat, threatened and endangered species, and wetlands/waters are provided in the Fish and Wildlife Habitat Exhibit (OAR 345-022-0060), Threatened and Endangered Species Exhibit (OAR 345-022-0070), and State and Local Laws and Regulations Exhibit (OAR 345-022-0160). Key design measures include avoiding Category 1 habitat entirely and avoiding Category 2 habitat except where it overlaps with Big Game Winter Range, which is addressed through a draft Habitat Mitigation Plan. Streams and wetlands have been avoided with setbacks ranging from 25 to 100 feet (see Table 11) other than locations where access roads or collector lines may cross a stream, riparian corridors have been preserved to maintain wildlife connectivity, and wildlife movement corridors have been incorporated between solar arrays. Native vegetation will be retained where feasible, and fencing has been set back from the rim of the White River Canyon to facilitate species movement.

Where stream crossings occur, the Applicant will prepare a JPA, which will include detailed water feature data and impact analysis (see Volume 1 of the State and Local Laws and Regulations Exhibit). All required information will be provided prior to the ASC being deemed complete. Accordingly, the Applicant expects that the Removal-Fill permit will be included in and governed by the Facility's site certificate.

Where Big Game Winter Range habitat is impacted, avoidance and minimization measures will be implemented to reduce impacts to wintering big game, such as creating corridors for wildlife connectivity, including elevated "jump outs" in fenced areas, and using wildlife-friendly fencing (see the Fish and Wildlife Exhibit). In addition, the Applicant will mitigate for impacts by contributing to on-site or third-party programs benefiting big game species. These measures ensure that unavoidable impacts are minimized and offset so that the ecological significance of sensitive habitats is maintained.

Soil erosion will be controlled through BMPs during construction, including stabilization and re-vegetation of disturbed areas, as detailed in the Soil Protection Exhibit. In addition, the Applicant's contractor will obtain an NPDES 1200-C permit and implement erosion and sediment control measures consistent with ODEQ requirements to prevent sediment discharge into waterways.

G. The proposed use will not adversely affect the air, water, or land resource quality of the area.

Response: During construction, the Applicant, or their contractor, will obtain all necessary permits in accordance with federal, state, and local regulations to ensure air, water, and land resource quality is protected. These measures include securing a NPDES 1200-C Construction Stormwater Discharge Permit to manage stormwater and prevent sediment discharge, implementing dust control BMPs such as water application and surface stabilization, and obtaining a Basic Air Contaminant Discharge Permit if required by construction methodology.

Mitigation measures to protect air, water, and land resources are described in the Fish and Wildlife Habitat Exhibit and Soil Protection Exhibit. Following construction, Facility operations will not generate emissions or discharges that could adversely affect air, water, or land resources. Water quality will continue to be protected through stormwater management infrastructure, where needed, and regular monitoring will ensure compliance with applicable standards throughout the Facility's lifetime.

Based on these measures and regulatory compliance, the proposed use will not adversely affect the air, water, or land resource quality of the area.

H. The location and design of the site and structures for the proposed use will not significantly detract from the visual character of the area.

Response: The Scenic Resources Exhibit and Protected Areas Exhibit provide an analysis of the Facility's potential effects on the visual character of the area in compliance with this standard. While Facility components will be visible from some identified scenic resources and protected areas within the analysis area (site boundary plus at least 10 miles), visibility will occur across a small percentage of the total area associated with these resources. Actual visibility and any corresponding changes to scenic conditions will depend on location-specific factors such as intervening topography, vegetation, and other natural screening elements.

To minimize visual impacts, the Facility incorporates several design measures, including setting solar arrays back from OR 216 by at least 200 feet, clustering development in blocks to reduce the overall footprint, and maintaining existing vegetation where feasible. These strategies, combined with the use of neutral-colored, non-reflective materials and dark-sky friendly lighting, ensure that the location and design of the site and structures will not significantly detract from the visual character of the area.

I. The proposal will preserve areas of historic value, natural or cultural significance, including archaeological sites, or assets of particular interest to the community.

Response: The Historic, Cultural and Archaeological Resources Exhibit documents the cultural surveys, findings, and state/tribal outreach completed for the Facility as required by OAR 345-022-0090 and this criterion. The Historic, Cultural and Archaeological Resources Exhibit also provides a list of measures to prevent destruction of the archaeological resources identified during the cultural resource surveys or discovered during construction, including avoidance measures and

implementation of a Worker Environmental Awareness Program and Inadvertent Discovery Plan (IDP). The Facility will preserve areas of historic value and natural or cultural significance by implementing these measures designed to prevent the destruction of historic, cultural, and archaeological resources.

J. The proposed use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to or available for farm and forest use.

K. The proposed use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to or available for farm or forest use.

Response: Due to their interrelated nature, the Applicant is providing a consolidated response to the criteria in WCLUDO Section 5.020(J & K).

The proposed use will not significantly increase the cost of accepted farm or forest practices on surrounding lands nor force a significant change in those practices. Farming activities in the area are primarily limited to open rangeland with small pockets of cultivated fields, as described in this Land Use Exhibit. Of the total 12,532 acres within the micrositing corridor, approximately 4,994 acres (approximately 35 percent) are currently used as pastureland for grazing. In addition, limited areas (approximately 596 acres or less than 5 percent of the micrositing corridor) are dedicated to growing hay or grasses for cattle feed, winter wheat production on one parcel, barley on one parcel, and miscellaneous activities. Landowner surveys indicate that much of the land is currently unfarmable due to poor soil quality, inconsistent water availability, and prevailing economic conditions that make farming economically infeasible. Several landowners characterized the land as rocky, with shallow soils, and underlain by hard clay or basalt, noting that the land has not generated agricultural revenue in over two decades and serves primarily as grazing ground for cattle.

The Facility has been designed to minimize potential conflicts with surrounding agricultural uses through measures such as maintaining a minimum setback of 50 feet from adjacent property boundaries and increasing setbacks to 200 feet where boundaries are shared with non-participating landowners. The Applicant and participating landowners will execute farm-forest management easements or similar deed restrictions in accordance with WCLUDO Section 3.218, prohibiting claims related to accepted farm or forest practices under ORS 30.930 et seq. Additional measures include implementing dust and erosion control BMPs as detailed in the Soil Protection Exhibit, obtaining an NPDES 1200-C permit for stormwater management, and following the Retirement and Financial Assurance Exhibit to allow land to return to farm use after decommissioning. A Noxious Weed Control Plan in the Soil Protection Exhibit (Attachment 2 for Construction and Attachment 3 for Operation) will minimize weed spread, and a Construction and Operation Wildfire Mitigation Plan in the Wildfire Prevention and Risk Mitigation Exhibit will reduce fire risk through regular inspections, maintenance, and fire-aware operational standards.

The Applicant will also avoid significant adverse impacts to public services supporting farm and forest uses, such as roads and emergency response, as detailed in the Public Services Exhibit.

Ongoing engagement with surrounding landowners will continue throughout the Facility's operational life to identify and implement any additional measures needed to avoid and minimize impacts on nearby farm and forest uses.

6.1.5 WCLUDO CHAPTER 10 – FIRE SAFETY STANDARDS

6.1.5.1 SECTION 10.020 – APPLICABILITY OF FIRE SAFETY STANDARDS

A. *Applicability of Fire Safety Standards in Different Rural Zones: County Ordinances affect all rural zones (all zones outside an Urban Growth Boundary). All rural zones are subject to fire standards but the applicability of the specific standards varies by zone and by use type. Zoning terms used to classify groups of land use designations in the Fire Safety Standard Checklist, Sections 10.110 to 10.150, are defined in the following table (any more specific distinctions based on parcel shape or specific zoning designation are also called out in the checklist).*

Zoning Classifications Referred to in the Fire Safety Standards Checklist, Sections 10.110-10.150		*Zones*
All Zones - All rural zones anywhere outside an adopted Urban Growth Boundary	*Exception Areas and Smaller Lot Residential - Exception areas with smaller lot residential, rural commercial, rural industrial, or rural community land use designations.*	*R-2, R-C, R-I, A-R, RC-TV, RC-Wamic*
	Resource Zones and Large Lot Residential - Resource or recreation zones and rural residential areas with larger minimum lot sizes.	*FF-10, RR-10, RR-5, A-1 (160), A-1 (40), F-1 & F-2*

Please also work with the County Planning Division if you are permitting only an accessory structure or replacing or adding onto an existing home, commercial, or industrial structure and they will help you determine which standards apply to that specific type of land use in accordance with (B) below.

B. *Applicability of Fire Standards to Different Types of Land Uses*

1. *Zones affected by Fire Standards: Fire standards are applicable in all rural zones, but different standards may apply in different types of zones. The applicability of fire standards by zone is discussed in (A) above and noted in the fire safety standards checklist below, Sections 10.110 to 10.150. The checklist also highlights any specific differences in the applicability of the standard due to size of lot or specific zoning.*
2. *Uses affected by Fire Standards: Some fire standards are applicable only to new dwellings while others are applicable to all kinds of structures and alterations to structures. The following table lists the fire safety standards applicable to different types of development.*

Applicability of Fire Safety Standards to Different Types of Land Uses

Land Use Type	*Siting*	*Defensible Space*	*Construction Standards*	*Access*	*Other*
All New Dwellings and Rural Commercial or Rural Industrial Buildings, Conditional Use Permit, Subject to Standards, Site Plan Review, and Permitted Dwellings	*(A) Avoid slopes > 40%* *(B) Set back from top of slopes > 30%*	*(A) Fire fuel break* *(B) Minimum of 50 feet to unmanaged lands around structures*	*(A.1) Roofing* *(A.2) Spark Arresters* *(B.1) Clear Clean & Protected Decks,* *(B.2) Screened Exterior Openings* *(B.3) Overhanging trees* *(B.4) Utilities* *(B.5) Stand Pipe*	*(A) Improved Surface & Minimum Driveway widths* *(B) Turn Radius, Maximum Slopes, & Pull Outs* *(C) Physical Clearance & Fire Fuel Breaks on Driveways* *(D) Turnarounds* *(E) Bridges & Culverts* *(F) Gates* *(G) Signs* *(H) Roads to the property*	*Structural Fire Protection Required*

[remainder of table omitted]

Response: Fire Safety Standards will apply to the Facility, as it is a commercial power generating facility located in the resource zone outside of an Urban Growth Boundary. The following subsections discuss each of the Fire Safety Standards applicable to the Facility.

While many of the Fire Safety Standard Sections specifically refer to dwellings, the Applicant understands they also apply to the Facility per this section. The following responses assume all references to "residential" uses or standards also apply to the Facility.

Please note: this WCLUDO Chapter makes extensive use of explanatory graphics and tables. These have been omitted from the code descriptions below.

6.1.5.2 SECTION 10.110 – SITING STANDARDS – LOCATING STRUCTURE FOR GOOD DEFENSIBILITY

A. *Does your building avoid slopes steeper than 40% (more than 40-foot elevation gain over 100 feet horizontal distance)?*

Response: The Facility avoids all development on slopes steeper than 40 percent.

B. *Setbacks*

1. *Is your building set back from the top of slopes greater than 30% by at least 50 feet?*

   - or -

2. *Is your building set back from the top of slopes greater than 30% at least 30 feet?*

Response: The Facility will be setback at least 50 feet from any slopes greater than 30 percent.

6.1.5.3 SECTION 10.120 – DEFENSIBLE SPACE – CLEARING AND MAINTAINING A FIRE FUEL BREAK

A. *Is your building surrounded by a 50-foot wide fire fuel break?*

Response: A 50-foot-wide fire fuel break will be established and maintained around the structures associated with the Facility.

B. *Is dense unmanaged vegetation beyond 50 feet from the outer edges of your buildings, including any extensions such as decks or eaves, kept to a MINIMUM? If located on steeper ground, have you created and maintained some clearings beyond the 50 feet fire fuel break?*

Response: All Facility structures will be on flat or relatively flat ground and will avoid steep areas. The fenced areas around the O&M building, collector substation, and battery storage system will be graveled, with no vegetation present. The remaining vegetation within the Facility boundaries and setback areas will be maintained to ensure sun exposure to the solar arrays and to reduce potential wildfire risk. The Construction Vegetation and Soil Management Plan (Attachment 2 of the Soil Protection Exhibit) details the plans for vegetation control.

6.1.5.4 SECTION 10.130 – CONSTRUCTION STANDARDS FOR DWELLINGS AND STRUCTURES – DECREASING THE IGNITION RISKS BY PLANNING FOR A MORE FIRE-SAFE STRUCTURE

A. *Is your building designed, built, and maintained to include the following features and materials necessary to make the structure more fire resistant?*

1. *Roof Materials: Do you or will you have fire resistant roofing installed to the manufacturers specification and rated by Underwriter's Laboratory as Class A, B, or its equivalent (includes but not limited to: slate, ceramic tile, composition shingles, and metal)? NOTE: To give your structure the best chance of surviving a wildfire, all*

structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the uniform building code.

2. *Spark Arrestors: Will all chimneys and stove pipes be capped with spark arresters meeting NFPA standards (e.g., constructed of 12 USA gauge wire mesh with half-inch openings)?*

B. *Is your structure designed, built, and maintained to include the following features and materials necessary to make the structure more fire resistant?*

1. *Decks: Will all decks be kept clear of fire wood, flammable building material, dry leaves and needles, and other flammable chemicals? Will decks less than three feet above ground also be screened with noncombustible corrosion resistant mesh screening material with quarter inch or smaller openings? Will decks, as required in accordance with standard 10.110(B) above, be built of fire resistant material? Will all flammables be removed from the area immediately surrounding the structure to be stored 20 feet from the structure or enclosed in a separate structure during fire season?*

2. *Openings: Will all openings into and under the exterior of the building including vents and louvers, be screened with noncombustible corrosion resistant mesh screening material with quarter inch or smaller openings?*

3. *Trees: Will all trees overhanging the building be limbed up 8 feet in accordance with fire fuel break requirements in 10.120(A) above, kept trimmed back 10 feet from any chimney or stove pipe, and be maintained free of all dead material.*

4. *Utilities: If your private utility service lines are not underground will the utilities be:*

    a. *Kept clear along their route?*

    b. *Have a single point of access to the building?*

5. *Do all new buildings and structures served by electricity include a clearly marked power disconnect switch at the pole or off-grid power source?*

6. *Stand Pipe: Will a stand pipe be provided 50 feet from the dwelling or any structure served by a plumbed water system?*

Response: Fire-safe construction will be verified as part of the Building Permit to be obtained from the Oregon State Building Codes Division prior to construction. Section 2.5 of the Background Information Exhibit and the Wildfire Prevention and Risk Mitigation Exhibit further outline fire prevention and control. No other standards under this section apply.

6.1.5.5 SECTION 10.140 – ACCESS STANDARDS– PROVIDING SAFE ACCESS TO AND ESCAPE FROM YOUR HOME.

A. *Does your residential driveway meet standards for improved, all weather driveway surface and minimum driveway widths?*

B. *Is your dwelling accessed by a driveway with curves and slopes that are passable by emergency equipment? And are turnouts provided as needed to allow vehicles to pass safely?*

C. *Does your residential driveway provide adequate clearance for emergency vehicles and is there sufficient clear area along the driveway to allow responders to maneuver safely around their vehicles?*

D. *If your residential driveway is longer than 150 feet, does it end with a turnaround that is passable for emergency responders?*

E. *Can the bridges or culverts crossed to access your dwelling on your property accommodate emergency response vehicles?*

F. *Can emergency responders get through your gate?*

G. *Are the signs you've posted for emergency responders legible and in good repair?*

H. *Are the roads to your residential property maintained in a condition that is passable for emergency vehicles? Do you know who is responsible for required improvements and maintenance?*

Response: All internal access roads will be constructed to meet standards for all-weather surfaces and minimum widths to ensure emergency vehicle access, as described in the Background Information Exhibit. Road design accounts for curves, slopes, and clearance requirements to allow safe passage and maneuvering of emergency equipment. Where necessary, turnouts and turnarounds will be incorporated to meet applicable fire safety standards. The Applicant has coordinated with the JFRFPD Fire Chief during the development of internal road configurations and will continue coordination throughout permitting and construction to confirm that emergency access and fire response needs are fully satisfied. Fire access requirements will be incorporated into the final construction documents to ensure compliance with local standards and responder safety.

6.1.5.6 SECTION 10.150 – FIRE PROTECTION OR ON-SITE WATER REQUIRED

A. *Are you proposing to construct a dwelling inside a structural fire protection district?*

- OR -

B. *Are you proposing to construct a dwelling outside a structural fire protection district?*

Response: The Facility is within the boundaries of the JFRFPD. Although the Facility does not include residential dwellings, fire safety standards applicable to development within a structural fire protection district will be met. The Applicant has coordinated with the JFRFPD Fire Chief during Facility design and will continue coordination throughout permitting and construction to ensure emergency access and fire response needs are satisfied.

6.1.6 WCLUDO CHAPTER 19 – STANDARDS FOR NON-COMMERCIAL ENERGY FACILITIES, COMMERCIAL FACILITIES & RELATED USES

6.1.6.1 SECTION 19.030 – COMMERCIAL POWER GENERATING FACILITIES REVIEW PROCESSES & APPROVAL STANDARDS

A. *Review Processes - Commercial Power Generating Facilities & Related Uses (energy facilities) shall be reviewed pursuant to the following. Where standards are less restrictive than comparative standards in other sections, the more restrictive shall govern.*

1. *Review Authority:*

a. *Planning Commission Review – Notwithstanding applications reviewed by EFSC and unless otherwise specified, all energy facilities reviewed pursuant to this section shall be initially heard and decided upon by the Planning Commission in a public hearing.*

[Inapplicable provisions omitted]

3) *Post EFSC Review - Pursuant to ORS 469.401, after issuance of a site certificate by EFSC pursuant to subsection c. below, and subject to receiving the proper fees, Wasco County will issue in an expedited manner any permits, licenses and certificates addressed in the site certificate subject only to conditions set forth in the site certificate but without hearings or other proceeding (i.e., Type I review).*

Response: The Facility is subject to EFSC jurisdiction as it exceeds 240 acres of high value farmland and 2,560 acres of arable land. The Applicant will coordinate with Wasco County as required under ORS 469.401 when EFSC issues the site certificate.

B. *Non-Resource Zone Standards: [remainder omitted]*

Response: The Facility does not include any non-resource zone areas. Therefore, this standard does not apply.

C. *General Standards - The following standards apply to energy facilities as outlined in Section A above, in addition to meeting the Conditional Use Standards listed in Chapter 5:*

1. *Air Safety – All structures that are more than 200 feet above grade or, exceed airport imaginary surfaces as defined in OAR 738-070, shall comply with the air*

hazard rules of the Oregon Department of Aviation and/or Federal Aviation Administration. The applicant shall notify the Oregon Department of Aviation and the Federal Aviation Administration of the proposed facility and shall promptly notify the planning department of the responses from the Oregon Department of Aviation and/or Federal Aviation Administration.

Aerial Sprayers and operators who have requested to be notified will receive all notifications associated with the energy facility as required by Chapter 2, Development Approval Procedures.

Response: No structures in the Facility will exceed 200 feet above grade in height nor will any exceed airport imaginary surfaces defined in OAR 738-070. Section 4.6 of the Public Services Exhibit includes an analysis of potential air safety impacts and mitigation requirements as required by OAR 345-022-0110 and this standard.

2. *Interference with Communications – The energy facility shall be designed, constructed and operated so as to avoid any material signal interference with communication systems such as, but not limited to, radio, telephone, television, satellite, microwave or emergency communication systems. Should any material interference occur, the permit holder must develop and implement a mitigation plan in consultation with the Planning Division.*

Response: The maximum height of the solar arrays will be up to 11 feet above grade when the modules are tilted. The tallest structures will be the 500-kV transmission line towers at up to 95 feet above grade. The Facility is not anticipated to generate signals that could materially interfere with nearby communication systems nor are the structures within the Facility tall enough to block signals to or from other sites. Therefore, the Facility structures are not expected to result in any material signal interference with communication systems, and this standard is met. The Background Information Exhibit provides the height for all Facility components.

3. *Noise – The energy facility shall comply with the noise regulations in OAR 340-035. The applicant may be required to submit a qualified expert's analysis and written report.*

Response: Volume 3 of the State and Local Laws and Regulations Exhibit includes acoustic modeling analysis of potential noise impacts to ensure that the Facility complies with thresholds established by ODEQ Noise Control Regulations (OAR 340-035-0035). Construction-related noise is exempt from OAR 340-035-0035 limits; however, the Applicant has evaluated potential construction noise impacts to support compliance with other applicable standards. Construction noise will primarily result from diesel-powered equipment, and functional mufflers will be maintained on all equipment to reduce exhaust noise. Operational noise will originate from components such as inverters, transformers, and battery energy storage system units. Modeling results demonstrate that construction and operational noise levels, even assuming all sources operating simultaneously at full load, will comply with OAR 340-035-0035 at all identified noise-

sensitive receptors. Based on this analysis, the Facility will be compatible with the surrounding area from a noise impact perspective.

4. *Visual Impact*

a. *Scenic Resources - To issue a conditional use permit for an energy facility, the county must find that the design, construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to scenic resources or values identified as significant or important in the Wasco County Comprehensive Plan.*

Response: This code provision implements the EFSC Scenic Resources Standard into the WCLUDO. The Applicant has evaluated significant or important scenic resources, as identified as significant or important in the WCCP, within the Facility's 10-mile scenic analysis area. See the Scenic Resources Exhibit for an analysis of scenic resources under OAR 345-022-0080 and recommended mitigation to ensure construction and operation of the Facility will not result in a significant adverse impact to scenic resources.

b. *Protected Areas - Except as provided in subsections (b) and (c) below, an energy facility shall not be located in the areas listed below:*

1) National recreation and scenic areas, including but not limited to the Columbia River Gorge National Scenic Area;

2) Scenic waterways designated pursuant to ORS 390.826, wild or scenic rivers designated pursuant to 16 U.S.C. 1271 et seq., and those waterways and rivers listed as potentials for designation;

3) State parks and waysides as listed by the Oregon Department of Parks and Recreation;

4) State wildlife areas and management areas identified in OAR 635-008;

5) National and state fish hatcheries or national and state wildlife refuges;

6) State natural heritage areas listed in the Oregon Register of Natural Heritage Areas pursuant to ORS 273.581;

7) Wilderness areas established pursuant to The Wilderness Act, 16 U.S.C. 1131 et seq. and areas recommended for designation as wilderness areas pursuant to 43 U.S.C. 1782; and

a. Exceptions to Protected Areas - Except where the following uses are regulated by federal, state or local laws, including but not limited to the

Columbia River Gorge National Scenic Area Act and implement land use ordinances, the following may be approve in a protected area identified in subsection b above if other alternative routes or sites have been studied and been determined to have greater impacts:

- *An electrical transmission line;*
- *A natural gas pipeline; or*
- *An energy facility located outside a protected area that includes an electrical transmission line or natural gas or water pipeline as a related or supporting facility located within a protected area.*

b. Transmission Line & Pipeline Exception - The provisions of subsection b above do not apply to electrical transmission lines or natural gas pipelines routed within 500 feet of an existing utility right-of-way containing at least one transmission line or one natural gas pipeline.

c. Additional Visual Mitigation Impacts for all Facilities - The design, construction and operation of the energy facility, taking into account mitigation, are not likely to result in significant adverse impact to scenic resources and values identified in subsection (b) above. Methods to mitigate adverse visual impacts could include but are not limited to:13

8) Building the energy facility near the edge of contiguous timber areas or using the natural topography to obscure the energy facility;

9) Using materials and colors that blend with the background unless otherwise required by the Federal Aviation Administration or the Oregon Department of Aviation; and

10) Retaining or planting vegetation to obscure views of the energy facility.

Response: This code provision implements the EFSC Protected Areas Standard into the WCLUDO. The Applicant evaluates all protected areas within the Facility's 20-mile protected area analysis area. The Facility will not be located in any protected areas listed in WCLUDO 3.845(b). With the 20-mile analysis area, a total of 22 protected areas were identified. The closest protected area is the White River Wildlife Area, located approximately 0.01-mile northwest of the site boundary, and

[13] Numbering adjusted in this section to correct scrivener's error in the original text.

the farthest is the Pacific Crest National Trail, approximately 20 miles northwest of the site boundary.

The Protected Areas Exhibit includes an analysis of potential direct and indirect impacts to protected areas in accordance with OAR 345-022-0040. The analyses demonstrate that the Facility is consistent with applicable standards in this section and incorporates mitigation measures to minimize visual impacts, such as siting arrays to use natural topography for screening, using non-reflective materials and neutral colors, and retaining vegetation where feasible. Based on these measures, the Facility will not result in significant adverse impacts to protected areas and this WCLUDO standard is met.

5. *Natural Resource/Wildlife Protection – Taking into account mitigation, siting, design, construction and operation the energy facility will not cause significant adverse impact to important or significant natural resources identified in the Wasco County Comprehensive Plan, Wasco County Land Use and Development Ordinance or by any jurisdictional wildlife agency resource management plan adopted and in effect on the date the application is submitted. As appropriate, the permit holder agrees to implement monitoring and mitigation actions that Wasco County determines appropriate after consultation with the Oregon Department of Fish and Wildlife, or other jurisdictional wildlife or natural resource agency. Measures to reduce significant impacts may include, but are not limited to the following:*

    a. *Providing information pertaining to the energy facility's potential impacts and measures to avoid impacts on:*

        1) *Wildlife (all potential species of reasonable concern);*

        2) *Wildlife Habitat;*

        3) *Endangered Plants; and*

        4) *Wetlands & Other Water Resources.*

    b. *Conducting biologically appropriate baseline surveys in the areas affected by the proposed energy facility to determine natural resources present and patterns of habitat use.*

    c. *Selecting locations to reduce the likelihood of significant adverse impacts on natural resources based on expert analysis of baseline data.*

    d. *Utilizing turbine towers that are smooth steel structures that lack features that would allow avian perching. Where horizontal surfaces cannot be avoided, anti-perching devices shall be installed where it is determined necessary to reduce bird mortality.*

e. *Designing and installing all aboveground transmission line support structures following the current suggested practices for avian protection on power lines published by the Avian Power Line Interaction Committee.*

f. *Utilizing towers and transmission line support structures designed so the foundation area and supports avoid the creation of artificial habitat or shelter for raptor prey.*

g. *Controlling weeds to avoid the creation of artificial habitat suitable for raptor prey such as spreading gravel on turbine pad.*

h. *Avoiding construction activities near raptor nesting locations during sensitive breeding periods and using appropriate no construction buffers around known nest sites.*

i. *Locating transmission lines or associated transmission lines with the energy facility to minimize potential impacts (e.g., 50 feet from the edge of the nearest wetland or water body except where the line is required to cross the wetland or water body; or separating transmission lines or associated transmission lines with the energy facility from the nearest wetland or water body by topography or substantial vegetation to the extent practical, except where the line is required to cross the wetland or water body).*

j. *Locating transmission towers or associated transmission towers outside of Class I or II streams unless:*

(1) Adjoining towers and conductors cannot safely and economically support the line(s) that span the stream without an in stream tower; and

(2) The lines cannot be safely and economically placed under the water or streambed.

(3) Developing a plan for post-construction monitoring of the facility site using appropriate survey protocols to measure the impact of the project on identified natural resources in the area.

Response: Biological surveys were conducted for the Facility in 2024 and 2025. These surveys included avian point count surveys, general wildlife and habitat classification surveys, raptor nest surveys, special-status plant surveys, aquatic invertebrate surveys, and wetland and waters surveys.

The Facility has been designed to avoid and minimize impacts to sensitive wildlife habitat, riparian vegetation, and soil resources to the greatest extent feasible. Details of the surveys conducted, resources observed, and impacts to wildlife, habitat, threatened and endangered species, and wetlands/waters are provided in the Fish and Wildlife Habitat Exhibit (OAR 345-022-0060),

Threatened and Endangered Species Exhibit (OAR 345-022-0070), and State and Local Laws and Regulations Exhibit (OAR 345-022-0160). Key design measures to avoid or minimize impacts on biological resources include the following (see the Fish and Wildlife Habitat Exhibit):

- Areas of intact, essential, limited, and irreplaceable habitats, such as vernal pools or oak woodlands, have been avoided, to the extent feasible, in favor of siting the Facility in more disturbed area with limited habitat potential.
- Avoiding Category 1 habitat entirely and avoiding Category 2 habitat except where it overlaps with Big Game Winter Range, which is addressed through a draft comprehensive Habitat Mitigation Plan.
- Avoiding caves and other potential bat habitat observed within the oak woodland riparian corridors.
- Avoiding all streams and wetlands with a 25- to 100-foot setback, except where road crossings require unavoidable impacts on streams.
- Designing road crossings to minimize impacts on streams to the extent possible (e.g., by utilizing bottomless culverts installed above the ordinary high-water mark and utilizing existing crossings).
- Avoiding riparian corridors to preserve and maintain wildlife connectivity.
- Avoiding patches of milkweed, as feasible.
- Incorporating wildlife movement corridors between solar arrays.
- Limiting fencing where feasible and otherwise using wildlife-friendly fencing to support movement through the Facility.
- Retaining native vegetation where feasible.
- Setting back fencing 750 feet from the rim of the White River Canyon to facilitate species movement.
- Conducting pre-construction nesting bird surveys for raptor and non-raptor species.
- Limiting ground disturbance and vegetation removal between 15 April and 1 September to the extent feasible to limit disturbance to ground nesting birds.
- Avoiding active raptor nests will spatial buffers ranging from 100 feet to 0.5-mile depending on the species and time of season.
- Constructing all transmission infrastructure in accordance with the standards and guidelines outlined by Avian Power Line Interaction Committee (APLIC 2006).

Where Big Game Winter Range habitat is impacted, avoidance and minimization measures will be implemented to reduce impacts to wintering big game, such as creating corridors for wildlife connectivity, including elevated "jump outs" in fenced areas, and using wildlife-friendly fencing (see the Fish and Wildlife Exhibit). In addition, the Applicant will mitigate for impacts by contributing to on-site or third-party programs benefiting big game species. These measures ensure that unavoidable impacts are minimized and offset so that the ecological significance of sensitive habitats is maintained and this WCLUDO standard is met. See also WCLUDO Section 3.800 in Section 6.1.2.12 for a discussion of the Sensitive Wildlife Habitat Overlay (OZ-8).

6. *Protection of Historical and Cultural Resources – The applicant shall complete a cultural resources survey of areas where there will be temporary or permanent disturbance. During construction, cultural resources included in the Wasco County Comprehensive Plan shall be flagged and avoided in areas of potential temporary or permanent disturbance, and construction activities monitored to ensure all cultural resources in such areas are avoided, unless appropriate permits are obtained from the Oregon State Historic Preservation Office. Prior to construction an Inadvertent Discovery Plan (IDP) shall be developed that must outline the procedures to be followed in the case previously undiscovered archeological, historical or cultural artifacts are encountered during construction or operation of the energy facility, in compliance with ORS 358.905-358.955 and any other applicable local, state, and federal law.*

Response: The Facility proposes to avoid all historic, cultural, and archeological resources that may be eligible for listing on the NRHP. The site boundary contains cultural resources, including 12 that are likely eligible for listing on the NRHP, 48 that could not be evaluated, and 141 that are recommended as not eligible. For unevaluated resources, the Facility will either avoid them or conduct further evaluation prior to any ground-disturbing activity on the unevaluated resource. For resources that are likely eligible, the Facility will avoid direct impacts and implement protective buffers to prevent disturbance. While SHPO concurrence on eligibility is still pending, no protective measures are required for resources recommended as not eligible. The Historic, Cultural, and Archaeological Resources Exhibit documents the cultural resource surveys, findings, and state and tribal coordination completed for the Facility in accordance with OAR 345-022-0090 and this standard.

In addition, an IDP has been prepared and included in the Historic, Cultural, and Archaeological Resources Exhibit. The IDP outlines procedures to follow if previously unidentified archaeological, historical, or cultural artifacts are encountered during construction or operation, consistent with ORS 358.905–358.955 and all applicable local, state, and federal requirements. This WCLDUO standard is met.

7. *Fire Protection & Emergency Response – A fire protection and emergency response plan shall be developed and implemented in consultation with the applicable fire district or department and/or land management agency to minimize the risk of fire and respond appropriately to any fire or emergency that occurs onsite for all phases of the life of the facility. In developing the plan the applicant shall take into account, among other things the terrain, dry nature of the region, address risks on a seasonal basis, and identify the locations of fire extinguishers, nearby hospitals, telephone numbers for emergency responders, and first aid techniques.*

Response: The Applicant has engaged with JFRFPD to coordinate on fire and emergency response for Facility construction and operation. The Applicant, JFRFPD, and SWCA ASA entered an MOU to ensure that potential impacts to public service providers and the community are appropriately

offset and that proper fire and emergency response measures are developed and implemented during Facility construction and operation. As part of the coordination commitment embodied in the MOU, the Applicant shared the draft Wildfire Mitigation Plans for Construction and Operation (provided as Attachments 1 and 2 of the Wildfire Prevention and Risk Mitigation Exhibit) with JFRFPD and JFRFPD shared feedback on these plans on 21 November 2025. The Applicant has incorporated initial feedback from JFRFPD into the Wildfire Mitigation Plans and is committed to continuing dialogue with JFRFPD so that additional input and feedback is incorporated into those plans, as appropriate, prior to the ASC being deemed complete.

As noted in the Wildfire Prevention and Risk Mitigation Exhibit, construction of the Facility would increase the area of non-burnable surfaces, significantly decreasing the vegetation burn probability of the Facility. The risk of fire that is introduced by the Facility by human activity and electrical equipment is addressed through robust Wildfire Prevention and Risk Mitigation Plans for Construction and Operation (see the Wildfire Prevention and Risk Mitigation Exhibit). The Facility would have multiple design measures that would reduce the risk of fire and thus the potential impact on fire service providers. These measures include hosting on-site trainings; removing vegetation around the O&M building, proposed substation, switchyard, and BESS; designing services roads within the BESS area that are at least 24 feet wide; setting back the Facility from homes and infrastructure; incorporating fire fuel breaks; maintaining vegetation in the solar array area and beneath the gen-tie; requiring fire suppression materials to be stored on-site; maintaining water sources on site during fire season; restricting certain activities during fire season; implementing risk mitigation measures during 'red flag weather warnings'; regularly inspecting the Facility; and requiring regular, on-site fire safety trainings for O&M staff. Additionally, the Applicant is committed to supporting JFRFPD with significant equipment upgrades, including financial support to acquire repeaters, which would bolster emergency response capabilities for the Facility and the larger community.

8. *Public Safety – A public safety plan shall be developed and implemented to exclude members of the public from hazardous areas within the Energy Facility Project Area.*

Response: Public access to the solar arrays will be restricted to avoid potential safety hazards. The solar arrays, collector substation, battery energy storage system, and O&M building will be fenced and gates will be locked to prevent unauthorized entry. The Applicant is developing safety procedures in coordination with the Wasco County Sheriff's Department that can include additional measures to protect the public. The Applicant will continue to supplement these findings through the completeness review. Additional details on the Applicant's coordination with Wasco County Sheriff's Department are provided in the Public Services Exhibit.

9. *Transportation Plan – A transportation plan shall be developed and implemented in consultation with the Wasco County Road Department and/or the Oregon Department of Transportation (ODOT). The plan shall be consistent with any applicable requirements from the Wasco County Transportation System Plan and shall also provide or address:*

    a. *The size, number, and location of vehicle access points off of public roads.*

Response: Transportation routes used for construction and operation of the Facility are discussed in the Public Services Exhibit and in the Routing and Hauling Study (Attachment 2 of the Public Services Exhibit). The primary access route to the Facility will be via Interstate Highway 84 (I-84) to southbound U.S. Highway 197 (The Dalles California Highway) at The Dalles to OR 216 where vehicles will travel west about 7 miles to reach the Facility. This primary access route will be used for construction, including deliveries of water, as well as infrastructure components such as support poles, panels, and primary power transformers and inverters. This primary access route avoids highways with higher traffic volumes related to Mount Hood and surrounding attractions. This route also avoids significant "C" and "S" curves along U.S. Highway 26, OR 35, and the section of OR 216 that is west of the Facility.

The Applicant also proposes two alternative access routes that would only be used if the primary access route posed significant, unexpected problems for delivery (e.g., significant portions of the primary access route were closed). The first alternative access is via I-84 east to OR 35 south to U.S. Highway 26 connecting to OR 216 and the Facility entrances. The second alternative access is via I-84 east to OR 35 south to U.S. Highway 26, connecting to OR 216.

The Facility may have up to five access points into the site boundary, with defined primary access points along OR 216 at Reservation Road, Walters Road, and Victor Road. Alternative access points will be from Back Walters Road off Reservation Road and Endersby Road. Back Walters Road may be used to access the southern portion of the Facility. Endersby Road would only be used for local workforce traffic entering the Facility from Pine Grove. The Facility access locations will be finalized as Facility proceeds with final design.

b. Use of existing roads to the extent practical to minimize new access roads.

Response: Existing roads will be used to the extent practical to minimize construction of new access roads. However, the Applicant anticipates that some new internal access roads will be required to connect facility components and existing roads. The exact locations of these new access roads will be finalized during the micrositing process in coordination with Wasco County and EFSC. Where new internal access roads are required, they will be constructed to an all-weather standard, at least 16 feet wide and designed to provide safe and efficient emergency vehicle access. Within the BESS area, roads will be at least 20 feet wide.

c. Restoring the natural grade and revegetating all temporary road cuts, used during construction of the energy facility. The applicant shall specify the type and amount of native seed or plants used to revegetate the disturbed areas and a timeline to complete this work.

Response: After construction is completed, the Applicant will restore temporary access roads to their pre-construction condition. As discussed in the draft Construction Vegetation and Soil Management Plan (Attachment 2 of the Soil Protection Exhibit), revegetating temporarily disturbed areas will occur post-construction. The Applicant will use an approved seed mix for revegetation efforts. Therefore, the Facility complies with this standard.

d. A Road Impact Assessment/Geotechnical Report for roads to be used by the project. Said report should include an analysis of project-related traffic routes to be used during phases of construction, project operation and decommissioning. The report and any subsequent amendments shall be used as a discipline study and shall be incorporated into the Road Use Agreement between the Applicant and the County.

Response: A Routing and Hauling Study and a Traffic Impact Assessment have been prepared to analyze project-related traffic routes during construction and operation. These reports are included in the Public Services Exhibit and will inform the Road Use Agreement between the Applicant and Wasco County. The Applicant will obtain all required Road Use Agreements and Road Approach Permits from Wasco County and ODOT prior to construction. The Applicant anticipates a condition of approval requiring an executed Road Use Agreement prior to construction. Therefore, the Applicant complies with this standard.

10. Road Use Agreement – Where applicable, the Wasco County Road Department shall require the applicant to enter into a Road Use Agreement with the County to ensure that project construction traffic is mitigated and any damage to county roads that is caused by the construction of the energy facility or its related or supporting facilities is repaired by the applicant, and such county roads are restored to pre-construction conditions or better (this includes a weed plan and providing for re-vegetation).

- *General design standards for roads shall, in general, conform to policies set forth in Chapter [22][14].*
- *As part of the Road Use Agreement the applicant shall also obtain a utility permit for all project utility installation and approach permits for road approach access to county roads.*

Response: The Applicant will enter into a Road Use Agreement and all necessary utility permits and/or approach permits from Wasco County or ODOT prior to construction to ensure that Facility construction traffic is mitigated, any damage to public roads that is caused by the construction of the Facility is repaired, and public roads are restored to pre-construction conditions or better. The Applicant anticipates a condition of approval requiring an executed Road Use Agreement prior to construction.

11. Onsite Access Roads and Staging Areas – The impact of onsite access roads and staging areas within the Energy Facility Project Area shall be limited by:

(1) Constructing and maintaining onsite access roads for all-weather use to assure adequate, safe and efficient emergency vehicle and maintenance vehicle access to the site;

[14] Code reference adjusted to correct scrivener's error in the original text referring WCLUDO Chapter 21 (which addresses Land Divisions) instead of WCLUDO Chapter 22 (which addresses Road Standards).

(2) Using existing onsite access roads to the extent practical and avoiding construction of new on-site access roads as much as possible; and

(3) Restoring the natural grade and revegetating all temporary access roads, road cuts, equipment staging areas and field office sites used during construction of the energy facility. The applicant shall specify the type and amount of native seed or plants used to revegetate the disturbed areas and a timeline to complete this work.

Response: The Background Information Exhibit describes the Facility's anticipated access road construction requirements. Existing onsite roads will be used to the greatest extent practicable to minimize new disturbances. Where new access roads are required, they will be constructed to an all-weather standard, at least 16 feet wide, and designed to provide safe and efficient emergency vehicle access. Temporary roads, staging areas, and construction zones will be restored to natural grade and revegetated following completion of construction. The Applicant will use native seed mixes and plant species appropriate for the site, as detailed in Attachment 2 of the Soil Protection Exhibit, and will ensure prompt stabilization and habitat recovery by restoring temporarily used areas as construction is completed. The Applicant anticipates that compliance with the Construction Vegetation and Soil Management Plan (Attachment 2 of the Soil Protection Exhibit) will be included as a condition of approval.

12. *Dust Control – All approved non-paved temporary or permanent roads and staging areas within the Energy Facility Project Area shall be constructed and maintained to minimize dust, which may be addressed through the Road Use Agreement. If roads and staging areas are not construct with material that would prevent dust, the permit holder must regularly water roads and staging areas as necessary or apply an approved dust suppression agent such as Earthbind 100 to minimize dust and wind erosion.*

Response: The Soil Protection Exhibit describes potential adverse impacts on soil from construction and operation of the Facility, including dust and erosion control, and mitigation measures proposed to avoid or minimize potential impacts. A Dust Control Plan is provided in the Soil Protection Exhibit, Attachment 2. BMPs will be implemented to minimize the effects of the dust, including the application of water to disturbed ground during construction, graveling of permanent roadways, revegetation, and imposition of construction and operation speed limits on Facility access roads.

13. *Erosion and Sediment Control – All ground disturbing activities shall be conducted in compliance with a National Pollutant Discharge Elimination System (NPDES) permit as may be required by Oregon Department of Environmental Quality. Where applicable, an NPDES permit must be obtained. The plan must include best management practices for erosion control during construction and operation and permanent drainage and erosion control measures to prevent damage to local roads or adjacent areas and to minimize sediment run-off into waterways.*

Response: The Applicant, or its contractor, will prepare an Erosion and Sediment Control Plan and obtain a NPDES 1200-C permit from ODEQ prior to construction of the Facility.

14. *Weed Control – A weed plan shall be developed in consultation with the Wasco County Weed Department and implemented during construction and operation of the energy facility.*

Response: A Noxious Weed Control Plan has been developed in consultation with the Wasco County Weed Department Supervisor (see Soil Protection Exhibit, Attachment 2 for Construction and Attachment 3 for Operation). Therefore, this standard has been met.

15. *Signs - Outdoor displays, signs or billboards within the energy facility project boundary shall not be erected, except:*

    a. *Signs required for public or employee safety or otherwise required by law; (e.g., OSHA or compliance with the Manual of Uniform Traffic Control Devices (MUTCD) administered through the County Road Department); and*

    b. *No more than two signs relating to the name and operation of the energy facility of a size and type to identify the property for potential visitors to the site, but not to advertise the product. No signs for advertising of other products are permitted.*

Response: All signs, permanent and temporary, proposed with construction of the Facility will comply with these standards.

16. *Underground Systems – Where reasonably practicable, power collector and communication systems shall be installed underground, at a minimum depth of 3 feet. Shallower depths may be authorized where notification and safety measures are taken and wires are placed in schedule 40 conduit. The cable collector system shall be installed to prevent adverse impacts on agriculture operations and natural resources.*

Response: As discussed in the Background Information Exhibit, underground portions of the Facility's power collector line system will be buried in the soil at a minimum of 3 feet below the ground surface unless topography or other site conditions require them to be placed above ground.

17. *Operation & Maintenance Buildings – Permanent maintenance/operations buildings shall be located in the same zone as the principal energy facility, except that such buildings may be constructed in a separate zone if:*

    a. *The building is designed and constructed generally consistent with the character of similar buildings used in the surrounding area; and*

    b. *The building will be removed or converted to another approved use upon decommissioning of the energy facility consistent with the provisions of this ordinance.*

Response: The entire site boundary is within the A-1 zone; therefore, the O&M building is in the same zone as the principal energy facility.

18. *Coordination and Documentation - Prior to commencement of any construction, all other necessary permits shall be obtained, e.g. building permit, rural address, road approach, utility and other permits from the Wasco County Public Works Department, and/or from ODOT as well as any other applicable local, state or federal permits or approvals.*

Response: The Organizational Expertise Exhibit includes a list of potential permits required for the Facility. Prior to construction, the Applicant, or its contractor, will obtain all necessary local, state, and federal permits and approvals.

19. *Termination and Decommissioning. For an energy facility sited through EFSC, compliance with EFSC's financial assurance and decommissioning standards shall be deemed to be in compliance with these requirements. [remainder omitted]*

Response: The Retirement and Financial Assurance Exhibit includes a decommissioning plan designed to satisfy EFSC's financial assurance and decommissioning standards per OAR 345-022-0050 and this standard.

20. *Final Location – The actual latitude and longitude location or Oregon State Plane NAD83 HARN (international feet) coordinates of the energy facility and related or supporting facilities shall be provided to the County GIS Department once commercial electrical power production begins. Alternatively, this information could be provided in GIS layer consistent with the datum referenced above or any other datum deemed acceptable by the Wasco County GIS Department.*

Response: The latitude and longitude location or Oregon State Plane NAD83 High Accuracy Reference Network HARN coordinates of the final location of the Facility will be provided to Wasco County's Geographic Information Systems (GIS) Department within 90 days of commercial operations.

21. *Power Production Reporting - The County may require a report of nonproprietary power production for any time frame after the energy facility first begins production if permitted through the County. If requested, the permit holder shall have 180 days to produce said report.*

Response: If requested by the County, the Applicant will provide a report of nonproprietary power production within 180 days of receiving such request.

D. *Specific Standards - The following standards apply to specific types of energy facilities as described, in addition to the General Standards in Section C above.*

    1. *Wind Energy Facilities: [remainder omitted]*

Response: The Facility does not include any wind energy facilities. Therefore, these standards do not apply.

2. *Solar Energy Facilities:*

a. *Ground Leveling – The solar energy facility shall be designed and constructed to minimize ground leveling and to the extent reasonably practicable, limit ground leveling to those areas needed for effective solar energy collection.*

Response: The solar array is sited on relatively flat areas, which will allow for minimal ground leveling. The extent of grading needed will be determined prior to construction through the final engineering design process. Ground leveling will be minimized to the extent reasonably practicable.

b. *Misdirection of Solar Radiation – The solar energy facility shall be designed, constructed, and operated to prevent the misdirection of concentrated solar radiation onto nearby properties, public roadways or other areas accessible to the public, or mitigated accordingly.*

Response: The Facility does not include concentrated solar radiation technology. Therefore, this standard does not apply.

c. *Glare – The solar energy facility shall be designed, constructed and operated such that any significant or prolonged glare is directed away from any nearby properties or public roadways, or mitigated accordingly.*

Response: A glare analysis is included in Attachment 6 of the Public Services Exhibit. The glare analysis was prepared at the request of the Department of Defense to evaluate potential glare from the Facility. The analysis determined that while some glare may occur, it will be comparable to the reflection from a water body and will not pose a significant hazard. To minimize glare, the Facility will incorporate mitigation measures consistent with Federal Aviation Administration guidance, including the use of anti-reflective coatings on solar panels and optimizing panel tilt angles and azimuth angles. These measures ensure that any significant or prolonged glare is directed away from nearby properties and public roadways, and that the Facility complies with applicable standards.

d. *Cleaning Chemicals and Solvents – During operation of the solar energy facility, all chemicals or solvents used to clean solar panels or heliostats shall be low in volatile organic compounds and to the extent reasonably practicable, the permit holder shall use recyclable or biodegradable products.*

Response: The Applicant anticipates washing the solar photovoltaic panels using water. Cleaning agents will not be used to wash the panels.

e. *Wildlife – Measures to reduce wildlife impact may include using suitable methods such as coloration or sound producing devices to discourage birds from entering areas of concentrated solar energy near solar-thermal mirrors or other devices that concentrate solar radiation.*

Response: The Facility does not include concentrated solar radiation technology. Therefore, this standard does not apply.

3. *Cogeneration Facilities: [remainder omitted]*

Response: The Facility does not include any cogeneration facilities. Therefore, this standard does not apply.

4. *Electrical Transmission Facilities: [remainder omitted]*

Response: The Facility does not include a transmission line as defined by ORS 469.300(11)(a)(C). Similarly, the Facility does not include an electrical transmission facility as defined in WCLUDO Section 1.090[15]. Therefore, this standard does not apply.

5. *Natural Gas or Petroleum Product Pipelines: [remainder omitted]*

Response: The Facility does not include any natural gas or petroleum product pipelines. Therefore, this standard does not apply.

6.1.7 WCLUDO CHAPTER 20 – SITE PLAN REVIEW

6.1.7.1 SECTION 20.030 – CONTENTS OF THE SITE PLAN

The Site Plan shall clearly indicate the following information:

A. *Lot dimensions.*

B. *Location, size, height, of all existing or proposed buildings and structures, and illustrating the buildings and parking facilities on abutting properties.*

C. *Location, size and dimension of all yards and setbacks and all spaces between buildings.*

D. *Walls and fences: Location, height and materials.*

E. *Off street parking:*

[15] WCLUDO 1.090: Electrical Transmission Facilities – The conductors, lines, structures, towers, substations, switching stations, buildings, corridor, and construction staging and assembly areas associated with the transmission of electricity from power sources to the regional power grid and from the regional power grid to the local power distribution system, but not including "Associated Transmission Lines".

1. *Location, dimensions and method of improvement of all driveways and parking areas consistent with Sections 20.050 & 20.080.*

2. *Number of spaces consistent with Section 20.050 & 20.080 and internal circulation pattern.*

3. *Size and location of existing and proposed curb openings.*

F. *Access: Pedestrian, vehicular, service; and definitions of all points of ingress and egress.*

G. *Signs: Location, size, height, material and method of illumination.*

H. *Loading: Location, dimensions, number of spaces, internal circulation and access from public right of way consistent with 20.070 & 20.080.*

I. *Lighting: General nature, location and hooding devices (not including interior building lighting).*

J. *The location, dimensions and methods of improvement for all property to be dedicated to general public purposes or to public utilities.*

K. *A detailed plan for landscaping, if determined necessary by the Planning Director which shall clearly illustrate:*

1. *Plants and tree species, their initial sizes and other proposed landscaping materials.*

2. *The location and dimensions of all areas to be devoted to landscaping, and location of automatic sprinkler systems.*

L. *Outdoor storage and activities, if permitted in the zone, showing type, location and height of screening devices.*

M. *Drainage and grading plan.*

N. *Identification of proposed trash storage locations, including proposed enclosure design construction and access for pick up purposes.*

O. *Location of existing utility poles.*

P. *Such data as may be required by the Planning Director to act on the application.*

Response: The Applicant has provided the exhibits and maps required to satisfy the above requirements. This provision is procedural and not applicable to the substantive criteria.

6.1.7.2 SECTION 20.040 – APPROVAL STANDARDS

Upon completion of the Site Plan Review, the Approving Authority shall approve, approve with conditions, or disapprove the site plan. In approving the plan, the Approving Authority shall find that:

A. All provisions of this ordinance and other applicable ordinances are complied with.

B. Elements of the site plan are arranged so that:

1. Traffic congestion is avoided.

2. Pedestrian and vehicular safety and welfare are protected.

3. Significant features and public amenities are preserved and maintained.

4. There will be minimal adverse effect on surrounding property.

C. Proposed lighting is arranged to direct light away from adjoining properties.

D. Proposed signs will not interfere with traffic or limit visibility by size, location or illumination.

Response: This Land Use Exhibit describes how the Facility satisfies applicable Wasco County requirements (see responses to WCLUDO Section 3.211 and WCLUDO Section 19.030). The EFSC process ensures the remaining requirements of this section are considered in tandem with the State's energy supply, environmental protection, and public safety needs.

6.1.7.3 SECTION 20.050 – OFF STREET PARKING

At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure, off street parking spaces shall be provided in accordance with this Section. In an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this Section. Where square feet are specified, the area measured shall be the gross floor area necessary to the functioning of the particular use of the property but shall exclude space devoted to off street parking or loading. Where employees are specified, persons counted shall be those working on the premises during the largest shift at peak season, including proprietors.

The following are the uses and minimum standards provided for off street parking:

G. Industrial

1. Storage warehouse, manufacturing establishment, rail or trucking freight terminal: One space per employee.

2. *Wholesale establishment: One space per employee plus one space per 700 square feet of patron serving area.*

Response: WCLUDO Section 20.050 does not provide a parking standard for a commercial power generating facility. Operational parking needs for solar energy facilities are driven by the number of employees present onsite, not the area dedicated to the use or an estimated number of customers. As allowed by WCLUDO Section 20.080(B), the most comparable parking standard in WCLUDO Section 20.050 is the storage warehouse, manufacturing establishing, rail or trucking freight terminal standard of one space per employee. The Applicant anticipates a workforce of 300 to 500 during construction and 10 to 20 employees during operation. During construction, the workforce will park in graveled temporary staging areas. During operation, there will be a minimum of 20 parking spaces to accommodate the estimated 10 to 20 Facility operations and maintenance staff and visitors of the Facility.

6.1.7.4 SECTION 20.055 – BICYCLE PARKING REQUIREMENTS

At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure, bicycle parking shall be provided in accordance with the following standards:

A. *Number of Bicycle Parking Spaces - A minimum of two bicycle parking spaces per use is required for all uses with greater than ten vehicle parking spaces. The following additional standards apply to specific types of development:*

    1. *Multi-Family Residences – [remainder omitted]*

    2. *Parking Lots – [remainder omitted]*

    3. *Schools – [remainder omitted]*

    4. *Colleges and trade schools… [remainder omitted]*

    5. *County Commercial – [remainder omitted]*

    6. *Multiple Uses – [remainder omitted]*

B. *Exemptions - This Section does not apply to single family, two-family, and three-family housing (attached, detached or manufactured housing), home occupations, agriculture and livestock uses, or other developments with fewer than ten vehicle parking spaces.*

C. *Location and Design - Bicycle parking shall be conveniently located with respect to both the road right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). It should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided. Street furniture includes benches, street lights, planters and other pedestrian amenities.*

D. Visibility and Security - Bicycle parking shall be visible to cyclists from roadway sidewalks or building entrances, so that it provides sufficient security from theft and damage;

E. Options for Storage - Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building;

F. Lighting - Bicycle parking shall be least as well-lit as vehicle parking for security.

G. Reserved Areas - Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.

H. Hazards - Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located to avoid conflict with vision clearance standards (Section 4.090 Vision Clearance).

Response: The Applicant proposes to provide secure storage space for two bicycles within the O&M building.

6.1.7.5 SECTION 20.070 – OFF STREET LOADING

B. Merchandise, materials or supplies: Buildings or structures to be built or substantially altered to receive and distribute materials or merchandise by truck shall provide and maintain off street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. Off street parking areas used to fulfill the requirements of this Ordinance shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

Response: The Facility will include adequate space for delivery of parts and supplies within the O&M building yard and the BESS yard.

6.1.7.6 SECTION 20.080 – GENERAL PROVISIONS – OFF STREET PARKING AND LOADING

A. The provisions and maintenance of off street parking and loading spaces are continuing obligations of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use of off street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Ordinance. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off street parking or loading requirements, it shall be unlawful and a violation of

this Ordinance to begin or maintain such altered use until the required increase in off street parking or loading is provided.

B. *Requirements for types of buildings and uses not specifically listed herein shall be determined by the Director of Planning based upon the requirements of comparable uses listed herein.*

C. *In the event several uses occupy a single structure or parcel of land, the total requirements for off street parking shall be the sum of the requirements of the several uses computed separately.*

D. *Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap.*

E. *Off street parking spaces shall be located on the same or abutting lot with the building or use they are intended to serve.*

F. *Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.*

G. *Plans shall be submitted in sufficient detail so that they may be reviewed and approved by the appropriate reviewing authority.*

H. *Design requirements for parking lots:*

1. *Areas used for standing and maneuvering of vehicles shall have a durable and dustless, but not necessarily paved, surface maintained adequately for all weather use.*

2. *Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.*

3. *Access aisles shall be of sufficient width for all vehicle turning and maneuvering.*

4. *Groups of more than four parking spaces shall be served by a driveway so that no backing movement or other maneuvering will be required within a street.*

5. *Lighting of the parking area shall be deflected from a residential zone.*

I. *Required parking spaces shall be improved and available for use by the time the use to be served by the parking space is ready for occupancy.*

Response: Parking areas in the Facility will be designed to meet the County standards in WCLUDO Section 20.080. A Site Plan with parking areas identified will be provided with the associated building permit(s) reviewed by Wasco County following EFSC's issuance of the Facility's Site Certificate.

6.2 APPLICABLE WASCO COUNTY COMPREHENSIVE PLAN GOALS AND POLICIES

As required under WCLUDO Section 5.020(A), the Applicant must show that the Facility is consistent with the goals and objectives of the WCCP. The following provides an analysis of the Facility's consistency with applicable WCCP policies and demonstrates the Applicant's compliance with WCLUDO 5.020(A). These policies include the WCCP provisions Wasco County identified in its response to the Notice of Intent along with those the Applicant identified as potentially applicable under WCLUDO 5.020(A).

6.2.1 GOALS AND POLICIES

6.2.1.1 GOAL 1 – CITIZEN INVOLVEMENT

To ensure opportunities for citizens to be involved in the development of public policies and all phases of the planning process.

> *Policy 1.1.1: Encourage involvement of citizens and property owners in the land use planning process.*

Response: The EFSC process provides multiple opportunities for public involvement throughout all phases of the siting review, ensuring consistency with Goal 1 and Policy 1.1.1. These opportunities include public notice and comment periods at key milestones, such as the Notice of Intent, Preliminary Application, and Draft Proposed Order stages. EFSC also conducts public meetings where citizens, property owners, and other stakeholders can provide oral or written comments. All application materials and supporting analyses are made available for public review through EFSC's website and at designated local repositories, ensuring transparency and accessibility.

In addition to these formal EFSC processes, the Applicant hosted public open house meetings to share information about the Facility, answer questions, and gather feedback from citizens and property owners. This included a landowner participant dinner in September 2024, an outreach tent at Maupin Daze in May 2025, and a public open house in January 2025. These efforts demonstrate the Applicant's commitment to encouraging public involvement beyond regulatory requirements and ensure consistency with WCCP Goal 1 and applicable policies.

6.2.1.2 GOAL 3 – AGRICULTURAL LANDS

To preserve and maintain agricultural lands.

> *Policy 3.1.1: Maintain Exclusive Farm Use zoning consistent with state law for continued preservation of lands for resource uses.*

Response: The Facility does not require adjustments to existing property lines or the creation of new parcels within the EFU zone. All minimum lot sizes will remain unchanged, and no zone change is requested as part of the Facility proposal.

The "Commercial Power Generating Facility (Utility Facility for the Purpose of Generating Power)" use category under WCLUDO Section 3.215(M) is a non-farm use permitted through a conditional use review, consistent with ORS 215.283(2)(g). The micrositing corridor within the Facility site boundary allows for siting and design that minimizes footprint and impacts to the greatest extent possible. As demonstrated in this Land Use Exhibit and the Agricultural Impact Analysis (Attachment 4 of this exhibit), only 596 acres (i.e, 5 percent) of the site boundary of cultivated lands may be removed by the Facility. Crop cultivation and ranching activities may continue on undeveloped portions of the site and adjacent lands. Following decommissioning, the site can return to agricultural use at the end of the Facility's useful life.

Because the Facility will preclude more than 12 acres from use as a commercial agricultural enterprise, a Goal 3 exception is required. The exception analysis included in this Land Use Exhibit (Section 6.4) demonstrates compliance with ORS 197.732 and OAR Chapter 660, Division 4, and includes an agricultural economic impact assessment and ESEE analysis to ensure that the proposed use does not undermine the long-term viability of agricultural lands. Therefore, the Facility is consistent with WCCP Policy 3.1.1 and applicable state and local requirements.

6.2.1.3 GOAL 5 – OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES

To conserve open space and protect scenic, historic and natural resources.

Riparian Corridors

Policy 5.1.1: Preserve riparian areas to provide for productive ecological function.

Response: ERM conducted a comprehensive wetland and waters delineation for the Facility between 4 June and 26 September 2024 and 19 March and 8 June 2025, to identify the extent of wetlands and waters within the micrositing corridor. Field surveys documented 1,891 wetlands and 333 stream segments, and these results are provided in Volume 1 of the State and Local Laws Exhibit. The Facility design avoids all riparian corridors to maintain ecological function and connectivity. Based on these measures, the Facility is consistent with WCCP Policy 5.1.1, which seeks to preserve riparian areas for productive ecological function.

Wetlands

Policy 5.2.1: Preserve wetland areas to provide for productive ecological function.

Response: ERM conducted a comprehensive wetland and waters delineation for the Facility between 4 June and 26 September 2024 and 19 March and 8 June 2025 to identify the extent of wetlands and waters within the micrositing corridor. Field surveys documented 1,891 wetlands and 333 stream segments, and these results are provided in Volume 1 of the State and Local Laws Exhibit.

The Applicant has prioritized avoiding impacts to Waters of the U.S. and Waters of the State throughout Facility design. As delineation data became available, the preliminary site layout—including solar arrays, inverters, substation, and gen-tie route—was iteratively revised to minimize impacts. Avoidance measures include, but are not limited to, avoiding high-functioning wetlands and waters such as forested wetlands, floodplains, vernal pools, and streams with essential fish habitat; avoiding all impacts along the White River; prioritizing existing stream crossings for internal access roads and using bridges or spans instead of culverts, to the extent feasible, where new crossings are necessary; using trenchless methods such as horizontal directional drilling to avoid temporary or permanent impacts; and minimizing grading or alterations to natural drainage patterns.

All permanent structures associated with the Facility, including foundations, will meet or exceed setback requirements in WCLUDO Chapter 3: 100 feet from fish-bearing waters, 50 feet from non-fish-bearing waters, and 25 feet from other seasonal or permanent water bodies. Despite these measures, some impacts to waters may be unavoidable for internal access roads and collector line installation due to the widespread presence of these features within the site boundary. Where impacts occur, the Applicant will prepare a JPA, as described in Volume 1 of the State and Local Laws and Regulations Exhibit. All required information will be provided prior to the ASC being deemed complete. Accordingly, the Applicant expects that the Removal-Fill permit will be included in and governed by the Facility's site certificate. The Applicant will also identify outdated culverts and crossings within the analysis area that longer serve a purpose and may be removed to provide additional ecological and environmental benefits.

Based on these measures, the Facility will not have adverse impacts on wetlands and waters and is consistent with WCCP Goal 5, Policy 5.2.1.

Wildlife Habitat

Policy 5.3.1: Preserve wildlife habitat to provide for productive ecological function.

Response: This policy is implemented, in part, in section WCLUDO 19.030(C)(5), which is addressed in Section 6.1.6.1 of this Land Use Exhibit. The Applicant demonstrates in the response to WCLUDO 19.030(C)(5) that avoidance and minimization of impacts to fish and wildlife were considered in developing the Facility, after the completion of substantial resource surveys to identify fish, wildlife, and associated habitat and habitat use. In addition, the response to WCLUDO 19.030(C)(5) provides design features and other measures to protect fish and wildlife species and habitat. On this basis, and in consideration of the complete response to WCLUDO 19.030(C)(5), the Facility is consistent with WCCP Policy 5.3.1.

Federal Wild and Scenic Rivers

Policy 5.4.1: The White River will be protected consistent with the White River Management Plan and OAR 660-023-0120.

Response: The Facility avoids development activities within the White River (a federally Designated Wild and Scenic River). As a result, the Facility is consistent with WCCP Policy 5.4.1.

Oregon Scenic Waterways

Policy 5.5.1: The Deschutes and John Day Scenic Waterways shall be maintained and protected consistent with respective management plans and OAR660-023-0130.

Response: No portion of the site boundary is in the Deschutes or John Day Scenic Waterway. The Lower Deschutes River Scenic Waterway is located approximately 3.2 miles east of site boundary. No locations on the river or in the canyon would have potential visibility of any of the Facility's structures or components. Therefore, the Facility is consistent with this policy.

Groundwater Resources

Policy 5.6.1: Maintain quantity and quality of water in compliance with state and federal standards.

Response: As discussed in Volume 2 of the State and Local Laws and Regulations Exhibit, water used during construction is anticipated to be obtained from an existing municipal water source with existing water rights, most likely from Wasco County[16], and trucked to the site. The Applicant anticipates using an exempt well allowed under ORS 537.545 for operational water needs. The Applicant, or its contractor, will obtain a NPDES 1200-C permit from ODEQ prior to construction of the Facility. As part of the NPDES 1200-C permit application, the Applicant, or its contractor, will submit an Erosion Sediment and Control Plan for the Facility. The Applicant may conduct annual panel washing and will use only water to clean the panels. Wastewater generated during construction will be disposed of by a portable toilet subcontractor, and during operation will be discharged into a licensed onsite septic system. For the reasons outlined above, the Facility is not anticipated to have an impact on quantity and quality of groundwater resources within the Facility site boundary and is, therefore, consistent with WCCP Policy 5.6.1.

Natural Areas

Policy 5.8.1: Protect identified natural areas from conflicting uses and activities.

Response: As described in the response to WCLUDO Section 3.790 in Section 6.1.2.11, the Facility avoids development activities within areas designated as natural areas by this policy. Therefore, the Facility is consistent with this policy.

Mineral Resources

Policy 5.9.1: Protect and utilize appropriately the mineral and aggregate resources of Wasco County, and minimize conflict between surface mining and surrounding land uses.

Response: Portions of the site boundary include points mapped within the Mineral and Aggregate Overlay Zone (OZ-5). The Facility does not involve mineral or aggregate extraction and will not permanently preclude future resource use. Facility components will be microsited to avoid mapped resource points where feasible, and construction activities will not degrade resource quality. Upon decommissioning, all structures will be removed, temporary construction areas will be restored to

[16] Wasco County provided a letter documenting their ability to supply construction water for the Facility. This letter is provided as Attachment 1 of the Volume 2 of the State and Local Laws and Regulations Exhibit.

natural grade, and the site will be revegetated, ensuring that mineral and aggregate resources remain available for future extraction. Therefore, the Facility is consistent with this policy.

Energy Sources

Policy 5.10.1: Promote energy conservation and limit conflicting uses of significant energy source sites.

Response: Once constructed, the Facility will generate clean renewable solar energy and be considered a new significant energy source. The Facility site boundary is primarily undeveloped and does not contain an existing significant energy source; therefore, construction and operation of the Facility will not result in a new conflicting use. Therefore, the Facility is consistent with WCCP Policy 5.10.1.

Historical, Cultural, and Archeological Resources

Policy 5.11.1: Preserve the historical, archaeological, and cultural resources of the County.

Response: The Facility proposes to avoid all historic, cultural, and archeological resources that may be eligible for listing on the NRHP. Surveys identified 12 resources likely eligible for listing on the NRHP, 48 resources that were not evaluated, and 141 resources recommended as not eligible. While concurrence from the Oregon SHPO is pending, no protective measures are required for resources recommended as not eligible. Unevaluated resources will either be avoided or undergo further evaluation prior to any ground-disturbing activity. For resources determined eligible, the Facility will avoid direct impacts and implement protective buffers; if complete avoidance is not feasible, appropriate mitigation measures will be implemented in consultation with SHPO and other relevant agencies. Additional information is provided in response to WLCUDO Section 19.030(C)(6) in Section 6.1.6.1. The Historic, Cultural, and Archaeological Resources Exhibit documents the cultural resource surveys, findings, and state and tribal coordination completed for the Facility.

In addition, an IDP has been prepared and included in the Historic, Cultural, and Archaeological Resources Exhibit. The IDP outlines procedures to follow if previously unidentified archaeological, historical, or cultural artifacts are encountered during construction or operation. Therefore, the Facility is consistent with this policy.

Scenic Views and Sites

Policy 5.13.1: Protect scenic views and areas identified in the 1983 Comprehensive Plan inventory.

Response: The Scenic Resources Exhibit presents an analysis of significant or important scenic resources as classified in the WCCP. As previously mentioned throughout this Land Use Exhibit, the Facility will not have a significant adverse impact on scenic resources. Therefore, the Facility is consistent with this policy.

6.2.1.4 GOAL 6 – AIR, WATER, AND LAND RESOURCES QUALITY

To maintain and improve the quality of the air, water, and land resources of the County.

Policy 6.1.1: Encourage land uses and land management practices which preserve both the quantity and quality of air, water and land resources.

Response: The Facility will implement design, construction, and operational practices to maintain and improve the quality of air, water, and land resources, consistent with WCCP Policy 6.1.1 and applicable state and federal requirements. Solar energy generation provides renewable power, reducing reliance on non-renewable sources and supporting long-term environmental quality.

During construction, the Applicant, or its contractor, will obtain all necessary permits, including a NPDES 1200-C Construction Stormwater Discharge Permit to manage stormwater and prevent sediment discharge, and a Basic Air Contaminant Discharge Permit if required by construction methodology. BMPs will be implemented to minimize dust and erosion, including water application on disturbed areas, stabilization or re-vegetation of temporary surfaces, and enforcing speed limits on access roads.

The Facility design incorporates setbacks to protect water resources and riparian areas: at least 100 feet from fish-bearing waters, 50 feet from non-fish-bearing waters, and 25 feet from other seasonal or permanent water bodies. These setbacks, combined with avoidance measures for wetlands and riparian corridors, preserve ecological function and water quality. Where impacts to wetlands or waters are unavoidable for internal access roads or collector lines, the Applicant will obtain permits from USACE and/or DSL and implement compensatory mitigation consistent with federal and state requirements.

During operation, the Facility will not generate emissions or discharges that could adversely affect air, water, or land resources. Stormwater management infrastructure, where needed, will continue to protect water quality, and regular monitoring will ensure compliance throughout the Facility's lifetime.

Although some agricultural land will be removed from agricultural use, the Facility will not adversely affect the agricultural land resources of the area, as it will not impact the ability of existing farms and ranches in the surrounding area (including the Facility landowners) to continue operation. In fact, numerous landowners stated the landowner survey that they would simply move their operations elsewhere. The Facility will result in a net benefit to agricultural incomes, as the minimal loss of agricultural income due to the limited amount of agricultural land occupied by the Facility will be more than offset by revenue to local farmers/ranchers from Facility leases. The additional revenues received by farmers from Facility lease payments will provide a stable and predictable source of income that will supplement farm/ranch revenues and help ensure that landowners' agricultural operations can remain viable in years with lower crop yields or prices. In addition, following the end of the Facility's useful life and completion of decommissioning, agricultural activities can resume on the land within the site boundary.

Based on these measures, the Facility is consistent with WCCP Policy 6.1.1.

Policy 6.1.2: Maintain air quality in compliance with state and federal standards.

Response: Solar energy generation provides renewable power, reducing reliance on non-renewable sources and supporting long-term environmental quality.

During construction, the Applicant, or its contractor, will obtain all necessary permits, including a Basic Air Contaminant Discharge Permit if required by construction methodology. BMPs will be implemented to minimize dust and erosion, including water application on disturbed areas, stabilization or re-vegetation of temporary surfaces, and enforcing speed limits on access roads.

During operation, the Facility will not generate emissions or discharges that could adversely affect air, water, or land resources. Based on these measures, the Facility is consistent with WCCP Policy 6.1.2.

> *Policy 6.1.3: Maintain quantity and quality of water in compliance with state and federal standards.*

Response: ERM completed a wetland and waters delineation for the Facility between 4 June to 26 September 2024 and 19 March to 8 June 2025 to determine the extent of wetlands and waters in the micrositing corridor. The field surveys identified a total of 1,891 wetlands and 333 stream segments within the survey area. The wetlands and waters survey results are provided in the State and Local Laws Exhibit. The delineation is subject to verification and approval from the DSL and Wasco County.

The Applicant has prioritized avoiding impacts to Waters of the U.S. and Waters of the State throughout the Facility design process. As delineation data became available, the preliminary site layout—including solar arrays, inverters, substation, and gen-tie route—was iteratively revised to minimize impacts. Avoidance measures include:

- Avoid all new impacts to high-functioning wetlands and waters, such as forested wetlands, floodplain, vernal pools, and streams with essential fish habitat.
- Avoid all impacts along the White River.
- Prioritize the use of existing stream crossings for internal access road routing. Where new stream crossings or improvements to existing stream crossings are required, use bridges or spans instead of culverts to the extent feasible.
- Use horizontal directional drilling or similar techniques to place collection and utility lines below wetlands and waters in a manner that avoids temporary or permanent impacts to the features.
- Avoid grading or other alterations to existing drainage patterns across the landscape to the greatest extent feasible.

All permanent structures associated with the Facility, including foundations, will meet or exceed the setback requirements specified in this section: 100 feet from fish-bearing waters, 50 feet from non-fish-bearing waters, and 25 feet from other seasonal or permanent water bodies. These setbacks have been integrated into the Facility design.

Some impacts to streams may be unavoidable for construction of internal access roads and installation of collector lines due to the widespread presence of these features within the site boundary. These activities are allowed under the ordinance when designed to minimize intrusion into riparian areas. Where impacts occur, the Applicant will obtain all necessary permits from

USACE and/or DSL and implement compensatory mitigation consistent with applicable federal and state requirements. Permits will be provided prior to the ASC being deemed complete.

Prior to construction, the Applicant, or its contractor, will obtain all necessary permits in accordance with federal, state, and local regulations to ensure water is protected. These measures include securing a NPDES 1200-C Construction Stormwater Discharge Permit to manage stormwater and prevent sediment discharge and implementing dust control BMPs such as water application and surface stabilization.

Following construction, Facility operations will not generate discharges that could adversely affect water. Water quality will continue to be protected through stormwater management infrastructure, and regular monitoring will ensure compliance with applicable standards throughout the Facility's lifetime. As a result, the Facility is consistent with this policy.

> *Policy 6.1.4: Consider the impact of noise on wildlife, residents and businesses as part of development analysis for conditional uses.*

Response: This policy is implemented in the response to WCLUDO Sections 5.020(B) and (E) in Section 6.1.4.1, as well as WCLUDO 19.030(C)(3), which is addressed in Section 6.1.6.1. As noted in those sections, potential noise impacts have been evaluated through acoustic modeling, as documented in Volume 3 of the State and Local Laws and Regulations Exhibit. There are 116 NSRs within the site boundary and the surrounding 1-mile area, all classified as single-family residential structures. Construction activities may generate noise levels above ambient conditions near NSRs; however, noise will attenuate with distance. The solar panel fence line, behind which most construction activities will occur, will be set back a minimum of 50 feet from property lines of participating landowners and 200 feet from property lines of non-participating landowners. Modeling results indicate that operational noise levels, with all Facility sources operating simultaneously at full load, will comply with ODEQ noise regulations (OAR 340-035-0035) at all NSRs, ensuring minimal noise effects on adjoining properties. Measures to further reduce noise during construction and operation are outlined in the same exhibit. As a result, the Facility is consistent with this policy.

6.2.1.5 GOAL 7 – AREAS SUBJECT TO NATURAL DISASTER AND HAZARDS

To protect life and property from natural disaster and hazards.

> *Policy 7.1.1: Mitigate flood hazards through active management of water resources, soil and water conservation techniques, and flood plain identification.*

Response: As described in WCLUDO Section 3.710 and WCLUDO Section 3.712, the Facility avoids development in mapped floodplain areas to the greatest extent practical. See Sections 6.1.2.6 and 6.1.2.7 for a description of how the Facility complies with floodplain development requirements. By demonstrating compliance with the applicable flood hazard ordinance, the Facility also demonstrates consistency with this policy.

> *Policy 7.1.2: Mitigate geologic hazards through active management of development and landform alterations in identified geologic hazard prone areas.*

Response: As described under WCLUDO Section 3.722 in Section 6.1.2.8, a geological investigation was conducted by a registered professional engineer in the State of Oregon working with ANS Geo, Inc. to evaluate site-specific geologic conditions. The investigation concluded that the site boundary presents negligible slope stability risk, a low potential for karst-related hazards, and a low risk of liquefaction. The Structural Standard Exhibit identifies geologic hazards and provides mitigation, where applicable. Therefore, the Facility is consistent with this policy.

Policy 7.1.3: Mitigate wildfire hazards through enhanced fire safety development standards.

Response: As discussed in Wildfire Prevention and Risk Mitigation Exhibit, the Facility has been designed to mitigate wildfire hazards. Draft Construction and Operations Wildfire Mitigation Plans are included as attachments to the Wildfire Prevention and Risk Mitigation Exhibit. The Wildfire Mitigation Plans discuss wildfire prevention and protection measures for the Facility. The final plans will be developed with continued input from the JFRFPD. The Applicant's employees and contractors will be trained on the procedures for wildfire that are outlined in the plans. A copy of the plans will remain onsite to be used in the event of an emergency. Therefore, the Facility is consistent with WCCP Policy 7.1.3.

6.2.1.6 GOAL 9 – ECONOMIC DEVELOPMENT

To diversify and improve the economy of Wasco County.

Policy 9.1.1: Maintain commercial agriculture as the basis for the County's rural economy.

Response: The Facility is entirely located within the EFU zone. As described in the Agricultural Impact Analysis, the Facility will not adversely affect the agricultural land resources of the area. Of the 12,532 acres within the micrositing corridor, about 4,994 acres are used as pastureland for grazing, with small areas dedicated to hay and grass for cattle feed, winter wheat on one parcel, barley on another, and miscellaneous uses. Approximately 596 acres of land might be removed from active agricultural production. Landowner surveys consistently describe the land as rocky, with shallow soils, and underlain by hard clay or basalt, making farming economically infeasible. Several landowners reported that the land has not generated agricultural revenue in decades and serves only as grazing ground. Others noted that hay and wheat yields were far below regional averages, leading them to leave most acreage fallow. In addition, at least one landowner stated that no amount of water would make the land productive due to its rocky composition.

A Farm-Forest Management Easement will be signed and recorded by each landowner with property within the site boundary, as required by WCLUDO Section 3.218. The proposed use will be compatible with adjacent agricultural uses, as it will not limit or impact current or future farm activities on the surrounding land and will not diminish the opportunity for neighboring parcels to expand, purchase, or lease any vacant land available for agricultural uses.

The Facility will help maintain agricultural uses in Wasco County by providing stable revenue for Facility landowners, who will receive lease payments for use of their land. The Facility will also result in a net benefit to agricultural incomes, as the minimal loss of agricultural income due to

the limited amount of agricultural land occupied by the Facility will be more than offset by revenue to local farmers/ranchers from solar facility leases. The additional revenues received by farmers from Facility lease payments will provide a stable and predictable source of income that will supplement farm/ranch revenues and help ensure that landowners' agricultural operations can remain viable in years with lower crop yields or prices.

The Facility will provide long-term economic benefits to Wasco County's rural economy through contributions to the local tax base and the creation of jobs during both construction and operation. These benefits support the County's rural economy and complement agricultural-based activities. In addition to these ongoing economic contributions, the Applicant has entered MOUs and/or had discussions with local programs and services, such as the JFRFPD and WCSO, to outline potential future support estimated at upwards of $265,000. These contributions will be provided once EFSC issues the Final Order and the Site Certificate for the Facility is received, demonstrating the Applicant's commitment to supporting community services and infrastructure. Future contributions will continue to be considered as the Facility moves through construction and operation, ensuring that the Facility provides meaningful benefits to Wasco County beyond renewable energy generation.

The Applicant is also proposing to contribute a total of approximately $2.1 million for impacts to the approximately 12,532 acres through an agricultural mitigation fund upon start of construction of the Facility. This amount is equivalent to the Facility's estimated indirect impact on the Wasco County agricultural economy, over the 30-year life of the Facility. Due to the diverse range of agricultural activities occurring within the site boundary, it is difficult to discern a single agricultural supplier or organization that would be primarily affected. Therefore, the Applicant is focusing mitigation efforts on benefitting the agricultural community as a whole. The Applicant is developing an Agricultural Mitigation Plan (Attachment 5) that may allocate the mitigation fund to JFDIC and JFRFPD, among others. This plan will continue to be developed through completeness review as additional coordination and outreach occurs.

> *Policy 9.1.2: Encourage commercial and industrial development compatible with the County's agricultural based economy.*

Response: The Facility is a commercial use that will benefit Wasco County's agriculturally based economy by providing a net benefit to the agricultural incomes of the farmers and ranchers involved with the Facility. As described above in response to WCCP Policy 9.1.1, the income from agricultural activities is minimal. The landowners state that they do not anticipate any farm management jobs will be lost because of the Facility, and any grazing activities will continue at alternate locations. Any loss of CRP or agricultural income due to establishment of the Facility will be more than offset by revenue from land leases. Also, the Facility supports Wasco County's Goal 13, which identifies the county's policy to identify, protect, and develop potential renewable energy resources within the county boundaries. The Facility supports this goal by developing an energy facility that is renewable and nonpolluting.

Policy 9.1.3: Wasco County will support the expansion and increased productivity of existing industries and businesses as a means to strengthen local and regional economic development.

Response: Through the Facility's lease payments, landowners will receive a stable, long-term income for the farming operation, compared to current revenues from agricultural products that can fluctuate significantly on a seasonal basis. Lease payments are dependable sources of income and improve the potential that landowners and farm operators can purchase additional equipment and hire staff, as needed, to support their existing operations and potentially expand. This will directly support the local economy.

The Facility will benefit the local economy in the short term by providing temporary construction-related employment. During construction, the workforce will purchase goods and supplies, stay in area hotels, and eat at local restaurants, all of these providing an economic benefit to the local and regional economy by supporting area businesses. Development of the Facility will increase economic diversity within Wasco County and offer nonagricultural employment opportunities for County residents. When operational, the Facility will add an estimated 10 to 20 jobs within Wasco County, a portion of which will be filled locally.

Facility operations are also anticipated to produce additional revenue for Wasco County through contributions to the local tax base. This additional revenue will contribute to improved local services such as roads, schools, police, and fire that benefit Wasco County and the region. As discussed in the response to WCCP Policy 9.1.1 above, the Applicant has already committed to providing direct financial support to local programs and services. These future contributions demonstrate the Applicant's commitment to supporting community services and infrastructure. Further contributions will continue to be considered as the Facility moves through construction and operation, ensuring that the Facility provides meaningful benefits to Wasco County beyond renewable energy generation.

6.2.1.7 GOAL 10 – HOUSING

To provide for the housing needs of the citizens of Wasco County.

Policy 10.1.5: Short term rentals shall be managed to mitigate impact to existing residential uses, agricultural and other uses, resources and affordable housing.

Response: The Public Services Exhibit includes an analysis of potential impacts to housing availability as required by OAR 345-022-0110 and this policy. Facility construction will bring an average of 300 and at peak construction a maximum of 500 temporary residents to the analysis area who will require temporary housing within 50 miles of the Facility. Between RV parks, hotels/motels, and short-term rentals, there is sufficient temporary housing within a one-hour commute of the Facility to accommodate the temporary workforce. During the summer tourism season, there is likely to be additional strain on temporary housing. To minimize the impacts, the Applicant will work with their engineering, procurement, and construction contractor to proactively manage potential impacts associated with Facility-related housing demand. This may include the following: working with local labor organizations to prioritize local workforce hiring to minimize the

number of people requiring temporary housing; sequencing construction activities, where possible, such that peak temporary housing needs occur during the tourism off-season; and coordinating with local RV parks to provide additional hookups so that local RV parks can increase their capacity, if demand for RV spaces with hookups exceeds the supply. Facility operation will require up to 20 full-time employees and local hiring will be prioritized; therefore, it is assumed that a maximum of 10 employees may relocate. This represents an insignificant fraction (approximately 0.111 percent) of the county's total population and can be readily absorbed by the existing housing market without creating adverse impacts on housing availability or affordability. Therefore, the Facility is consistent with this policy.

6.2.1.8 GOAL 11 – PUBLIC FACILITIES AND SERVICES

To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

> *Policy 11.1.1: Ensure development is concentrated in areas with appropriate levels of fire and emergency services.*

Response: The Facility is within the boundaries of the JFRFPD. The Facility will be equipped with fire protection equipment in accordance with the Oregon Fire Code. Draft Construction and Construction and Operations Wildfire Mitigation Plans have been developed to reduce the causes of fire, prevent loss of life and property by fire, and to comply with the Wasco County Fire Safety Standards in WCLUDO Chapter 10. The Wildfire Mitigation Plans are included in the Wildfire Prevention and Risk Mitigation Exhibit. The Applicant has engaged with JFRFPD to coordinate on fire and emergency response for Facility construction and operation. The Applicant, JFRFPD, and SWCA ASA entered an MOU to ensure that potential impacts to public service providers and the community are appropriately offset and that proper fire and emergency response measures are developed and implemented during Facility construction and operation. As part of the coordination commitment embodied in the MOU, the Applicant shared the draft Wildfire Mitigation Plans for Construction and Operation (provided as Attachments 1 and 2 of the Wildfire Prevention and Risk Mitigation Exhibit) with JFRFPD and JFRFPD shared feedback on these plans on 21 November 2025. The Applicant has incorporated initial feedback from JFRFPD into the Wildfire Mitigation Plans and is committed to continuing dialogue with JFRFPD so that additional input and feedback is incorporated into those plans, as appropriate, prior to submitting the final Application for Site Certificate. Therefore, the Facility is consistent with this policy.

> *Policy 11.1.2: Provide an appropriate level of police protection for rural areas.*

Response: The Facility is within the boundaries of the WCSO. A letter from the WCSO is included in the Public Services Exhibit and confirms their ability to respond to incidents at the Facility. The Applicant understands that the WCSO is concerned about the influx of temporary workers in the community. To demonstrate commitment to community safety, and to offset any impact from the Facility construction and operation, the Applicant entered a MOU with Wasco County and other local emergency response services (Fire and EMS) to document a shared commitment between the Applicant, Wasco County, and emergency responders to public safety. As documented in the

MOU, provided as Attachment 9 in the Public Services Exhibit, the Applicant and Sheriff's Office will work together with a mutual goal of ensuring a safe community. To achieve this mutual goal, the Applicant will seek input from the Sheriff's Office on the Emergency Response Plan and emergency response protocols for the Facility and will provide financial support to the Sheriff's Office to bolster the Sheriff Office's emergency response capabilities. Therefore, the Facility is consistent with this policy.

Policy 11.1.3: Minimize adverse impacts resulting from power line corridor and utility development.

Response: This policy is implemented in WCLDO 3.214(L) and reflected in state law, which requires the Applicant to evaluate associated transmission lines under ORS 215.274 as they are considered a subset of the transmission lines that could be evaluated as utility facilities necessary for public service under ORS 215.283(1)(c)(B). ORS 215.274 requires an analysis of alternative transmission corridor routes to avoid and minimize impacts associated with siting transmission lines in the EFU zone. The Facility collector system will be located underground to the extent feasible. The Applicant analyzes possible transmission line corridor routes for the gen-tie line in Section 6.3 of this exhibit in compliance with ORS 215.274 and demonstrates that the proposed route must be sited on high-value farmland or arable land to achieve a reasonably direct route or meet unique geographical needs.

6.2.1.9 GOAL 12 – TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system.

Policy 12.1.5: Maintain the safety, physical integrity, and function of the County transportation network.

Response: This policy is implemented through WCLUDO Section 19.030(C)(9) and (10). The Applicant proposes several measures to ensure that the construction and operation of the Facility will maintain Wasco County's road system in as good or better quality than prior to the Facility's construction. The Applicant has coordinated with Wasco County Public Works to determine any potential weight limitations that may require alternate routes or road improvements. The Director of the Wasco County Public Works reviewed the Routing and Hauling Study provided as Attachment 2 of the Public Services Exhibit and a copy of the correspondence between the Applicant and Wasco County Public Works along with a draft road use agreement with Wasco County Public Works is provided as Attachment 7 of the Public Services Exhibit. The Applicant will enter into a final Road Use Agreement with Wasco County and/or ODOT, which will be developed in consultation with the Wasco County Road Department and/or ODOT. There are places on the proposed routes that will require improvements to accommodate new access road driveways and/or construction traffic. These improvements will remain in place following construction. This is a benefit to Wasco County because the Facility will bear the cost of these improvements, and when the improvements are completed, they will be available for public use. For these reasons, the Facility is consistent with this policy.

6.2.1.10 GOAL 13 – ENERGY CONSERVATION

To conserve energy, reduce waste, and increase self-sufficiency.

> *Policy 13.1.1: The County will work with appropriate State and Federal agencies to identify and protect, and if feasible, develop potential energy resources, especially renewable energy resources.*

Response: The Facility harnesses solar energy, a renewable energy resource that is nonpolluting, to meet the County's energy demand. The EFSC process ensures the Facility will be developed in a way that satisfies state and federal agency requirements. Therefore, the Facility is consistent with this policy.

> *Policy 13.1.2: Reduce the consumption of non-renewable sources of energy whenever possible.*

Response: The Facility will provide a source of renewable energy in Wasco County, reducing the need for non-renewable energy sources. Therefore, the Facility is consistent with this policy.

> *Policy 13.1.6: Use of renewable energy shall be encouraged.*

Response: The Facility is a solar energy generation facility and will provide a source of renewable energy in Wasco County once operational. Therefore, the Facility is consistent with this policy.

> *Policy 13.1.7: New energy facilities shall meet the requirements in State Law.*

Response: The Facility is seeking a site certificate from EFSC. The EFSC process and site order will ensure the Facility complies with all applicable requirements in state law. Therefore, the Facility is consistent with this policy.

6.3 DIRECTLY APPLICABLE GOALS, STATUTES, AND ADMINISTRATIVE RULES

The WCLUDO does not implement recently amended OARs like OAR 660-033-0130(5) and OAR 660-033-0130(38) or ORS 215.274 so the Applicant addresses then directly below.

6.3.1.1 OAR 660-033-0130(5) – MINIMUM STANDARDS APPLICABLE TO THE SCHEDULE OF PERMITTED AND CONDITIONAL USES

(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: The criteria of OAR 660-033-0130(5) are only applied to certain uses identified in the 660-033-0120 table. Pursuant to this table, the OAR 660-033-0130(5) criteria are applicable to the photovoltaic solar power generation facility (660-033-130[38]), but not the gen-tie line (660-033-130[16][b]).

The proposed use will be compatible with adjacent agricultural uses, as it will not limit or impact current or future farm activities on the surrounding land and will not diminish the opportunity for neighboring parcels to expand, purchase, or lease any vacant land available for agricultural uses. Based on the above analysis, there is no evidence to suggest that construction or operation of the Facility will limit or adversely impact existing farming operations within the surrounding lands or force a significant change in accepted farm or forest practices or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use. Additional information can also be found in the response to WCLUDO Section 5.020 in Section 6.1.4.1.

> *(c) For purposes of subsection (a) and (b), a determination of forcing a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use or a determination of whether the use will significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use requires:*
>
> > *(A) Identification and description of the surrounding lands, the farm and forest operations on those lands, and the accepted farm practices on each farm operation and the accepted forest practices on each forest operation;*

Response: For purposes of evaluating OAR 660-033-0130(5), "surrounding lands" are defined as parcels within site boundary as well as within an area 0.5 mile from the Facility site boundary. The surrounding lands consist of approximately 24,756 acres. There are no forest operations within the site boundary. The Applicant utilized landowner testimony (Attachment 3) as well as aerial imagery and field verification to identify and delineate cultivated lands within the site boundary. Approximately 596 acres within the site boundary are cultivated primarily with grass and hay, along with some dryland wheat and barley, while about 4,994 acres are used as rangeland for livestock, including cattle and sheep. Rural residential use occurs in the western portion of the site boundary. Table 12 identifies tracts within the site boundary and details water rights and accepted farming practices; tracts are depicted in Attachment 1, Figure 6.

A desktop analysis of lands outside the site boundary but within the 0.5-mile analysis area that surrounds the site boundary shows that land use is largely grassland/herbaceous, especially east and west of the site (Attachment 1, Figure 5). USDA Cropland data indicates approximately 696 acres of cultivated land in this area, primarily barley, alfalfa, winter wheat, and fallow idle cropland[17]. Forest land is present to the north of the site boundary along the White River and to the south on Warm Springs Reservation lands (Attachment 1, Figure 5).

Of the 24,756-acre surrounding lands, only about 1,292 acres (i.e., 5.2 percent) are under cultivation. Most surrounding lands are within the JFDIC boundary, except for a portion to the south. Irrigation water is primarily used for hay/grass cultivation and livestock pasture, but limited

[17] The description of lands within the analysis area was confirmed through coordination with the Wasco County Soil and Water Conservation District that occurred in November 2025.

water availability, annual variability, and poor soil quality make crop production economically infeasible.

The Facility will maintain a minimum setback of 50 feet from adjacent participating landowner property lines and 200 feet from non-participating property lines (see Table 11), ensuring that construction, operation, and maintenance activities do not interfere with accepted farming practices on adjacent lands.

JFDIC conveys water through unlined ditches and flood irrigation, controlled by gates, weirs, culverts, and valves. The Applicant conducted a site walk with JFDIC on 22 August 2025, and mapped irrigation ditches and control devices (Attachment 1, Figure 7(b)). Coordination with JFDIC includes developing a maintenance schedule for irrigation ditches not actively used during Facility operation to ensure they can return to prior use after decommissioning. The Applicant is negotiating an MOU with JFDIC for access to control devices and maintenance of irrigation ditches extending outside the site boundary; these commitments will be incorporated into an Access and Maintenance Coordination Plan. The Access and Maintenance Coordination Plan will be provided prior to the ASC being deemed complete. Based on JFDIC input, the preliminary Facility layout includes a minimum 50-foot setback between irrigation ditch centerlines and above-ground components (excluding new access roads), ensuring protection of critical irrigation infrastructure and maintenance access.

TABLE 12 LANDOWNERS WITHIN SITE BOUNDARY

Tract	Total Tract Area (Acres)	Farm Operations
1-Dodge Family A	3,527.71	**Farming Operation: Grass and Hay and Cattle Grazing.** The Dodge Family owns numerous tracts of land within the site boundary, including Tract 1, 2, 5, 9, and 22. Most of their land consists of grassland or shrub habitat of which they have cattle grazing on approximately 46 acres total. Within Tract 1, they also grow approximately 18.18 acres of grass and hay that they mostly use for feed, with limited commercial sale. The landowner has stated that the farming operation can be moved elsewhere outside the site boundary. Irrigation water rights: Permit G-11652.
2-Dodge Family B	1,718.63	**Farming Operation: Grass and Hay and Cattle Grazing.** The Dodge Family owns numerous tracts of land within the site boundary, including Tract 1, 2, 5, 9, and 22. Most of their land consists of grassland or shrub habitat of which they have cattle grazing on approximately 46 acres total. Within Tract 2, they also grow approximately 25.61 acres of grass and hay that they mostly use for feed, with limited commercial sale. The landowner has stated that the farming operation can be moved elsewhere outside the site boundary. Irrigation water rights: JFDIC Certificate 82179 and 77326/77733.
3-Woodside A	1,717.23	**Farming Operation: Grass and Hay and Cattle Grazing.** Within this tract they grow approximately 75.52 acres of grass and hay for personal use for cattle feed. In addition, they graze cattle on approximately 87 acres flood irrigated pasture. Irrigation water rights: JFDIC Certificate 77326/77733.
4-Hein	1,042.30	**Farming Operation: None.**
5-Dodge Family C	1,022.71	**Farming Operation: Cattle Grazing.** The Dodge Family owns numerous tracts of land within the site boundary, including Tract 1, 2, 5, 9, and 22. Most of their land consists of grassland or shrub habitat of which they have cattle grazing on approximately 46 acres total.
6-Fullington	990.71	**Farming Operation: Cattle Grazing.**

Tract	Total Tract Area (Acres)	Farm Operations
		Within this tract, they graze their cattle on approximately 990 acres. This landowner stated that they have not grown anything on their land for more than 20 years. The landowner also stated that the soils in the area are very rocky and poor and the land is not suitable for farming. Irrigation water rights: JFDIC Certificate 77326/77733.
7-Groce	780.18	**Farming Operation: Grass and Hay.** Based on aerial imagery, it appears that approximately 184.77 acres are cultivated for grass and hay. Irrigation water rights: JFDIC Certificate 77326/77733.
8-Ambrose	674.77	**Farming Operation: None.** This landowner stated they have not grown anything on their land for more than 39 years. The landowner stated that the soils in the area are very rocky and poor and the land is not suitable for farming.
9-Dodge a	586.74	**Farming Operation: Cattle Grazing.** The Dodge Family owns numerous tracts of land within the site boundary, including Tract 1, 2, 5, 9, and 22. Most of their land consists of grassland or shrub habitat of which they have cattle grazing on approximately 46 acres total. The landowner has stated that the farming operation can be moved elsewhere outside the site boundary. Irrigation water rights: JFDIC Certificate 77326/77733.
10-Holder	513.24	**Farming Operation: Grass and Hay and Cattle Grazing.** Within this tract, approximately 34.43 acres are cultivated for grass and hay. In addition, approximately 389 acres of this tract are used for cattle grazing. Irrigation water rights: JFDIC Certificate 77326/77733.
11-Skogrand	320.36	**Farming Operation: Livestock Grazing.** Landowner stated that the soils in the area are very rocky and poor and that most of the land (approximately 211 acres) is not suitable for farming. The landowner grazes livestock within this tract. Irrigation water rights: JFDIC Certificate 77326/77733.

Tract	Total Tract Area (Acres)	Farm Operations
12-Sterling	273.85	**Farming Operation: Livestock Grazing.** The landowner grazes livestock within this tract. Irrigation water rights: JFDIC Certificate 77326/77733 and Permit G-18068.
13-Elmer	211.96	**Farming Operation: Hay and Cattle Grazing.** Within this tract, approximately 95.69 acres are used to grow hay for personal use as cattle feed. The landowner grazes cattle within this tract. Irrigation water rights: JFDIC Certificate 77326/77733 and Cert 72321/76974.
14-Lewis	198.30	**Farming Operation: Barley and Sheep Grazing.** Within this tract, approximately 10.14 acres are used to grow barley for personal use as sheep feed. Sheep grazing also occurs in this land. The landowner stated that ground is either rock hollow/scab with visible basalt or a hard clay-cobble mix and that approximately 120 to 130 acres are not farmable. The landowner also stated that they used to grow hay, but crop yield was terrible (about 1 ton per acre), so the remaining area is fallow now. Irrigation water rights: JFDIC Certificate 77326/77733.
15-Brown	188.03	**Farming Operation: Livestock Grazing.** The landowner grazes livestock within this tract.
16-Yanez	161.33	**Farming Operation: Horses.** The landowner raises horses within this tract.
17-Treanor	159.17	**Farming Operation: None.**
18-Woodside B	158.81	**Farming Operation: None.**
19-Waine	157.48	**Farming Operation: Wheat and Livestock Grazing.** Within this tract, approximately 150.85 acres are used to grow dryland wheat for personal use as livestock feed, as well as commercial sales to co-ops. The landowner grazes livestock within this tract.
20-Brace	153.85	**Farming Operation: Cattle Grazing.** The landowner grazes cattle within this tract.
21-Hill	117.10	**Farming Operation: None.**

Tract	Total Tract Area (Acres)	Farm Operations
		Irrigation water rights: JFDIC Certificate 77326/77733 and Cert 7805.
22-Dodge B	77.98	**Farming Operation: Grass and Hay and Cattle Grazing.** The Dodge Family owns numerous tracts of land within the site boundary, including Tract 1, 2, 5, 9, and 22. Most of their land consists of grassland or shrub habitat of which they have cattle grazing on approximately 46 acres total. Within Tract 22, they also grow approximately 3.94 acres of grass and hay that they mostly use for feed, with limited commercial sale. The landowner has stated that the farming operation can be moved elsewhere outside the site boundary. Irrigation water rights: JFDIC Certificate 77326/77733.
23-Soskin	77.11	**Farming Operation: None.**
24-Dodge C	39.54	**Farming Operation: None.**
25-Frasier	38.85	**Farming Operation: None.** Irrigation water rights: JFDIC Certificate 77326/77733 and Cert 27278.

(B) (B) An assessment of the individual impacts to each farm and forest practice, and whether the proposed use is likely to have an important influence or effect on any of those practices; and

Response: The Facility will be constructed and operated in a manner that avoids or minimizes potential impacts. The following paragraphs assess individual impacts identified in OAR 660-033-0130(5)(c)(D) and whether the proposed use is likely to influence or affect those practices. Additional information can also be found in the response to WCLUDO Section 5.020 in Section 6.1.4.1.

Traffic

Construction will result in short-term, minor traffic impacts along public roads, as documented in the Public Services Exhibit. To minimize these impacts, the Applicant will implement BMPs such as designated haul routes, temporary signage and flaggers, scheduling deliveries to avoid queuing, and improving Facility entrances where necessary. Traffic impacts during operation will be negligible. With these measures, there will not be significant impacts, and the Facility will be compatible with farm operations in the surrounding lands.

Noise

Acoustic modeling demonstrates compliance with OAR 340-035-0035 at all noise-sensitive receptors. No adverse impacts to agricultural uses are anticipated. Therefore, there will not be significant impacts, and the Facility will be compatible with farm operations in the surrounding lands.

Water Availability and Delivery

During construction, the Applicant will obtain water from permitted sources as documented in the State and Local Laws Exhibit. After consultation with Wasco County, it is anticipated that construction water will primarily come from the County (see Section 2.2.1 of Volume 2 of the State and Local Laws Exhibit). To minimize potential impacts on water resources, the Applicant will continue to explore alternative sources, which may include municipal supplies, temporary licenses for the duration of construction, temporary transfers from existing water rights, or exempt wells.

Water required for Facility operation will be minimal (less than 5,000 gallons per day) and supplied by an exempt well, as documented in the Public Services Exhibit. Withdrawal of this exempt groundwater quantity is not expected to adversely impact the local water supply. If water needs for panel washing exceed 5,000 gallons per day, the Applicant will work with Wasco County or other municipal providers or permitted sources to meet this demand.

Landowner feedback confirms that lands within the site boundary are not viable for sustained agricultural production due to unreliable water supplies. Although JFDIC customers are allocated 3 acre-feet of water annually for irrigation, the district has not reliably provided this amount since the 1970s. Actual water availability fluctuates based on Clear Lake storage. The proposed Facility presents an opportunity to reallocate water rights associated with these parcels to lands better

suited for agricultural use, aligning with statewide energy and climate goals. Instead of underutilized irrigation on marginal lands and inefficient flood irrigation, water rights could be transferred or repurposed to support uses such as agricultural irrigation in more productive areas.

Where transfers are not feasible, cessation of water use within the Facility site would reduce competition for limited water resources, improving reliability for other irrigators. To implement these strategies, the Applicant will prepare a Water Rights Management Plan in coordination with JFDIC and affected landowners. This plan will address place-of-use water rights within the site boundary and consider options such as instream transfers of surface water rights, place-of-use transfers of surface and groundwater rights, or abandonment of rights no longer in use. The goal of this plan is to maintain impacted rights for irrigation use where feasible and utilize OWRD transactions to preserve water rights for future agricultural use after Facility decommissioning.

As a result, there are no known impacts to water availability or delivery to farming operations within the surrounding lands.

Introduction of Weeds or Pests

A Noxious Weed Control Plan has been developed in consultation with the Wasco County Weed Department Supervisor (see Soil Protection Exhibit, Attachment 2 for Construction and Attachment 3 for Operation). This plan provides the steps the Applicant will take to prevent, minimize, and control the establishment and spread of noxious weed species during both construction and operation of the Facility. Weed control measures will follow the Applicant's Noxious Weed Control Plan. As a result, noxious weeds and pests will be prevented from impacting farming operations within the surrounding lands.

Damage to Crops or Livestock

Approximately 1,292 acres (5.2 percent) of the 24,756 acres within the surrounding lands are identified as cultivated land, primarily hay, grass, wheat, barley, and alfalfa. Livestock raised in the surrounding area includes cattle, sheep, and horses. Potential impacts to crops could result from increased traffic, water availability, weed spread, or wildfire; however, the Applicant will implement measures to minimize these risks, as detailed in the sections on Traffic, Water Availability and Delivery, Weeds and Pests, and Wildfire above and below.

Additional risks, such as failed stormwater controls or improper grading, will be mitigated through BMPs and erosion-control measures described in the Soil Protection Exhibit. Revegetation efforts outlined in the Draft Vegetation and Soil Management Plan (Soil Protection Exhibit, Attachments 2 and 3) will ensure long-term soil stability. Operational activity will be restricted to permanent roads to minimize erosion. The Facility will comply with ODEQ erosion control standards and obtain an NPDES 1200-C permit.

Landowner surveys confirm that much of the land is unfarmable due to poor soil quality, inconsistent water availability, and economic constraints. Several landowners described the land as rocky, shallow, and underlain by hard clay or basalt, noting that it has not generated agricultural revenue in over two decades and serves primarily as grazing ground. Limited areas (approximately 596 acres or less than 5 percent of the micrositing corridor) are dedicated to hay

or grasses for cattle feed, winter wheat on one parcel, barley on another, and miscellaneous uses. Livestock operations are expected to continue without significant impact during construction and operation or be relocated, as confirmed by landowner testimony.

The Facility has been designed to minimize conflicts with surrounding agricultural uses by maintaining a minimum setback of 50 feet from adjacent property boundaries and increasing setbacks to 200 feet where boundaries are shared with non-participating landowners. Participating landowners will execute farm-forest management easements or similar deed restrictions in accordance with WCLUDO Section 3.218, prohibiting claims related to accepted farm or forest practices under ORS 30.930 et seq.

As a result, construction and operation of the Project are not expected to cause damage to crops or livestock.

Litter or Trespass

Solid waste disposal during construction and operation of the Facility will be provided through a private contract with a local provider. The Wasco County Landfill has provided confirmation of its ability to receive and legally dispose of the forecasted types and quantities of waste during construction and operation of the Facility. A service provider letter from Wasco County Landfill confirming its ability to receive and legally dispose of the forecasted types and quantities of waste during construction is provided in the Public Services Exhibit.

The Applicant has coordinated and will continue to coordinate with the WCSO to verify they will be able to provide law enforcement services to the Facility in the event of an emergency without impacting services to other areas under their jurisdiction (see the Public Services Exhibit). The Applicant understands that the WCSO is concerned about the influx of temporary workers in the community during construction. To demonstrate commitment to community safety, and to offset any impact from the Facility construction and operation, the Applicant entered a MOU with Wasco County and other local emergency response services (Fire and EMS) to document a shared commitment between the Applicant, Wasco County, and emergency responders to public safety. As documented in the MOU, provided in the Public Services Exhibit, the Applicant and Sheriff's Office will work together with a mutual goal of ensuring a safe community. To achieve this mutual goal, the Applicant will seek input from the Sheriff's Office on the Emergency Response Plan and emergency response protocols for the Facility and will provide financial support to the Sheriff's Office to bolster the Sheriff Office's emergency response capabilities.

Public access to the solar arrays will be restricted to avoid potential safety hazards. The solar arrays, collector substation, battery energy storage system, and O&M building will be fenced, and gates will be locked to prevent unauthorized entry. The Applicant is developing safety procedures in coordination with the WCSO that can include additional measures to protect the public. Additional details on the Applicant's coordination with WSCO are provided in the Public Services Exhibit.

As a result, farming operations within the surrounding lands are not expected to experience litter or trespass.

Reduction in Crop Yields

Reduction in crop yields is typically due to too little or too much water, extremes in temperature beyond the acceptable range for a crop, poor soil management, pests, or diseases. Active crop cultivation adjacent to the Facility during their construction and operation are anticipated to continue. Water availability is discussed above. The Facility will not cause temperature extremes in the surrounding area to differ from current conditions, nor will it alter soil management or introduce pests or crop diseases to the area. Soil management through erosion and sediment control will be implemented as discussed in the Soil Protection Exhibit. As a result, farming operations within the surrounding lands are not expected to experience a reduction in crop yields.

Flooding

Portions of the site boundary associated with Wapinitia Creek include areas designated as Areas of Special Flood Hazard (ASFH) by Wasco County (Wasco County 2025b; see Attachment 1, Figure 12). All structures will be setback from the floodplain at least 25 feet (see Table 11). Therefore, development activities within ASFH are limited to internal access roads, internal collection/feeder lines, and stream crossings. Currently, the locations of the internal access roads, internal collection/feeder lines, and stream crossings are not known. However, these components are not expected to result in measurable increases to the base flood elevation. The Applicant will provide all required information regarding ASFH impacts prior to the ASC being deemed complete and anticipates this information will be finalized concurrently with the JPA (see Volume 1 of the State and Local Laws Exhibit). As part of the ASFH Development Permit application, the Applicant will provide an analysis consistent with FEMA Region X "No-Rise" Certification procedures to confirm compliance with this standard. If necessary, compensatory flood storage will be incorporated to ensure that impacts to flood elevations are avoided. As a result, flooding is not anticipated to impact farming operations within the surrounding lands.

Fire Risks

The Facility will be equipped with fire protection equipment in accordance with the Oregon Fire Code. Construction and operations at the Facility will be performed in accordance with the respective Wildfire Mitigation Plans (see Wildlife Prevention and Risk Mitigation Exhibit). See the response to WCLUDO Chapter 10 (Section 6.1.5) regarding the Facility's compliance with fire safety standards. Through compliance with fire safety standards and the implementation of the Wildfire Mitigation Plans, the Applicant will minimize the risk of wildland fire during Facility construction and operations.

The Applicant will continue to supplement these findings through the completeness review and as additional stakeholder engagement takes place.

(A) An assessment of whether all identified impacts of the proposed use when considered together could have a significant impact to any farm or forest operation in the surrounding area in a manner that is likely to have an important influence or effect on that operation.

Response: None of the impacts discussed above rise to the level of significant. As previously stated, the surrounding lands consist of approximately 24,756 acres. There are cultivated portions within the analysis area (0.5-miles from site boundary) totaling approximately 1,292 acres, or approximately 5.2 percent. Landowner surveys and visual evidence of crops growing adjacent to solar facilities during construction indicate that existing farm operations will be able to continue to operate. There are no unique crops being grown within the surrounding lands.

(B) For purposes of this subsection, examples of potential impacts for consideration may include but are not limited to traffic, water availability and delivery, introduction of weeds or pests, damage to crops or livestock, litter, trespass, reduction in crop yields, or flooding.

Response: The Applicant has considered these potential impacts in the analysis above.

(C) For purposes of subsection (a) and (b), potential impacts to farm and forest practices or the cost of farm and forest practices, impacts relating to the construction or installation of the proposed use shall be deemed part of the use itself for the purpose of conducting a review under subsections (a) and (b).

Response: The Applicant has considered potential adverse impacts from the Facility's construction and operation to ensure that all potential adverse impacts to accepted farming practices on surrounding lands are adequately evaluated.

(D) In the consideration of potentially mitigating conditions of approval under ORS 215.296(2), the governing body may not impose such a condition upon the owner of the affected farm or forest land or on such land itself, nor compel said owner to accept payment to compensate for the significant changes or significant increases in costs described in subsection (a) and (b).

Response: OAR 660-033-0130(5)(c)(F) is directed to the County/EFSC and does not require findings from the Applicant.

6.3.1.2 OAR 660-033-0130(38) – PHOTOVOLTAIC SOLAR POWER GENERATION FACILITY

A proposal to site a photovoltaic solar power generation facility shall be subject to the following definitions and provisions:

(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.

Response: OAR 660-033-0130(38)(a) defines arable land as "a tract that is predominantly

cultivated, or if not cultivated, predominantly comprised of arable soils." OAR 660-033-0130(38)(b), in turn, defines "arable soils" as "suitable for cultivation as determined by the governing body * * *, but 'arable soils' do not include high-value farmland soils described at ORS 195.300(10) unless otherwise stated."

Only 4 percent of the land contained in the site boundary is cultivated (i.e., approximately 596 acres), and none of the tracts containing cultivated land are considered predominantly cultivated (i.e., greater than 50 percent cultivated).

Per the USDA Soil Conservation Service, NRCS Class I through IV soils arable soils are suitable for cultivation. As Class I and II soils are considered high-value farmland soils per ORS 195.300(10) and the definition of arable soils per OAR 660-033-0130(38)(b) excludes high-value farmland soils, arable soils include only NRCS Class III and IV soils. In areas that are not cultivated (most of site boundary), the site boundary contains 5,163 acres of arable soils considered suitable for cultivation. Approximately 72 percent of these arable soils are NRCS Class IV. See Table 8 in Section 5.2 above.

When applying the predominance test to the tracts containing these soil classes, 14 of the 25 tracts are considered predominantly comprised of arable soils, resulting in 5,193 acres (i.e, 36 percent) of arable land within the site boundary under OAR 660-033-0130(38)(a). Table 13 below summarizes predominance test results for tracts containing predominantly arable land.

TABLE 13 ARABLE LAND – PREDOMINANCE SUMMARY

Tract	Total Tract Acreage	Acreage of Cultivated Land	Acreage of Arable Soils[1]	Total Acreage Cultivated Land and Arable Soils	Percentage of Tract	Acreage of Arable Land[2,3]
2 - Dodge Family B	1,719	26	950	975	57%	1719
7 - Groce	780	185	221	406	52%	780
8 - Ambrose	675	-	358	358	53%	675
10 - Holder	513	34	322	357	70%	513
12 - Sterling	274	-	138	138	51%	274
13 - Elmer	212	96	66	162	76%	212
14 - Lewis	198	10	101	111	56%	198
15 - Brown	188	-	173	173	92%	188
17 - Treanor	159	-	92	92	58%	159
18 - Woodside B	159	-	92	92	58%	159
19 - Waine	157	151	4	155	99%	157
21 - Hill	117	-	74	74	63%	117
22 - Dodge B	78	4	65	69	89%	78
23 - Soskin	77	-	63	63	82%	77
Total[4]	**5,307**	**505**	**2,719**	**3,225**	**61%**	**5,307**

Total Arable Land[3]	Total Acreage	Percentage
Site Boundary	5,193	36%
Micrositing Corridor	5,014	40%
Permanent Impacts	**2,322**	**43%**

Notes

[1]OAR 660-033-0130(38)(b) and ORS 195.300(10) define 'arable soils" as soils that are suitable for cultivation (NRCS Class I-IV), excluding high-value farmland soils (NRCS Class I-II).
[2]OAR 660-033-0130(38)(a) defines 'arable land' as land in a tract that is predominantly cultivated or predominantly comprised of arable soils (Class III-IV)
[3]The total tract acreage of tracts containing predominantly arable soils was considered arable land to provide a conservative estimate for the assessment of potential impacts associated with the Facility.
[4] Total acreage in this row captures predominant tracts only - see Section 5.2, Table 8 for further detail regarding nonarable soils and predominance test results by tract.

(c) "Dual-use development" means developing the same area of land for both a photovoltaic solar power generation facility and for farm use.

Response: No dual-use development is proposed as part of the Facility. The Facility will be used exclusively for photovoltaic solar power generation and associated infrastructure during its operational life.

(d) "Nonarable land" means land in a tract that is predominantly not cultivated and predominantly comprised of nonarable soils.

(e) "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.

Response: OAR 660-033-0130(38)(d) defines "nonarable land" as "tract that is predominantly not cultivated *and* predominantly comprised of nonarable soils." OAR 660-033-0130(38)(e), in turn, defines "nonarable soils" as "soils that are not suitable for cultivation [and] [s]oils 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 history of irrigation, to be nonarable based on substantial evidence in the record of a local land use application."

There are no Class V soils within the site boundary and only 1,208 acres (i.e., 8 percent) of the site boundary consists of Class VI soils. As shown in Table 9 (Section 5.3), approximately 8,741 acres (i.e., 61 percent) of soils within the site boundary are classified as NRCS Class VI and VII soils and are considered nonarable and not suitable for cultivation, which restricts their use mainly to grazing, forestland, or wildlife habitat.

As described in Section 5.3 above, no tracts are predominantly cultivated, therefore all 25 tracts are predominantly not cultivated. When applying the predominance test, 11 of the 25 tracts are considered predominantly comprised of non-arable soils, resulting in 9,158 acres of nonarable land (i.e., 64 percent) within the site boundary as defined under OAR 660-033-0130(38)(d) and (e).

Attachment 1, Figure 11 depicts nonarable soils within the site boundary and Table 14 below depicts predominant tracts.

TABLE 14 NONARABLE LAND – PREDOMINANCE SUMMARY

Tract	Total Tract Acreage	Acreage of Nonarable Soils[1]	Percentage of Tract	Acreage of Nonarable Land[2,3]
1 - Dodge Family A	3,528	2,866	81%	**3,528**
3 - Woodside A	1,717	1,061	62%	**1,717**
4 - Hein	1,042	851	82%	**1,042**
5 - Dodge Family C	1,023	660	65%	**1,023**
6 - Fullington	991	531	54%	**991**
9 - Dodge A	587	310	53%	**587**
11 - Skogrand	320	215	67%	**320**
16 - Yanez	161	145	90%	**161**
20 - Brace	154	108	70%	**154**
24 - Dodge C	40	40	100%	**40**
25 - Frasier	39	23	59%	**39**
Total[4]	**9,601**	**6,810**	**71%**	**9,601**

Total Nonarable Land[3]	Total Acreage	Percentage
Site Boundary	9,158	64%
Micrositing Corridor	7,517	60%
Permanent Disturbance	**3,117**	**57%**

Notes

1. OAR 660-033-0130(38)(e) defines 'nonarable soils" as soils that are not suitable for cultivation (NRCS Class V-III).
2. OAR 660-033-0130(38)(d) defines 'nonarable land" as land in a tract that is predominantly not cultivated and predominantly comprised of nonarable soils (NRCS Class V - III).
3. Given the dispersed nature of soil types and quantity of landowner tracts within the site boundary, the total tract acreage of tracts containing predominantly nonarable soils was considered in the calculation of nonarable land to provide a conservative estimate relative to potential impacts associated with the Facility.
4. Total acreage in this row captures predominant tracts only - see Section 5.3, Table 9 for further detail regarding nonarable soils and predominance test results by tract.

The Applicant acknowledges that the site boundary is located within the JFDIC and therefore whether in practice, or not, has a history of irrigation by definition. Substantial evidence, however, indicates that these soils are nonarable for the reasons listed below:

- Though 12,770 acres of the site boundary are located within the boundary of the JFDIC and therefore, likely have a 'past history of irrigation', only approximately 705 acres (i.e., approximately 5 percent) of the site boundary contains place-of-use water rights (JFDIC and non-JFDIC) and only approximately 424 acres (i.e., approximately 3 percent) of these water rights are currently irrigated. Landowner testimony indicates that use of the existing JFDIC infrastructure is sparse due to inadequate conveyance (leaking/evaporation) and that the production value is not worth the cost of the upgrades necessary to modernize the infrastructure, particularly given the lack of landowner autonomy regarding the timing of water use and the unreliability of water supply from JFDIC. Non-JFDIC water rights have also not been fully reliable due to diminishing water supplies in the area. Based on these challenges, landowners indicate that growing crops within the analysis area is extremely difficult and not economically viable.
- The 5C—Bakeoven-Watama complex is the largest soil unit within the site boundary (5,195 acres, 36 percent). The NRCS subclass for this unit is 's' which indicates soils that have soil limitations within the rooting zone, such as shallowness of the rooting zone, stones, low moisture-holding capacity, low fertility that is difficult to correct, and salinity or sodium content.
- All Class VI and VII soil units within the site boundary are assigned a subclass of 's' or 'e'. Subclass 'e' indicates main hazard is the risk of erosion unless close-growing plant cover is maintained.
- Landowner testimony is consistent with mapped soil descriptions; landowners indicate the soils are rocky, shallow, and do not support productive agricultural activity.
- Class VI and VII soils within the site boundary have no irrigability classification, which indicates that the soils cannot be sustainably farmed with irrigation.

> *(f) "Photovoltaic solar power generation facility" includes, but is not limited to, an assembly of equipment that converts sunlight into electricity and then stores, transfers, or both, that electricity. This includes photovoltaic modules, mounting and solar tracking equipment, foundations, inverters, wiring, storage devices and other components. Photovoltaic solar power generation facilities also include electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, all necessary grid integration equipment, new or expanded private roads constructed to serve the photovoltaic solar power generation facility, office, operation and maintenance buildings, staging areas and all other necessary appurtenances. For purposes of applying the acreage standards of this section, a photovoltaic solar power generation facility includes all existing and proposed facilities on a single tract, as well as any existing and proposed facilities determined to be under common ownership on lands with fewer than 1320 feet of separation*

from the tract on which the new facility is proposed to be sited. Projects connected to the same parent company or individuals shall be considered to be in common ownership, regardless of the operating business structure. A photovoltaic solar power generation facility does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.

Response: The Facility meet the definition of "photovoltaic solar power generation facility." This includes the BESS, Facility collector substation and interconnection equipment, and O&M building. The Facility's aboveground components will be within the fence line of the solar facility (with exception of the gen-tie line). In addition, the collector lines are part of the Facility as they will collect the energy from the solar panels and transfer it to the Facility collector substation. The Applicant is not proposing any temporary workforce housing as a part of this application.

(g) For high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not use, occupy, or cover more than 12 acres unless:

(A) The provisions of paragraph (h)(H) are satisfied; or

(B) A county adopts, and an applicant satisfies, land use provisions authorizing projects subject to a dual-use development plan. Land use provisions adopted by a county pursuant to this paragraph may not allow a project with a nominal electric generating capacity greater than 3 MW or in excess of 20 acres. Land use provisions adopted by the county must require sufficient assurances that the farm use element of the dual-use development plan is established and maintained so long as the photovoltaic solar power generation facility is operational or components of the facility remain on site.

Response: When determining how much Facility land meets the definition of high-value farmland described in ORS 195.300(10), there are six categories to consider.

Of these six, only ORS 195.300(10)(a) and (c) are applicable based on the location of the Facility and since there is no wine grape cultivation at the Facility. Most of the site boundary is within the JFDIC, which qualifies as high-value farmland under ORS 195.300(10)(c) by application of law because the Facility is located within the boundaries of an irrigation district.

As outlined in Table 15 below, the site boundary contains 12,770 acres of high-value farmland as defined under ORS 195.300(10)(c), 5,193 acres of which are defined as arable land under OAR 660-033-0130(38)(a). Permanent impacts associated with the Facility are anticipated to occupy up to 5,279 acres of high-value farmland as defined under ORS 195.300(10)(c), 2,322 acres of which are defined as arable land under OAR 660-033-0130(38)(a).

TABLE 15 FARMLAND CLASSIFICATION SUMMARY

	High Value Farmland by Definition								High Value Farmland Soils					
High-value farmland per **ORS 195.300(10)(a)** - Land in a tract composed predominantly of soils that are: (a) irrigated and classified prime, unique, Class I or II, or; (b) not irrigated and classified prime, unique, Class I or Class II.	Analysis Area		Site Boundary		Micrositing Corridor		Permanent Disturbance		Analysis Area		Site Boundary and Micrositing Corridor		Permanent Disturbance	
	Acreage	%	Acreage	%	Acreage	%	Acreage	%	Acreage	%	Acreage	%	Acreage	%
	1,218	5%	0	0%	0	0%	**0**	0%	1,218	5%	404	3%	**157**	3%

	High Value Farmland by Definition								Place of Use Water Rights and Irrigation							
	Within boundary of JFDIC								Place of Use Water Rights - JFDIC & Non-JFDIC						Actual Irrigated Areas			
High-value farmland per **ORS 195.300(10)(c)** Land within a place-of-use water right or irrigation district	Analysis Area		Site Boundary		Micrositing Corridor		Permanent Disturbance		Analysis Area		Site Boundary		Permanent Disturbance		Site Boundary		Permanent Disturbance	
	Acreage	%	Acreage	%	Acreage	%	Acreage	%	Acreage	%	Acreage	%	Acreage	%	Acreage	%	Acreage	%
	19,276	78%	12,770	89%	11,930	95%	**5,279**	97%	284	1%	705	5%	**158**	3%	424	3%	**119**	2%

Arable Soils								
Per **OAR 660-033-0130(38)(a) and (b)** defines 'arable land" as land in a tract that is predominantly cultivated or predominantly comprised of soils suitable for cultivation (NRCS Class I-IV), excluding high-value farmland soils (NRCS Class I-II) per **ORS 195.300(10).**	Analysis Area		Site Boundary		Micrositing Corridor		Permanent Disturbance	
	Acreage	%	Acreage	%	Acreage	%	Acreage	%
	7,683	31%	5,193	36%	5,014	40%	**2,322**	43%

Notes:
1. For percentage calculations, analysis area = 24,756 acres; site boundary = 14,418 acres; micrositing corridor = 12,532 acres; total permanent disturbance area = 5,442 acres
2. Permanent disturbance relative to solar array fence line areas. The area within the fence line includes all solar components and supporting facilities.
3. No tracts within the site boundary are predominantly composed of high-value farmland soils. Therefore, the site boundary does not contain high-value farmland as defined under ORS 195.300(10)(a) when applying the predominance test.
4. Place-of-use water rights within the site boundary are located within the Juniper Flat District Improvement Company (JFDIC) boundary, which is considered high-value farmland per ORS 195.300(10)(c)(B). Therefore, the Facility is seeking a Goal 3 Exception for the permanent disturbance of up to 5,279 acres of high-value farmland.

Because the Facility will use, occupy, or cover more than 12 acres of high-value farmland under ORS 195.300(10)(c), the Applicant seeks a Goal 3 exception, as presented in Section 6.4 below.

> *(h) The following criteria must be satisfied in order to approve a photovoltaic solar power generation facility on high value farmland described at ORS 195.300(10):*
>
> > *(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: The Facility will not create unnecessary negative impacts on agricultural operations conducted on any portion of the subject property not occupied by Facility components. The preliminary Facility layout avoids dividing fields in a manner that would create isolated or difficult-to-farm parcels. Internal access roads have been designed to follow existing farm roads where feasible, minimizing new linear disturbances and avoiding unnecessary fragmentation of agricultural land. Where new roads are required, they will be microsited to minimize disruption to existing farm operations and maintain connectivity across parcels.

The Facility will maintain a minimum setback of 50 feet from adjacent participating landowner property lines and 200 feet from non-participating property lines (see Table 11), ensuring that construction, operation, and maintenance activities do not interfere with accepted farming practices on adjacent lands. These measures are consistent with the Applicant's commitment under OAR 660-033-0130(5) to avoid significant changes to accepted farm practices or increases in farming costs on surrounding lands. Landowner surveys confirm that farming within the site boundary is limited and economically marginal due to poor soil quality and unreliable irrigation, and livestock operations can continue without significant impact or be relocated as needed. Facility design also incorporates farm-forest management easements under WCLUDO Section 3.218 to prevent conflicts with accepted farm practices.

Combined with restoration commitments following decommissioning and the Applicant's Water Rights Management Plan to maintain or reallocate irrigation rights for higher and better agricultural uses, these measures demonstrate that the Facility will not create unnecessary negative impacts and will remain compatible with agricultural operations on portions of the property not occupied by Facility components. Therefore, there will not be significant impacts, and the Facility will be compatible with farm operations in the surrounding lands.

> > *(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. The approved plan shall be attached to the decision as a condition of approval;

Response: The Applicant will implement the measures and plans summarized below to address potential impacts from soil erosion during construction and operation and ensure that such impacts will be minimized. These plans will satisfy the requirements of OAR 660-033-0130(38)(h)(B) by detailing measures to avoid or remedy unnecessary soil erosion and loss that could limit agricultural productivity.

Key measures include:

- Following the Construction Vegetation and Soil Management Plan (Attachment 2) and Operation Vegetation and Soil Management Plan (Attachment 3) in the Soil Protection Exhibit.
- Minimizing vegetation and ground disturbance during construction, especially in sensitive areas, and retaining existing trees and shrubs where feasible.
- Limiting vehicle travel to designated access routes and minimizing heavy equipment use during periods of high soil saturation to prevent compaction.
- Sequencing construction activities to reduce exposed soils and stabilizing disturbed areas promptly.
- Implementing erosion and sediment control BMPs as required by the contractor's Erosion and Sediment Control Plan ESCP under the ODEQ NPDES 1200-C Construction Stormwater Discharge Permit.
- Adhering to a Spill Prevention, Control, and Countermeasures Plan to prevent contamination of soils and water resources.

(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: These soil types in the site boundary include varying amounts of silt, gravel, and cobbles, derived from weathered basalt with occasional andesite or sandstone. These soils have moderate to very slow infiltration rates, moderate to slow rates of water transmission, and moderate to high runoff potential. Generally, the site soils offer poor water retention, and most soils within the site boundary are not classified as prime farmland. The landowner surveys indicate that much of the land is unsuitable for productive farming due to shallow soils, hard clay or basalt, and inconsistent water availability. Because the land within the site boundary where the Facility will be built is relatively flat, very little grading is anticipated; however, some construction activities may temporarily disturb soils. Where there is grading in the site boundary, the earthwork

will target a balanced site design (i.e., cut will be approximately equal to fill) to minimize waste production. Vegetation clearing methods will depend on the density of vegetation and terrain. Mowers will be used for surface clearing on sparce and low-lying vegetation in flat areas. Blading techniques will be used for deeper root, bulb, and stump removal (grubbing) on higher density areas followed by ground compaction to mitigate any topsoil disturbance. Any impacts to soil, such as erosion and compaction resulting from construction activities will be limited by the following practices:

- Following the Construction Vegetation and Soil Management Plan (Attachment 2 of the Soil Protection Exhibit).
- Planning construction to minimize vegetation and ground disturbance to the extent possible, especially in sensitive areas (e.g., existing trees and shrubs along OR 216, and elsewhere across the site boundary will be left in place, where possible).
- Avoiding unnecessary compaction of undisturbed soil by limiting vehicle travel to designated access routes (whether existing roads or newly constructed roads) and to the outer limits of construction disturbances (per the final design for the Facility), as well as by limiting heavy equipment use during periods of high soil saturation.
- Sequencing construction activities to limit the total amount of exposed soils present within the site boundary at a given time and stabilizing each disturbed area prior to starting construction in a new area.
- Following erosion and sediment control best management practices (BMPs), included in the contractor's Erosion and Sediment Control Plan (ESCP) as required by the Oregon Department of Environmental Quality (ODEQ) National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Discharge General Permit 1200-C.
- Following a Spill Prevention, Control, and Countermeasures Plan (SPCC Plan).
- Following appropriate site restoration practices during and after construction, as described in Section 4 of the Construction Vegetation and Soil Management Plan (Attachment 2 of the Soil Protection Exhibit).

In accordance with the Construction Vegetation and Soil Management Plan, an Environmental Inspector will be on site during construction to ensure adherence to recommended BMPs and other soil management requirements.

> *(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: A Noxious Weed Control Plan has been developed in consultation with the Wasco County Weed Department Supervisor (see Soil Protection Exhibit, Attachment 2 for Construction and Attachment 3 for Operation). The plan identifies species of concern, outlines prevention and

control measures, and includes long-term maintenance strategies to ensure compliance with this provision. Measures include pre-construction surveys, cleaning of equipment before entering the site, weed control treatments, and monitoring during both construction and operation phases.

> *(E) Except for electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, the project is not located on those high- value farmland soils listed in OAR 660-033-0020(8)(a);*

Response: OAR 660-033-0020(8)(a) defines high-value farmland soils as land in a tract composed predominantly of soils that are irrigated and classified as prime, unique, Class I or II, or those that are not irrigated but classified as prime, unique, Class I or II.

There are no prime, unique and Class I soils within the site boundary. Prime and NRCS Class II soils comprise only 404 acres (i.e., 3 percent) of the site boundary, only 157 acres of which will be impacted by the Facility.

As noted in Section 5.1.1 above, as no tracts are predominantly composed of NRCS Class I or Class II soils, the site boundary does not contain high-value farmland as defined under ORS 195.300(10)(a) when applying the predominance test (see Table 16). There are about 403 acres of prime and Class II soils within the site boundary, regardless of irrigation, in the eastern portion of the site boundary, of which the Applicant proposes to impact only approximately 157 acres. As a result, approximately 247 acres will not be impacted by the Facility.

TABLE 16 SUMMARY OF HIGH VALUE FARMLAND SOILS

Tract	Total Tract Acreage	Acreage of High-Value Farmland Soils		
		Acreage of NRCS Prime and Class I Soils	Acreage of NRCS Prime and Class II Soils[1]	Percentage of Tract
				>50% considered predominance
3 - Woodside A	1,717.23	0.00	357.35	21%
20 - Brace	153.85	0.00	45.44	30%
Total	**1,871.08**	**0.00**	**402.79**	

[1] - NRCS Class II soils underlying the site boundary have the same agricultural capability class regardless of irrigability.

(F) The project is not located on those high-value farmland soils listed in OAR 660- 033-0020(8)(b)-(e) or arable 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; and

Response: The Facility is not located on high-value farmland soils as defined under OAR 660-033-0020(8)(b)-(e). Subpart (8)(b) applies to land that grew "specified perennials," which means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees or vineyards. The definition does not include seed crops, hay, pasture or wheat as defined by ORS 2.15.710(2). As summarized in Section 4.5.1 above, according to landowner information, aerial imagery and field reconnaissance, only 596 acres within the site boundary are growing crops. These lands are utilized for grass and hay cultivation (435 acres, i.e., 3 percent) and dryland wheat and barley (161 acres, i.e., 1 percent). which do not meet the definition of "specified perennials." Subparts (8)(c)-(e) also do not apply because they refer to lands west of the Cascade Mountains.

Approximately 5,163 acres of arable soils are located within the site boundary, and the Facility is proposed to be located on up to 2,322 acres of these arable soils. Approximately 61 percent of the site boundary (i.e., 8,741 acres) consists of non-arable soils, which are interspersed throughout the site and cannot be avoided due to the size and configuration of the Facility.

The Applicant demonstrates compliance with OAR 660-033-0130(38)(F)(i)–(iii) as follows:

- (i) Non high-value farmland soils are not available on the subject tract: While most of the site is non-arable, the interspersed nature of arable soils means that avoiding them entirely is not feasible for a utility-scale solar facility of this size.
- (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: Limiting the Facility to only non-arable soils would fragment the layout, reduce efficiency, and compromise the ability to meet design and operational requirements, including interconnection and micrositing constraints.
- (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: The Facility design minimizes impacts to productive agricultural operations by

prioritizing an area with marginal soils and low agricultural productivity, allowing remaining surrounding lands to continue grazing or other uses where feasible.

(G) 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 facilities 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 power 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 power 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: Fewer than 48 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the 1-mile study area as shown in Figure 3 of the Background Information Exhibit.

(H) A photovoltaic solar power generation facility may be sited on more than 12 acres of high-value farmland described in ORS 195.300 (Definitions for ORS 195.300 to 195.336)(10)(f)(C) without taking an exception pursuant to ORS 197.732 (Goal exceptions) and OAR chapter 660, division 4, provided the land: [Remainder Omitted]

Response: The Facility does not qualify under this provision of the rule. As discussed previously, the facility is located within the JFDIC.

(i) For arable lands, a photovoltaic solar power generation facility shall not use, occupy, or cover more than 20 acres. The governing body or its designate must find that the following criteria are satisfied in order to approve a photovoltaic solar power generation facility on arable land:

Response: The Facility proposes to occupy more than 20 acres of arable land and therefore requires a Goal 3 exception under this provision. The site boundary contains approximately 5,193 acres of arable land, of which 5,014 acres are within the micrositing corridor and up to approximately 2,322 acres of arable land will be removed from agricultural use for the life of the Facility (see Table 10). This arable land is comprised predominantly of Class IV soils.

(A) Except for electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, the project is not located on those high-value farmland soils listed in OAR 660-033-0020(8)(a);

Response: See the response to OAR 660-033-0130(38)(h)(E) above.

(B) The project is not located on those high-value farmland soils listed in OAR 660- 033-0020(8)(b)-(e) 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

(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;

Response: See the response to OAR 660-033-0130(38)(h)(F) above.

(C) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10);

Response: The Applicant seeks a Goal 3 exception to site the Facility on more than 12 acres of high-value farmland soils.

(D) 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.

When at least 80 acres of photovoltaic solar power generation facilities 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 power 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 power 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; and

Response: Fewer than 80 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the 1-mile study area as shown in Figure 3 of the Background Information Exhibit.

(E) The requirements of OAR 660-033-0130(38)(h)(A), (B), (C) and (D) are satisfied

Response: See the responses to OAR 660-033-0130(38)(h)(A), (B), (C) and (D) above.

j) For nonarable lands, a photovoltaic solar power generation facility shall not use, occupy, or cover more than 320 acres. The governing body or its designate must find that the following criteria are satisfied in order to approve a photovoltaic solar power generation facility on nonarable land:

Response: The Facility may occupy up to approximately 3,117 acres of nonarable land as outlined in the Table below which exceeds the 320-acre threshold under OAR 660-033-0130(38)(j). Because the Facility exceeds the acreage limit, the Applicant seeks a Goal 3 exception as described in Section 6.4.

Soil attributes within the site boundary and in the analysis area limit agricultural productivity; soils are predominantly (i.e., 64 percent) nonarable (NRCS Class VI and VII). Approximately 52% percent of the site boundary consists of Class VII soils which indicates severe to very severe limitations, making the soils unsuitable for cultivation. All Class VI and VII soil units within the site boundary are assigned a subclass of 's' or 'e'. Subclass 'e' indicates the main hazard is the risk of erosion unless close-growing plant cover is maintained.

The Facility has been sited to minimize impacts to high value farmland and higher class soils to the extent feasible.

(A) Except for electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, the project is not located on those high-value farmland soils listed in OAR 660-033-0020 (Definitions)(8)(a);

Response: See the response to OAR 660-033-0130(38)(h)(E) above.

(B) The project is not located on those high-value farmland soils listed in OAR 660-033-0020 (Definitions)(8)(b)-(e) or arable soils unless it can be demonstrated that:

i. Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or

ii. The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract as compared to other possible sites also located on the subject tract, including sites that are comprised of nonarable soils;

Response: See the response to OAR 660-033-0130(38)(h)(F) above.

(C) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300 (Definitions for ORS 195.300 to 195.336)(10);

(D) No more than 20 acres of the project will be sited on arable soils;

Response: The Facility may occupy more than 12 acres of high-value farmland and 20 acres of arable land requiring the Applicant to seek a Goal 3 exception (see Section 6.4).

Approximately 5,759 acres (i.e., 40 percent) of the site boundary consists of soils categorized as "prime farmland, if irrigated" per the NRCS Oregon State Prime Farmland List (NRCS 2023).

Though the site boundary contains high-value farmland soils, no tracts within the site boundary are predominantly composed of high-value farmland soils and therefore, the site boundary does not contain high-value farmland as defined under ORS 195.300(10)(a) when applying the predominance test. Table 15 above summarizes high-value farmland and arable soils as further detailed in Section 5 above and Section 6.4 below.

(E) The requirements of OAR 660-033-0130 (Minimum Standards Applicable to the Schedule of Permitted and Conditional Uses)(38)(h)(D) are satisfied;

Response: The requirements of OAR 660-033-0130(38)(h)(D) are discussed above. These requirements are met.

(F) If a photovoltaic solar power generation facility is proposed to be developed on lands that contain a Goal 5 resource protected under the county's comprehensive plan, and the plan does not address conflicts between energy facility development and the resource, the applicant and the county, together with any state or federal agency responsible for protecting the resource or habitat supporting the resource, will cooperatively develop a specific resource management plan to mitigate potential development conflicts. If there is no program present to protect the listed Goal 5 resource(s) present in the local comprehensive plan or implementing ordinances and the applicant and the appropriate resource management agency(ies) cannot successfully agree on a cooperative resource management plan, the county is responsible for determining appropriate mitigation measures; and

Response: Portions of the site boundary are subject to Goal 5 overlays under the WCLUDO that implement protections for the County's Goal 5 resources identified in the WCCP, including the Sensitive Wildlife Habitat Overlay (WCLUDO Section 3.800); Flood Hazard Overlay (WCLUDO Section 3.710); Geologic Hazards Overlay (WCLUDO Section 3,722); Cultural, Historic, and Archaeological Overlay (WCLUDO Section 3.740); Mineral and Aggregate Overlay (WCLUDO Section 3.760); Natural Areas, Wild and Scenic Rivers, and Oregon Scenic Waters Overlay (WCLUDO Section 3.790); and Sensitive Bird Site Overlay (WCLUDO Sectio 3.840). Compliance with these overlays ensures that conflicts with protected resources are avoided or minimized as required by WCLUDO and OAR 660-033-0130(38)(F). Detailed findings demonstrating compliance with each overlay are provided in the following sections: Sensitive Wildlife Habitat Overlay (Section 6.1.2.12); Flood Hazard Overlay (Section 6.1.2.6); Geologic Hazards Overlay (Section 6.1.2.8); Cultural, Historic, and Archaeological Overlay (Section 6.1.2.9); Mineral and Aggregate Overlay (Section 6.1.2.10); Natural Areas, Wild and Scenic Rivers, and Oregon Scenic Waters Overlay (Section 6.1.2.11); and Sensitive Bird Site Overlay (Section 6.1.2.13).

The Facility incorporates design measures such as setbacks and micrositing to comply with these overlay provisions. A development permit will be obtained as required under WCLUDO Section 3.712 for activities within the Flood Hazard Overlay. The only Goal 5 resource with unavoidable impacts is Big Game Winter Range Habitat, regulated under the Sensitive Wildlife Habitat Overlay. These impacts are addressed through a draft Habitat Mitigation Plan included in the Fish and Wildlife Habitat Exhibit. This plan is being developed in coordination with ODFW and includes measures such as wildlife-friendly fencing and contributions to mitigation programs benefiting big game species.

Because the WCCP does not include a program specifically addressing conflicts between energy facility development and big game habitat, the Applicant will continue to work cooperatively with

ODFW to finalize mitigation measures consistent with OAR 660-033-0130(38)(F). These measures ensure that potential conflicts with Goal 5 resources are minimized and mitigated appropriately.

> *(G) If a proposed photovoltaic solar power generation facility is located on lands where, after site specific consultation with an Oregon Department of Fish and Wildlife biologist, it is determined that the potential exists for adverse effects to state or federal special status species (threatened, endangered, candidate, or sensitive) or habitat or to big game winter range or migration corridors, golden eagle or prairie falcon nest sites or pigeon springs, the applicant shall conduct a site-specific assessment of the subject property in consultation with all appropriate state, federal, and tribal wildlife management agencies. A professional biologist shall conduct the site-specific assessment by using methodologies accepted by the appropriate wildlife management agency and shall determine whether adverse effects to special status species or wildlife habitats are anticipated. Based on the results of the biologist's report, the site shall be designed to avoid adverse effects to state or federal special status species or to wildlife habitats as described above. If the applicant's site-specific assessment shows that adverse effects cannot be avoided, the applicant and the appropriate wildlife management agency will cooperatively develop an agreement for project-specific mitigation to offset the potential adverse effects of the facility. Where the applicant and the resource management agency cannot agree on what mitigation will be carried out, the county is responsible for determining appropriate mitigation, if any, required for the facility.*

Response: The Facility is subject to the EFSC Fish and Wildlife Habitat Standard (OAR 345-022-0060) and the Threatened and Endangered Species Standard (OAR 345-022-0070) and demonstrates compliance with subpart (j)(G), to the extent it applies to the Facility, by demonstrating compliance with the referenced EFSC standards. Professional biologists conducted site-specific assessments using methodologies reviewed and accepted by the ODFW. Detailed assessments of wildlife, habitat, threatened and endangered species, and wetlands/waters are provided in the Fish and Wildlife Habitat Exhibit (OAR 345-022-0060), Threatened and Endangered Species Exhibit (OAR 345-022-0070), and State and Local Laws and Regulations Exhibit (OAR 345-022-0160). These exhibits also outline the agency consultation that has occurred at various stages of Facility development and measures to avoid, reduce, and mitigate impacts, as necessary. The Facility has been designed to avoid and minimize impacts to sensitive wildlife habitat, riparian vegetation, and soil resources to the extent feasible. Key design measures include avoiding Category 1 habitat entirely and avoiding Category 2 habitat except where it overlaps with Big Game Winter Range, which is addressed through a draft Habitat Mitigation Plan. Streams and wetlands have been avoided with setbacks ranging from 25 to 100 feet, riparian corridors have been preserved to maintain wildlife connectivity, and wildlife movement corridors have been incorporated between solar arrays. Native vegetation will be retained where feasible, and fencing has been set back from the rim of the White River Canyon to facilitate species movement.

Where Big Game Winter Range habitat is impacted, avoidance and minimization measures will be implemented to reduce impacts to wintering big game, such as creating corridors for wildlife connectivity, including elevated "jump outs" in fenced areas, and using wildlife-friendly fencing

(see the Fish and Wildlife Exhibit). In addition, the Applicant will mitigate for impacts by contributing to on-site or third-party programs benefiting big game species. These measures ensure that unavoidable impacts are minimized and offset so that the ecological significance of sensitive habitats is maintained.

k) An exception to the acreage and soil thresholds in subsections (g), (h), (i), and (j) of this section may be taken pursuant to ORS 197.732 and OAR chapter 660, division 4.

Response: The Applicant seeks a Goal 3 exception in accordance with ORS 469.504(2)(c) and OAR 345-022-0030(4)(c).

l) 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 (Definitions for ORS 30.930 to 30.947)(2) and (4).

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

m) 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: The Retirement and Financial Assurance Exhibit provides information on retiring the Facility and restoring the site. The Applicant understands that the Council will impose a condition on the site certificate requiring that the Applicant post a financial assurance for decommissioning the Facility.

6.3.2 OREGON REVISED STATUTES

6.3.2.1 ORS 215.274 – ASSOCIATED TRANSMISSION LINES NECESSARY FOR PUBLICE SERVICE

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

Response: Per ORS 469.300, "associated transmission lines" means new transmission lines constructed to connect an energy facility to the first point of junction with either a power distribution system, an interconnected primary transmission system, or the Northwest power grid. Energy generated and stored at the Facility will be transmitted via the 34.5-kV collection system to the Facility's collector substation. At the substation, generator step-up transformers will increase the voltage from 34.5 kV to 500 kV, which will then interconnect to a new 500-kV switchyard via a 500-kV Facility gen-tie line. From the switchyard, the Facility will connect to the existing BPA Marion-Buckley transmission line, thereby linking the Facility to the Northwest power

grid. Based on this configuration, the 500-kV Facility gen-tie line qualifies as an "associated transmission line" under ORS 469.300 and is subject to the requirements of ORS 215.274.

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.*

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, 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.

4.

    a. Except as provided in subsection (3) of this section, the governing body of a county or its designee shall approve an application under this section if, after an evaluation of reasonable alternatives, the applicant demonstrates that the entire route of the associated transmission line meets, subject to paragraphs (b) and (c) of this subsection, two or more of the following factors:

        1. Technical and engineering feasibility;

        2. The associated transmission line is locationally dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300 (Definitions for ORS 195.300 to 195.336), or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

3. *Lack of an available 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;*

4. *Public health and safety; or*

5. *Other requirements of state or federal agencies.*

Response: The Facility's associated transmission line — the 500-kV gen-tie — will be approximately 0.5-mile-long and located entirely on private property. It is not co-located with an existing transmission line or within an existing right-of-way. Therefore, the line does not meet the criteria under subsection (3) of this statute and must be evaluated under subsection (4).

After considering reasonable alternatives, the Applicant demonstrates that the proposed route satisfies multiple factors under subsection (4) of this statute:

- Location dependency: The gen-tie must connect the Facility to the BPA Marion-Buckley transmission line to enable interconnection with the regional grid. This location provides the nearest point of interconnection with sufficient capacity to accommodate the Facility's output. Selecting this route minimizes land disturbance and environmental impacts compared to alternatives requiring longer corridors or crossing sensitive resources. The locational dependency is further supported by the absence of other viable interconnection points within a reasonable distance of the Facility.
- Technical feasibility and engineering: The proposed gen-tie route is technically feasible because it provides a direct and efficient connection between the Facility and the regional transmission network. The design minimizes engineering complexity by following terrain that supports standard construction methods and avoids areas that would require excessive grading.
- Minimization of impacts: The route is short, avoids high-value farmland to the extent practicable, and is sited to minimize interference with existing farm operations. Construction will use BMPs for erosion control, dust suppression, and weed management, and the line will be removed during decommissioning to restore the land for future use.
- Public health and safety and compliance with other standards: The design will meet applicable electrical safety codes and EFSC siting standards.
- Other requirements of state or federal agencies: the Facility's proposed transmission line is otherwise compliant with all state or federal agencies and supports Oregon's goals of renewable energy development.

Additional details regarding locational dependency and minimization of impacts are provided in Section 6.5.1. Based on these factors, the gen-tie line meets the requirements of ORS 215.274(4) for approval as an associated transmission line necessary for public service.

6.3.2.2 ORS 215.283 – USES PERMITTED IN EXCLUSIVE FARM USE ZONES IN NONMARGINAL COUNTIES

1. *The following uses may be established in any area zoned for exclusive farm use:*

c. *Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height. A utility facility necessary for public service may be established as provided in:*
   1. *ORS 215.275 (Utility facilities necessary for public service); or*
   2. *If the utility facility is an associated transmission line, as defined in ORS 215.274 (Associated transmission lines necessary for public service) and 469.300 (Definitions)*.

Response: As discussed above in Section 6.3.2.1, the gen-tie line qualifies as an "associated transmission line" and is addressed under the requirements of ORS 215.274.

6.4 STATEWIDE PLANNING GOAL 3 EXCEPTION

The Facility may impact more than 12 acres of high-value farmland soil, 20 acres of arable land, and 320 acres of nonarable land and therefore requires a Goal 3 exception. The Applicant addresses ORS 469.504(2)(c)(A)-(C) and OAR 345-022-0030(4)(c)(A)-(C) below to demonstrate that the requested Goal 3 exception is justified.

6.4.1 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;

Oregon faces an urgent need for the siting of large-scale solar facilities to address threats from climate change to the environment, public health, agriculture, and the economy, as well as to meet growing demand for reliable electrical power. This need is reinforced by statewide policy directives, including Oregon Executive Order (EO) 25-25, which accelerates renewable energy development and transmission planning, and EO 25-29, which implements the Oregon Energy Strategy to ensure grid reliability and clean energy deployment. While this alone may not justify a Goal 3 exception, the Council has discretion to weigh important statewide policy objectives when granting a goal exception. The Oregon legislature specifically intended for Council, in its role as a statewide energy siting authority, to consider "reasons" generally, not just "reasons" embodied in statewide planning goals when evaluating a goal exception. The plain language of the statute is clear. The Applicant respectfully presents four reasons to justify the requested Goal 3 exception for up to 5,279 acres from the larger 12,532 acres of micrositing corridor.

1. Locational Dependency: The Facility is locationally dependent on adjacent BPA transmission grid and access to major transportation corridors.
2. Minimal Impacts on Productive Agricultural Lands: The Facility minimizes impacts to productive agricultural land and agricultural operations and reallocates irrigation water in coordination with landowners and JFDIC for higher and better agricultural uses.
3. Rural Economic Benefits: The Facility will create significant rural economic benefits, including direct benefits to south Wasco County and the agricultural community.

4. Meets County and State Goals and Priorities: The Facility responds to important state and county goals and priorities.

6.4.1.1 REASON 1: LOCATIONAL DEPENDENCY

Locational dependency refers to the unique proximity and interrelatedness of operations for the Facility with existing infrastructure necessary to construct and operate the Facility. Under EFSC precedent, a solar facility is locationally dependent when sited in proximity to other key facility components such as substations, transmission lines, and shared energy infrastructure, when it avoids impacts to agriculture, and when it provides unique geographical features that support the Facility's goals.

Proximity to Transmission Grid

The proposed Facility is locationally dependent on its proximity to the BPA Marion-Buckley transmission line. This dependency is based on the following factors:

- The project is interconnecting into existing BPA transmission infrastructure that crosses the southern boundary of the site. This proximity allows for a short gen-tie of approximately 0.5 mile, which reduces land disturbance, minimizes environmental impacts, and lowers costs compared to locations requiring longer transmission corridors.
- The Marion-Buckley transmission line is a major backbone of BPAs system and provides the high voltage capacity needed to accommodate a project of this scale. The transmission infrastructure crossing the site boundary is underutilized, making the site an efficient location for interconnection without requiring new network upgrades.
- BPA has made significant investments in transmission infrastructure to support renewable energy development in the region, and the Facility's interconnection request is currently in process. The availability of capacity on this existing line and the ability to tap the line without additional upgrades demonstrate the practical and operational suitability of this location for the Facility.
- Although solar generation is an intermittent resource, the inclusion of a BESS will help provide a smoother and more predictable generation profile. BESS will improve project flexibility, contribute to grid resiliency, and help align project output with periods of higher demand, providing benefits to the regional grid.

High Solar Resource

This portion of Wasco County offers one of Oregon's most favorable solar resources, characterized by high solar irradiance and consistent sunlight availability. These conditions, combined with suitable land and proximity to transmission infrastructure, make the area ideal for utility-scale solar development. The region's suitability is further demonstrated by three EFSC-approved solar energy facilities—Sunset Solar Project, Daybreak Solar Project, and Bakeoven Solar Project—and one proposed EFSC facility, Yellow Rosebush, located more than 10 miles east of the proposed Facility (see Figure 3 in the Background Information Exhibit). The presence of these projects

confirms that Wasco County provides the solar resource, land availability, and infrastructure necessary to support large-scale renewable energy generation.

Proximity to Transportation Corridors

The Facility is locationally dependent on existing transportation corridors and infrastructure that provide safe, efficient, and reliable access for construction, operation, and maintenance. The primary access route to the Facility will utilize Interstate Highway 84 (I-84), southbound U.S. Highway 197 (The Dalles–California Highway) at The Dalles, and OR 216, where vehicles will travel approximately seven miles west to reach the site. Traffic and deliveries will enter the Facility from OR 216 at one of three access points: Reservation Road, Walters Road, or Victor Road. Each of these access points connects to County-maintained roads that are at least partially paved and in fair to good condition, indicating that only minor improvements may be needed, if any. Within the site boundary, private unpaved farm roads provide internal access, and these existing roads will be used to the greatest extent practicable to minimize new disturbance.

Locating the Facility adjacent to existing transportation corridors and energy infrastructure consolidates potential impacts within a defined area rather than dispersing them across multiple locations throughout the county. This approach preserves higher-quality agricultural soils elsewhere for continued farm use and reduces the need for new road construction in undisturbed areas. Additionally, concentrating development near existing corridors minimizes habitat fragmentation and reduces potential impacts to sensitive species by avoiding the creation of new linear disturbances across the landscape.

6.4.1.2 REASON 2: MINIMAL IMPACTS TO PRODUCTIVE AGRICULTURAL LANDS

The Facility minimizes impacts on productive agricultural land and agricultural operations and reallocates irrigation water in coordination with landowners and JFDIC for higher and better agricultural uses.

To assess potential impact of the proposed Facility on agricultural lands, the Applicant surveyed 15 landowners representing approximately 92 percent of the land within the site boundary. Survey responses consistently indicate that agricultural activity is primarily limited to cattle grazing, and when crops are grown, they are typically used for on-site cattle feed rather than commercial sale. Only 596 acres—about 4 percent of the site—are actively cultivated and approximately 406 acres are irrigated solely to retain water rights, not for crop production (see Attachment 4). Landowner feedback and site conditions confirm that the land is rocky, shallow, and underlain by hard clay or basalt, making farming economically infeasible. Several landowners reported that the land has not generated agricultural revenue in decades and serves only as grazing ground. At least one landowner noted that hay and wheat yields were far below regional averages, leading them to leave most acreage fallow, while another stated that no amount of water would make the land productive due to its rocky composition. These findings demonstrate that the very small percentage of cultivated land within the site boundary is the result of poor soil quality and lack of water supply, which makes land within the site boundary ill-suited for agricultural production.

Of the 12,532 acres within the micrositing corridor, about 4,994 acres are used as pastureland for grazing, with small areas dedicated to hay and grass for cattle feed, winter wheat on one parcel, barley on another, and miscellaneous uses. As described in Attachment 4, direct impacts, or expenditures specifically related to the proposed Facility—representing the gross value of production that farmers would no longer receive from cattle grazing or occasional crop sales—are minimal. Survey responses indicate that these operations are marginal and often supplemented by other income sources. For example, one landowner stated they would farm elsewhere if the Facility were built, while another confirmed that their tenant farmer uses land outside the site boundary, meaning his activity would not be displaced. The presence of approximately 991 acres enrolled in the CRP within the site boundary underscores the economic challenges of farming this land. CRP enrollment reflects landowners' efforts to earn income through federal conservation incentives rather than agricultural production, further demonstrating that the land is not viable for farming.

Based on landowner feedback and site analyses, the potential conversion of this land to a solar Facility is not expected to significantly disrupt agricultural operations or employment. Most landowners are owner-operators or lease their land, and any labor associated with current agricultural use is minimal or easily transferable to other, more productive agricultural land within the county. For example, one landowner indicated that while four individuals currently work on their land within the site boundary, none will lose employment if the Facility proceeds. Similarly, another landowner indicated that the proposed Facility area does not overlap with their active operations and would not affect their staffing.

Maintaining these lands exclusively for farm use does not achieve the intended purpose of Goal 3 because the land cannot support economically viable farming operations. Landowners have confirmed that these lands are not viable for sustained agricultural production and that the unreliability of water supplies has made it difficult to use water rights to their full rate. For example, although JFDIC customers are allocated 3 acre-feet of water annually for irrigation, the district has not reliably provided this amount since the 1970s. Actual water availability fluctuates based on Clear Lake storage. The proposed Facility presents an opportunity to reallocate water rights associated with these parcels to parcels that are better suited for agricultural use and may benefit from additional water supplies while aligning with statewide energy and climate goals. Instead of underutilized irrigation on marginal lands and flood irrigation that does not lead to meaningful agricultural production, water rights could be transferred or repurposed.

In situations where water rights cannot be transferred to other locations or types of use, cessation of water use within the Facility site would reduce competition for limited water resources, improving reliability for users who currently apply their rights to beneficial use. This reallocation would direct water east of the site to areas with more fertile soils and better cultivation potential. It would also ensure efficient use of remaining water while contributing to broader public benefits, including renewable energy generation, economic development, and environmental enhancement. To implement these strategies, the Applicant will prepare a Water Rights Management Plan in coordination with JFDIC and pertinent landowners to address the up to 423.56 acres of place-of-use water rights within the site boundary, including potential instream transfers of surface water

rights, place-of-use transfers of surface and groundwater rights, or abandonment of water rights that are no longer in use. The goal of this plan is to maintain impacted rights for irrigation use where feasible and utilize OWRD transactions to preserve water rights for future agricultural use after Facility decommissioning.

Based on input from JFDIC, the preliminary Facility layout has been microsited to incorporate a minimum 50-foot setback between the centerline of an irrigation ditch and any above-ground Facility components, excluding new Facility access roads. This ensures that the Facility avoids impacts to the main irrigation ditch that extends laterally across the northern portion of the site boundary, which JFDIC indicated is of particular importance. Additionally, this setback will provide sufficient width for maintenance equipment (excavators) to access irrigation ditches for maintenance. To ensure agricultural operations are not adversely affected, the Applicant is working with JFDIC to prepare an Access and Maintenance Coordination Plan that will maintain irrigation district operations throughout the life of the Facility and ensure that irrigation ditches that are not being actively used are maintained such that they can return to their prior use after Facility decommissioning. These coordination efforts will also be captured in the Water Rights Management Plan. The Access and Maintenance Coordination Plan and Water Rights Management Plan will be provided prior to the ASC being deemed complete.

At the end of its operational life, the land will be restored for future use, ensuring that the exception does not compromise the long-term viability of surrounding agricultural lands. Accordingly, the proposed Facility would represent a higher and better use of the land located within the site boundary.

In summary, the micrositing corridor consists largely of land with low agricultural productivity and limited economic value. Landowners expressed a desire for economic security and acknowledged that much of the land is unsuitable for farming. They view the proposed Facility as a better use of the land. Any indirect effects of reduced agricultural spending will be mitigated by the Applicant's contributions to local agricultural organizations and community programs, as outlined in Attachment 5.

6.4.1.3 REASON 3: RURAL ECONOMIC BENEFITS

The Facility will promote rural economic development and deliver long-term benefits to Wasco County. It will create jobs, expand the County's tax base, provide clean energy to support future development, and generate local economic activity during construction and operation. Specifically, the Facility will contribute to the local economy in the following ways:

- The Applicant is proposing to contribute approximately $167.22/acre, or a total of approximately $2.1 million for impacts to the approximately 12,532 acres through an agricultural mitigation fund upon start of construction of the Facility. This amount is equivalent to the Facility's estimated indirect impact on the Wasco County agricultural economy, over the 30-year life of the Facility. Due to the diverse range of agricultural activities occurring within the site boundary, it is difficult to discern a single agricultural supplier or organization that would be primarily affected. Therefore, the Applicant is focusing mitigation efforts on

benefitting the agricultural community as a whole. The Applicant is developing an Agricultural Mitigation Plan (Attachment 5) that may allocate the mitigation fund to JFDIC and JFRFPD, among others. This plan will continue to be developed through completeness review as additional coordination and outreach occurs.

- Facility construction will provide a net benefit to participating landowners by generating lease revenue that far exceeds the minimal loss of agricultural income from removing the micrositing corridor from farming, ranching, and grazing uses.
- Construction and operation will also generate local economic benefits through direct expenditures for materials and services, such as fuel, equipment, and vegetation management, as well as payroll income for workers. These benefits represent a significant gain compared to current agricultural activities.
- The Applicant's substantial investment will strengthen the County's financial resilience and deliver reliable economic benefits for years to come. The Facility is expected to generate millions of dollars in local tax revenue or community service fees over its lifetime, supporting essential priorities such as infrastructure upgrades, education, and emergency services, as well as shared goals like improving schools, roads, and law enforcement. Based on experience with similar solar energy generation facilities, it is expected that tax revenues for Wasco County would be significantly higher than estimated tax revenues generated by land within the site boundary over the operation life of the Facility if that land remained in agricultural use. The Economic and Fiscal Impact Report (Attachment 7), details the anticipated tax revenue based three scenarios: a Payment In Lieu of Taxes (PILOT) agreement, Oregon's Strategic Investment Program (SIP), or paying taxes as normal and demonstrates that the Facility will be the largest contributor of tax revenues to the County.
- As detailed in Attachment 7, the Facility is expected to generate approximately 400 direct on-site jobs during the construction phase, contributing $30.5 million in labor income and $38.2 million to the Gross Domestic Product of Wasco County. Furthermore, the indirect and induced effects of the construction phase are projected to sustain an additional 134 jobs within Wasco County, along with $7.5 million in labor income and $13.8 million in Gross Domestic Product. In total, Facility construction is projected to support approximately 534 jobs—combining direct, indirect, and induced impacts—along with about $38,004,000 in labor income and an overall economic output of approximately $83 million.
- As detailed in Attachment 7, during the operation phase, the Facility is expected to directly support about 15 jobs. In addition to these positions, ongoing operation and maintenance activities will support employment, labor income, and economic output across other sectors of the local economy. Indirect and induced impacts are estimated to add approximately 20 jobs. In total, Facility operations are projected to support approximately 35 jobs—combining direct, indirect, and induced impacts—along with about $4,649,000 in labor income and an overall economic output of approximately $17 million.
- The Applicant has entered an MOU and/or had discussions with local programs and services, such as the JFRFPD and WCSO, to outline potential future support estimated at upwards of $265,000. These contributions will be provided once EFSC issues the Final Order and the Site

Certificate for the Facility is received, demonstrating the Applicant's commitment to supporting community services and infrastructure. Future contributions will continue to be considered as the Facility moves through construction and operation, ensuring that the Facility provides meaningful benefits to Wasco County beyond renewable energy generation.

6.4.1.4 REASON 4: MEETS COUNTY AND STATE GOALS AND PRIORITIES

The Facility is aligned with local, state and federal goals and policies surrounding the use and implementation of renewable energy. The Facility supports Wasco County's Goal 13 (Energy Conservation), the purpose of which is to support the development of renewable energy resources within the County, and Goal 6 (Air, Water, and Land Resources), which are intended to improve the quality of air and water. By being a solar energy generating facility that is renewable and nonpolluting, the Facility intrinsically supports this goal. The Facility also supports Oregon's Renewable Portfolio Standard (Oregon Department of Energy 2025), which establishes a requirement that 50 percent of Oregon's electricity must come from renewable resources by 2050.

6.4.2 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;

6.4.2.1 ENVIRONMENTAL

Environmental Impacts

Environmental consequences result from factors such as (1) water quality, (2) environmental safety and spill prevention, (3) soil erosion, (4) stormwater and wastewater management, (5) air emissions, and (6) habitat management.

The Facility is sited to avoid or minimize impacts to sensitive environmental features, including floodplains, rare or unique habitat (e.g., Category 1 habitat, riparian habitat), and jurisdictional wetlands or waters. The Facility's environmental consequences are discussed primarily in State and Local Laws and Regulations Exhibit, Fish and Wildlife Habitat Exhibit, Threatened and Endangered Species Exhibit, and Historic, Cultural, and Archaeological Resources Exhibit. These exhibits demonstrate that the Facility will avoid, minimize, or mitigate impacts on such resources. The Applicant has paid particular attention to avoidance first, minimization (if possible) second, and mitigation if impacts are unavoidable.

The Facility has been designed to avoid and minimize impacts to sensitive wildlife habitat and aquatic resources to the greatest extent feasible. Key design measures include avoiding Category 1 habitat entirely and avoiding all observed Category 2 habitat (e.g., Oregon white oak forest and riparian corridors) except where habitat has been classified as Category 2 because it overlaps Big Game Winter Range. Big Game Winter Range habitat is addressed through a draft Habitat Mitigation Plan. Where Big Game Winter Range habitat is impacted, avoidance and minimization

measures will be implemented to reduce impacts to wintering big game, such as creating corridors for wildlife connectivity, including elevated "jump outs" in fenced areas, and using wildlife-friendly fencing (see the Fish and Wildlife Exhibit). In addition, the Applicant will mitigate for impacts by contributing to on-site or third-party programs benefiting big game species. In addition, riparian corridors have been preserved to maintain wildlife connectivity, and wildlife movement corridors have been incorporated between solar arrays. Native vegetation will be retained where feasible, and proposed fencing has been set back from the rim of the White River Canyon to facilitate species movement. Minimization and mitigation measures will ensure that unavoidable impacts are minimized and offset so that the ecological significance of sensitive habitats is maintained.

Five federally and/or state listed species were determined to have potential presence within the site boundary including, gray wolf (*Canis lupus*; federally endangered, Oregon Conservation Strategy Species), bull trout (*Salvelinus confluentus;* federally threatened*,* state candidate, Oregon Conservation Strategy Species), steelhead (*Oncorhynchus mykiss irideus*; federally threatened, Oregon Conservation Strategy Species), monarch butterfly (*Danaus plexippus*; federal candidate endangered, state candidate, Oregon Conservation Strategy Species), and vernal pool fairy shrimp (*Branchinecta lynchi*; federally threatened, Oregon Conservation Strategy Species). Of these, only the monarch butterfly was observed during biological surveys conducted in 2024 and 2025. No adverse effects to these species are anticipated from the Facility. Coordination with the ODFW has occurred and will continue throughout permitting and construction to ensure compliance with applicable standards and implementation of appropriate mitigation measures. Coordination with the U.S. Fish and Wildlife Service will also occur, as needed, prior to final application review to verify compliance with federal requirements.

ERM completed a wetland and waters delineation for the Facility between 4 June to 26 September 2024 and 19 March to 8 June 2025 to determine the extent of wetlands and waters in the micrositing corridor. The field surveys identified a total of 1,891 wetlands and 333 stream segments within the survey area. The Applicant has prioritized avoiding impacts to Waters of the U.S. and Waters of the State throughout the Facility design process. As delineation data became available, the preliminary site layout—including solar arrays, inverters, substation, and gen-tie route—was iteratively revised to minimize impacts. Avoidance measures include:

- Avoid all new impacts to high-functioning wetlands and waters, such as forested wetlands, floodplain, vernal pools, and streams with essential fish habitat.
- Avoid all impacts along the White River.
- Prioritize the use of existing stream crossings for internal access road routing. Where new stream crossings or improvements to existing stream crossings are required, use bridges or spans instead of culverts to the extent feasible.
- Use horizontal directional drilling or similar techniques to place collection and utility lines below wetlands and waters in a manner that avoids temporary or permanent impacts to the features.
- Avoid grading or other alterations to existing drainage patterns across the landscape to the greatest extent feasible.

All permanent structures associated with the Facility, including foundations, will meet or exceed the setback requirements: 100 feet from fish-bearing waters, 50 feet from non-fish-bearing waters, and 25 feet from other seasonal or permanent water bodies. These setbacks have been integrated into the Facility design to ensure compliance.

Some impacts to wetlands and waters may be unavoidable for construction of internal access roads and installation of collector lines due to the widespread presence of these features within the site boundary. The Applicant is preparing a JPA which will include detailed water feature data and impact analysis (see Volume 1 of the State and Local Laws and Regulations Exhibit). All required information will be provided prior to the ASC being deemed complete. Accordingly, the Applicant expects that the Removal-Fill permit will be included in and governed by the Facility's site certificate. In addition, as part of its ongoing analysis of the site, the Applicant is identifying culverts or other crossings within the analysis area that may have become obsolete and good candidate for removal, which would provide ecological and environmental benefits within the analysis area.

Soil erosion will be controlled through BMPs during construction, including stabilization and re-vegetation of disturbed areas, as detailed in the Soil Protection Exhibit. In addition, the Applicant, or its contractor, will obtain an NPDES 1200-C permit and implement erosion and sediment control measures consistent with ODEQ requirements to prevent sediment discharge into waterways.

The Facility proposes to avoid all historic, cultural, and archeological resources that may be eligible for listing on the NRHP. The site boundary contains cultural resources, including 12 that are likely eligible for listing on the NRHP, 48 that could not be evaluated, and 141 that are recommended as not eligible. For unevaluated resources, the Facility will either avoid them or conduct further evaluation prior to any ground-disturbing activity on the unevaluated resource. For resources that are likely eligible, the Facility will avoid direct impacts and implement protective buffers to prevent disturbance. While SHPO concurrence on eligibility is still pending, no protective measures are required for resources recommended as not eligible. In addition, an Inadvertent Discovery Plan has been prepared and is included in the Historic, Cultural, and Archeological Resources Exhibit to address any previously unidentified archaeological resources if they are unearthed during construction or operation activities. These measures ensure that the proposed use is not detrimental to the preservation of cultural resources.

The Facility, as proposed, is not anticipated to have significant adverse impacts to soils, wetlands, water resources, threatened and endangered species, or historic, cultural, and archaeological resources.

Climate Benefits

The region has experienced measurable warming over the past century, contributing to significant environmental changes such as warmer river and coastal waters that threaten salmon runs and other aquatic species, and widespread forest ecosystem shifts caused by wildfires. These changes highlight the urgency of reducing greenhouse gas emissions to protect Oregon's natural resources and rural economies.

Oregon's Climate Action Plan (Oregon Environmental Council 2020) sets ambitious targets to reduce greenhouse gas emissions to at least 45 percent below 1990 levels by 2035 and at least 80 percent below 1990 levels by 2050. These goals are reinforced by recent Oregon State EOs, including EO 25-25, EO 25-26, and EO 25-29, which collectively accelerate renewable energy development, establish a Natural and Working Lands Carbon Sequestration Program, and implement the Oregon Energy Strategy to advance clean energy and grid resilience. Utility-scale solar facilities are a critical component of these strategies, helping to decarbonize the electric grid while complementing land management practices that support carbon sequestration. Wasco County's Comprehensive Plan supports these objectives by encouraging land uses that maintain environmental quality and promote sustainable energy development.

By producing clean energy, the Facility will help reduce greenhouse gas emissions, mitigate climate change impacts, and advance Oregon's and Wasco County's goals for environmental stewardship and energy conservation. As a result, the Facility will result in a beneficial environmental impact.

6.4.2.2 SOCIOECONOMIC

When considering the economic consequences, EFSC takes into consideration factors such as (1) any increased burden on public services, (2) benefits to the rural tax base (3) job creation, and (4) revenue for area landowners. The Public Services Exhibit includes a discussion on the potential impacts on public services, including safety and transportation. As described in the response to WCLUDO 5.020(C) in Section 6.1.4.1, the Facility will not significantly burden public facilities and services in the area. The Wildfire Prevention and Risk Mitigation Exhibit includes a discussion on fire and wildfire prevention. As discussed in Section 6.5.1.4, the Facility will have numerous rural economic benefits for the community. The Retirement and Financial Assurance Exhibit discusses retirement and restoration of the Facility and demonstrates that no burden will be placed on the area landowners or the County because the Applicant is obligated to retire and restore the site and will have a financial assurance in place to guarantee such work.

When considering the social consequences, EFSC takes into consideration factors such as access and impact to resources of importance to the public such as protected areas, recreation, cultural resources, and scenic areas. EFSC also takes into consideration impacts on public and community services. The Protected Areas Exhibit demonstrates that the Facility will not adversely impact protected areas within the analysis area. The Scenic Resources Exhibit, Historic, Cultural, and Archaeological Resources Exhibit, and Recreation Exhibit demonstrate the same for scenic resources, cultural resources, and recreation, respectively. The Public Services Exhibit demonstrates that the solar array will not result in adverse impacts on public or community services such as health care, housing, water supply, waste disposal, transportation, or fire and safety.

6.4.2.3 ENERGY

When considering energy consequences, the Council evaluates factors such as the amount of energy the proposed facility will produce, its source, and whether it advances important energy

policies. The Facility will add up to 1,000 MW of solar capacity to the regional power grid and include a battery energy storage system with up to 4,000 megawatt-hours of storage capacity. This influx of renewable energy will provide reliable, carbon-free electricity for public consumption and grid stability.

By generating clean energy, the Facility directly supports Oregon's Climate Action Plan, which calls for reducing greenhouse gas emissions to 45 percent below 1990 levels by 2035 and 80 percent below 1990 levels by 2050. Renewable energy development is a key strategy identified in Oregon House Bill 2020 to achieve these targets. Wasco County's Comprehensive Plan also promotes land uses that maintain environmental quality and encourage energy conservation, aligning with Statewide Planning Goal 13.

The Facility's contribution to renewable energy generation will help reduce reliance on fossil fuels, mitigate climate change impacts, and advance Oregon's long-term sustainability objectives while supporting rural economic development.

6.4.3 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.

The proposed Facility is compatible with adjacent land uses or will be made compatible through measures designed to reduce adverse impacts. Adjacent uses within the land use analysis area are primarily accepted farming practices, as addressed in detail under OAR 660-033-0130(5) in Section 6.3.1.1, along with rural residential properties. The Applicant also considered general compatibility under WCLUDO Section 5.020(C) in Section 6.1.4.1.

The Facility has been designed to maintain compatibility with these uses through measures that avoid, minimize, and mitigate potential adverse impacts to farm practices. The solar array will remove up to 596 acres—approximately 4 percent of the site boundary—from crop cultivation for the life of the Facility, and some of the 4,994 acres used as pastureland for grazing may also be removed. However, landowner surveys confirm that crop cultivation and grazing operations are marginal and often supplemented by other income sources. For example, one landowner stated they would farm elsewhere if the Facility were built, while another confirmed that their tenant farmer uses land outside the site boundary, meaning his activity would not be displaced. These findings, combined with poor soil quality and unreliable irrigation documented in Section 6.4.1.3, demonstrate that the Facility will not significantly disrupt agricultural operations.

To further ensure compatibility, the Facility incorporates minimum setbacks of 50 feet from participating property boundaries and 200 feet from non-participating boundaries, dust control measures, wildfire prevention plans, and commitments to restore land to pre-existing uses following decommissioning. The Applicant will also execute farm-forest management easements under WCLUDO Section 3.218 to prevent conflicts with accepted farm practices and implement a Water Rights Management Plan to maintain or reallocate irrigation rights for higher and better agricultural uses. These measures, combined with micrositing to avoid unnecessary fragmentation

and coordination with JFDIC to maintain irrigation infrastructure, ensure that the Facility will not create unnecessary negative impacts and will remain compatible with surrounding agricultural and residential uses.

Therefore, the Facility will not result in significant adverse impacts and will be compatible with adjacent land uses, meeting the requirements of ORS 469.504(2)(c)(C) and OAR 345-022-0030(4)(c)(C).

6.4.4 CONCLUSION

Based on the foregoing analysis, the Facility complies with the applicable substantive criteria from Wasco County except for WCLUDO 3.215(M). 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 exception is justified because the Facility is locationally dependent on its proximity to the adjacent BPA transmission grid and major transportation corridors, and it is sited within a portion of Wasco County that offers one of Oregon's most favorable solar resources. The Facility minimizes impacts on productive agricultural lands and operations by utilizing an area with limited crop production and reallocating irrigation water to more beneficial agricultural uses. In addition, the Facility will provide significant rural economic benefits through job creation, tax revenue, and community investment. Finally, the Facility advances county and state goals and priorities by supporting renewable energy development, contributing to Oregon's Climate Action Plan, and promoting sustainable land use. These factors collectively demonstrate that the proposed use is consistent with broader public benefits and land use planning objectives.

7. SUBMITTAL REQUIREMENTS AND APPROVAL STANDARDS

The Applicant has satisfied the standards for the Land Use Exhibit outlined in OAR 345-022-0030(3)(a). Submittal standards are summarized in Table 17. Approval standards are summarized in Table 18.

TABLE 17 SUBMITTAL REQUIREMENTS MATRIX

Submittal Requirement	Handling
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. In the application, the applicant shall:	Section 1.0, Section 2.0

Submittal Requirement	Handling
(A) Include a map showing the comprehensive plan designations and land use zones in the analysis area	Section 2.1
(B) If the applicant elects to obtain local land use approvals:	Not Applicable (N/A)
(i) Identify the affected local governments from which land use approvals will be sought.	N/A
(ii) Describe the land use approvals required in order to satisfy the Council's land use standard.	N/A
(iii) Describe the status of the applicant's application for each land use approval.	N/A
(iv) Provide an estimate of time for issuance of local land use approvals.	N/A
(C) If the applicant elects to obtain a Council determination on land use:	Section 6.0
(i) Identify the affected local governments;	Section 6.0
(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;	Section 6.1, Section 6.2
(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;	Sections 6.3
(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; and	Section 6.4**Error! Reference source not found.**
(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).	Section 6.4
(D) If the proposed facility will be located on federal land:	N/A
(i) Identify the applicable land management plan adopted by the federal agency with jurisdiction over the federal land.	N/A
(ii) Explain any differences between state or local land use requirements and federal land management requirements.	N/A
(iii) Describe how the proposed facility complies with the applicable federal land management plan.	N/A

Submittal Requirement	Handling
(iv) Describe any federal land use approvals required for the proposed facility and the status of application for each required federal land use approval.	N/A
(v) Provide an estimate of time for issuance of federal land use approvals.	N/A
(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.	N/A

TABLE 18 APPROVAL STANDARDS MATRIX

Approval Standard	Handling
OAR 345-022-0030 Land Use	
(1) To issue a site certificate, the Council must find that the proposed facility complies with the statewide planning goals adopted by the Land Conservation and Development Commission.	Section 6.0
(2) The Council shall find that a proposed facility complies with section (1) if:	–
(a) The applicant elects to obtain local land use approvals under ORS 469.504(1)(a) and the Council finds that the facility has received local land use approval under the acknowledged comprehensive plan and land use regulations of the affected local government; or	N/A
(b) The applicant elects to obtain a Council determination under ORS 469.504(1)(b) and the Council determines that:	Section 6.0
(A) The proposed facility complies with applicable substantive criteria as described in section (3) and the facility complies with any Land Conservation and Development Commission administrative rules and goals and any land use statutes directly applicable to the facility under ORS 197.646(3);	Section 6.1 through Section 6.4
(B) For a proposed facility that does not comply with one or more of the applicable substantive criteria as described in section (3), the facility otherwise complies with the statewide planning goals or an exception to any applicable statewide planning goal is justified under section (4); or	Section 6.4
(C) For a proposed facility that the Council decides, under sections (3) or (6), to evaluate against the statewide planning goals, the proposed facility complies with the applicable statewide planning goals or that an exception to any applicable statewide planning goal is justified under section (4).	Section 6.4
(3) As used in this rule, the "applicable substantive criteria" are criteria from the affected local government's acknowledged comprehensive plan and land use ordinances that are required by the statewide planning goals and that are in effect on the date the applicant submits the application. If the special advisory group recommends applicable substantive criteria, as described under OAR 345-021-0050, the Council shall apply them. If the special advisory group does not recommend applicable substantive criteria, the Council shall decide either to make its own determination of the applicable substantive criteria and apply them or to evaluate the proposed facility against the statewide planning goals.	Section 6.1 through Section 6.4
(4) The Council may find goal compliance for a proposed facility that does not otherwise comply with one or more statewide planning goals by taking an exception to the applicable goal. Notwithstanding the requirements of ORS 197.732, the statewide planning goal pertaining to the exception process or any rules of the Land Conservation and Development Commission pertaining to the	Section 6.4

Approval Standard	Handling
exception process, the Council may take an exception to a goal if the Council finds:	
(a) The land subject to the exception is physically developed to the extent that the land is no longer available for uses allowed by the applicable goal;	N/A
(b) The land subject to the exception is irrevocably committed as described by the rules of the Land Conservation and Development Commission to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or	N/A
(c) The following standards are met:	Section 6.4
(A) Reasons justify why the state policy embodied in the applicable goal should not apply;	Section 6.4
(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; and	Section 6.4
(C) The proposed facility is compatible with other adjacent uses or will be made compatible through measures designed to reduce adverse impacts.	Section 6.4
(5) If the Council finds that applicable substantive local criteria and applicable statutes and state administrative rules would impose conflicting requirements, the Council shall resolve the conflict consistent with the public interest. In resolving the conflict, the Council cannot waive any applicable state statute.	N/A
(6) If the special advisory group recommends applicable substantive criteria for an energy facility described in ORS 469.300(10)(a)(C) to (E) or for a related or supporting facility that does not pass through more than one local government jurisdiction or more than three zones in any one jurisdiction, the Council shall apply the criteria recommended by the special advisory group. If the special advisory group recommends applicable substantive criteria for an energy facility described in ORS 469.300(10)(a)(C) to (E) or a related or supporting facility that passes through more than one jurisdiction or more than three zones in any one jurisdiction, the Council shall review the recommended criteria and decide whether to evaluate the proposed facility against the applicable substantive criteria recommended by the special advisory group, against the statewide planning goals or against a combination of the applicable substantive criteria and statewide planning goals. In making the decision, the Council shall consult with the special advisory group, and shall consider:	N/A
(a) The number of jurisdictions and zones in question;	N/A

Approval Standard	Handling
(b) The degree to which the applicable substantive criteria reflect local government consideration of energy facilities in the planning process; and	N/A
(c) The level of consistence of the applicable substantive criteria from the various zones and jurisdictions.	N/A

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ATTACHMENT 1 - FIGURES

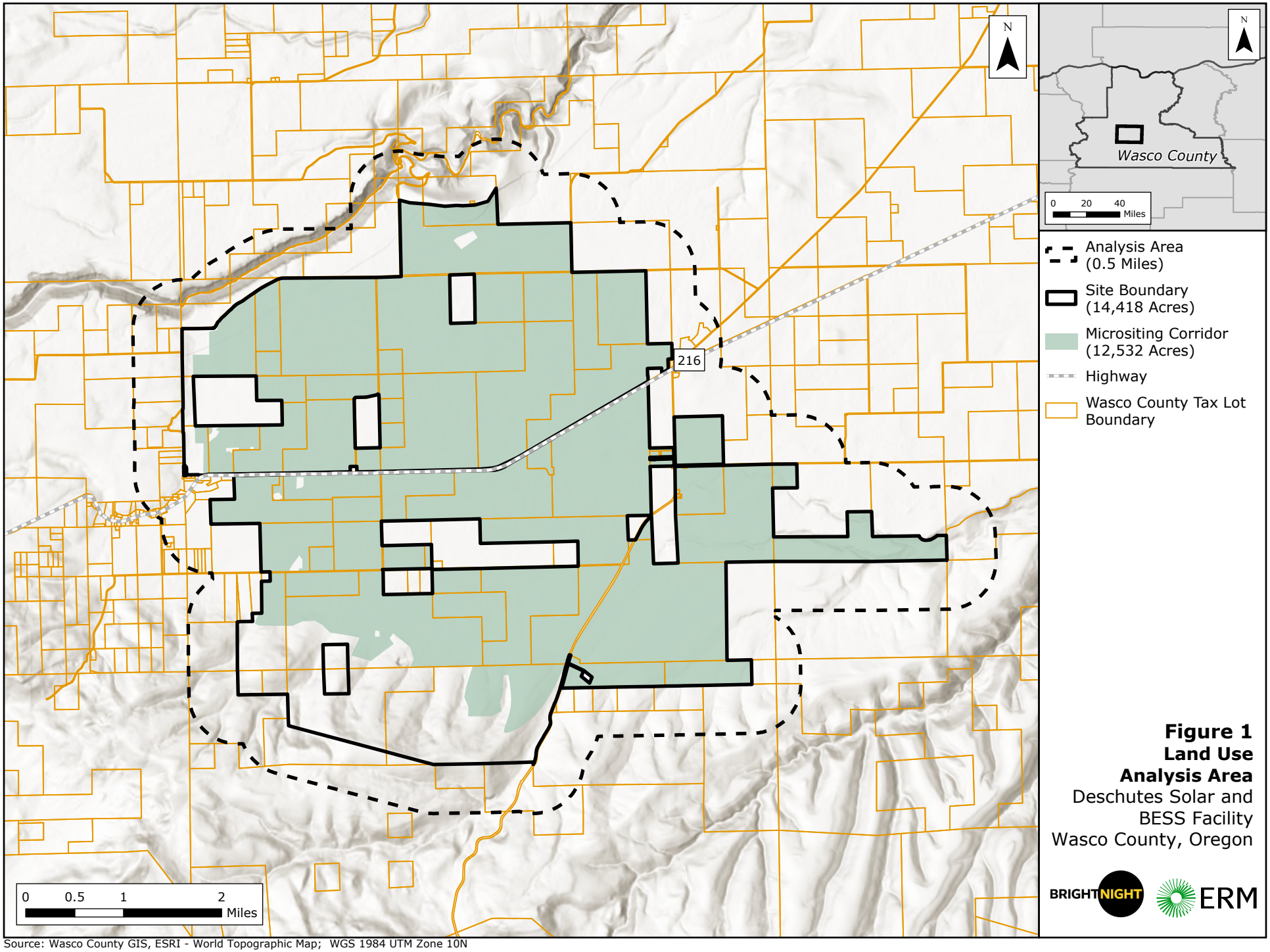


Figure 1
Land Use
Analysis Area
Deschutes Solar and BESS Facility
Wasco County, Oregon

Source: Wasco County GIS, ESRI - World Topographic Map; WGS 1984 UTM Zone 10N

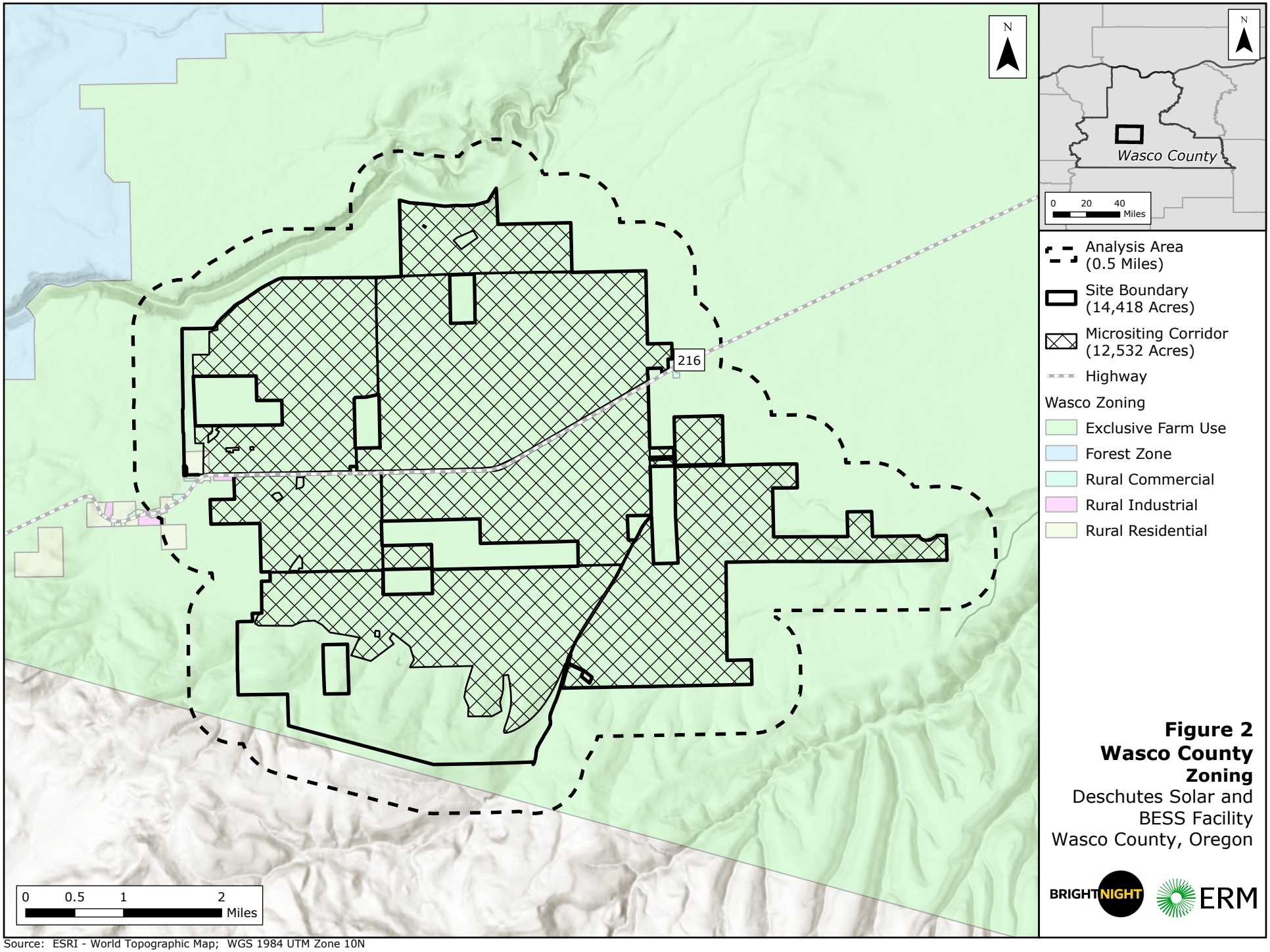


Figure 2
Wasco County Zoning
Deschutes Solar and BESS Facility
Wasco County, Oregon

Source: ESRI - World Topographic Map; WGS 1984 UTM Zone 10N

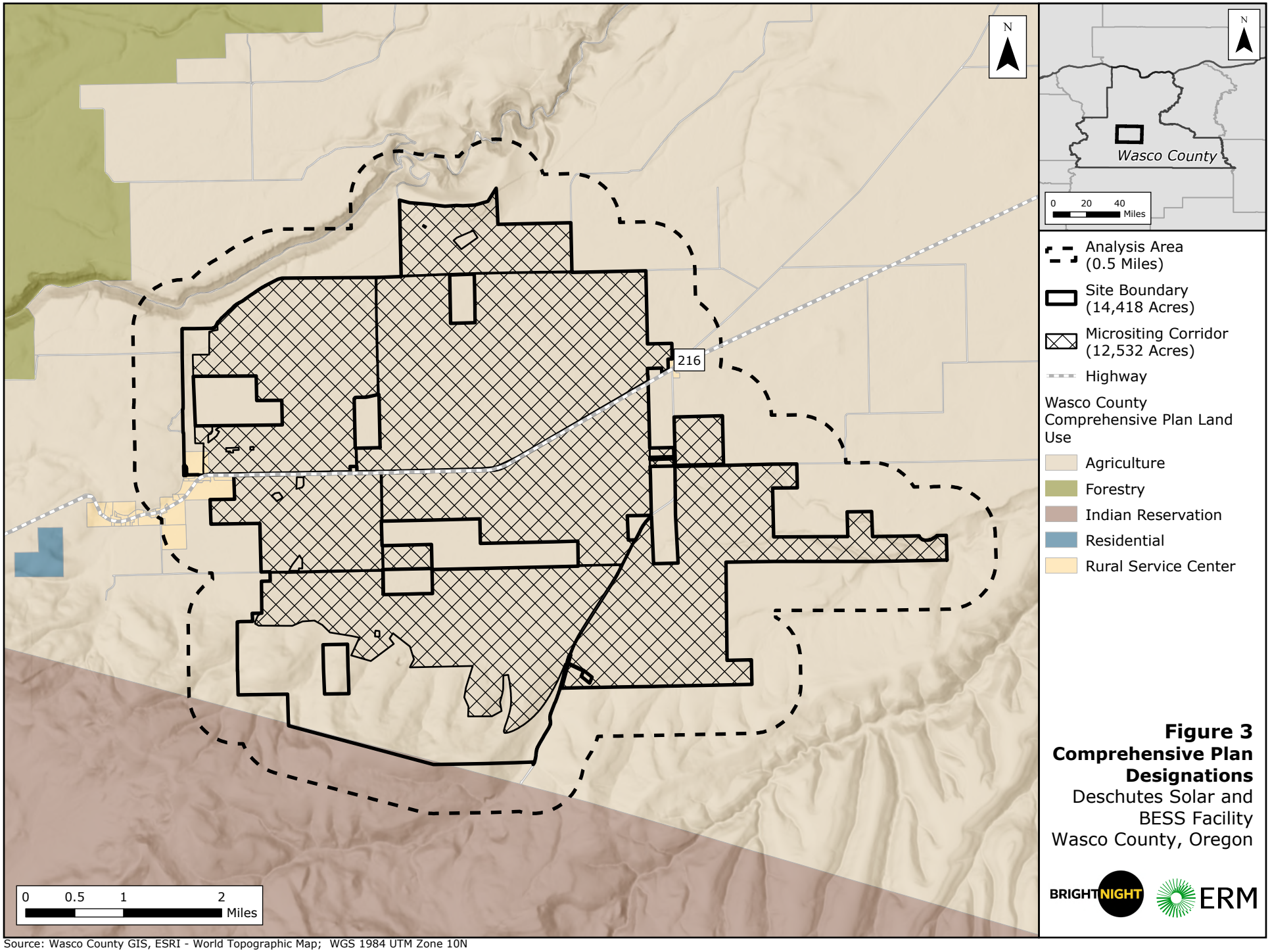


Figure 3
Comprehensive Plan Designations
Deschutes Solar and BESS Facility
Wasco County, Oregon

Source: Wasco County GIS, ESRI - World Topographic Map; WGS 1984 UTM Zone 10N

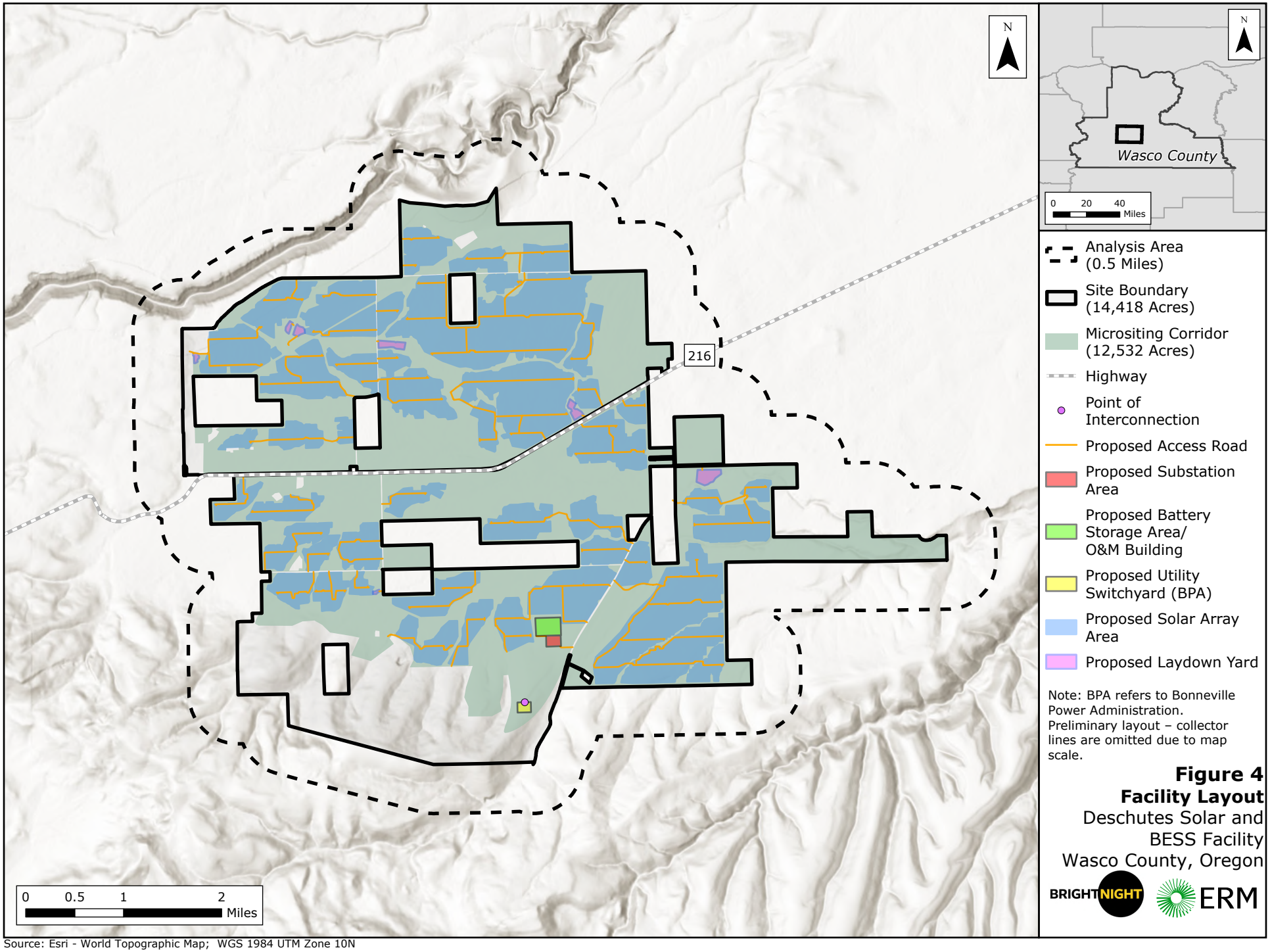


Figure 4
Facility Layout
Deschutes Solar and BESS Facility
Wasco County, Oregon

Source: Esri - World Topographic Map; WGS 1984 UTM Zone 10N

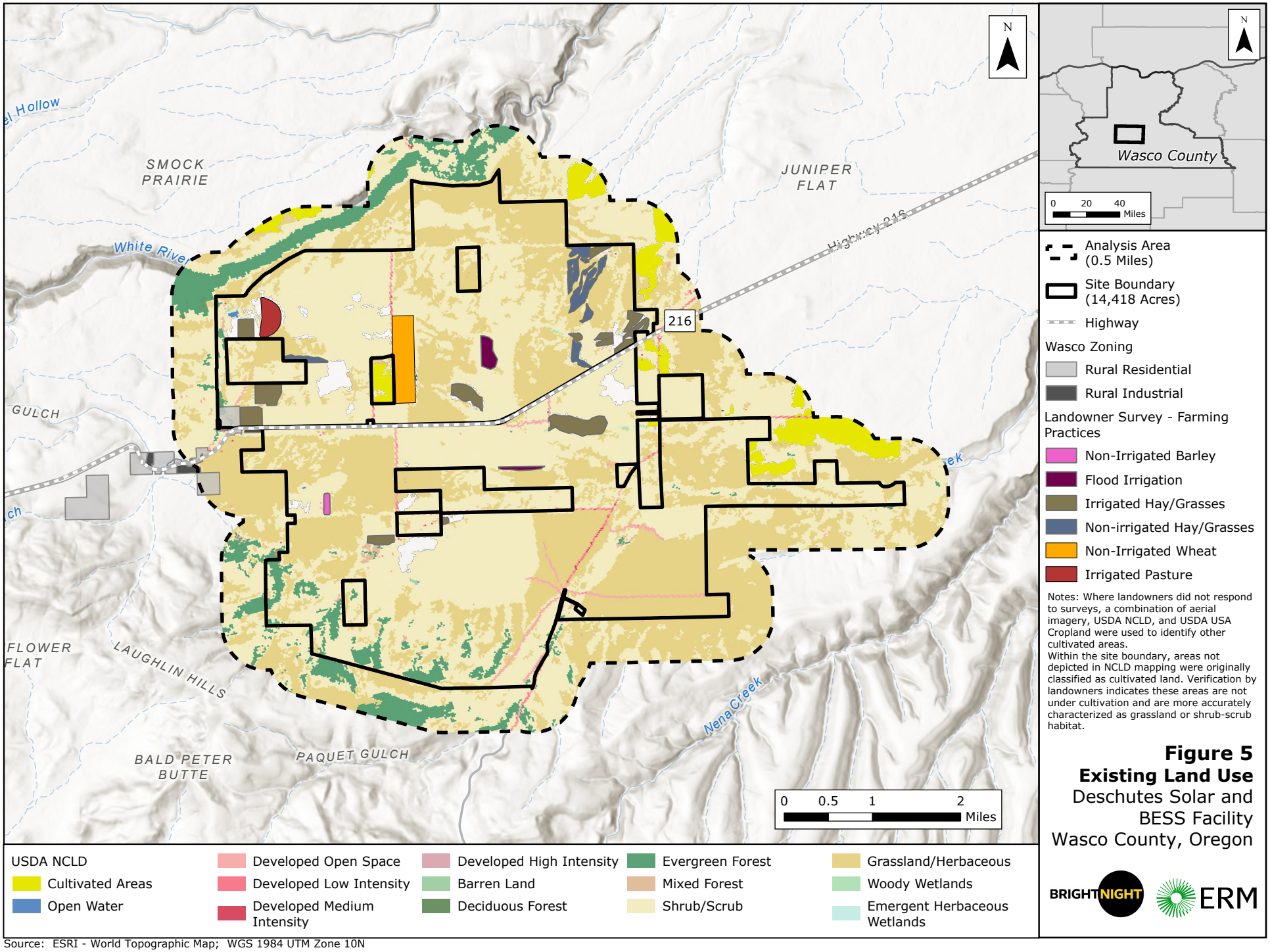


Figure 5
Existing Land Use
Deschutes Solar and BESS Facility
Wasco County, Oregon

Source: ESRI - World Topographic Map; WGS 1984 UTM Zone 10N

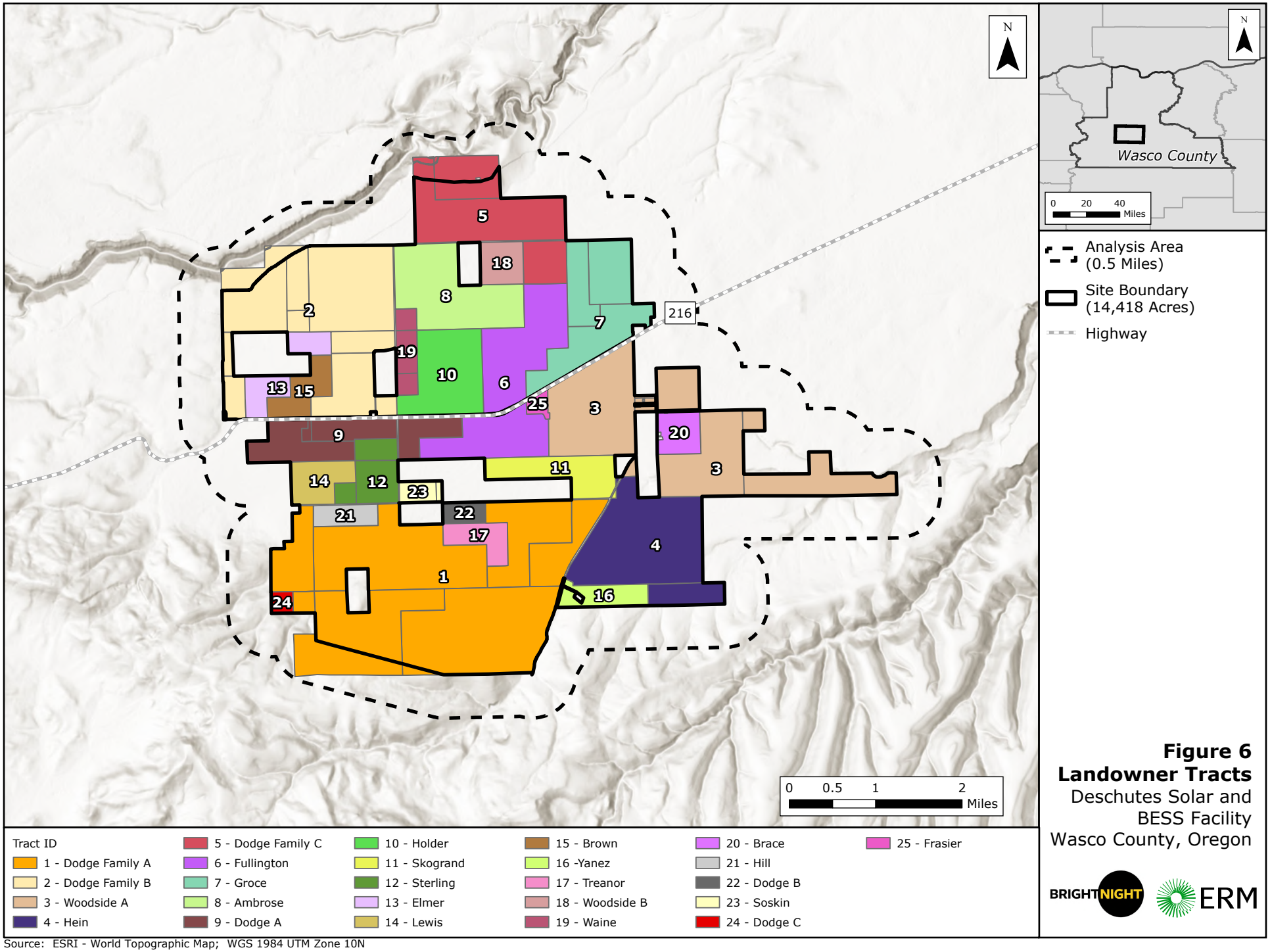


Figure 6
Landowner Tracts
Deschutes Solar and
BESS Facility
Wasco County, Oregon

Source: ESRI - World Topographic Map; WGS 1984 UTM Zone 10N

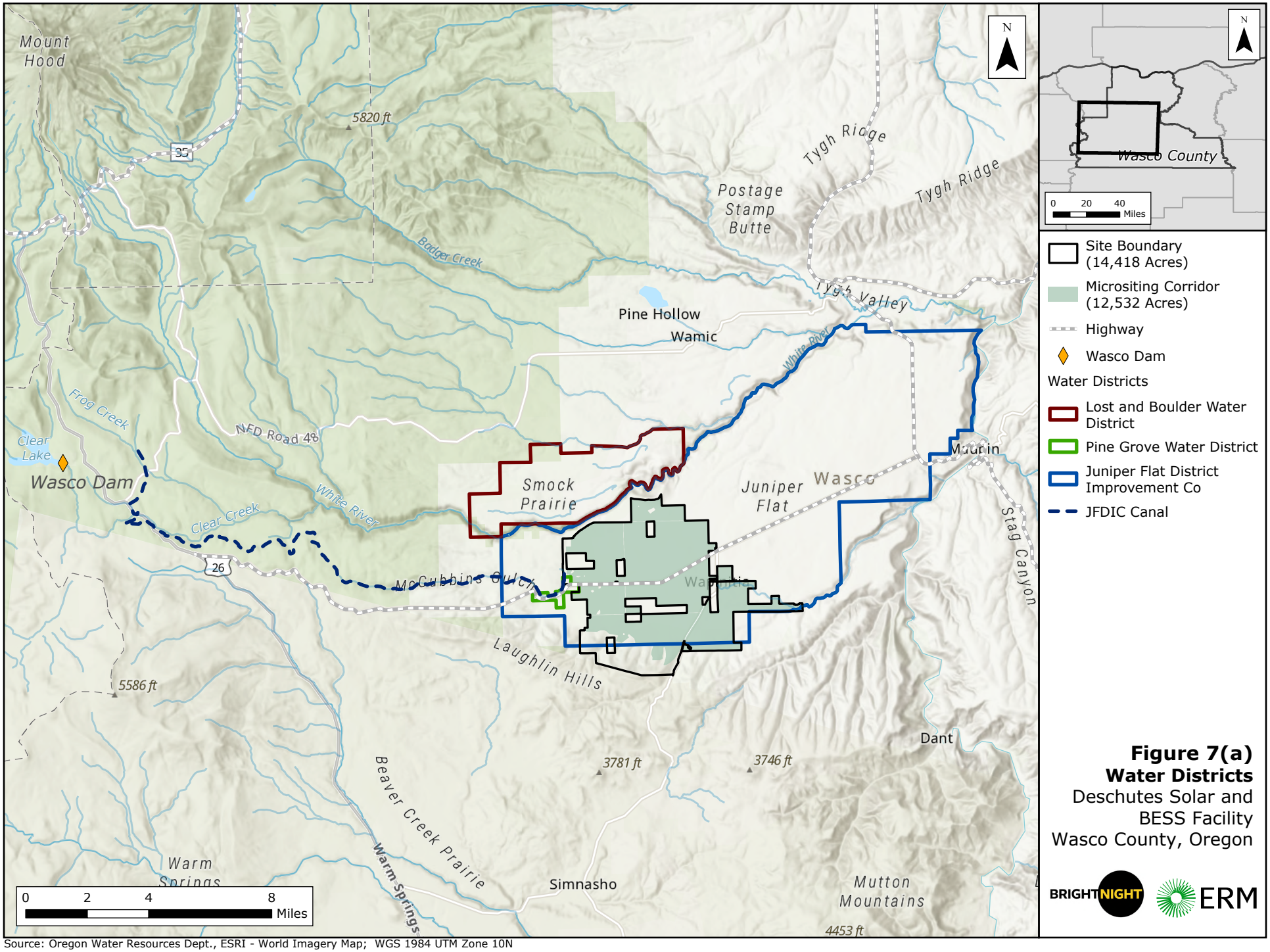


Figure 7(a)
Water Districts
Deschutes Solar and BESS Facility
Wasco County, Oregon

Source: Oregon Water Resources Dept., ESRI - World Imagery Map; WGS 1984 UTM Zone 10N

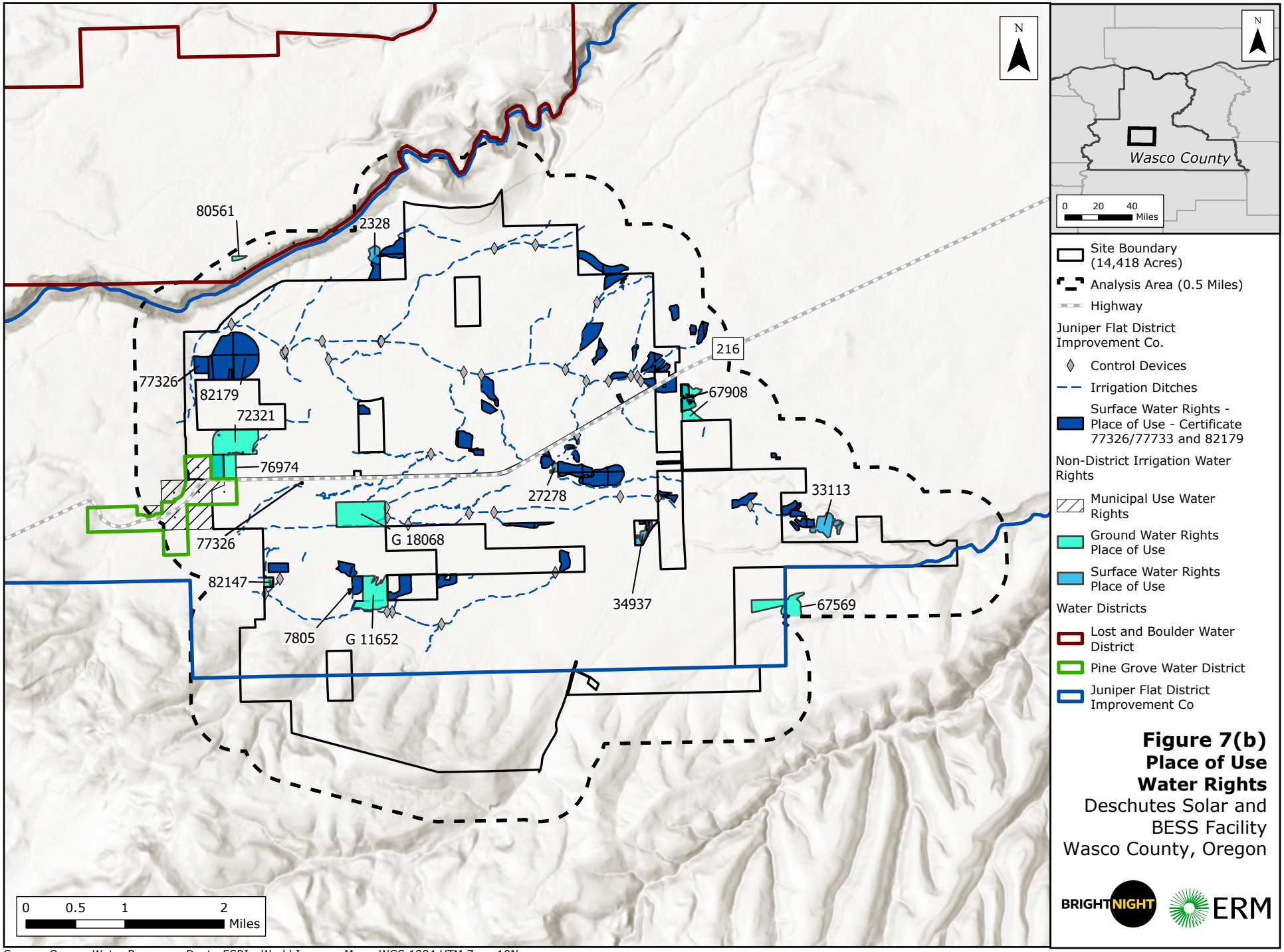
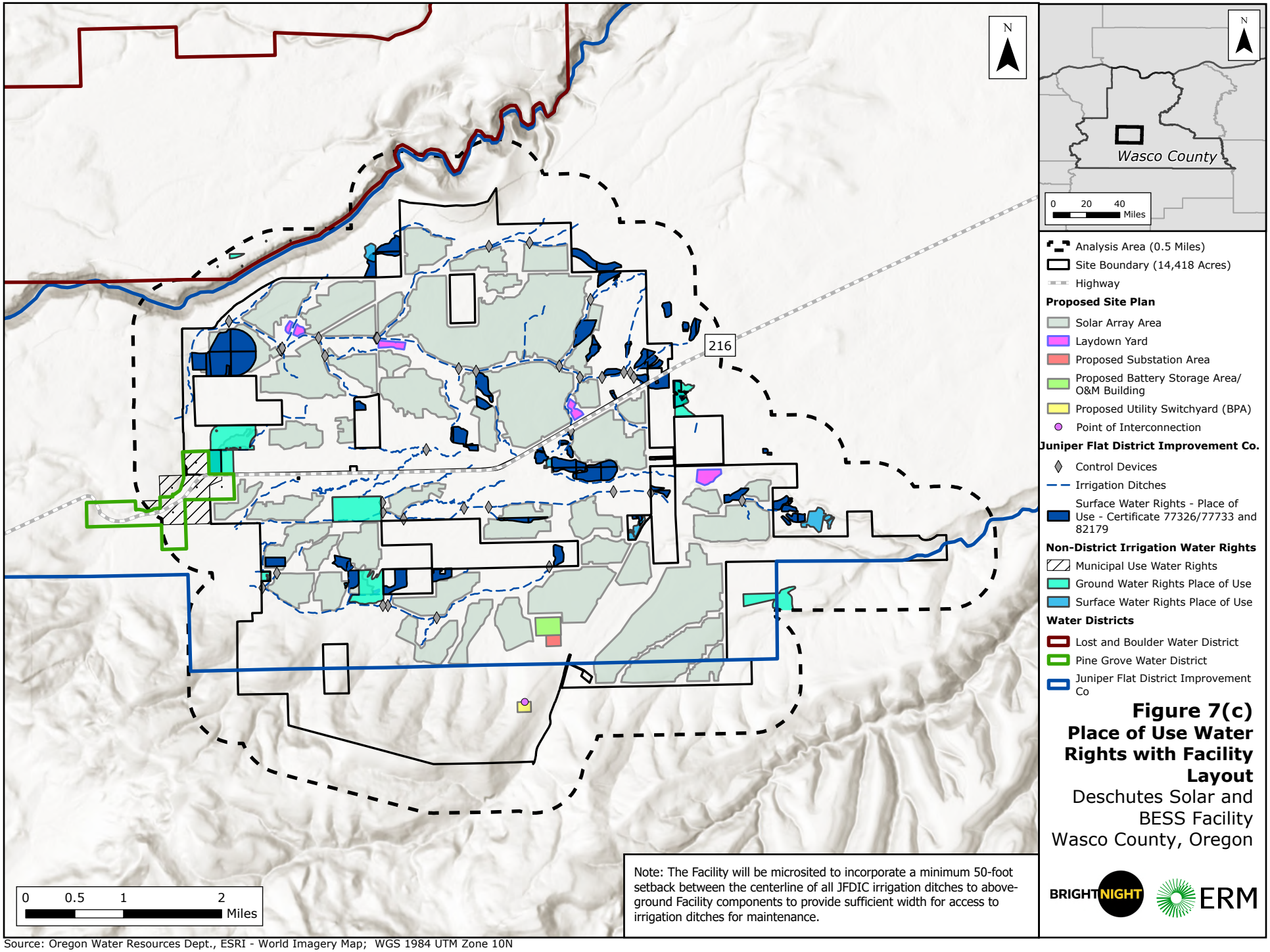


Figure 7(b)
Place of Use Water Rights
Deschutes Solar and BESS Facility
Wasco County, Oregon

Source: Oregon Water Resources Dept., ESRI - World Imagery Map; WGS 1984 UTM Zone 10N



Source: Oregon Water Resources Dept., ESRI - World Imagery Map; WGS 1984 UTM Zone 10N

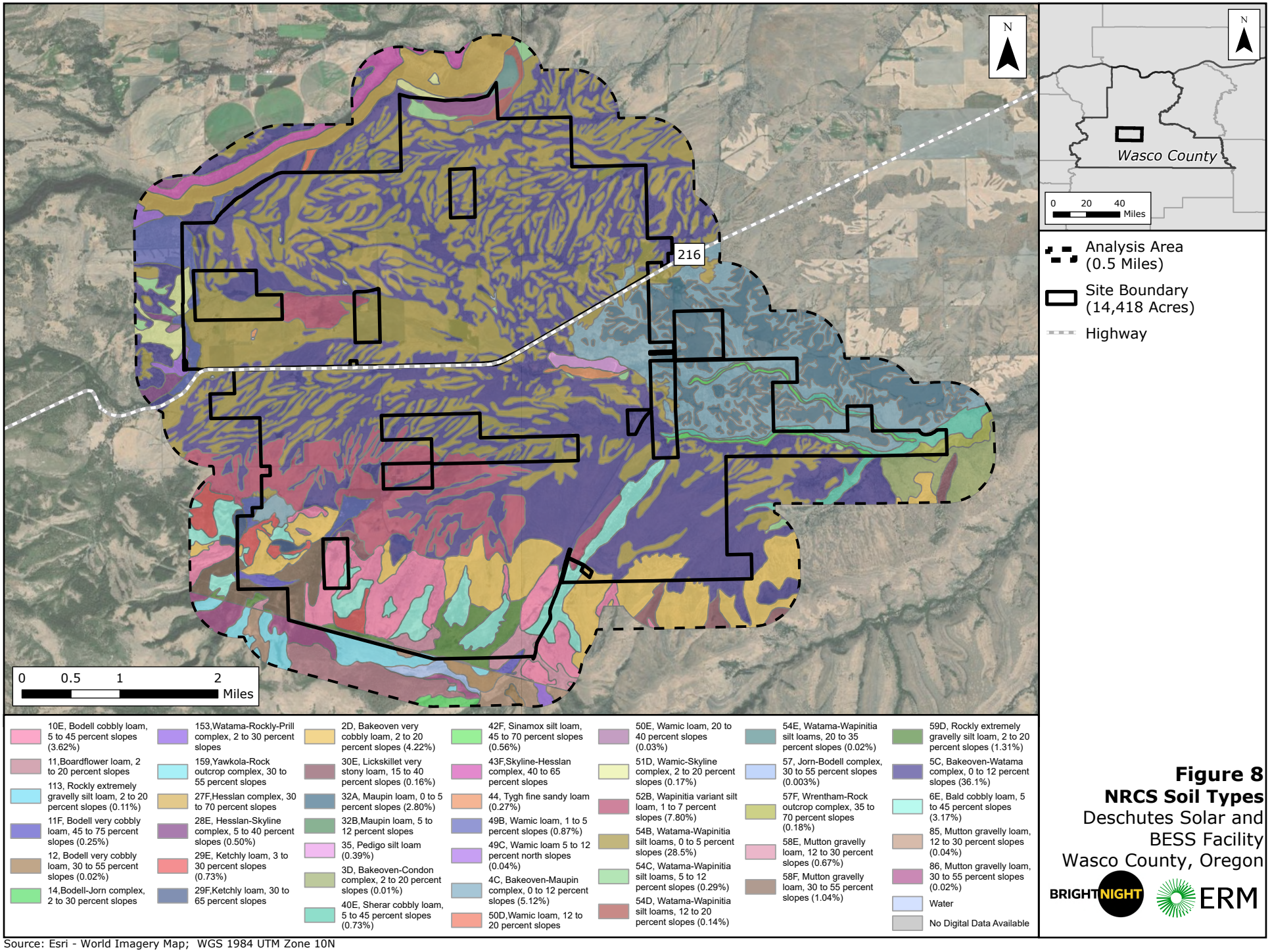
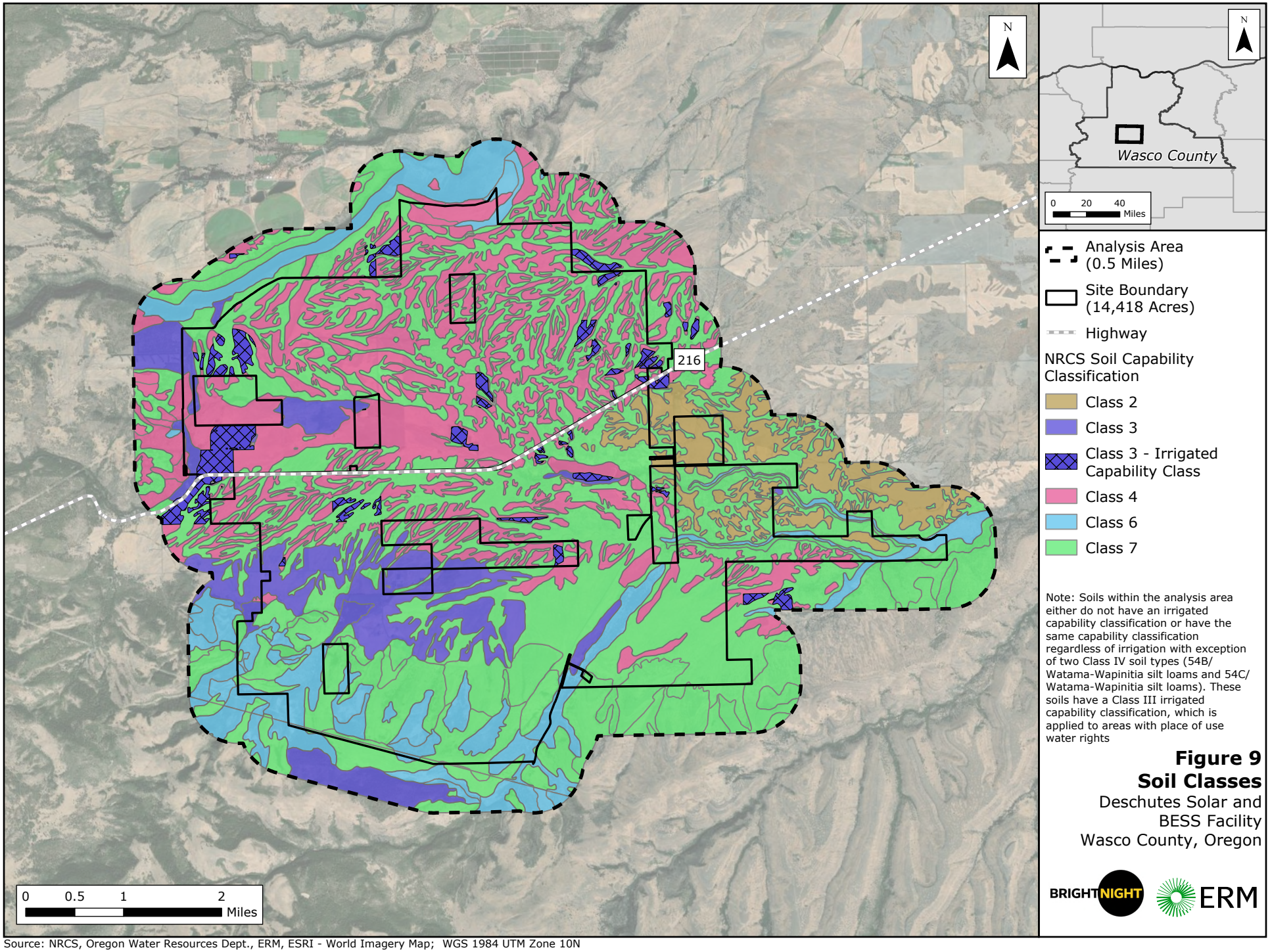


Figure 8
NRCS Soil Types
Deschutes Solar and BESS Facility
Wasco County, Oregon

BRIGHTNIGHT ERM

Source: Esri - World Imagery Map; WGS 1984 UTM Zone 10N



Source: NRCS, Oregon Water Resources Dept., ERM, ESRI - World Imagery Map; WGS 1984 UTM Zone 10N

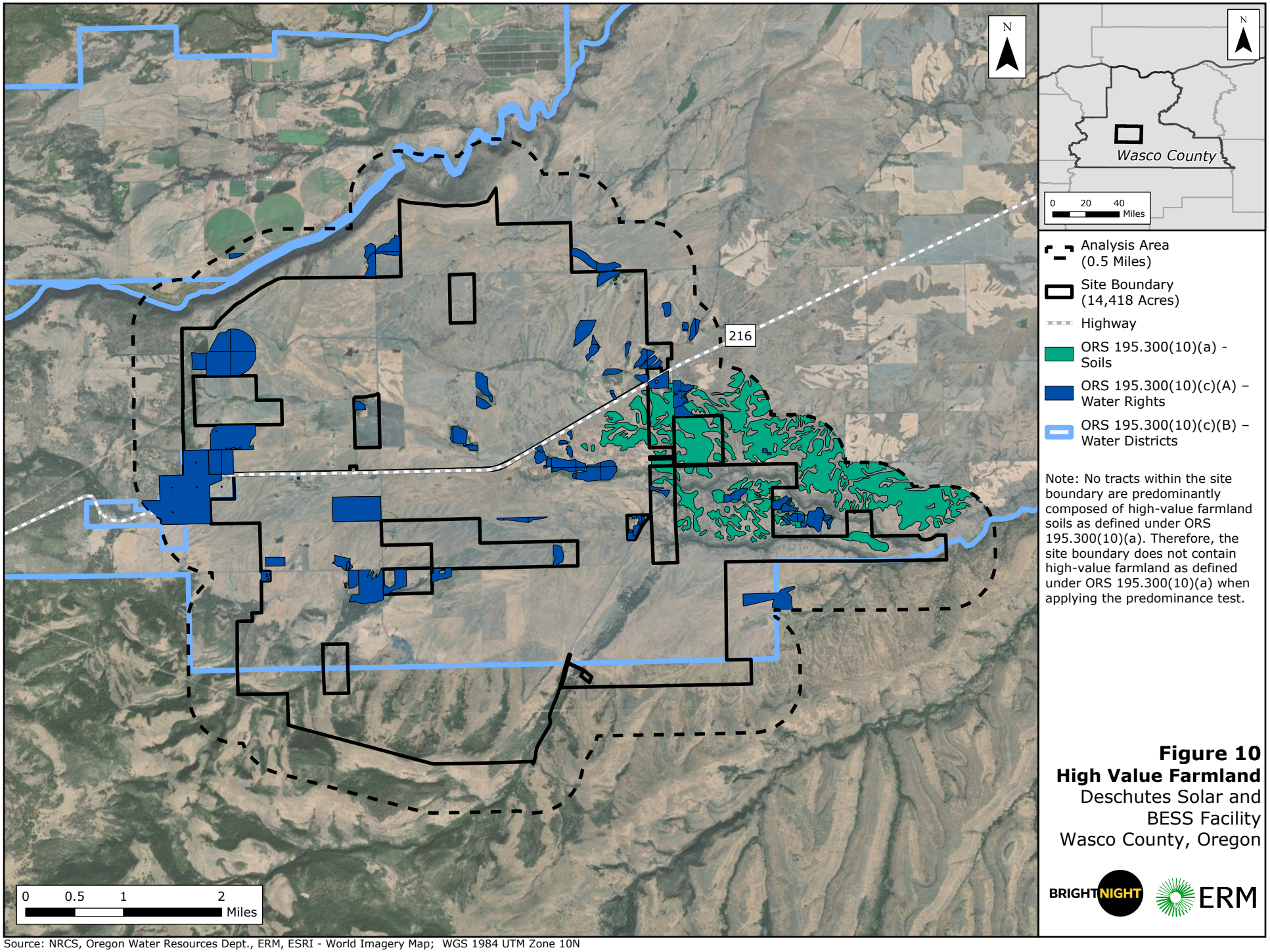


Figure 10
High Value Farmland
Deschutes Solar and BESS Facility
Wasco County, Oregon

BRIGHTNIGHT ERM

Source: NRCS, Oregon Water Resources Dept., ERM, ESRI - World Imagery Map; WGS 1984 UTM Zone 10N

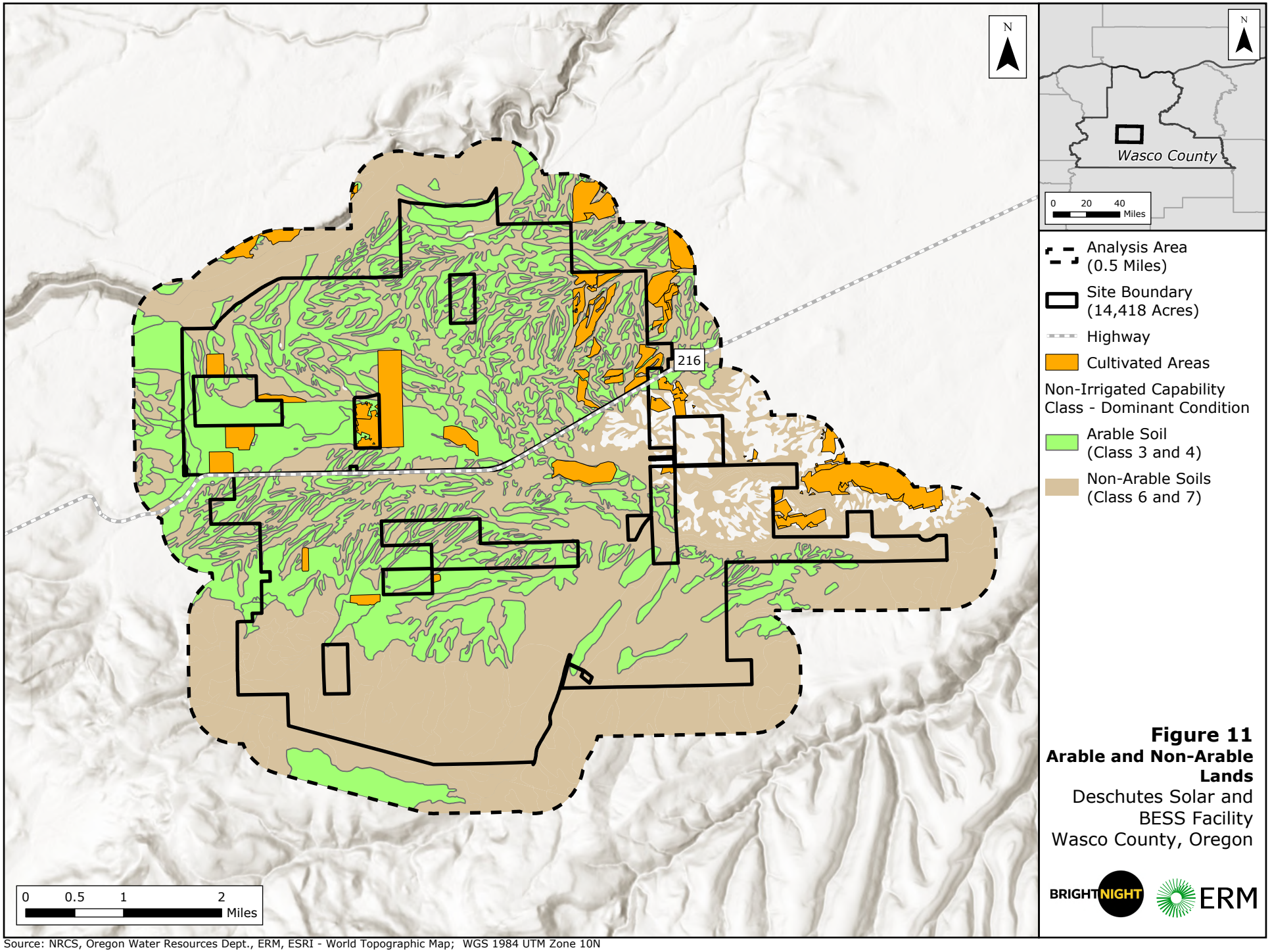


Figure 11
Arable and Non-Arable Lands
Deschutes Solar and BESS Facility
Wasco County, Oregon

Source: NRCS, Oregon Water Resources Dept., ERM, ESRI - World Topographic Map; WGS 1984 UTM Zone 10N

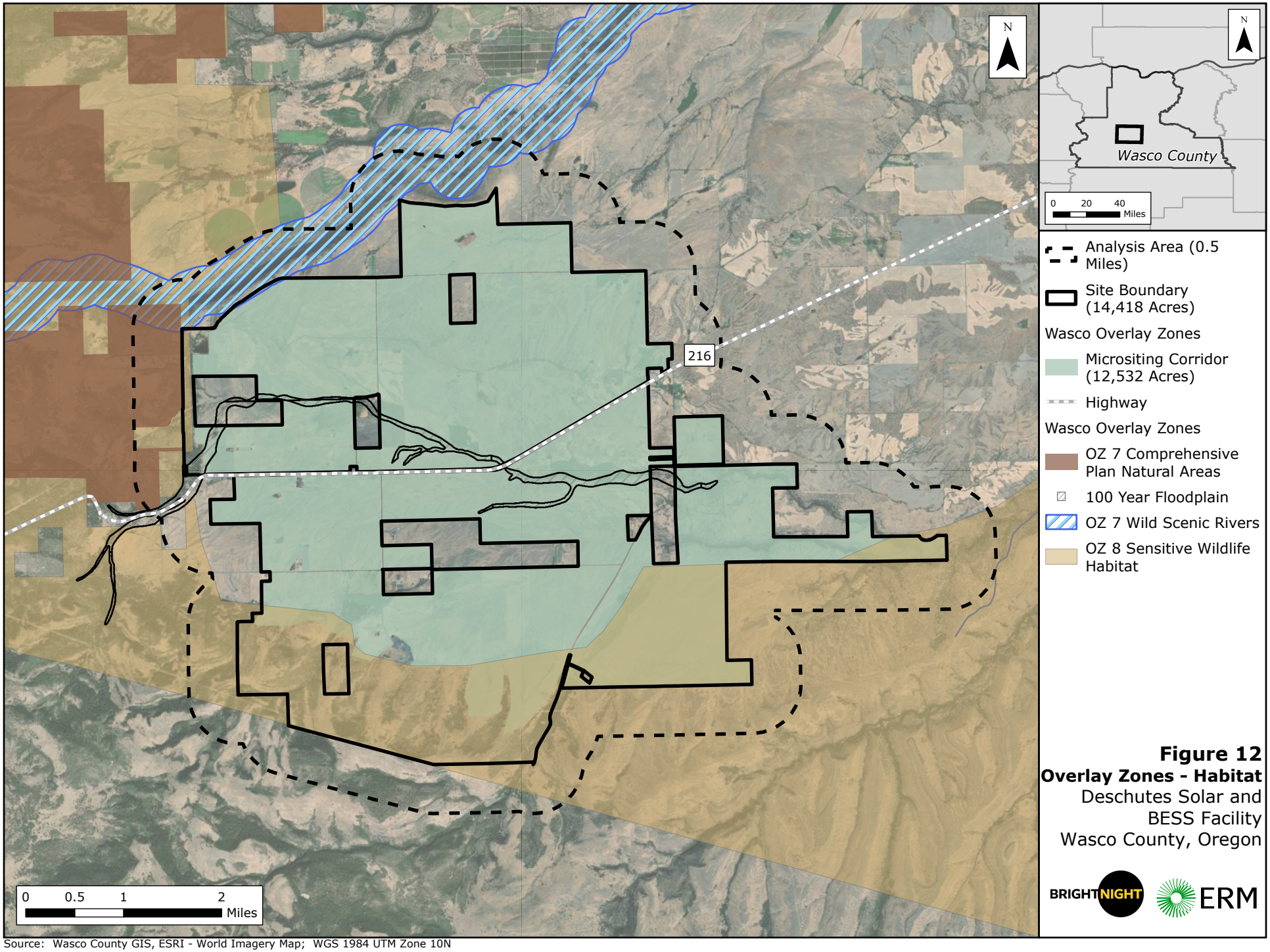


Figure 12
Overlay Zones - Habitat
Deschutes Solar and BESS Facility
Wasco County, Oregon

Source: Wasco County GIS, ESRI - World Imagery Map; WGS 1984 UTM Zone 10N

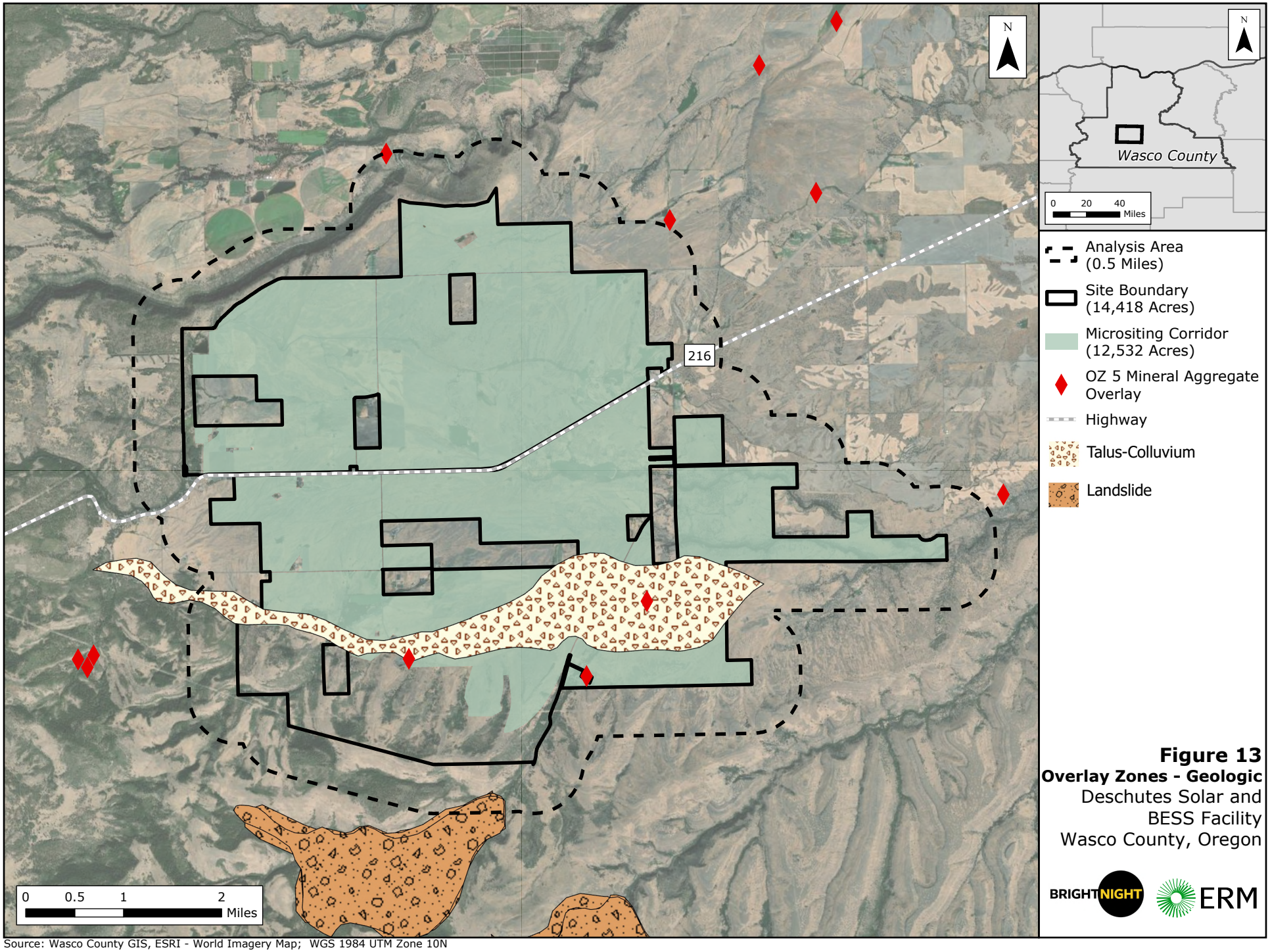


Figure 13
Overlay Zones - Geologic
Deschutes Solar and BESS Facility
Wasco County, Oregon

BRIGHTNIGHT ERM

Source: Wasco County GIS, ESRI - World Imagery Map; WGS 1984 UTM Zone 10N

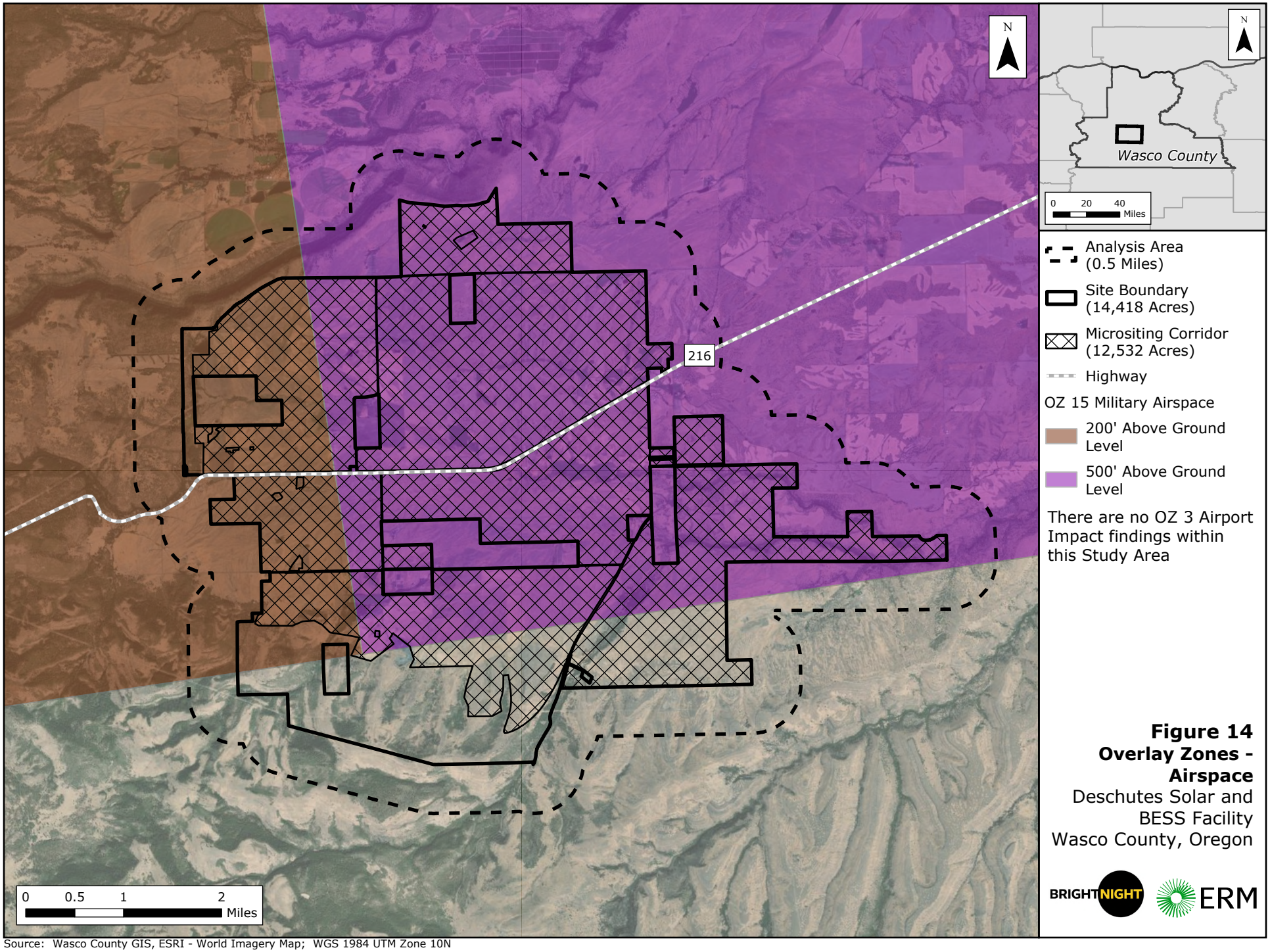


Figure 14
Overlay Zones - Airspace
Deschutes Solar and BESS Facility
Wasco County, Oregon

Source: Wasco County GIS, ESRI - World Imagery Map; WGS 1984 UTM Zone 10N

ATTACHMENT 2 - JFDIC ARTICLES OF INCORPORATION

ARTICLES OF INCORPORATION

OF

JUNIPER FLAT DISTRICT IMPROVEMENT COMPANY

KNOW ALL MEN BY THESE PRESENTS that we, the undersigned land owners of all of the hereinafter described land, situated in Wasco County, State of Oregon, do hereby incorporate ourselves for the purpose of constructing reservoirs and dams to impound water for irrigation of our said lands, and furnishing the same with water for domestic use, and to appropriate waters of the State of Oregon, and to construct and maintain transmission and distribution facilities for the purpose of irrigating our lands and furnishing the same with water for domestic use, all in the manner provided by Chapter 205, General Laws of Oregon for 1937, and acts amendatory thereof; and for these purposes we do hereby make, subscribe, publish and adopt the following Articles of Incorporation.

I

The name assumed by the corporation and by which it shall be known is JUNIPER FLAT DISTRICT IMPROVEMENT COMPANY.

II

The particular lands to be improved by the works of the corporation, and the names of the respective owners thereof, and the acreage of the lands included in this corporation and district improvement company are as follows:

OWNER	DESCRIPTION	ACREAGE
Frank L. Batty	The Northwest quarter of the Northeast quarter (NW¼NE¼), the Southeast quarter of the Southwest quarter (SE¼SW¼), the Northwest quarter of the Northwest quarter (NW¼NW¼), and the Northeast quarter of the Northwest quarter (NE¼NW¼), all in Section Twelve (12), Township Five (5) South, Range Twelve (12) East, W.M.	160

OWNER	DESCRIPTION	ACREAGE
O. D. Bothwell	The Northwest quarter of the Southwest quarter ($NW\frac{1}{4}SW\frac{1}{4}$), Section Three (3), Township Five (5) South, Range Thirteen (13) East, W.M.	40
A. A. Britton	The Northwest quarter of the Southwest quarter ($NW\frac{1}{4}SW\frac{1}{4}$), and the Southwest quarter of the Northwest quarter ($SW\frac{1}{4}NW\frac{1}{4}$), Section Thirty (30), Township Four (4) South, Range Fourteen (14) East, W.M.	55.76
J. S. Brown	The Southeast quarter of the Southwest quarter ($SE\frac{1}{4}SW\frac{1}{4}$), and the Southwest quarter of the Southeast quarter ($SW\frac{1}{4}SE\frac{1}{4}$) of Section Two (2); and the Southwest quarter of the Northeast quarter ($SW\frac{1}{4}NE\frac{1}{4}$) of Section Nineteen (19), Township Five (5) South, Range Thirteen (13) East, W.M. The Southwest quarter of the Northeast quarter ($SW\frac{1}{4}NE\frac{1}{4}$), and the Northeast quarter of the Southeast quarter ($NE\frac{1}{4}SE\frac{1}{4}$), Section Thirteen; the Northeast quarter of the Southwest quarter ($NE\frac{1}{4}SW\frac{1}{4}$), the Northwest quarter of the Southwest quarter ($NW\frac{1}{4}SW\frac{1}{4}$), the Southwest quarter of the Southwest quarter ($SW\frac{1}{4}SW\frac{1}{4}$), the Southeast quarter of the Southwest quarter ($SE\frac{1}{4}SW\frac{1}{4}$), the Southeast quarter of the Southeast quarter ($SE\frac{1}{4}SE\frac{1}{4}$), the Southwest quarter of the Southeast quarter ($SW\frac{1}{4}SE\frac{1}{4}$), the Northwest quarter of the Southeast quarter ($NW\frac{1}{4}SE\frac{1}{4}$), all in Section Nineteen (19); the Northwest quarter of the Southwest quarter ($NW\frac{1}{4}SW\frac{1}{4}$), and the Southwest quarter of the Northwest quarter ($SW\frac{1}{4}NW\frac{1}{4}$) of Section Twenty (20), Township Five (5) South, Range Twelve (12) East, W.M. The Southeast quarter of the Northwest quarter ($SE\frac{1}{4}NW\frac{1}{4}$), Section Six (6), Township Five (5) South, Range Fourteen (14) East, W.M. The Southwest quarter of the Northeast quarter ($SW\frac{1}{4}NE\frac{1}{4}$), Section Eighteen (18), Township Four (4) South, Range Fourteen (14) East, W.M.	640
Joel H. Chastain	The Southeast quarter of the Southeast quarter ($SE\frac{1}{4}SE\frac{1}{4}$), and the Southwest quarter of the Southeast quarter ($SW\frac{1}{4}SE\frac{1}{4}$) of Section Thirteen (13), Township Four (4) South, Range Thirteen (13) East, W.M.	80

OWNER	DESCRIPTION	ACREAGE
Polly C. Chastain	The Northwest quarter of the Northwest quarter ($NW\frac{1}{4}NW\frac{1}{4}$), and the Southwest quarter of the Northwest quarter ($SW\frac{1}{4}NW\frac{1}{4}$) of Section Nineteen (19), Township Four (4) South, Range Fourteen (14) East, W.M.	49.88
W. O. Chastain	The Southeast quarter of the Southeast quarter ($SE\frac{1}{4}SE\frac{1}{4}$), and the Southwest quarter of the Southeast quarter ($SW\frac{1}{4}SE\frac{1}{4}$) of Section Eighteen (18); and the Northwest quarter of the Northwest quarter ($NW\frac{1}{4}NW\frac{1}{4}$) of Section Twenty (20), Township Four (4) South, Range Fourteen (14) East, W.M.	120
George W. Claymier	The Northeast quarter of the Northwest quarter ($NE\frac{1}{4}NW\frac{1}{4}$), the Southwest quarter of the Northwest quarter ($SW\frac{1}{4}NW\frac{1}{4}$), and the Northwest quarter of the Southwest quarter ($NW\frac{1}{4}SW\frac{1}{4}$), Section Fourteen (14), Township Five (5) South, Range Twelve (12) East, W.M.	120
F. M. Confer and Mary A. Confer, husband and wife	The Northwest quarter of the Northwest quarter ($NW\frac{1}{4}NW\frac{1}{4}$), and the Southwest quarter of the Northwest quarter ($SW\frac{1}{4}NW\frac{1}{4}$), Section Three (3); and the Northeast quarter of the Northeast quarter ($NE\frac{1}{4}NE\frac{1}{4}$), Section Four (4), Township Five (5) South, Range Thirteen (13) East, W.M.	120
Charles F. Cox and Birdie E. Cox, husband and wife	The Northwest quarter of the Southwest quarter ($NW\frac{1}{4}SW\frac{1}{4}$), and the Southwest quarter of the Northwest quarter ($SW\frac{1}{4}NW\frac{1}{4}$), Section Thirty (30), Township Five (5) South, Range Twelve (12) East, W.M.	80
Earl Crabtree	The Southeast quarter of the Northeast quarter ($SE\frac{1}{4}NE\frac{1}{4}$), and the Northeast quarter of the Southeast quarter ($NE\frac{1}{4}SE\frac{1}{4}$), Section Thirty-four (34), Township Four (4) South, Range Thirteen (13) East, W.M.	80
Lester Crabtree	The Northwest quarter of the Southwest quarter ($NW\frac{1}{4}SW\frac{1}{4}$), and the Northeast quarter of the Southwest quarter ($NE\frac{1}{4}SW\frac{1}{4}$), Section Twenty-seven (27), Township Four (4) South, Range Thirteen (13) East, W.M.	80

OWNER	DESCRIPTION	ACREAGE
Eva W. Fleming	The Northeast quarter of the Southwest quarter ($NE\frac{1}{4}SW\frac{1}{4}$), the Southeast quarter of the Northwest quarter ($SE\frac{1}{4}NW\frac{1}{4}$), and the Northwest quarter of the Northeast quarter ($NW\frac{1}{4}NE\frac{1}{4}$), Section Twenty-four (24), Township Four (4) South, Range Thirteen (13) East W. M.	120
Joe A. Graham	The Northeast quarter of the Northeast quarter ($NE\frac{1}{4}NE\frac{1}{4}$), the Southeast quarter of the Northeast quarter ($SE\frac{1}{4}NE\frac{1}{4}$), Section Twenty-six (26), Township Five (5) South, Range Twelve (12) East W. M.	80
Lewis C. Henneghan and Amy Henneghan, husband and wife	The Northwest quarter of the Northwest quarter ($NW\frac{1}{4}NW\frac{1}{4}$), and the Southwest quarter of the Northwest quarter ($SW\frac{1}{4}NW\frac{1}{4}$), Section Four (4); the Northeast quarter of the Northeast quarter ($NE\frac{1}{4}NE\frac{1}{4}$), and the Southeast quarter of the Northeast quarter ($SE\frac{1}{4}NE\frac{1}{4}$), Section Five (5), Township Five (5) South, Range Thirteen (13) East, W. M. The Southeast quarter of the Southwest quarter ($SE\frac{1}{4}SW\frac{1}{4}$), and the Southwest quarter of the Southwest quarter($SW\frac{1}{4}SW\frac{1}{4}$), Section Thirty-three (33), Township Four (4) South, Range Thirteen (13) East, W. M.	240
Floyd L. Kelly	The Southeast quarter of the Northwest quarter ($SE\frac{1}{4}NW\frac{1}{4}$), Section Nine (9), Township Five (5) South, Range Thirteen (13) East W. M.	40
Fred G. Laughlin	The Southeast quarter of the Southeast quarter ($SE\frac{1}{4}SE\frac{1}{4}$) of Section Twenty-five (25), Township Five (5) South, Range Eleven (11) East, W. M. The Southwest quarter of the Southwest quarter ($SW\frac{1}{4}SW\frac{1}{4}$) of Section Thirty (30), Township Five (5) South, Range Twelve (12) East, W. M.	80

OWNER	DESCRIPTION	ACREAGE
Ernest A. Hartman	The Northwest quarter of the Northwest quarter ($NW\frac{1}{4}NW\frac{1}{4}$), and the Northeast quarter of the Northwest quarter ($NE\frac{1}{4}NW\frac{1}{4}$), Section Twenty-five (25), Township Five (5) South, Range Twelve (12) East, W.M.	80
A. E. Mayhew and Lela Mayhew, husband and wife	The North half of the Northeast quarter of the Southeast quarter ($N\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$), Section Thirty-five (35), Township Four (4) South, Range Thirteen (13) East, W.M. The Northeast quarter of the Northeast quarter ($NE\frac{1}{4}NE\frac{1}{4}$), and the Northeast quarter of the Northwest quarter ($NE\frac{1}{4}NW\frac{1}{4}$) of Section One (1), Township Five (5) South, Range Thirteen (13) East, W.M.	100
D. E. Miller	The Northeast quarter of the Southeast quarter ($NE\frac{1}{4}SE\frac{1}{4}$), Section Twenty (20); the Northwest quarter of the Northeast quarter ($NW\frac{1}{4}NE\frac{1}{4}$), and the Southwest quarter of the Northeast quarter ($SW\frac{1}{4}NE\frac{1}{4}$) of Section Thirty-two (32), Township Four (4) South, Range Thirteen (13) East, W.M.	120
Calvin J. McCorkle and Kate E. McCorkle, husband and wife	Beginning Seventy-six (76) rods south of the Northeast (NE) corner of the Northwest quarter ($NW\frac{1}{4}$) of Section One (1), Township Five (5) South, Range Twelve (12) East, W.M.; thence South Eighty-four (84) rods; thence West One Hundred Sixteen (116) rods; thence North Fifty-four (54) degrees East One Hundred Forty-two (142) and 1/10 rods to the place of beginning, containing Twenty-eight (28) and 3/40th acres, more or less.	28
Rufus W. McCorkle and Jessie L. McCorkle, husband and wife	The Northeast quarter of the Northeast quarter ($NE\frac{1}{4}NE\frac{1}{4}$), the Southeast quarter of the Northeast quarter ($SE\frac{1}{4}NE\frac{1}{4}$), the Southwest quarter of the Northeast quarter ($SW\frac{1}{4}NE\frac{1}{4}$), Section Thirty-one (31); The Northwest quarter of the Northwest quarter ($NW\frac{1}{4}NW\frac{1}{4}$), Section Thirty-two (32), Township Four (4) South, Range Thirteen (13) East, W.M.	

OWNER	DESCRIPTION	ACREAGE
Rufus W. McCorkle et ux. (Continued)	The Northwest quarter of the Southwest quarter (NW¼SW¼) of Section One (1); the Northeast quarter of the Southeast quarter (NE¼SE¼), and the Southeast quarter of the Southeast quarter (SE¼SE¼), Section Two (2), Township Five (5) South, Range Twelve (12) East, W.M.	280
Lewis J. McCoy	The Southwest quarter of the Northwest quarter (SW¼NW¼), Section Twenty-four (24), Township Five (5) South, Range Twelve (12) East, W.M.	40
Joseph M. O'Brien	The Southwest quarter of the Northwest quarter (SW¼NW¼), the Northwest quarter of the Southwest quarter (NW¼SW¼), and the Northeast quarter of the Southwest quarter (NE¼SW¼), Section Thirty (30), Township Five (5) South, Range Thirteen (13) East, W.M.	120
Francis J. Paquet	The Northwest quarter of the Southwest quarter (NW¼SW¼), Section Seventeen (17); the Northeast quarter of the Southeast quarter (NE¼SE¼), Section Eighteen (18), Township Five (5) South, Range Thirteen (13) East, W.M.	80
Louisa A. Powell (formerly Louisa A. Rice)	The Northwest quarter of the Southwest quarter (NW¼SW¼), Section Twenty-five (25), Township Five (5) South, Range Twelve (12) East, W.M.	40
Julia F. Robinson (formerly Julia F. Ward; formerly Julia F. Endersby)	The Northeast quarter of the Northeast quarter (NE¼NE¼), and the Southeast quarter of the Northeast quarter (SE¼NE¼), Section Thirteen (13), Township Five (5) South, Range Twelve (12) East, W.M.	80
Lawrence S. Stovall and Bertha Stovall, husband and wife	The Southeast quarter of the Southwest quarter (SE¼SW¼), and the Northeast quarter of the Southwest quarter (NE¼SW¼), Section Twenty-four (24), Township Five (5) South, Range Eleven (11) East, W.M. The Southwest quarter of the Southwest quarter (SW¼SW¼), the Northwest quarter of the Southwest quarter (NW¼SW¼), the Northeast quarter of the Southwest quarter (NE¼SW¼), Section Twenty-nine (29), Township Five (5) South, Range Twelve (12) East, W.M.	

OWNER	DESCRIPTION	ACREAGE
Lawrence S. Stovall et ux. (Continued)	The Southeast quarter of the Northwest quarter (SE¼NW¼), Section Twenty (20), Township Five (5) South, Range Thirteen (13) East, W.M.	240
D. W. Talcott	The Northeast quarter of the Southwest quarter (NE¼SW¼), and the Northwest quarter of the Southwest quarter (NW¼SW¼), Section Twenty-six (26), Township Four (4) South, Range Thirteen (13) East, W.M.	80
Lewis E. Walters	The Northwest quarter of the Northwest quarter (NW¼NW¼), and the Northeast quarter of the Northwest quarter (NE¼NW¼), Section Twenty-nine (29), Township Five (5) South, Range Twelve (12) East, W.M.	80
O. S. Walters	The Northwest quarter of the Northeast quarter (NW¼NE¼), Section Thirty-two;(32); the Northwest quarter of the Northwest quarter (NW¼NW¼), Section Thirty-three (33), Township Five (5) South, Range Twelve (12) East, W.M.	80
Walter S. Woodside	The Northeast quarter of the Northeast quarter (NE¼NE¼), Section Twenty-three (23), Township Five (5) South, Range Twelve (12) East, W.M.	40
Hamilton E. Wray	The Southeast quarter of the Southeast quarter (SE¼SE¼), and the Northeast quarter of the Southeast quarter (NE¼SE¼), Section Twenty-six (26), Township Four (4) South, Range Thirteen (13) East, W.M.	80
Harrison L. Young	The Northeast quarter of the Northwest quarter (NE¼NW¼), Section Twenty-seven (27), Township Four (4) South, Range Thirteen (13) East, W.M.	40
	Total number of acres within the limits of and subject to Juniper Flat District Improvement Company	3793.6

III

The purpose and intent of the corporation is to construct and maintain reservoirs and dams; to appropriate and impound waters of the State of Oregon for the purpose of irrigating the land above described and furnishing the same with water for domestic use; to construct and maintain a transmission and distribution system for said water; to acquire, develop, improve and maintain the water rights and irrigation system and all appurtenances and appurtenant facilities described in that certain deed from the Wapinitia Water Company to the Water Users Corporation of Juniper Flat, a corporation, dated June 4, 1937 and recorded June 5, 1937 in Book 88 of the Deed Records of Wasco County, Oregon at page 55; and to succeed to all of the rights, easements, and property of every kind and description heretofore owned and exercised by and belonging to said Water Users Corporation of Juniper Flat.

IV

The directors of the corporation shall be five (5) in number, and those first holding such office are: J. S. Brown, D. E. Miller, A. E. Mayhew, Calvin J. McCorkle and W. O. Chastain, all of Maupin, Wasco County, Oregon. The term of office of said directors shall be determined by lot at the first meeting of the Board. Two of said directors shall hold office until the first annual meeting of the land owners in the corporation, to-wit, until the first Saturday after the first day of January, 1939, and the remaining three directors shall hold office until the next annual meeting thereafter, to-wit, the first Saturday after the first day of January, 1940. At the first annual meeting after the execution of these Articles, two directors shall be elected to hold office for the term of two (2)

years therefrom; and at the second annual meeting after the adoption of these Arti[illegible]s, three directors shall be elected, each to hold office for a term of two (2) years thereafter. At each succeeding annual meeting directors shall be elected for a term of two (2) years, each to take the place of those whose terms of office expire at the time of the annual meeting of this corporation.

V

The location of the principal office of this corporation shall be at Maupin, Wasco County, Oregon.

VI

The duration of this corporation shall be perpetual.

VII

This corporation is not formed for the purpose of operating the business thereof for profit, either to the corporation or its members other than from the benefits to accrue from such improvements and operation and maintenance; and in this connection it is further stated and declared as follows:

(a) The proposed improvement is for agricultural purposes and will be conducive to the public welfare, utility and benefit;

(b) The benefits of such proposed improvement will exceed the damages to be done, and the best interests of the land above described and of the owners of such land as a whole, and of the public at large will be promoted by the formation and proposed improvement and operation of said District Improvement Company;

(c) The formation of this District Improvement Company under Chapter 205, General Laws of Oregon for 1937, is a proper

and advantageous method of accomplishing the improvement of the lands above described;

(d) All revenue and income of such corporation, from whatsoever source, shall be received, held, used and expended exclusively for payment of the cost and expense of such improvements and the maintenance of same and the payment of indebtedness, interest, cost and expense of the corporation incurred therefor and for the operation, maintenance and necessary expense of such corporation in the conduct of its business for the purposes thereof as stated in the articles of incorporation according to law;

(e) Neither the said corporation nor its members shall profit from the business of such corporation other than from said benefits of improvement of said land herein named for which such corporation is formed;

(f) It is the intention and desire of all persons owning or having any interest in any of said described lands to organize such corporation as a public corporation of Oregon under the provisions of Chapter 205, General Laws of Oregon for 1937, with the rights and privileges of a public corporation by the unanimous voluntary consent of all persons;

(g) For the purpose named all of said landowners and persons having any interest in any of said lands do hereby consent and join in such corporation by subscribing their respective names thereto.

IN WITNESS WHEREOF we have hereunto set our hands and affixed our seals this 16th day of April, 1938.

Frank L Batty (SEAL)

O.O. Bothwell (SEAL)

A A Britton (SEAL)

(J) J S Brown (SEAL)

Joel H Chastain (SEAL)

W O Chastain (SEAL)

George W. Claymier (SEAL)

O M Confer (SEAL)

Mary A. Confer (SEAL)

Charles F. Cox (SEAL)

Dixie E. Cox (SEAL)

Earl Crabtree (SEAL)

Lester Crabtree (SEAL)

Eva W Fleming (SEAL)

Joe A. Graham (SEAL)

Lewis C Henneghan (SEAL)

Amy Henneghan (SEAL)

Floyd L Kelley (SEAL)

Fred G. Laughlin (SEAL)

Ewalt A Hartman (SEAL)

A. E. Mayhew (SEAL)

Lela Mayhew (SEAL)

D. E. Miller (SEAL)

Polly C. Chastain (SEAL)

(SEAL)

Calvin J. McCorkle (SEAL)

Kate E. McCorkle (SEAL)

Rufus W. McCorkle (SEAL)

Jessie L. McCorkle (SEAL)

Louise J. McCoy (SEAL)

Joseph M. O'Brien (SEAL)

Frances J. Pagues (SEAL)

Louisa A. Powell formerly Louisa A. Rice (SEAL)

Julia F. Robinson (SEAL)

Laurence S. Stovall (SEAL)

Bertha Stovall (SEAL)

D. W. Talcott (SEAL)

Louise E. Walton (SEAL)

C. S. Walker (SEAL)

Walter S. Woodring (SEAL)

Hamilton E. Wray (SEAL)

Harrison L. Young (SEAL)

STATE OF OREGON,)
) ss.
County of Wasco.)

This certifies that on this 16th day of April, 1938, before me the undersigned, a Notary Public in and for said county and state, personally appeared the within and above named Frank L. Batty, O. D. Bothwell, A. A. Britton, J. S. Brown, Joel H. Chastain, W. O. Chastain, George W. Claymier, F. M. Confer, Mary A. Confer, Charles F. Cox, Birdie E. Cox, Earl Crabtree, Lester Crabtree, Eya W. Fleming, Joe A. Graham, Lewis C. Henneghan, Amy Henneghan, Floyd L. Kelly, Fred G. Laughlin, Ernest A. Hartman, A. E. Mayhew, Lela Mayhew, D. E. Miller, Polly C. Chastain, Calvin J. McCorkle, Kate E. McCorkle, Rufus W. McCorkle, Jessie L. McCorkle, Lewis J. McCoy, Joseph M. O'Brien, Francis J. Paquet, Louisa A. Powell (formerly Louisa A. Rice), Julia F. Robinson, Lawrence S. Stovall, Bertha Stovall, D. W. Talcott, Lewis E. Walters, O. S. Walters, Walter S. Woodside, Hamilton E. Wray, and Harrison L. Young, who are personally known to me to be the identical individuals described in and who executed the within and foregoing instrument, to-wit, Articles of Incorporation of Juniper Flat District Improvement Company, and they severally acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein named.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal in triplicate the day and year in this, my certificate written.

Geo. Isaacs

(Notarial Seal)

Notary Public for Oregon
My commission expires Jan. 5, 1940

STATE OF OREGON,)
) ss.
County of Wasco.)

I, J. S. Brown, and I, Lewis C. Henneghan, each being duly sworn and each for himself speaking, say: I am one of the subscribers and signers of the foregoing Articles of Incorporation of Juniper Flat District Improvement Company, incorporated under Chapter 205, General Laws of Oregon for 1937. I have read the foregoing Articles of Incorporation and believe that each and every of the allegations and statements therein contained are true.

J. S. Brown

Lewis C. Henneghan

Subscribed and sworn to before me this 19th day of April, 1938.

Francis Holloway

(Notarial Seal)

Notary Public for Oregon
My commission expires July 14, 1939

...CLES OF INCORPORATION FOR IRRIGATION OR ...CONTROL OR FOR FURNISHING OF WATER FOR DOMESTIC USE)

File No. 40205

State of Oregon

CORPORATION DEPARTMENT

Certificate of Filing Articles of Incorporation

To All to Whom These Presents May Come, Greeting:

Know Ye, That whereas FRANK L. BATTY, O. D. BOTHWELL, A. A. BRITTON, J. S. BROWN, JOEL H. CHASTAIN, B. O. CHASTAIN, GEORGE W. CLAYMIER, F. M. CONFER, MARY A. CONFER, CHARLES F. COX, BIRDIE E. COX, EARL CRABTREE, LESTER CRABTREE, EVA W. FLEMING, JOE A. GRAHAM, LEWIS C. HENNEGHAN, AMY HENNEGHAN, FLOYD L. KELLY, FRED C. LAUGHLIN, ERNEST A. HARTMAN, A. E. MAYHEW, LELA MAYHEW, D. E. MILLER, POLLY C. CHASTAIN, CALVIN J. McCORKLE, KATE E. McCORKLE, RUFUS W. McCORKLE, JESSIE L. McCORKLE, LEWIS J. McCOY, JOSEPH M. O'BRIEN, FRANCIS J.PAQUET, LOUISA A. POWELL formerly LOUISA A. RICE, JULIA F. ROBINSON, LAWRENCE S. STOVALL, BERTHA STOVALL, D. W. TALCOTT, LEWIS E. WALTERS, O. S. WALTERS, WALTER S. WOODSIDE, HAMILTON E. WRAY and HARRISON L. YOUNG

having presented Articles of Incorporation for a Corporation to be organized and formed for the purposes of

irrigation

under and pursuant to the Laws of the State of Oregon, and paid the organization fee provided by "An act to enable landowners to incorporate themselves for the purpose of irrigation or drainage, flood control or furnishing water for domestic use, defining their powers", etc., and organized Not for Profit under Chapter 205, Oregon Laws 1937;

Now, Therefore, I, J. H. Hazlett, *Corporation Commissioner of the State of Oregon,* DO HEREBY CERTIFY, *that such Articles of Incorporation have been filed in the office of the Corporation Commissioner; that the name assumed by said corporation is*

JUNIPER FLAT DISTRICT IMPROVEMENT COMPANY

the duration perpetual *; the proposed plan of improvement is* Irrigation

and the particular land to be improved by the works of the corporation is described as follows:

OWNER	DESCRIPTION	ACREAGE
Frank L. Batty	The Northwest quarter of the Northeast quarter (NW¼NE¼), the Southeast quarter of the Southwest quarter (SE¼SW¼), the Northwest quarter of the Northwest quarter (NW¼NW¼), and the Northeast quarter of the Northwest quarter (NE¼NW¼), all in Section Twelve (12), Township Five (5) South, Range Twelve (12) East, N. M.	160
O. D. Bothwell	The Northwest quarter of the Southwest quarter (NW¼SW¼), Section Three (3), Township Five (5) South, Range Thirteen (13) East, N. M.	40
A. A. Britton	The Northwest quarter of the Southwest quarter (NW¼SW¼), and the Southwest quarter of the Northwest quarter (SW¼NW¼), Section Thirty (30), Township Four (4) South, Range Fourteen (14) East, N. M.	55.76
J. S. Brown	The Southeast quarter of the Southwest quarter (SE¼SW¼), and the Southwest quarter of the Southeast quarter (SW¼SE¼) of Section Two (2); and the Southwest quarter of the Northeast quarter (SW¼NE¼) of Section Nineteen (19), Township Five (5) South, Range Thirteen (13) East, N. M. The Southwest quarter of the Northeast quarter (SW¼NE¼), and the Northeast quarter of the Southeast quarter (NE¼SE¼), Section Thirteen; the Northeast quarter of the Southwest quarter(NE¼SW¼), the Northwest quarter of the Southwest quarter (NW¼SW¼), the Southwest quarter of the Southwest quarter (SW¼SW¼), the Southeast quarter of the Southwest quarter (SE¼SW¼), the Southeast quarter of the Southeast quarter (SE¼SE¼), the Southwest quarter of the Southeast quarter (SW¼SE¼), the Northwest quarter of the Southeast quarter (NW¼SE¼), all in Section Nineteen (19); the Northwest quarter of the Southwest quarter (NW¼SW¼), and the Southwest quarter of the Northwest quarter (SW¼NW¼) of Section Twenty (20), Township Five (5) South, Range Twelve (12) East, N. M. The Southeast quarter of the Northwest quarter (SE¼NW¼), Section Six (6), Township Five (5) South, Range Fourteen (14) East, N. M. The Southwest quarter of the Northeast quarter (SW¼NE¼), Section Eighteen (18), Township Four (4) South, Range Fourteen (14) East, N. M.	640
Joel H. Chastain	The Southeast quarter of the Southeast quarter (SE¼SE¼), and the Southwest quarter of the Southeast quarter (SW¼SE¼) of Section Thirteen (13), Township Four (4) South, Range Thirteen (13) East, N. M.	80
Polly C. Chastain	The Northwest quarter of the Northwest quarter (NW¼NW¼), and the Southwest quarter of the Northwest quarter (SW¼NW¼) of Section Nineteen (19), Township Four (4) South, Range Fourteen (14) East, N. M.	47.88

W. O. Chastain	The Southeast quarter of the Southeast quarter (SE¼SE¼), and the Southwest quarter of the Southeast quarter (SW¼SE¼) of Section Eighteen (18); and the Northwest quarter of the Northwest quarter (NW¼NW¼) of Section Twenty (20), Township Four (4) South, Range Fourteen (14) East, W. M.	120
George W. Claysier	The Northeast quarter of the Northwest quarter (NE¼NW¼), the Southwest quarter of the Northwest quarter (SW¼NW¼), and the Northwest quarter of the Southwest quarter (NW¼SW¼), Section Fourteen (14), Township Five (5), South, Range Twelve (12) East, W. M.	120
F. M. Confer and Mary A. Confer	The Northwest quarter of the Northwest quarter (NW¼NW¼), and the Southwest quarter of the Northwest quarter (SW¼NW¼), Section Three (3); and the Northeast quarter of the Northeast quarter (NE¼NE¼), Section Four (4), Township Five (5) South, Range Thirteen (13) East, W. M.	120
Charles F. Cox and Birdie E. Cox, husband and wife	The Northwest quarter of the Southwest quarter (NW¼SW¼), and the Southwest quarter of the Northwest quarter (SW¼NW¼), Section Thirty (30), Township Five (5) South, Range Twelve (12) East, W. M.	80
Earl Crabtree	The Southeast quarter of the Northeast quarter (SE¼NE¼), and the Northeast quarter of the Southeast quarter (NE¼SE¼), Section Thirty-four (34), Township Four (4) South, Range thirteen (13) East, W. M.	80
Lester Crabtree	The Northwest quarter of the Southwest quarter (NW¼SW¼), and the Northeast quarter of the Southwest quarter (NE¼SW¼), Section Twenty-seven (27), Township Four (4) South, Range Thirteen (13) East, W. M.	80
Eva W. Fleming	The Northeast quarter of the Southwest quarter (NE¼SW¼), the Southeast quarter of the Northwest quarter (SE¼NW¼), and the Northwest quarter of the Northeast quarter (NW¼NE¼), Section Twenty-four (24), Township Four (4) South, Range Thirteen (13) East W. M.	120
Joe A. Graham	The Northeast quarter of the Northeast quarter (NE¼NE¼), the Southeast quarter of the Northeast quarter (SE¼NE¼) Section Twenty-six (26), Township Five (5) South, Range Twelve (12) East W. M.	80
Lewis C. Henneghan and Amy Henneghan, husband and wife	The Northwest quarter of the Northwest Northwest quarter (NW¼NW¼), and the Southwest quarter of the the Northwest quarter (SW¼NW¼), Section Four (4); the Northeast quarter of the Northeast quarter (NE¼NE¼), and the Southeast quarter of the Northeast quarter (SE¼NE¼), Section Five (5), Township Five (5) South, Range Thirteen (13) East, W. M. The Southeast quarter of the Southwest quarter (SE¼SW¼), and the Southwest quarter of the Southwest quarter (SW¼SW¼), Section Thirty-three (33), Township Four (4) South, Range Thirteen (13) East, W. M.	240

Floyd L. Kelly	The Southeast quarter of the Northwest quarter (SE¼NW¼), Section Nine (9), Township Five (5) South, Range Thirteen (13) East W. M.	40
Fred G. Laughlin	The Southeast quarter of the Southeast quarter (SE¼SE¼) of Section Twenty-five (25), Township Five (5) South, Range Eleven (11) East, W. M. The Southwest quarter of the Southwest quarter (SW¼SW¼) of Section Thirty (30), Township Five (5) South, Range Twelve (12) East, W. M.	80
Ernest A. Hartman	The Northwest quarter of the Northeast quarter (NW¼NE¼), and the Northeast quarter of the Northwest quarter (NE¼NW¼), Section Twenty-five (25), Township Five (5) South, Range Twelve (12) East, W. M.	80
A. E. Mayhew and Lela Mayhew, husband and wife	The North half of the Northeast quarter of the Southeast quarter (N½NE¼SE¼), Section Thirty-five (35), Township Four (4) South, Range Thirteen (13) East, W. M. The Northeast quarter of the Northeast quarter (NE¼NE¼), and the Northeast quarter of the Northwest quarter NE¼NW¼) of Section One (1), Township Five (5) South, Range Thirteen (13) East, W. M.	100
D. E. Miller	The Northeast quarter of the Southeast quarter (NE¼SE¼), Section Trenty (20); the Northwest quarter of the Northeast quarter (NW¼NE¼), and the Southwest quarter of the Northeast quarter (SW¼NE¼) of Section Thirty-two (32), Township Four (4) South, Range Thirteen (13) East, W. M.	120
Calvin J. McCorkle and Kate E. McCorkle, husband and wife	Beginning Seventy-six (76) rods south of the Northeast (NE) corner of the Northwest Northwest quarter (NW¼) of Section One (1), Township Five (5) South, Range Twelve (12) East, W. M.; thence South Eighty-four (84) rods; thence West One hundred Sixteen (116) rods; thence North Fifty-four (54) degrees East One Hundred Forty-two (142) and 1/10 rods to the place of beginning, containing Twenty-eight (28) and 3/40th acres, more or less.	28
Rufus W. McCorkle and Jessie L. McCorkle, husband and wife	The Northeast quarter of the Northeast quarter (NE¼NE¼), the Southeast quarter of the Northeast quarter (SE¼NE¼), the Southwest quarter of the Northeast quarter (SW¼NE¼), Section Thirty-one (31); The Northwest quarter of the Northwest quarter (NW¼NW¼), Section Thirty-two (32), Township Four (4) South, Range Thirteen (13) East, W. M. The Northwest quarter of the Southwest quarter (NW¼SW¼) of Section One (1); the Northeast quarter of the Southeast quarter (NE¼SE¼), and the Southeast quarter of the Southeast quarter (SE¼SE¼), Section Two (2), Township Five (5) South, Range Twelve (12) East, W. M.	280

Lewis J. McCoy	The Southwest quarter of the Northwest quarter (SW¼NW¼), Section Twenty-four (24), Township Five (5) South, Range Twelve (12) East, N. M.	40
Joseph M. O'Brien	The Southwest quarter of the Northwest quarter (SW¼NW¼), the Northwest quarter of the Southwest quarter (NW¼SW¼) and the Northeast quarter of the Southwest quarter (NE¼SW¼), Section Thirty (30), Township Five (5) South, Range Thirteen (13) East, N. M.	120
Francis J. Paquet	The Northwest quarter of the Southwest quarter (NW¼SW¼), Section Seventeen (17); the Northeast quarter of the Southeast quarter (NE¼SE¼), Section Eighteen (18), Township Five, (5) South, Range Thirteen (13) East, N. M.	80
Louis A. Powell (formerly Louisa A. Rice)	The Northwest quarter of the Southwest quarter (NW¼SW¼), Section Twenty-five (25), Township Five (5) South, Range Twelve (12) East, N. M.	40
Julia F. Robinson (formerly Julia F. Ward; formerly Julia F. Anderson)	The Northeast quarter of the Northeast quarter (NE¼NE¼), and the Southeast quarter of the Northeast quarter (SE¼NE¼), Section Thirteen (13), Township Five (5) South, Range Twelve (12) East, N. M.	80
Lawrence S. Stovall and Bertha Stovall, husband and wife	The Southeast quarter of the Southwest quarter (SE¼SW¼), and the Northeast quarter of the Southwest quarter (NE¼SW¼), Section Twenty-four (24), Township Five (5) South, Range Eleven (11) East, N. M. The Southwest quarter of the Southwest quarter (SW¼SW¼), the Northwest quarter of the Southwest quarter (NW¼SW¼), the Northeast quarter of the Southwest quarter (NE¼SW¼), Section Twenty-nine (29), Township Five (5) South, Range Twelve (12) East, N. M. The Southeast quarter of the Northwest quarter (SE¼NW¼), Section Twenty (20), Township Five (5) South, Range Thirteen (13) East, N. M.	240
D. W. Talcott	The Northeast quarter of the Southwest quarter (NE¼SW¼), and the Northwest quarter of the Southwest quarter (NW¼SW¼), Section Twenty-six (26), Township Four (4) South, Range Thirteen (13) East, N. M.	80
Lewis E. Walters	The Northwest quarter of the Northwest quarter (NW¼NW¼), and the Northeast quarter of the Northwest quarter (NE¼NW¼), Section Twenty-nine (29), Township Five (5) South, Range Twelve (12) East, N. M.	80
O. S. Walters	The Northwest quarter of the Northeast quarter (NW¼NE¼), Section Thirty-two (32); the Northwest quarter of the Northwest quarter (NW¼NW¼), Section Thirty-three (33) Township Five (5) South, Range Twelve (12) East, N. M.	80
Walter S. Woodside	The Northeast quarter of the Northeast quarter (NE¼NE¼), Section Twenty-three (23) Township Five (5) South, Range Twelve (12) East, N. M.	40

Hamilton E. Bray	The Southeast quarter of the Southeast quarter (SE¼SE¼), and the Northeast quarter of the Southeast quarter (NE¼SE¼), Section Twenty-six (26), Township Four (4) South, Range Thirteen (13) East, N. M.	80
Harrison L. Young	The Northeast quarter of the Northwest quarter (NE¼NW¼), Section Twenty-seven, Township Four (4) South, Range Thirteen (13) East, N. M.	40

The names of the owners thereof are: FRANK L. BATTY, O. D. BOTHWELL, A. A. BRITTON, J. S. BROWN, JOEL H. CHASTAIN, W. O. CHASTAIN, GEORGE W. CLAYMIER, F. M. CONFER, MARY A. CONFER, CHARLES F. COX, BIRDIE L. COX, EARL CRABTREE, LESTER CRABTREE, EVA W. FLEMING, JOE A. GRAHAM, LEWIS C. HENNEGHAN, AMY HENNEGHAN, FLOYD L. KELLY, FRED G. LAUGHLIN, ERNEST A. MARTMAN, A. E. MAYHEW, LELA MAYHEW, D. E. MILLER, POLLY C. CHASTAIN, CALVIN J. McCORKLE, KATE E. McCORKLE, RUFUS W. McCORKLE, JESSIE L. McCORKLE, LEWIS J. McCOY, JOSEPH M. O'BRIEN, FRANCIS J. PAQUET, LOUISA A. POWELL formerly LOUISA A. RICK, JULIA F. ROBINSON, LAWRENCE S. STOVALL, BERTHA STOVALL, D. W. TALCOTT, LEWIS E. WALTERS, O. B. WALTERS, WALTER S. WOODSIDE, HAMILTON E. WRAY and HARRISON L. YOUNG.

The number of directors is five (5) *and the mode and time of their election is* the first Saturday after the first day of January.

The names and residence of the directors first holding such office:

NAME	RESIDENCE
J. S. Brown	Maupin, Oregon
D. E. Miller	" "
A. E. Mayhew	" "
Calvin J. McCorkle	" "
W. O. Chastain	" "

The total number of acres 3,793.64

the date of filing its Articles of Incorporation the 22nd *day of* April ;

A. D. 19 38 *; the location of its principal office in the* Town *of* Maupin ,

in the County of Wasco , *State of Oregon; and the amount of the organization fee paid* Eight and no/100 ($ 8.00) *Dollars.*

In Testimony Whereof, *I have hereunto set my hand and affixed hereto the seal of the Corporation Department of the State of Oregon.*

Done at Salem, Oregon, this 22nd *day of* April 1938.

SEAL

Corporation Commissioner

ATTACHMENT 2A - JFDIC ACCESS AND MAINTENANCE COORDINATION PLAN (PLACEHOLDER)

ATTACHMENT 2B - WATER RIGHTS MANAGEMENT PLAN (PLACEHOLDER)

ATTACHMENT 3 - LANDOWNER SURVEY RESPONSES

Tract Number	Tract Name	Landowner	Number of Years Owned	Total Tract Acreage	NLDC Land Cover	Cultivated Land (Yes/No)	Crop Type (Based on Landowner Response)	Other Land Use (Based on Landowner Response)	Crop for Personal or Commercial Use	CRP Program (Yes/No)	Water Rights (Yes/No)	Irrigated / Non-Irrigated	Irrigation Description	Notes
1	Dodge Family A	Richard Dodge (A) Dodge Family Revocable Wasco County Property Trust (A)	20	3,528	Cultivated Crops Evergreen Forest Mixed Forest Shrub or Scrub Grassland or Herbaceous	Yes	Grass and Hay	Cattle Grazing	3 ton per acre of hay - Most of the hay is used for feed, but do sell some to various individuals	No	Yes (Groundwater)	Irrigated	Approximately 60.3 acres irrigated from well	Landowner stated that soils are rocky and not farmable.
2	Dodge Family B	Richard Dodge (B) Dodge Family Revocable Wasco County Property Trust (B)	20	1,719	Pasture of Hay Cultivated Crops Grassland or Herbaceous Shrub or Scrub Evergreen Forest Mixed Forest Open Water Developed Open Space Developed Medium Density Woody Wetlands Emergent Herbaceous Wetlands Barren Land	Yes	Grass and Hay	Cattle Grazing	3 ton per acre of hay - Most of the hay is used for feed, but do sell some to various individuals	No	Yes (Approximately 93.9 acres Surface Water from JFDIC)	Not Irrigated	0.5 used for stock water and 0.5 hay and pasture. Sprinkler system	Landowner stated that soils are rocky and not farmable.
3	Woodside A	Woodside, Carlotta Trust, and Mickey Snodgrass	29	1,717	Pasture of Hay Cultivated Crops Grassland or Herbaceous Shrub or Scrub Evergreen Forest Developed Open Space Woody Wetlands Emergent Herbaceous Wetlands	Yes	Grass and Hay	Cattle Grazing	Pasture Grass: approx. 2 ton per acre for personal use	Yes	Yes (98.5 acres from JFDIC)	Irrigated	87 acres irrigated pasture for cattle via flooding and/or underground pipe.	
4	Hein	Kenneth Hein		1,042	Shrub or Scrub Grassland or Herbaceous Mixed Forest Evergreen Forest Developed Open Space Developed Low Density	No	None	Grazing	N/A	Yes	No	Not Irrigated	None	
5	Dodge Family C	Richard Dodge (C) Dodge Family Revocable Wasco County Property Trust (C)		1,023	Shrub or Scrub Grassland or Herbaceous	No					No			
6	Fullington	Neila and Kayla Fullington	3	991	Shrub or Scrub Grassland or Herbaceous Woody Wetlands Open Water Developed Open Space Developed Medium Density	No	None (for more than 20 years according to landowner)	Cattle Grazing	N/A	No	Yes (30-40 acres near the north pond-surface water JFDIC)	Irrigated	Flood irrigation to irrigate pasture for cattle	Landowner stated that farming land is not worth the time/effort for yield. Landowner also stated that soils are rocky and not farmable.
7	Groce	Gregory Groce		780	Cultivated Crops Pasture or Hay Shrub or Scrub Grassland or Herbaceous Open Water	Yes					Yes (surface water from JFDIC)			
8	Ambrose	Melvin Ambrose Simon Revocable Trust and Barbra Joan Revocable Trust	58	675	Shrub or Scrub Grassland or Herbaceous	No	None (for more than 39 years according to landowner)	None	Personal	Yes	No	Not Irrigated	None	Landowner stated that the soils in the area are very rocky and poor and that the land is not suitable for farming.
9	Dodge (a)	Richard Dodge (a)		587	Shrub or Scrub Grassland or Herbaceous Developed Open Space Developed Low Density Developed High Density	No					Yes (surface water from JFDIC)	Not Irrigated	None	
10	Holder	Traci Holder, Kenneth Chitwood, and Kristin Holder	21	513	Pasture or Hay Developed Open Space Grassland or Herbaceous Shrub or Scrub	Yes	None	Cattle Grazing	N/A	Yes	Yes (approximately 20.3 acres-surface water from JFDIC)	Irrigated	Irrigation is used for hay fields not in the project area. Mostly use flood irrigation, but there is a ditch from the main irrigation canal.	Landowner stated that the soils in the area are very rocky and poor and that the land is not suitable for farming.
11	Skogrand	Richard Skogrand and Pamela Lamirande Living Trust	24	320	Shrub or Scrub Grassland or Herbaceous	No	None	None	N/A	Yes	Yes (approximately 9.5 acres surface water from JFDIC)	Irrigated	Flood irrigation on a very small portion of property.	Landowner stated that the soils in the area are very rocky and poor and that most of the land (approximately 211 acres) is not suitable for farming.
12	Sterling	Sterling Trust		274	Shrub or Scrub Grassland or Herbaceous	No	None	Grazing	N/A		Yes (surface water JFDIC and groundwater from OWRD)	Irrigated	Irrigated, but not farmed	

Tract Number	Tract Name	Landowner	Number of Years Owned	Total Tract Acreage	NLDC Land Cover	Cultivated Land (Yes/No)	Crop Type (Based on Landowner Response)	Other Land Use (Based on Landowner Response)	Crop for Personal or Commercial Use	CRP Program (Yes/No)	Water Rights (Yes/No)	Irrigated/Non-Irrigated	Irrigation Description	Notes
13	Elmer	Elmer Family Revocable Trust	7	212	Developed Open Space Grassland or Herbaceous Shrub or Scrub	Yes	Hay	Cattle Grazing	Personal for cattle	No	Yes (surface water from JFDIC and groundwater from OWRD)	Irrigated	Irrigates hay. Irrigation is through underground pipe.	
14	Lewis	Andrew Lewis and Joyce Lewis	17	198	Cultivated Crop Grassland or Herbceous Open Water Developed Open Space	Yes	Barley (in A field only)	Sheep Grazing	Personal for sheep	No	Yes (approximately 20 acres surface water from JFDIC. Currently not using them)	Not Irrigated	No infrastructure for irrigation.	Landowner states tha ground is either rock hollow/scab with visible basalt or a hard clay-cobble mix and that approximately 120-130 acres are not farmable. Landowner stated that they used to grow hay, but crop yield was terrible (about 1 ton per acre), so the remaining area is fallow now.
15	Brown	Lonny Brown and Pamela Brown		188	Pasture or Hay Grassland or Herbaceous Shrub or Scrub	No	None	Grazing	N/A		No	Not Irrigated		
16	Yanez	Isaac Yanez		161	Grassland or Herbaceous Shrub or Scrub Developed Open Space Developed High Density Mixed Forest Evergreen Forest	No	None	Grazing	N/A	No	No	Not Irrigated	No infrastructure for irrigation.	
17	Treanor	Paul Treanor		159	Shrub or Scrub Emergent Herbaceous Wetland						No	Not Irrigated		
18	Woodside B	Charlotta Woodside Trust and Mickey Snodgrass, et al. (B)		159	Shrub or Scrub Grassland or Herbaceous						No	Not Irrigated		
19	Waine	Michael Waine and Juliane Waine		158	Cultivated Crops Pasture or Hay Shrub or Scrub Grassland or Herbaceous	Yes	Wheat	Grazing	Personal for feeding livestock as well as commercial sales to co-ops	No	No	Not Irrigated	No infrastructure for irrigation	Amount of land farmed depends on year.
20	Brace	Paul Brace		154	Shrub or Scrub Grassland or Herbaceous	No	None	Cattle Grazing	N/A		No	Not Irrigated	No infrastructure for irrigation	
21	Hill	Leland Hill Jr.		117	Shrub or Scrub Grassland or Herbaceous	Yes					Yes (surface water from JFDIC and OWRD			
22	Dodge (b)	Chad Dodge	20	78	Pasture or Hay Shrub or Scrub Grassland or Herbaceous Developed Open Space Developed Low Density	No	None	Cattle Grazing	N/A	Yes	Yes (JFDIC)	Irrigated	Irrigated pasture using sprinklers	Landowner says the soils are shallow and rocky
23	Soskin	Steven Soskin		77	Shrub or Scrub Cultivated Crops Grassland or Herbaceous	No					No			
24	Dodge (c)	Richard Dodge and Janie Dodge	5	40	Evergreen Forest Shrub or Scrub Grassland or Herbaceous	No	None	Cattle Grazing	N/A	No	No	Not Irrigated	No infrastructure for irrigation.	Landowner says the soils are shallow and rocky
25	Frasier	Eric and Glory Frasier		39	Developed Open Space Shrub or Scrub Open Water	Yes					Yes (surface water from JFDIC and OWRD			

ATTACHMENT 4 - AGRICULTURAL IMPACT ANALYSIS

Agricultural Impact Analysis

PREPARED FOR

BRIGHTNIGHT
Power when you need it

DATE
December 2025

REFERENCE
Oregon Energy Facility Siting Council

CONTENTS

LIST OF TABLES

LIST OF FIGURES

ACRONYMS AND ABBREVIATIONS

Acronym	Description
BESS	Battery Energy Storage System
CDL	Cropland Data Layer
CRP	Conservation Reserve Program
Facility	Solar photovoltaic power generation facility and related or supporting facilities in Wasco County, Oregon
FTE	full-time equivalents
NASS	National Agricultural Statistics Service
USDA	U.S. Department of Agriculture

EXECUTIVE SUMMARY

This report, prepared on behalf of DECH bn, LLC (Applicant), assesses the economic impact of displacing up to approximately 12,532 acres of land currently used, in part, for hay production and cattle grazing, for the construction and operation of the Deschutes Solar and Battery Energy Storage Facility (Facility). The permanent disturbance of the Facility is anticipated to be significantly less, totaling about 5,442 acres, though the entire 12,532-acre micrositing corridor was considered to be conservative. Economic impacts associated with agricultural production are assessed for the micrositing corridor (i.e., the area in which the Facility will be constructed) and compared to Wasco County and Oregon data. Data was derived from landowner surveys across 92 percent of the micrositing corridor. Landowner responses included feedback on current agricultural-related activities, economic data, farming conditions and reasons for leasing their land. Employment impacts and indirect and induced effects were determined using the IMPLAN economic modeling package.

Of the total 12,532 acres within the micrositing corridor, approximately 5,590 acres are currently used as pastureland for grazing leases and livestock production with limited areas (approximately 596 acres or less than 5 percent of the micrositing corridor) dedicated to growing hay for cattle feed, winter wheat production on one parcel, and miscellaneous activities like boarding and selling horses.

Landowner surveys indicate that much of the land is currently unfarmable due to soil quality, water availability and prevailing economic conditions make farming economically infeasible. Several respondents characterized the land as rocky, shallow, and underlain by hard clay or basalt. Respondents noted that the land has not generated agricultural revenue in over two decades, serving only as grazing ground for cattle. Others noted that hay and winter wheat production on their land yielded far below regional averages, prompting them to leave most of their acreage fallow. One respondent stated that no amount of water would make the land agriculturally productive due to its rocky composition.

Collectively, landowners reported an agricultural economic output of $148,060 annually, which represents 1.37 percent of Wasco County cattle production value, and 0.01 percent of Oregon State Cattle production value. Of that 1.37 percent, much is from one landowner, who has noted in landowner surveys that they would simply move operations elsewhere.

The estimated agricultural-related economic loss of $148,060 will be replaced by lease values from the solar development at a much higher value; therefore, direct impacts will be offset significantly. An indirect economic loss, representing spending in local communities, is estimated annually at $89,134 with an induced loss of $6,582.

According to landowners, labor associated with current agricultural activities within the micrositing corridor would be transferred to other parcels and no jobs would be lost though IMPLAN calculates 1.7 direct and 0.7 indirect jobs associated with the economic output value. Overall, agricultural employment has only accounted for 10.8 percent of total employment in Wasco County over the past 10 years, with 2 percent dedicated to beef cattle ranching across the most recent data.

In summary, the land within the micrositing corridor has relatively low agricultural productivity and value to landowners. Land is generally unsuitable for widespread farming and negative labor income values for beef cattle ranching and grain farming indicate that proprietors overall

lost income on their business operations in 2024 across Wasco County. Indirect effects of reduced spending within the county will be financially mitigated by the Facility through contributions to local agricultural organizations, at an estimated rate of $167.22/acre or approximately $2.1 million.

1. INTRODUCTION AND BACKGROUND

1.1 INTRODUCTION

This analysis, completed on behalf of DECH bn, LLC (Applicant), assesses the economic impact of displacing land currently used, in part, for hay production and cattle grazing, for the construction and operation of the Deschutes Solar and Battery Energy Storage Facility (Facility). The Facility site boundary and 12,532-acre micrositing corridor (area within the site boundary in which the Facility may be developed) are shown in Figure 1, below. For this analysis, the Applicant conservatively estimated that up to 12,532-acres (i.e., the entire micrositing corridor) may be displaced for the construction and operation of the Facility; however, the permanent disturbance of the Facility is anticipated to be significantly less, totaling about 5,442 acres.

This report includes regional demographic and economic information (Section 1.2) that was used in the Economic Impact Model (Section 1.3). Section 2 provides the results of the agricultural impact analysis.

1.2 REGIONAL DEMOGRAPHIC AND ECONOMIC OVERVIEW

1.2.1 POPULATION

Located in northcentral Oregon, Wasco County is bordered to the north by the State of Washington. The county is 2,392 square miles in size, or 1.5 million acres, and is the 14th largest county in Oregon by total area (U.S. Department of Agriculture [USDA] 2024, U.S. Census Bureau 2020). Privately owned land accounts for 59 percent, or 902,669 acres of the county, tribal lands account for 12 percent, or 387,113 acres of the county, and public land accounts for 13 percent of the county, of which 177,888 acres is managed by the USDA Forest Service (USDA 2024). Approximately 16 percent, or 236,435 acres, are considered crop land (USDA 2024).

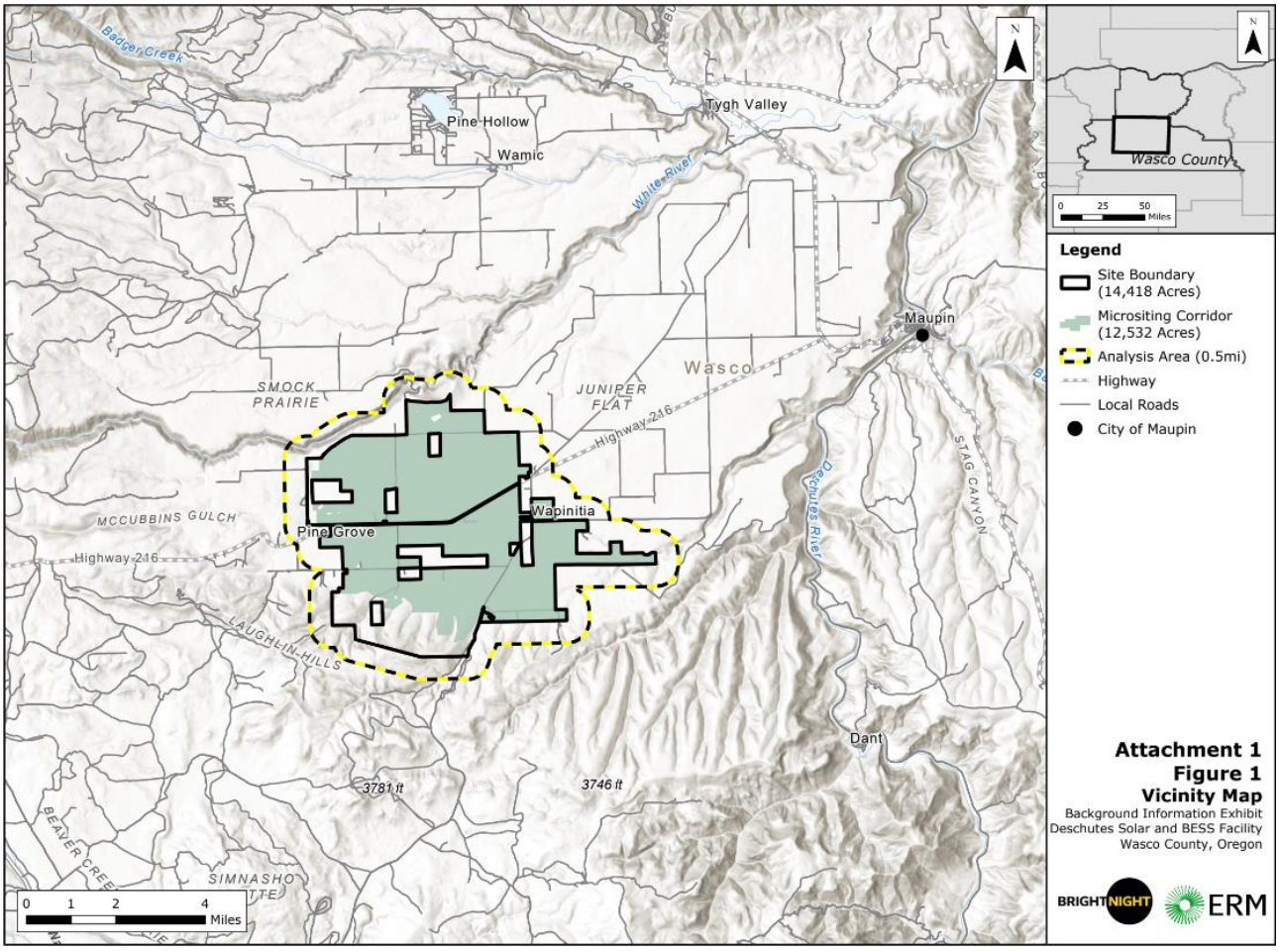
Wasco County had a total estimated population of 27,052 in 2023, ranking 22 out of the 36 counties in Oregon in terms of population (Portland State University 2023). The county is sparsely populated with a population density of 11.2 per square mile in 2020, well below the corresponding state and national averages, which were 44.1 and 93.8 people per square mile, respectively (U.S. Census Bureau 2023). There are six incorporated communities in Wasco County (Antelope, Dufur, Maupin, Mosier, Shaniko, and The Dalles) which together account for 66 percent of the population (Table 1). The overall county population has increased in the past decade, with most growth occurring in The Dalles and Mosier. Antelope and Shaniko have experienced a decline in population growth, while Dufur and Maupin saw moderate increases.

TABLE 1 WASCO COUNTY POPULATION

Geographic Area	Estimated Population (2022)	Percent of Total	Net Change (2010 to 2022)	Percent Change
Wasco County	**26,794**	**100%**	**1,581**	**6%**
Antelope	37	0%	-9	-24%
Dufur	611	2%	7	1%
Maupin	431	2%	13	3%
Mosier	477	2%	44	9%
Shaniko	30	0%	-6	-20%
The Dalles	16,202	60%	2582	16%
Unincorporated	9,006	34%	-1050	-12%

Source: Portland State University 2023

FIGURE 1 FACILITY LOCATION



1.2.2 EMPLOYMENT AND THE ECONOMY

The local economy in Wasco County is primarily dominated by private nonfarm-related sectors. The health care and social assistance industry makes up 17 percent of total employment, with the Mid-Columbia Medical Center being the county's largest employer (Table 2, Wasco County 2022). Employment within the retail trade and government industries are the second largest employers within the county, each accounting for 13 percent of total employment (Table 2). These employment levels are similar at the state level, as the health care, retail trade, and government sectors make up 12 percent, 10 percent, and 11 percent of total employment, respectively (Table 2). In contrast to statewide levels, the farm sector accounts for 8 percent of total employment, representing 1,221 employees, compared to 2 percent statewide (Table 2).

TABLE 2 EMPLOYMENT BY ECONOMIC SECTOR, 2022

Economic Sector	Wasco County		Oregon	
	Employment	**Percent of Total**	**Employment**	**Percent of Total**
Farm employment	1,221	8%	57,344	2%
Private nonfarm employment	11,629	79%	2,308,809	87%
Government and government enterprises	1,954	13%	292,132	11%
Total Employment	**14,804**	**100%**	**2,658,285**	**100%**

Source: U.S. Bureau of Economic Analysis 2022

Notes: Na- not applicable; (D)- Not shown to avoid disclosure of confidential information; estimates are included in higher-level totals.

The IMPLAN model is used to deliver estimates for Wasco County across various measures, including total employment, labor income, and output for each sector as shown in Table 3. The model categorizes the economy into 546 industries, including government, manufacturing, agriculture, and many others, drawing on data from multiple sources such as the Bureau of Labor Statistics Census of Employment and Wages, the Census Bureau County Business Patterns, and the Bureau of Economic Analysis Regional Economic Accounts (REA).

Table 3 lists the top 20 industries in terms of their employment contributions to Wasco County over the past 10 years. Estimates of labor income and output are also provided. Output measures total goods and services an industry uses and produces and is closely related to sales. Fruit farming is the largest sector by employment, accounting for 932 total jobs, or about 6% of overall employment in the county. Agriculture-related employers in the top 20 include fruit farming and support activities for agriculture and forestry. These industries comprise about 7.6 percent of jobs in the county. Beef cattle ranching was the 23rd largest employer in the County, accounting for 162 jobs, while grain farming (including wheat) was the 28th largest employer in the County, accounting for 130 jobs. Together, both these industries accounted for about 2 percent of overall employment in the county. For additional perspective, the 10-year average of total employment for these two industries in the county is 14,896.

The Wasco County 2021 Community Economic Profile supports this data, as it lists the largest employers being Mid-Columbia Medical Center, Northern Wasco County School District 21, Oregon Cherry Growers, and Fred Meyer.

TABLE 3 TOP 20 SECTORS FOR EMPLOYMENT IN WASCO COUNTY, 10-YEAR AVERAGE (2015-2024)

IMPLAN Code	IMPLAN Industry Description	Employment	Labor Income	Output
4	Fruit farming	932	$77,097,650	$24,115,416
472	Hospitals	797	$163,114,893	$75,453,325
524	Employment and payroll of local govt, education	620	$58,568,219	$49,977,365
92	Limited-service restaurants	538	$54,382,159	$16,449,874
473	Nursing and community care facilities	519	$47,817,586	$27,071,730
429	Other real estate	503	$98,143,662	$16,643,877
491	Full-service restaurants	450	$37,711,474	$14,579,437
526	Employment and payroll of local govt, other services	446	$48,640,402	$41,403,682
465	Offices of physicians	403	$53,549,251	$32,256,996
475	Individual and family services	388	$27,168,444	$20,501,204
394	Retail - General merchandise stores	326	$24,120,696	$12,586,458
389	Retail - Food and beverage stores	306	$30,821,954	$13,922,089
503	Religious organizations	246	$14,638,630	$13,428,624
388	Retail - Building material and garden equipment and supplies stores	245	$25,811,221	$10,512,229
385	Retail - Motor vehicle and parts dealers	238	$40,018,356	$18,485,099
19	Support activities for agriculture and forestry	204	$8,417,850	$6,541,830
523	Employment and payroll of state govt, other services	199	$25,418,099	$21,844,460
493	All other food and drinking places	187	$14,384,978	$6,778,730
395	Retail - Miscellaneous store retailers	184	$10,082,959	$4,543,612
489	Hotels and motels, including casino hotels	179	$20,928,868	$6,348,623

Note:
1: IMPLAN Jobs include all full-time, part time, and temporary positions
2: IMPLAN Sector 19 – Support activities for agriculture and forestry includes a wide range of agricultural services, including crop dusting, crop spraying, cultivation services, machine harvesting of grain, hay mowing, and livestock breeding services, as well as forestry related services, including timber cruising, forest thinning, and reforestation services.
3: IMPLAN Sector 10 – All other crop farming includes hay farming (e.g. alfalfa hay, clover hay, grass hay) hop, mint, and tea farming
4: IMPLAN Sector 2 – Grain farming includes wheat, corn, dry beans, and dry peas.

1.3 ECONOMIC IMPACT MODEL (IMPLAN)

This analysis uses IMPLAN software to estimate the economic impacts of the Facility's development and operations on local and state economies. Impacts include measures of economic activity such as output, employment, and Gross Domestic Product (often referred to as value added).

Within an economy, IMPLAN depicts inter-industry relationships, such as how output from one sector becomes input to another sector, through multipliers. These multipliers are based on previous input-output models and a methodology that quantifies interactions among firms, industries, and social institutions within a local economy (IMPLAN Group, LLC 2019).

IMPLAN assigns each industrial or service activity (e.g., agriculture, mining, manufacturing, trade, services) to an economic sector, designated by a unique code within the North American Industry Classification System. The number of sectors is determined by the level of desired detail. This analysis uses the highest level of detail, which includes 546 sectors. The linkages are modeled through input-output tables that account for all dollar flows between different sectors of the economy. The economic relationships modeled by IMPLAN allow the user to estimate the overall change in the economy that would result from the displacement of agricultural land due to the proposed Facility. This change would decrease overall employment, labor income, and economic output in the local economy.

1.3.1 IMPACT TYPES

Economic multipliers from the model are used to estimate total economic impacts, which include three main components: direct, indirect, and induced impacts.

- **Direct impacts** involve expenditures specifically related to the proposed Facility, such as those for construction labor and materials. These direct expenditures drive further economic activity within the local economy through the multiplier effect, as initial increases in demand "ripple" outwards and lead to indirect and induced impacts.
- **Indirect impacts** arise from spending on goods and services by suppliers that provide resources to the agricultural production at the proposed Facility site. Often referred to as "supply-chain" impacts, these effects capture the interactions between various businesses.
- **Induced impacts** result from household spending associated either directly or indirectly with the agricultural production at the Facility site. For example, farmers may spend their income on groceries and other household needs. These are also known as "consumption-driven" impacts.

1.3.2 IMPACT MEASURES

Impacts are evaluated using the following measures reported by the IMPLAN model:

- **Output** – the total value of goods and services produced, representing an overall measure of economic activity.
- **Jobs** – measured as the average number of employees working full- or part-time. Model outputs are adjusted to full-time equivalents (FTEs) using coefficients from IMPLAN[1].
- **Personal income (or labor income)** – defined as the sum of employee compensation and proprietary income.

[1] Each FTE job equates to one full-time job for one year or 2,080-hour units of labor. Part-time or temporary jobs constitute a fraction of a job. For example, if an engineer works just 3 months on a solar project, that would be considered one-quarter of an FTE job.

- **Employee compensation (wages)** includes wages and salaries, along with other benefits such as health, disability, and life insurance; retirement contributions; and non-cash compensation, expressed as the total cost to the employer.
- **Proprietary income (business income)** represents payments to small business owners or self-employed individuals.

1.3.3 LIMITATIONS OF INPUT-OUTPUT MODELS

Input-output models are static models that capture the inputs and outputs of an economy at a specific point in time. With this data and the balanced accounting framework of an input-output model, an analyst can: 1) describe an economy within a single time period, 2) introduce an economic change, and then 3) assess the economy after it has adapted to that change.

This form of "partial equilibrium" analysis allows for comparing the economy in two distinct states, though it does not illustrate how the economy transitions between these states. In partial equilibrium analysis, the researcher assumes that all other economic relationships remain constant, aside from the initial changes in spending.

Unlike dynamic models, static models assume there are no changes in wage rates, input prices, or property values. Additionally, economic relationships in input-output models are considered stable, with no changes in labor and capital productivity, population migration, or business location patterns. Input-output models are particularly well-suited to assess the impacts of small to medium-sized projects (relative to the affected markets or sectors), where these projects are unlikely to alter the underlying supply or demand functions (USDA Natural Resources Conservation Service 2014).

The agricultural land that would be displaced by the Facility only composes 0.05 percent of winter wheat sales and 0.1 percent of cattle sales in the county. Given the relative size of this impact to the local economy, IMPLAN is well suited for the analyzation of the impact of agricultural land displacement in this case.

2. AGRICULTURAL IMPACT ANALYSIS

Construction and operation of the Facility may conservatively displace up to 12,532 acres from the production of crops for cattle feed and cattle grazing. The following assessment considers the conversion of the acres to solar development as a share of agricultural sales associated with crop production and cattle grazing and estimates the secondary (indirect and induced) impacts that a corresponding reduction in farm spending would have on the local economy.

2.1 STATE AND LOCAL OVERVIEW

Most of the land in Wasco County is farmland. In 2022, the most recent available agricultural census identified 978,577 acres of farms, approximately 65 percent of the land in the county (USDA 2022). A total of 457 farms operated in the county in 2022, with an average farm size of 2,137 acres. Approximately 22 percent of the farmland in Wasco County (217,603 acres) is cropland, with 42 percent (91,624 acres) of total cropland harvested in 2022 (Table 4). From 2017 to 2022, both the number of farms and land dedicated to farms decreased in Wasco County, with 137 fewer farms and 410,411 fewer acres in farms, resulting in average farm size from 2,334 to 2,137 acres (Table 4). Ninety-one percent of farms in Wasco County were family-owned in 2022 (USDA 2022).

TABLE 4 LAND IN FARMS AND SELECTED CROPS HARVESTED IN WASCO COUNTY, 2017 AND 2022

Item	2022		2017	
	Number of Farms	Acres	Number of Farms	Acres
Farms/Land in Farms	458	978,577	595	1,388,988
Total Cropland	333	217,603	431	237,719
Harvested Cropland	241	91,624	311	95,152
Irrigated land	212	23,082	266	21,503
Selected Crops Harvested				
Wheat for grain, all	62	71,121	73	74,358
Winter Wheat	60	69,372	69	72,226
Land in Orchards	99	9,097	124	10,780
Forage	83	8,343	129	8,603
Vegetables harvested for sale	14	93	12	7
Barley for grain	2	(D)	6	866
Sunflower seed, all	1	(D)	1	(D)
Corn for grain	1	(D)	-	-

Source: U.S. Department of Agriculture 2022

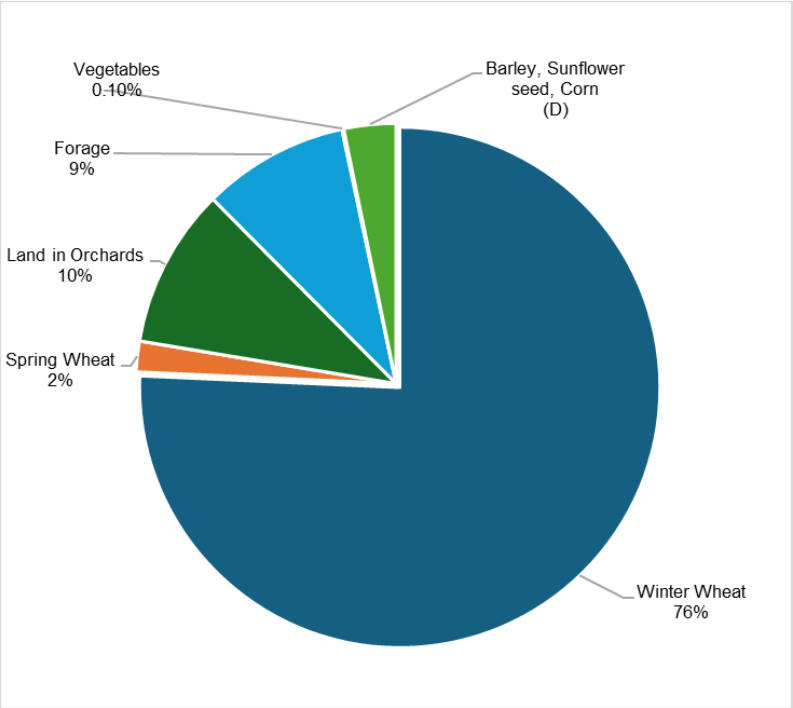
Notes: (D)- Withheld to avoid disclosing data for individual farms.

2.2 CULTIVATED AND HARVESTED CROPS

Viewed in terms of acres, the primary crop grown in Wasco County is wheat for grain, specifically winter wheat (Table 5, Figure 2). Winter wheat accounted for approximately three-quarters (76 percent, 69,372 acres) of total harvested acres in 2022, followed by land used in orchards (10 percent, 9,097 acres), and land used for forage (hay and haylage, grass silage, and greenchop) (9 percent, 8,343 acres). Vegetables harvested for sales accounted for 0.10 percent of total harvest acres in 2022. While the total acreage used for barley for grain, sunflower seed, and corn for grain is unknown, the total number of farms dedicated to these crops is 4.

Approximately 2 percent (23,082 acres) of the farmland in Wasco County is irrigated (Table 5). Most irrigated land (93 percent) was identified as harvested cropland in 2022, with pastureland and other land making up the remaining 3 percent (USDA, 2022). Irrigated land accounted for 25 percent of total harvested cropland in 2022 (Table 5). More than half (61 percent) of harvested irrigated cropland was land in orchards (39 percent) and forage (22 percent), and most of the land harvested for these crops was irrigated (Table 5). Winter wheat accounted for just 1 percent of the irrigated total in 2022, and spring wheat accounted for none (Table 5).

FIGURE 2 SELECTED CROPS HARVESTED IN WASCO COUNTY, 2022 (ACRES)



Source: U.S. Department of Agriculture 2022

Notes: (D)- Withheld to avoid disclosing data for individual farms.

TABLE 5 HARVESTED CROPLAND AND SELECTED IRRIGATED CROPS IN WASCO COUNTY, 2022

Harvested Cropland	Harvested Acres	Irrigated Acres	Percent of Harvest Acres Irrigated	Percent of Irrigated Harvested Total
Total	**91,624**	**23,082**	**25%**	**100%**
Selected Irrigated Crops				
Winter Wheat	69,372	265	0.38%	1.15%
Spring Wheat	1,749	-	0%	0.00%
Land in Orchards	9,097	9,097	100%	39.41%
Forage	8,343	5,083	61%	22.02%
Vegetables harvested for sale	93	N/D	N/A	N/A
Barley, Sunflower seed, Corn	(D)	(D)	N/A	N/A

Source: U.S. Department of Agriculture 2022

Notes: (D)- Withheld to avoid disclosing data for individual farms; (N/D)- Indicates no data available; (N/A)- Indicates not applicable.

2.3 LIVESTOCK

The 2022 Agricultural Census reports that the top three livestock inventories in Wasco County were for cattle and calves, horses and ponies, and layers with totals of 17,134, 3,601, and 2,088, respectively (Table 6). A total of 149 farms managed the 17,134 cattle and calves' inventory (USDA 2022).

TABLE 6 LIVESTOCK INVENTORY IN WASCO COUNTY, 2022

Livestock	Inventory
Broilers and other meat-type chickens	(D)
Cattle and calves	17,134
Goats	51
Hogs and pigs	(D)
Horses and ponies	3,601
Layers	2,088
Pullets	304
Sheep and lambs	346
Turkeys	154

Source: U.S. Department of Agriculture 2022

Notes: (D)- Withheld to avoid disclosing data for individual farms

2.4 ECONOMIC OUTPUT AND EMPLOYMENT

Sales by agricultural commodity groups in Wasco County in 2022 are summarized in Table 7. Total sales were estimated at $137.97 million, with crops accounting for 91 percent of the total. Vegetables, melons, potatoes, and sweet potatoes (66 percent) and grains, oilseeds, dry beans, and dry peas (29 percent) made up almost all the crop totals. Livestock accounted for approximately 9 percent of the total value of agriculture in 2022. Cattle and calves, which made up 85 percent of livestock sales in 2022, accounted for just 7 percent of total sales (Table 7). Aquaculture accounted for 10% of total livestock sales in 2022, accounting for only 1 percent of total sales.

TABLE 7 MARKET VALUE BY COMMODITY GROUP IN WASCO COUNTY, 2022

Commodity Group	Sales ($1,000)
Crops	**126,013**
Grains, oilseeds, dry beans, dry peas	37,092
Tobacco	-
Cotton and cottonseed	-
Vegetables, melons, potatoes, sweet potatoes	549

Commodity Group	Sales ($1,000)
Fruits, tree nuts, berries	83,382
Nursery, greenhouse, floriculture, sod	(D)
Cultivated Christmas trees, short rotation woody crops	(D)
Other crops and hay	4,764
Livestock, poultry, and products	**11,953**
Poultry and eggs	84
Cattle and calves	10,118
Milk from cows	-
Hogs and pigs	39
Sheep, goats, wool, mohair, milk	(D)
Horses, ponies, mules, burros, donkeys	109
Aquaculture	1,224
Other animals and animal products	(D)
Total	**137,967**

Source: U.S. Department of Agriculture 2022

Notes: (D)- Withheld to avoid disclosing data for individual farms

Data compiled by IMPLAN provides additional perspective on the agricultural economy in Wasco County. As shown in Table 8, over the past 10 years (2015-2024), an estimated total of approximately 1,600 people were employed in the agricultural sector, with a combined annual output of $148 million. Fruit farming has historically accounted for the largest portion of agricultural employment, with an average of 932 people, followed by 204 people employed in the support activities for agriculture and forestry sector. In 2024, an estimated total of approximately 2,100 people were employed in the agricultural sector, with a combined total output of $177,000,000. Fruit farming accounted for the largest agricultural sector by employment, with 1,277 jobs in 2024, followed by support activities for agriculture and forestry, at 265 jobs. Viewed in terms of economic output, fruit farming was the largest agricultural sector, followed by grain farming, then beef cattle ranching and farming. For additional perspective, labor income for both beef cattle ranching and grain farming has decreased in recent years, with both industries showing negative labor income values for 2024. Negative labor income values for beef cattle ranching and grain farming indicate that proprietors overall lost income on their business operations in 2024. Overall, agricultural employment has only accounted for 10.8 percent of total employment in Wasco County over the past 10 years.

TABLE 8 EMPLOYMENT BY AGRICULTURAL INDUSTRY, WASCO COUNTY 10-YEAR AVERAGE

Industry	Employment	Labor Income	Output
Fruit farming	932	$77,097,650	$24,115,416
Support activities for agriculture and forestry	204	$8,417,850	$6,541,830
Beef cattle ranching and farming, including feedlots and dual-purpose ranching and farming	162	$16,914,253	$450,083
Grain farming	130	$29,591,699	$3,582,987
Commercial logging	89	$4,667,022	$3,173,853
Greenhouse, nursery, and floriculture production	34	$5,174,180	$2,931,074
Animal production, except cattle and poultry and eggs	25	$2,649,020	$834,793
Tree nut farming	9	$527,311	$350,910
Commercial fishing	8	$967,583	$473,048
Vegetable and melon farming	4	$551,472	$127,433
Dairy cattle and milk production	2	$469,525	$91,626
Oilseed farming	1	$286,561	$54,217
Commercial hunting and trapping	1	$102,139	$66,320
Poultry and egg production	1	$661,280	$88,517
Total	**1,602**	**$42,882,107**	**$148,077,543**

Source: IMPLAN 2024
Notes:
1: IMPLAN jobs include all full-time, part-time, and temporary positions
2: IMPLAN sector "support activities for agriculture and forestry" includes a wide range of agricultural services, such as crop dusting, crop spraying, cultivation services, machine harvesting of grain, hay mowing, and livestock breeding services
3: IMPLAN sector "all other crop farming" includes hay farming, hop, mint, and tea farming.

2.5 CATTLE RANGELAND/PASTURELAND PRODUCTION AND VALUE

Cattle production varies by year in Wasco County and Oregon. As of 2022, there were 302 pastureland operations in Wasco County—a decline of 66 operations since 2007. In comparison, the state of Oregon reported 21,171 pastureland operations in the same year (2022). The total acreage of pastureland in Wasco County also saw a significant reduction, decreasing from 1,103,334 acres in 2007 to 672,508 acres in 2022. Statewide, Oregon maintained approximately 10,084,819 acres of pastureland in 2022. In terms of livestock, Wasco County reported an inventory of 9,239 cows and a total of 17,134 cattle, including calves, in 2022 (Table 9). In terms of agricultural sales, "other crops and hay" generated $4,764,000 in Wasco County in 2022, placing the county 24th out of Oregon's 36 counties producing those crops. Similarly, sales of "cattle and calves" totaled $10,118,000, ranking Wasco County 20th statewide in that category. As of 2023, the average rental rate for

pastureland in Wasco County was $9 per acre, down slightly from $10 per acre in 2014. In comparison, the statewide average for pastureland rental in 2023 was $11.50 per acre.

TABLE 9 TOTAL CATTLE (COWS) WASCO COUNTY AND OREGON

Year	Wasco County	Oregon
2017	13,828	666,986
2022	9,239	640,000
Measured in sales ($)		
2017	$11,420,000	$977,404,000
2022	$10,118,000	$1,216,497,000

Source: USDA National Agricultural Statistics Service (NASS)
Notes:
1: Data only available for 2017 and 2022

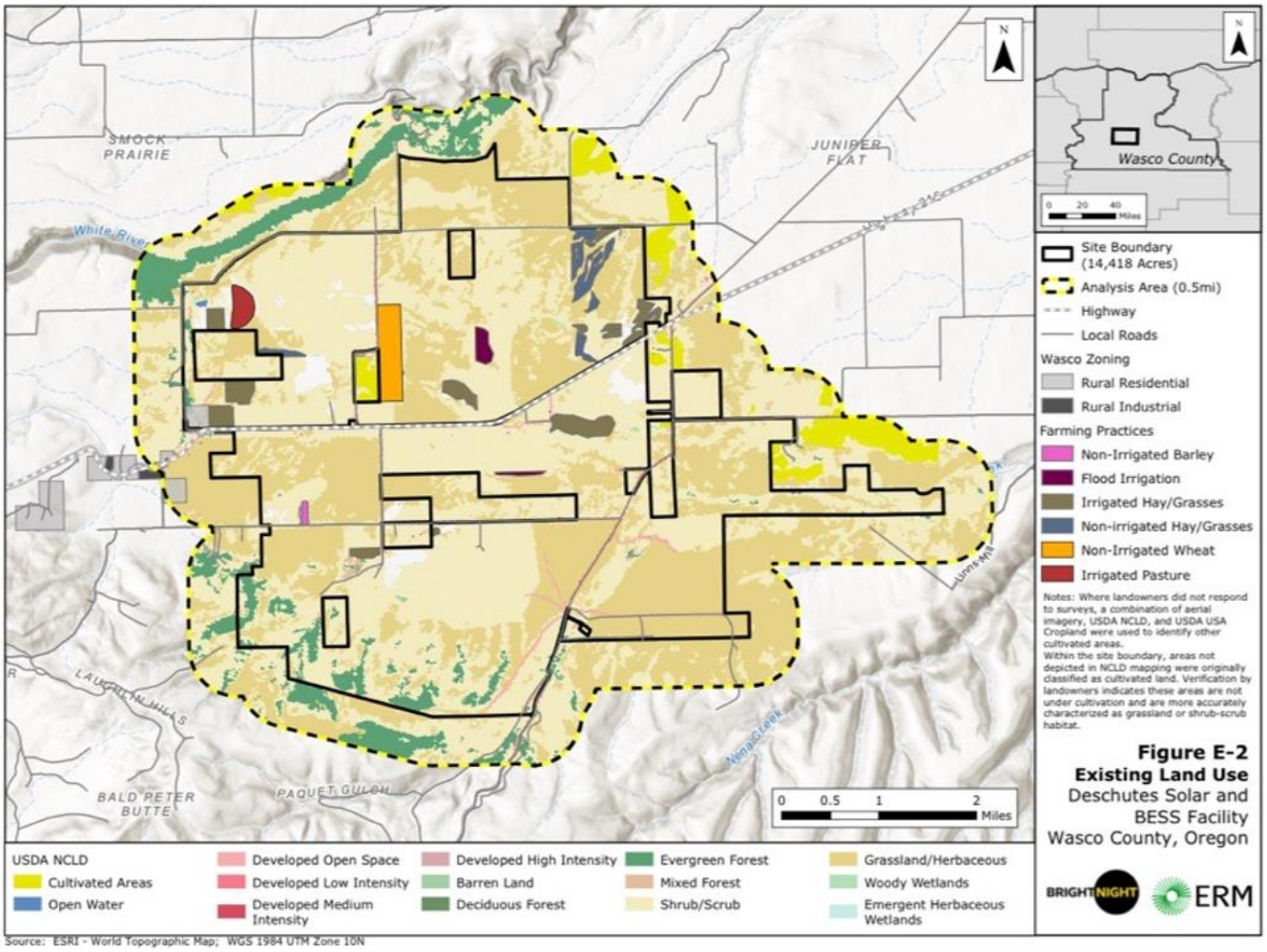
2.6 FACILITY AREA OVERVIEW

Land cover and crop use is shown for the Facility site boundary and the surrounding 0.5-mile area in Figure 3. This information was compiled from the 2023 USDA Cropland Data Layer (CDL) and information from landowner surveys. Using satellite imagery, the CDL program provides a crop-specific land cover map for the continental United States.

As noted on the Figure, within the site boundary, verification by landowners confirmed certain areas originally shown as cultivated in the CDL were not actually cultivated and were more accurately characterized as grassland or shrub-scrub habitat which is reflected on Figure 3.

The landowner surveys have indicated that most of the agricultural activity within the site boundary is limited to cattle grazing, and when crops are grown, they are primarily used to feed cattle on site. According to the landowner surveys, only 596 acres, or 4.7 percent of the site boundary is cultivated. Additionally, some areas of the site boundary may appear to be cultivated per satellite imagery, but it was reported that approximately 406 acres within the site boundary, that are also in the micrositing corridor, are irrigated to retain water rights but not farmed according to landowners.

FIGURE 3 EXISTING LAND USE



2.6.1 SURVEY OF LANDOWNERS

There are a total of 25 tracts (i.e., contiguous parcels owned by the same landowner) of land within the Facility site boundary, and 19 total landowners. In support of the Application for Site Certification, the Applicant surveyed 15 landowners, who together own 92 percent of the land within the Facility site boundary. The surveys consisted of a questionnaire designed to elicit information to support the agricultural land use analysis in the Land Use Exhibit to the Application for Site Certification. Survey responses were assessed, with particular attention on land within the micrositing corridor, where the Facility may be developed. Review of the information indicates that almost all farmland within the micrositing corridor is either used as pasture/rangeland or considered unsuitable for farming (Table 10). Many landowners participate in the CRP, which provides annual payments to the landowner for converting highly erodible and other environmentally sensitive acreage to vegetative cover.

Landowners across the surveyed area consistently described the soil quality as poor and largely unsuitable for productive agriculture. Several respondents characterized the land as rocky, shallow, and underlain by hard clay or basalt. One landowner noted that the land has not generated agricultural revenue in over two decades, serving only as grazing ground for cattle. Similarly, another landowner stated that, aside from hay, the land is economically unviable for farming under current conditions.

Reported hay yields varied between 1 to 3 tons per acre, with some landowners using the hay for personal livestock and others selling it commercially. However, these yields are considered suboptimal. For example, one landowner reported that hay and winter wheat production on their land yielded far below regional averages, prompting them to leave most of their acreage fallow. Another landowner echoed this sentiment, stating that no amount of water would make the land agriculturally productive due to its rocky composition.

From an economic standpoint, most landowners derive income not from crop production but from leasing arrangements. One landowner reported earning $7,500 annually from land leases, while another landowner has earned approximately $4,000 from sheep grazing.

The potential conversion of this land to a solar project is not expected to significantly disrupt existing agricultural operations or employment. Most landowners are owner-operators or lease their land, and any labor associated with current agricultural use is either minimal or easily transferable to other parcels. For instance, the landowner noted that while four individuals currently work on their land, no one would lose employment if the solar Facility proceeds. Similarly, another landowner indicated that the proposed Facility area does not overlap with their active operations and would not affect their staffing.

Table 10 summarizes the landowner responses when asked to describe their current land use. According to the landowner surveys, the site comprises approximately 991 acres enrolled in the Conservation Reserve Program, 405 acres of irrigated but inactive farmland, 1,722 acres deemed permanently unsuitable for farming, 5,590 acres of active farming, pasture or rangeland (of which only 596 is actively farmed), and 1,096 acres that have been left fallow due to other factors. 1,095 acres are missing, as 4 landowners were not surveyed. The total is off by approximately 4 acres due to rounding and errors in landowners estimating acreage.

TABLE 10 LAND USE DESCRIPTION PER LANDOWNERS

Land Use Description	Acreage
Conservation Reserve Program (CRP)	991
Irrigated, but not farmed	405
Permanently unsuitable for farming	3,363
Pasture/rangeland	4,994
Actively farmed	596
Left fallow for other reasons	1,090
Not surveyed	1,096
Total	**12,535**

Table 11 provides a summary of the agricultural activities conducted over the past two years across parcels comprising the micrositing corridor. As landowners were permitted to select multiple activity types, the total of 15 reflects the number of distinct agricultural operations rather than the number of individual farms.

TABLE 11 AGRICULTURAL ACTIVITY DESCRIPTION

Agricultural Activity	Count of crops and/or livestock operations from the previous 2 years
Hay; Livestock	3
Hay; Vegetables; Livestock	1
Livestock	5
None	5
Wheat; Livestock	1
Total	**15**

Table 12 presents landowner reflections regarding their parcels, highlighting the reasons for agreeing to the lease associated with the proposed Facility. Common themes emerging from these responses include a desire for economic security, acknowledgment that large portions of the land are unsuitable for farming, and a shared belief that the land would be better utilized through the Facility.

TABLE 12 REASONS FOR ACCEPTING LEASE

Landowner Reflection	Count of Reason
Belief land is unfarmable; Economic security; Better use of land;	2
Better use of land	3
Economic security	2
Economic security; Belief land is unfarmable; Better use of land; Support renewable energy	1
Economic security; Belief land is unfarmable; Lack of interest in continuing farming; Better use of land	3
Economic security; Better use of land	1
Belief land is unfarmable	1
Economic security; Lack of interest in continuing farming; Better use of land	1
I will be surrounded by this Facility	1
Total	**15**

2.6.1.1 AGRICULTURAL YIELDS

Information on crop yields and cattle supported as provided by the surveyed landowners is summarized in Table 13. While landowner surveys have indicated that crops grown on site are used to feed cattle and thus not a final economic output, yield comparisons still indicate that soil quality on the site is historically poor.

A combination of landowner input and county average data was used to calculate the reported agricultural value. In cases where landowners gave direct and complete answers for agricultural revenues, the landowner answer was used. When the landowner did not give an answer, the response to the survey question "over the past 5 years, what was the average annual net income from farming operations on this parcel" was used. In cases where landowners did not answer either question, or where conflicting information was given, the USDA pasture rental rate of $11.50 per acre for Oregon was used to calculate an agricultural value for the site. In cases where the landowner reported no agricultural sales but did report agricultural activity, the Applicant used the pasture rental rate to calculate a potential value for the land to keep a conservative total estimate. When landowners were not surveyed, the entire acreage within the micrositing corridor was assumed to be used for cattle production and pasture rental rate was applied.

TABLE 13 AGRICULTURAL ECONOMIC PRODUCTIVITY

Tract	Agricultural Operator	Agricultural output from site	Reported Agricultural Value (Annual)
8	None	None	$0
6	Landowner	990 acres for cattle grazing[5]	$7,234
14	Landowner	Hogs, beef steers, and lamb	$5,000
10	Tenant farmer[4]	Cattle grazing, 389 acres	$7,500
18	Landowner	None	$0
3	Landowner	Cattle grazing	$19,746
1/2	Four employees[1]	3 ton/acre of hay[2], 46 acres and cattle grazing[3]	$46,191[2]
11	None	None	No
15	Landowner	Livestock	$5,000
19	Landowner	Wheat; livestock	$17,500
23	Landowner	Livestock	$4,038
13	Landowner	Livestock	$37,500
4	None	None	$0
16	Landowner	Horses	$5,000
20	Landowner	Livestock	$500
17	N/A	N/A	$1,831
7	N/A	N/A	$8,973
21	N/A	N/A	$1,347
25	N/A	N/A	$447
Total			**$148,060**

Notes:
1: Landowner surveys indicated that employment would not be affected by Deschutes project, these four employees work elsewhere as well
2: Hay is used to feed cattle on-site.
3: Landowner surveys indicated that agricultural operations would not be affected by the Deschutes Project as cattle would be moved elsewhere
4: Landowner surveys indicated that employment would not be affected by Deschutes project as the farmed land is not part of the project area
5: Landowner does not sell any agricultural products and likely raises cattle for own purposes.

[2] Used USDA Pasture Rental Estimate

2.6.2 VALUE OF AGRICULTURAL PRODUCTION

Agricultural production within the micrositing corridor is compared to both state and county-level total for cattle production. Though a small part of the site is used to raise other animals, such as lamb and horses, a large majority of the site is assumed to be cattle production. Total estimated annual value of agricultural production on site is approximately $148,060.

Table 14 shows a comparison of the value of cattle using the micrositing corridor for grazing using the USDA pasture rental estimate compared to landowner surveys. Landowners that did not exclusively use their parcel to graze cattle are not included in this number.

Table 15 15 shows the loss of *direct* agricultural value compared to county and state totals. The loss of agricultural output from the Deschutes site accounts for 1.37 percent of Wasco County cattle production, and 0.01 percent of Oregon State Cattle production. Of that 1.37 percent, much is from the one landowner, who has noted in landowner surveys that they would simply move operations elsewhere, so the total may be an overestimation. The landowner value is likely lower than the county and state average estimate due to landowners receiving sub-optimal prices at market, which was indicated in landowner surveys. While landowners have indicated that soil quality makes agricultural activity on the parcels impractical, they also indicate that current market conditions make farming on the land economically infeasible.

TABLE 14 ESTIMATED VALUE OF AGRICULTURAL PRODUCTION – CATTLE GRAZING

Agricultural Commodity	
Livestock	
Acres grazed	6,322[1]
Pasture rental rate	$11.50
Total production value – USDA cash rental estimate	**$72,704**
Total production value – landowner surveys	**$83,060**

1: Total does not include acres that were not used for cattle grazing, or used for a combination of cattle grazing and other activity, such as rearing other livestock

Source: USDA Oregon Direct Hay Report for Wasco County, most recent cash rental rate estimates, Oregon State University Extension

TABLE 15 AFFECTED SHARE OF PRODUCTION BASED ON COUNTY AND STATE CATTLE TOTALS

Area	**Average Value of Production** County/State Estimate for Micrositing Corridor	**Average Value of Production –** Estimate from Landowner Surveys for Micrositing Corridor
Wasco County	$10,769,000	$10,769,000
Oregon	$1,096,950,500	$1,096,950,500
Affected Area	$180,444	$148,060
As a Percent of Total		
Wasco County	**1.68%**	**1.37%**
Oregon	**0.02%**	**0.01%**

TABLE 16 ESTIMATED VALUE OF AGRICULTURAL PRODUCTION - WINTER WHEAT

Agricultural Commodity	
Winter Wheat	
Acres for production	134.6
Average yield, 2024, Wasco County (bushels/acre)[1]	40.5
Average value per bushel, 2024, Wasco County[1]	$5.2
Total production value – county average estimate	**$28,438**
Total production value – landowner surveys	**$17,500**

1: Source – USDA NASS

TABLE 17 AFFECTED SHARE OF PRODUCTION OF WHEAT BASED ON COUNTY AND STATE TOTALS

Area	**Average Value of Production County/State Estimate for Micrositing Corridor**	**Average Value of Production – Estimate from Landowner Surveys for Micrositng Corridor**
Wasco County	$36,704,000	$36,704,000
Oregon	$425,900,000	$425,900,000
Affected Area	$28,438	$17,500
As a Percent of Total		
Wasco County	**0.08%**	**0.05%**
Oregon	**0.01%**	**0.004%**

In addition to direct loss of income from displacement of agricultural production, indirect and induced effects associated with reduced spending occurs within the local economy. Landowners currently purchase agricultural inputs from local suppliers. Using IMPLAN, the applicant modeled these secondary economic impacts for Wasco County based on an estimated reduction in annual output of $148,060 million in the cattle, grain and other livestock sectors. The estimated reduction is based off the methodology discussed earlier in Section 2.6.1.1.

Table 18 shows the local economic activity supported by current agricultural operations based on estimated output of $148,060 and employment information provided by the participating landowners. Please note that the landowner surveys indicated that no job loss would occur as

a result of displacement of agricultural activity from the project site. Thus, the 1.7 direct employees that IMPLAN associates with the estimated output likely represents the amount of work that would be "displaced" to other job sites but not lost as confirmed by landowners. These are annual impacts and removal of the micrositing corridor from production would result in a corresponding annual reduction in economic activity in the following ways:

- The direct impacts represent the gross value of production the farmers would no longer receive from cattle production, winter wheat sales, and other livestock production. One landowner has indicated they would farm elsewhere if the Deschutes Solar Project were built, and the another family has indicated that their tenant farmer uses land outside of the project area, and his activity would not be displaced. In other words, none of the direct jobs shown in Table 18 would be lost if the project were to go forward.
- The indirect impact represents economic activity supported by the agricultural production on the project site. This includes spending on inputs such as seeds, fertilizer and fuel or contract services. This supports 0.7 indirect jobs with approximately $10,000 in labor income. When agricultural production on the site stops, it is assumed that this spending no longer occurs and this employment, labor income, and output would be lost. This may or may not translate into reductions in individual employment positions.
- Induced impacts are generated by the spending of households associated directly or indirectly with ongoing agricultural operations within the Facility site boundary. Assuming this income is no longer earned, it is not available to spend and would also represent lost economic activity when agricultural production on site stops. However, this may not be the case if income is replaced through land lease payments.

TABLE 18 ECONOMIC IMPACT OF CURRENT MICROSITING CORRIDOR ECONOMIC ACTIVITIES

Impact	Employment	Labor Income	Output
Direct	1.7	$5,802	$148,060
Indirect	***0.7***	***$10,524***	***$89,134***
Induced	0.0	$2,152	$6,582

Notes:
1: surveys suggest that while about 5 people work on the site, their jobs would not be affected and that their work is not entirely dependent on the agricultural activity that happens on the project site.

While the economic activity represented in Table 18 arises from agricultural production within the micrositing corridor, the indirect impacts most closely reflect economic activity in the agricultural sector in Wasco County supported by this production, which would be lost when the Facility is built. Induced spending could be reduced, but the associated impacts would be to the economy in general and not to the agricultural economy. A potential reduction of 0.7 jobs represents 0.00004 percent of employment in Wasco County and 0.0003 percent of agricultural employment in Wasco County.

2.7 CONCLUSION

Of the total 12,532 acres within the micrositing corridor, approximately 5,590 acres are currently used as pastureland for grazing leases and livestock production with limited areas (approximately 596 acres or less than 5 percent of the micrositing corridor) dedicated to growing hay for cattle feed, winter wheat production on one parcel, and miscellaneous activities like storing and selling horses. Permanent disturbance is significantly less, totaling approximately 5,442 acres, though the entire up to 12,532-acrea micrositing corridor was considered to be conservative.

Landowner surveys indicate that much of the land is currently unfarmable due to soil quality, water availability and prevailing economic conditions make farming economically infeasible. Several respondents characterized the land as rocky, shallow, and underlain by hard clay or basalt. Respondents noted that the land has not generated agricultural revenue in over two decades, serving only as grazing ground for cattle. Others noted that hay and winter wheat production on their land yielded far below regional averages, prompting them to leave most of their acreage fallow. One respondent stated that no amount of water would make the land agriculturally productive due to its rocky composition.

Collectively, landowners reported an agricultural economic output of $148,060 annually, which represents 1.37 percent of Wasco County cattle production value, and 0.01 percent of Oregon State Cattle production value. Of that 1.37 percent, much is from one landowner, who has noted in landowner surveys that they would simply move operations elsewhere.

The estimated agricultural-related economic loss of $148,060 will be replaced by lease values from the solar development at a much higher value; therefore, direct impacts will be offset significantly. An indirect economic loss, representing spending in local communities, is estimated annually at $89,134 with an induced loss in the supply chain of $6,582.

According to landowners, labor associated with current agricultural activities within the micrositing corridor would be transferred to other parcels and no jobs would be lost though IMPLAN calculates 1.7 direct and 0.7 indirect jobs associated with the economic output value. Overall, agricultural employment has only accounted for 10.8 percent of total employment in Wasco County over the past 10 years, with 2 percent dedicated to beef cattle ranching across the most recent data.

In summary, the land within the micrositing corridor has relatively low agricultural productivity and value to landowners. Land is generally unsuitable for widespread farming and negative labor income values for beef cattle ranching and grain farming indicate that proprietors overall lost income on their business operations in 2024 across Wasco County. Indirect effects of reduced spending within the county will be financially mitigated by the Project through contributions to local agricultural organizations, at an estimated rate of $167.22/acre or approximately $2.1 million.

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ATTACHMENT 5 – AGRICULTURAL MITIGATION PLAN (PRELIMINARY OUTLINE)

PREPARED FOR

DATE
December 2025

REFERENCE
Oregon Energy Facility Siting Council

Agricultural Mitigation Plan

CONTENTS

LIST OF TABLES

EXECUTIVE SUMMARY

DECH bn, LLC (Applicant) proposes to construct and operate the Deschutes Solar and BESS Facility (Facility), an up to 1,000 megawatt (MW) solar photovoltaic energy generation facility that may occupy up 5,442 acres within a 12,532-acre micrositing corridor zoned for Exclusive Farm Use (EFU) in south Wasco County. This Agricultural Mitigation Plan (Plan) provides details for mitigating the agricultural-related economic impacts of displacing acres of land currently used, in part, for hay production and cattle grazing, for the construction and operation of the Facility. Economic impacts associated with agricultural production were assessed for the micrositing corridor and compared to Wasco County and Oregon data within the *Agricultural Impact Analysis* provided as an Attachment to the Land Use Exhibit under separate cover. The results of the *Agricultural Impact Analysis* were derived from landowner surveys across 92 percent of the micrositing corridor. Landowner responses included feedback on current agricultural-related activities, economic data, farming conditions and reasons for leasing their land. Employment impacts and indirect and induced effects were determined using the IMPLAN economic modeling package.

Of the total 12,532 acres within the micrositing corridor, approximately 5,590 acres are currently used as pastureland for grazing leases and livestock production with limited areas (approximately 596 acres or less than 5 percent of the micrositing corridor) dedicated to growing hay for cattle feed, winter wheat production on one parcel, and miscellaneous activities like boarding and selling horses. Landowner surveys indicate that much of the land is currently unfarmable due to soil quality, water availability and prevailing economic conditions make farming economically infeasible.

Collectively, landowners reported an agricultural economic output of $148,060 annually, which will be replaced by lease values from the Facility at a much higher value; therefore, direct impacts will be offset significantly. An indirect economic loss, representing spending in local communities, is estimated annually at $89,134 with an induced loss of $6,582.

In acknowledgement of the Facility's potential agricultural-related economic impacts due to indirect losses in Wasco County, the Applicant plans to mitigate these impacts by making equivalent investments in the local agricultural economy. These investments will be implemented either through a new agricultural mitigation fund or direct contributions to a beneficiary critical to the agricultural market of Wasco County. The goals of the financial contributions are to:

1. Improve the long-term viability and resilience of Wasco County's cattle/livestock industry and supporting organizations; and
2. Minimize the economic impact of lost agricultural land resource productivity due to the construction and operation of the proposed Facility.

The Applicant is proposing to contribute approximately $167.22/acre, or a total of up to approximately $2.1 million for 12,532 acres to the agricultural mitigation fund upon start of construction of the Facility. This amount is equivalent to the Facility's estimated indirect impact on the Wasco County agricultural economy, over the 30-year life of the Facility as detailed in the *Agricultural Impact Analysis*.

1. BACKGROUND

1.1 VALUE OF AGRICULTURAL PRODUCTION

Table 1 shows the local economic activity supported by current agricultural operations based on estimated output of $148,060 and employment information provided by the participating landowners. A combination of landowner input and county average data was used to calculate the reported output. These are annual impacts and removal of the micrositing corridor from production would result in a corresponding annual reduction in economic activity in the following ways:

- The direct impacts represent the gross value of production the farmers would no longer receive from cattle production, winter wheat sales, and other livestock production.
- The indirect impact represents economic activity supported by the agricultural production within the micrositing corridor. This includes spending on inputs such as seeds, fertilizer and fuel or contract services. This supports 0.7 indirect jobs with approximately $10,000 in labor income
- Induced impacts are generated by the spending of households associated directly or indirectly with ongoing agricultural operations within the Facility site boundary.

TABLE 1 AGRICULTURAL ECONOMIC IMPACTS WITHIN MICROSITING CORRIDOR

Impact	Employment	Labor Income	Output
Direct	1.7	$5,802	$148,060
Indirect	***0.7***	***$10,524***	***$89,134***
Induced	0.0	$2,152	$6,582

While the direct economic activity represented in Table 1 arises from agricultural production within the micrositing corridor, the indirect impacts most closely reflect economic activity in the agricultural sector in Wasco County supported by this production, which would be lost when the Facility is built. Induced spending could be reduced, but the associated impacts would be to the economy in general and not to the agricultural economy. Overall, a reduction of $89,134 in output of indirect agricultural activity would result in a total loss of up to $2.1 million, or $167.22 per acre of agricultural economic activity within Wasco County. This calculation is defined further below.

1.2 NET PRESENT VALUE CALCULATION METHODOLOGY

The indirect economic impact identified in the previous section represents the annual value of losses to the agricultural economy of Wasco County due to reduced production each year over the life of the Facility. Because the proposed mitigation program is currently designed as a one-time payment intended to compensate for the impacts over the life of the Facility, the annual payment needs to be converted to a single value, known as a present value.

A present value calculation is an economic tool to transform annual payments into a one-time payment, accounting for the foregone rate of return of investing that money. The present value of the Facility's indirect impacts is equivalent to the foregone gross profit in the agricultural supply sector of the economy over the 30-year life of the Facility invested at an appropriate rate of return. ERM applies the "Single A" corporate bond yield as the assumed rate of return. Single A bonds are investment grade borrowing with relatively low risk over a 30-to 40-year

time horizon. The Single A Corporate Index Effective Yield rate is 1.65 percent when adjusted for inflation.[1] This would be comparable to companies like Apple, Microsoft and Eli Lilly. This reflects a level of investment risk appropriate for the mitigation fund.

The resulting present value of adverse indirect Facility impacts over the 30-year life of the Facility is up to $2.1 million, or approximately $167.22/acre. This value is currently comparable to the US Treasury rate of return with no associated risk. Historically, the yield rate for Single A corporate bonds is higher than the treasury rate of return, current economic conditions notwithstanding.[2] The long-term inflation adjusted US Treasury Rate of return is 1.66 percent, resulting in a present value of $2.09 million, or $167.00/acre.[3] A 30-year mortgage rate provides an alternative consumer-focused rate for comparison. A 30-year fixed mortgage rate of 6.22 percent results in a present value of $1.2 million or $95.64 per acre.[4] Using the "Single A" rate, which reflects an assumed appropriate level of risk on rate of return, **the present value of the Facility's agricultural impacts is estimated as up to $2.1 million or $167.22/acre over the 30-year life of the Facility**.

1.3 PURPOSE AND INTENT OF AGRICULTURAL MITIGATION PLAN

The Facility will require a Goal 3 exception because the Facility will remove more than 12 acres of high-value farmland and 20 acres of arable land from the agricultural land supply in Wasco County. The Oregon Energy Facility Siting Council (EFSC) may approve an exception to Goal 3 for an energy facility that meets the criteria in ORS 469.504(2)(c) and OAR 345-022-0030(4)(c). This Plan supports approval of Applicant's Goal 3 exception request by supporting the "reasons" to justify the Goal 3 exception and ensuring that potential adverse impacts under the EESE consequences are properly mitigated.

As detailed in Section 3 below, the Applicant performed outreach to Wasco County agricultural stakeholders and other organizations and experts embedded within the Wasco County community. Several mitigation opportunities were identified from this outreach, resonating on a few common goals:

1. Improve the long-term viability and resilience of Wasco County's agricultural operations, particularly in south Wasco County;
2. Invest in minimizing wildland fire risks to agricultural crops, properties, and infrastructure; and
3. Minimize the economic impact of lost agricultural land resource productivity.

The *Economic and Fiscal Impact Analysis* provided as an Attachment to the Land Use Exhibit, details how the Facility will provide economic benefits in the form of full-time jobs; construction jobs; compensation to landowners via commercial contracts including leases; taxes; and other financial contributions to the local community, which will in turn support economic activity elsewhere in the local economy.

This mitigation plan provides the details of how the Facility will mitigate negative economic impacts to the local agricultural economy, thereby making the agricultural economy whole in addition to the broader economic benefits offered by construction and operation of the Facility and ensuring that impacts are less than significant.

[1] Source: St. Louis FRED
[2] This irregularity results in a higher NPV for the agricultural mitigation fund.
[3] Source: Bloomberg
[4] Source: Freddie Mac

2. MITIGATION FUND

2.1 DESCRIPTION AND ADMINISTRATION

The mitigation projects identified in this agricultural mitigation plan are not intended to be a prescriptive guide detailing where agricultural mitigation funds should be spent but rather are intended to provide example projects that would generate net positive impacts in the agricultural economy of Wasco County. It is anticipated that Wasco County will establish a decision-making body that will administer the mitigation fund and will be staffed by local, knowledgeable agricultural specialists capable of deciding where to allocate funds to maximize the benefits the County receives from agricultural mitigation.

The Applicant is proposing to fund a "Deschutes Solar Agricultural Mitigation Account" equal to the Facility's total indirect economic impacts on Wasco County's agricultural sector on a per acre basis, as identified in the *Agricultural Impact Analysis*. Contributions to the fund will be calculated by multiplying the total number of acres removed from agricultural-related production by $167.22/acre (i.e., the per acre portion of the indirect economic impacts on Wasco County's agriculture sector for the expected 30-year life of the Facility). Payment will be made into the fund prior to the start of construction.

[Details on Administration of Fund to be Provided]

2.2 CRITERIA FOR ALTERNATIVE MITIGATION PROJECTS

This plan assumes that other mitigation projects, different than the ones discussed in this document and Appendix 1, that are allocated funding by this program are expected to demonstrate equal or greater positive impacts as those disclosed in this document and Appendix 1. For a potential agricultural mitigation project to be deemed suitable for funding, the applicant to the Agricultural Mitigation Fund must demonstrate to the Advisory Committee that the proposed project has the ability to create positive impacts in the agricultural economy of Wasco County and, more specifically, to the local suppliers of agricultural production inputs that are adversely affected by the Facility. Alternative mitigation projects should:

- Directly benefit the cattle ranching economy
- Directly benefit the agricultural community as a whole

2.3 FUNDING AMOUNTS

The Applicant proposes to provide $167.22/acre (or up to $2.1 million for 12,532 acres) to the agricultural mitigation fund. The amount is equivalent to the Facility's indirect impact over the 30-year life of the Facility.

3. PROPOSED MITIGATION PROJECTS

[To be Confirmed]

The Applicant proposes three categories of mitigation projects for funding. The first would be direct funding to an identified party for a direct benefit project, bypassing the selection committee and County approval. The second would pre-screened mitigation projects for funding, bypassing the selection committee and subject to County approval. The third would be for projects proposed by a project proponent and funded the Selection Committee process and County approval.

Current potential beneficiaries of the agricultural mitigation fund include:

- Juniper Flats Irrigation District
- Juniper Flat Rural Fire Protection District
- Pine Grove Water District

In Appendix 1 of this plan **[To be Provided]**, ERM describes the economic benefits of the mitigation programs identified in Section 3 of this plan. The mitigation programs would economically support the agriculture in Wasco County in several ways but as further discussed in Appendix 1, some economic benefits are difficult to quantify in monetary terms.

3.1 DIRECT BENEFIT PROJECTS

[Placeholder]

3.2 PRE-SCREENED PROJECTS

[Placeholder]

3.3 PROPONENT PROJECTS

[Placeholder]

4. REFERENCES

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ATTACHMENT 6 – LEGAL PARCEL ANALYSIS

MapTaxlot	Landowner	Pre-1974 Deed(s)	Current Vesting Deed(s)	Current Vesting Deed(s) Instrument Date	Current Vesting Deed(s) Recording Date	Section	Analysis	Conclusion
5S 12E 0 5000	Dodge Family Revocable Wasco County Property Trust	1900-6745 1900-20177	2014-1146 2017-1519 (correction deed)	February 21, 2014 April 11, 2014	April 11, 2014 April 27, 2017	20	**Prior Legal**: -SE/4 NW/4 -SW/4 NE/4 -NE/4 SW/4 -NW/4 SE/4 -S/2 SW/4 -S/2 SE/4 **Current Legal**: -SE/4 NW/4 -SW/4 NE/4 -NE/4 SW/4 -NW/4 SE/4 -S/2 S/2, less and except a tract further described by metes and bounds (2 ac) 1981-38 - 2 ac M&B conveyed to Wasco Electric Cooperative Inc. (for an electricity substation; exception is APN 5S 12E 0 5000) 4-130 - County provided this recorded survey of Wasco's 2ac parcel - is this an official plat/subdivision?	Legally Created
5S 12E 0 4200	Dodge Family Revocable Wasco County Property Trust	1964-1475	2014-1146 2017-1519 (correction deed)	February 21, 2014 April 11, 2014	April 11, 2014 April 27, 2017	18	**Prior Legal**: NE/4 **Current Legal**: NE/4 NE/4 lying South of the County Road, and SE/4 NE/4 1982-1505 (year 1964), described as NE/4 1978-49 (year 1977), Contract for Deed on NE/4NE/4 lying N and W of County Rd and W/2NE/4 1982-1544 (year 1982), CFD satisfied and above land conveyed out 1993-5803 (year 1993), prior owner acquired E/2NE/4 except that lying N and W of the County Rd 2009-4924 and 2009-4925, prior owner acquired NE/4NE/4 lying S of County Rd and SE/4NE/4 (same land as the 1993 deed, described with different words) Current vesting deeds from 2014 and 2017, current owner acquired NE/4NE/4 lying S of County Rd and SE/4NE/4 (no change from 2009 deeds)	Legally Created
6S 12E 0 1600	Dodge, Richard and Dodge, Janie	1965-256	2019-4070	11/25/2019	12/2/2019	6	**Prior Legal**: W/2 E/2 **Current Legal**: NW/4 NE/4 In 1965-256, described as W/2E/2 In 1974-315, SW/4NE/4, W/2SE/4 conveyed, leaving the remaining NW/4NE/4 In 1979-1924, NW/4NE/4 conveyed In 1992-1142 and all deeds through current vesting deed also described as NW/4NE/4 -NW/4NE/4 (40 ac) owned by subject landowner, Dodge -SW/4NE/4 and W/2SE/4 (120 ac) owned by USA in trust for the Confdederated Tribes of Warm Springs via 2020-3030	Legally Created
5S 12E 0 1701	Ambrose, Melvin Simon Rev. Trust and Ambrose, Barbra Joan Rev. Trust	1966-207	2018-311 2018-312	1/22/2018	1/25/2018		Legal descriptions are identical from 1965 to present; land later legally platted per Plat 2020-0005 .	Land was legally subdivided.
5S 12E 0 4900	Brown, Lonny and Brown, Pamela	1965-509	1993-1736	4/27/1993	5/17/1993		All legal prior to 1974 describe standard quarter sections, half quarter sections, etc.; the land now described as Parcel 2 of 97-0025 (Plat) and 1997-2381 (Plat).	Land was legally subdivided.
5S 12E 0 8500	Dodge Family Revocable Wasco County Property Trust	1900-34772 1900-30403 1900-30546 1900-21548	2014-1146 2017-1519 (correction deed)	February 21, 2014 April 11, 2014	April 11, 2014 April 27, 2017	32	**Prior legal:** -S/2 NW/4 -W/2 SW/4 -E/2 SW/4 -SW/4 NE/4 -E/2 NE/4 -SE/4 **Current legal:** -NE/4 NE/4 -S/2 N/2 -S/2, except a tract further described by metes and bounds (Beg. At SW corner, thence E 1980' to POB, thence N 1320', thence E 1320', thence S 1320', thence S1320', thence W1320', thence N1320' to POB.) 85-101 (85-0028) - Partition Plat	Land was legally subdivided.

MapTaxlot	Landowner	Pre-1974 Deed(s)	Current Vesting Deed(s)	Current Vesting Deed(s) Instrument Date	Current Vesting Deed(s) Recording Date	Section	Analysis	Conclusion
5S 12E 0 8500	Dodge Family Revocable Wasco County Property Trust	1900-34772 1900-30403 1900-30546 1900-21548	2014-1146 2017-1519 (correction deed)	February 21, 2014 April 11, 2014	April 11, 2014 April 27, 2017	33	**Prior legal:** -S/2 NW/4 -SW/4 -SE/4 **Current legal:** -"S1/2 NW1/2" (*appears to be a typographical error; correct brief description should be S1/2 NW1/4*) -S/2 Prior and Current legals describe the same land. Also, land was part of legal subdivision plat. 85-101 (85-0028) - Partition Plat	Land was legally subdivided.
5S 12E 0 9300	Dodge Family Revocable Wasco County Property Trust	1900-36114 1971-507	2014-1146 2017-1519 (correction deed)	February 21, 2014 April 11, 2014	April 11, 2014 April 27, 2017	34	**Prior legal:** -N/2 SE/4 -SW/4 SE/4 -SE/4 SE/4 **Current legal:** -SE/4 lying West of the Warm Springs County Road 1900-18355 - To Frank Gabel and James P. Abbott, SE1/4 Sec 34 1900-21039, Gabel of his 1/2 to James P. Abbott of all land from the above deed 1900-36114 (top of page) - Patent to Henry Knopf, N1/2SE1/4 and SW1/4SE1/4 1900-36114 (bottom of page) - Henry Knopf to JP Abbott, all SE1/4 1971-507 - James Abbott and Helen Abbott, "All land owned by the Grantors in Sctions...34 lying West of the Warm Springs Road..." 1998-1275 through current vesting deed - SE1/4 lying West of the Warm Springs County Rd -The exception for the Road and that portion lying East of the Road was created in 1971 -Also, land was part of legal subdivision plat. 85-101 (85-0028) - Partition Plat	Land was legally subdivided.
5S 12E 0 9300	Dodge Family Revocable Wasco County Property Trust	1900-18355 1900-21039 1900-27556 1971-507	2014-1146 2017-1519 (correction deed)	February 21, 2014 April 11, 2014	April 11, 2014 April 27, 2017	35	**Prior legal:** -N/2 NW/4 -SW/4 NW/4 -W/2 SW/4 **Current legal:** -All of Sec 35 lying West of the Warm Springs County Road 1900-18355 - To Frank Gabel and James P. Abbott, SW/4NW/4 and W1/2SW1/4 Sec 35 1900-21039, Gabel of his 1/2 to James P. Abbott of all land from the above deed 1900-27556 - To James P. Abbott, N1/2NW/4 1971-507 - James Abbott and Helen Abbott, "All land owned by the Grantors in Sctions...35 lying West of the Warm Springs Road..." 1998-1275 through current vesting deed - All of Sec 35 lying West of the Warm Springs County Rd -The exception for the Road and that portion lying East of the Road was created in 1971 -Also, land was part of legal subdivision plat. -85-101 (85-0028) - Partition Plat	Land was legally subdivided.
6S 12E 0 1200	Dodge Family Revocable Wasco County Property Trust	1900-27273 842995 1900-21548 1900-36114 1900-42459 1900-40968 1900-43889 1900-34468 1900-55089 1053468	2014-1146 2017-1519 (correction deed)	February 21, 2014 April 11, 2014	April 11, 2014 April 27, 2017	3	**Prior legal**: -S/2 NE/4 -NE/4 NE/4 -NW/4 NE/4 -N/2 SE/4 -SW/4 SE/4 -E/2 SW/4 -SW/4 SW/4 -Lot 3 (NE/4 NW/4 - Government Lot) -S/2 NW/4 -NW/4 SW/4 -NW/4 NW/4 **Current legal**: All of Sec 3 lying West of the Warm Springs Road Patents and 1900s deeds to JP Abbott - Described as shown above 1971-507 - James Abbott and Helen Abbott, "All land owned by the Grantors in...Section 3... lying West of the Warm Springs Road..." -The exception for the Road and that portion lying East of the Road was created in 1971 -Also, land was part of legal subdivision plat. -85-101 (85-0028) - Partition Plat	Land was legally subdivided.

MapTaxlot	Landowner	Pre-1974 Deed(s)	Current Vesting Deed(s)	Current Vesting Deed(s) Instrument Date	Current Vesting Deed(s) Recording Date	Section	Analysis	Conclusion
6S 12E 0 1200	Dodge Family Revocable Wasco County Property Trust	1900-27273 842995 1900-21548 1900-36114 1900-42459 1900-40968 1900-43889 1900-34468 1900-55089 1053468	2014-1146 2017-1519 (correction deed)	February 21, 2014 April 11, 2014	April 11, 2014 April 27, 2017	4	**Prior legal**: -W/2 SE/4 -N/2 NE/4 -SW/4 -S/2 NW/4 -S/2 NE/4 -E/2 SE/4 **Current legal**: -NE/4 -S/2 NW/4 -S/2 -Prior and current legals describe same lands -Also, land was part of legal subdivision plat. -85-101 (85-0028) - Partition Plat	Land was legally subdivided.
5S 12E 0 4100	Dodge Family Revocable Wasco County Property Trust	1964-1475	2014-1146 2017-1519 (correction deed)	February 21, 2014 April 11, 2014	April 11, 2014 April 27, 2017	18	Legal descriptions from 1964 states SE/4 SE/4; Current legal description states E/2 SE/4 In 1993-5803, prior owner acquired both the SE/4SE/4 and the NE/4SE/4 In 2009-4924 and 2009-4925, those parcels were both conveyed to the next owner and descrbed together as the E/2SE/4 In current vesting deeds from 2014 and 2017 into current owner, described both parcels as E/2SE/4	No subdivision occurred
5S 12E 0 1900	Dodge Family Revocable Wasco County Property Trust	1900-14059 1900-28807	2014-1146 2017-1519	February 21, 2014 April 11, 2014	April 11, 2014 April 27, 2017		**Prior descriptions**: **Section 9** -E/2 NW/4 -NE/4 SW/4 -SE/4 SW/4 -NW/4 SE/4 -NE/4 SE/4 -S/2 SE/4 **Section 10** -SW/4 -SE/4 **Current legal description = all originally described land** **Section 9** -E/2 W/2 -SE/4 **Section 10** -S/2	No subdivision occurred.
5S 12E 0 3600	Dodge Family Revocable Wasco County Property Trust	1900-8105	2014-1146 2017-1519	February 21, 2014 April 11, 2014	April 11, 2014 April 27, 2017		Legal description is identical post and prior to 1974	No subdivision occurred.
5S 12E 0 4000	Dodge Family Revocable Wasco County Property Trust	1964-1475	2014-1146 2017-1519	February 21, 2014 April 11, 2014	April 11, 2014 April 27, 2017		Legal description is identical post and prior to 1974	No subdivision occurred.
5S 12E 0 4300	Dodge Family Revocable Wasco County Property Trust	1982-1505	2014-1146 2017-1519	February 21, 2014 April 11, 2014	April 11, 2014 April 27, 2017		Legal descriptions are identical from 1964 to present.	No subdivision occurred.
5S 12E 0 5300	Dodge Family Revocable Wasco County Property Trust	1954-71411	2014-1146 2017-1519	February 21, 2014 April 11, 2014	April 11, 2014 April 27, 2017		Legal description is identical post and prior to 1974	No subdivision occurred.

MapTaxlot	Landowner	Pre-1974 Deed(s)	Current Vesting Deed(s)	Current Vesting Deed(s) Instrument Date	Current Vesting Deed(s) Recording Date	Section	Analysis	Conclusion
5S 12E 0 9200	Dodge Family Revocable Wasco County Property Trust	1900-059278	2014-1146 2017-1519	February 21, 2014 April 11, 2014	April 11, 2014 April 27, 2017		Legal description from 1961 states NE/4, N/2 NW/4, SE/4 NW/4, E/2 SW/4 and SW/4 SW/4; Current legal description states NE/4, E/2 W/2, NW/4 NW/4, and SW/4 SW/4 - current legal description = all of the originally described land	No subdivision occurred.
6S 12E 0 1300	Dodge Family Revocable Wasco County Property Trust	1970-705	2014-1146 2017-1519	February 21, 2014 April 11, 2014	April 11, 2014 April 27, 2017		Legal description is identical from 1970 to present.	No subdivision occurred.
6S 12E 0 1500	Dodge Family Revocable Wasco County Property Trust	1900-079368	2017-1519	2/21/2014	4/27/2017		Legal description is identical post and prior to 1974	No subdivision occurred.
5S 12E 0 9000	Dodge, Chad	1900-59319	2004-948 2003-389 2002-1515 2001-330 2000-5558	1/20/2003 1/20/2003 3/18/2002 1/2/2001	2/25/2004 1/22/2003 3/20/2002 1/23/2001		Legal description is identical post and prior to 1974	No subdivision occurred.
5S 12E 0 7800	Dodge, Richard	1973-747	2008-2151 2005-3337	4/29/2008 12/30/2004	6/13/2008 6/15/2005		Legal description is identical post and prior to 1974	No subdivision occurred.
5S 12E 0 7900	Dodge, Richard	1900-78564	2008-2150	4/29/2008	5/13/2008		All legal prior to 1974 describe standard quarter sections, half quarter sections, etc. The land is described as Parcel 1 of 2010-001895 (Plat).	Land was legally subdivided.
5S 12E 0 7901	Dodge, Richard	1900-78564	2008-2149	4/29/2008	5/13/2008		All legal prior to 1974 describe standard quarter sections, half quarter sections, etc. The land is described as Parcel 1 of 2001-0018 (Plat) Also, see 2010-001895 for current plat.	Land was legally subdivided.
5S 12E 0 7902	Dodge, Richard	1900-78564	2008-2150	4/29/2008	5/13/2008		All legal prior to 1974 describe standard quarter sections, half quarter sections, etc. The land is described as Parcel 2 of 2001-0018 (Plat); Also, see 2010-001895 for current plat.	Land was legally subdivided.
5S 12E 0 2000	Dodge, Richard T and Dodge, Chad F	6289	1989-3414	11/14/1989	11/15/1989		Legal descriptions are identical except for the missing graveyard description; this exception was included and not included throughout history; common mistake.	No subdivision occurred.
5S 12E 0 4800	Elmer Family Revocable Trust	1965-509	2019-3337 2023-2369 2023-2421	October 2, 2019 September 15, 2023 September 15, 2023	October 4, 2019 September 18, 2023 September 22, 2023		All legal prior to 1974 describe standard quarter sections, half quarter sections, etc.; the land is now described as Parcel 1 of 97-0025 (Plat) and 1997-2381 (Plat).	Land was legally subdivided.
5S 12E 0 3500	Fullington, Neil and Fullington, Kayla	1966-949	2021-927	2/23/2021	3/2/2021		As to the W/2 of Section 22: Legal descriptions are different but describe the same land; Also, The legal descriptions prior to 1974 describe standard quarter sections, half quarter sections, etc. but the land was subdivided and now described as Parcel 2 of 96-0022; according to vesting deed 2021-000927, said standard descriptions and Parcel 2 of 96-0022 are one in the same.	Land was legally subdivided.
5S 12E 0 3200	Groce, Gregory	140-540 (year 1952)	2024-2924	10/19/2021	12/3/2024	14	**Prior Legals**: SW/4 **Current legal**: E/2SE/4SW/4 140-540 (year 1952), described as SW/4 1983-1244, describes W/2SW/4 and W/2SE/4SW/4 2003-6517 and 2021-4650 and current vesting, described as E/2SE/4SW/4 lying N of Hwy 216, NE/4SW/4, W/2W/2, W/2SE/4SW/4 = All originally described land plus additional	No subdivision occurred.

MapTaxlot	Landowner	Pre-1974 Deed(s)	Current Vesting Deed(s)	Current Vesting Deed(s) Instrument Date	Current Vesting Deed(s) Recording Date	Section	Analysis	Conclusion
5S 12E 0 3200	Groce, Gregory	1900-57074 1944-61242 1944-61243 (outsale)	2024-2924	10/19/2021	12/3/2024	23	**Prior Legals**: 23-5-12: NW4 and small triangle in NWSW **Current legal**: 23-5-12: NW4, NWSW 1900-57074 (year 1939), NW/4 1944-61242, small triangle in NWSW 1944-61243 (outsale), All lying SE of Wapinitia Hwy in NW/4 2003-6517, NW/4, NW/4SW/4 2021-4650, See correction deed below 2024-2924 (Correction Deed), All lying N of Wapinitia Hwy in NW/4, NW/4SW/4 Pre 1974 and current legals are the same. HWY exception and S of HWY exception all created prior to 1974	No subdvision occurred.
5S 12E 0 3200	Groce, Gregory	1900-59347 (year 1942) 1944-61243 1974-291 (outsale)	2024-2924	10/19/2021	12/3/2024	22	**Prior Legals**: 22-5-12: SENE, N2SE, SWSE, .92 acre M/B LESS AND EXCEPT Wapinitia Hwy **Current legal**: 22-5-12: SENE, W2SE, NESE lying N of Wapinitia Hwy 1900-59347 (year 1942), SE/4NE/4, N/2SE/4, SW/4SE/4 and .92 ac in SE/4SE/4 Sec 22 and NE/4NE/4 Sec 27 (Book W P 273), LESS AND EXCEPT Wapinitia Hwy 1944-61243 (outsale), All lying SE of Wapinitia Hwy in NE/4SE/4 1974-291 (outsale), All lying S of Wapinitia HWY in NW/4SE/4 and SW/4SE/4 and .92 ac tract described above (Book W P 273) 2003-6517, SE/4NE/4, W/2SE/4, NE/4SE/4 lying N of Wapinitia Hwy 2021-4650, SE/4NE/4, W/2SE/4, NE/4SE/4 lying N of Wapinitia Hwy 2024-2924, correction deed, same as above Pre 1974 and current legals are the same. HWY exception, .92 ac exception, and S of HWY exception all created in 1974 and prior.	No subdivision occurred.
5S 12E 0 3400	Groce, Gregory	126-569	2021-4650 2024-2924 (correction deed)	October 19, 2021 October 19, 2021	October 20, 2021 December 3, 2024	14	Prior legals are NW/4 NW/4, S/2 NW/4 and SW/4; Current legals are W/2 W/2 and W/2 SE/4 SW/4 In 140-540 (1952), described as NW/4NW/4, S/2NW/4, SW/4 In 1983-1244, described as W/2NW/4 and W/2SW/4 and W/2SE/4SW/4 In 2003-6517 and 2021-4650 and current vesting, described as E/2SE/4SW/4 lying N of Hwy 216, E/2NW/4, NE/4SW/4, W/2W/2, W/2SE/4SW/4 = All originally described land plus additional	No subdivision occurred.
5S 12E 0 7100	Hein, Kenneth W	1900-35698 1900-43867 1900-35694 1900-27556 1900-26021 1900-25652 1900-21343 1900-21039 1900-18355 1900-12039	2003-5180	4/4/2003	9/8/2003		Land legally platted via Plat dated October 21, 2003, purpose was to plat land described in Deed at 2003-2082 (2003-5180 is a re-recording of deed at 2003-2082 to change Grantee's name from Richard Hein to Kenneth Hein).	Land was legally subdivided.
6S 12E 0 600	Hein, Kenneth W	1900-47131 1900-40970	2003-5180	4/4/2003	9/8/2003		Land legally platted via Plat dated October 21, 2003, purpose was to plat land described in Deed at 2003-2082 (2003-5180 is a re-recording of deed at 2003-2082 to change Grantee's name from Richard Hein to Kenneth Hein).	Land was legally subdivided.

MapTaxlot	Landowner	Pre-1974 Deed(s)	Current Vesting Deed(s)	Current Vesting Deed(s) Instrument Date	Current Vesting Deed(s) Recording Date	Section	Analysis	Conclusion
5S 12E 0 5700	Holder, Traci and Chitwood, Kenneth and Holder, Kristin	1900-17419 1900-33843	2017-1212	3/27/2017	4/4/2017		**Prior Legals**: -NE/4 NW/4 -NW/4 NE/4 -NE/4 NE/4 -S/2 NE/4 -N/2 SE/4 -NE/4 SW/4 -SE/4 NW/4 -S/2 SE/4 -S/2 SW/4 **Current legal description is as follows = same as originally described land** -E/2 -E/2 W/2 -SW/4 SW/4	No subdivision occurred.
5S 12E 0 8300	Lewis, Andrew and Lewis, Joyce	1968-1894	2007-5661	10/25/2007	11/7/2007		All legal prior to 1974 describe standard quarter sections, half quarter sections, etc. The land is described as Parcel 2 of 2007-5626 (Plat)	Land was legally subdivided.
5S 12E 0 7200	Skogrande, Richard Paul and Lamirande, Pamela Jane Living Trust	1957-75014	2013-3676	9/18/2013	10/3/2013		Legal description is identical post and prior to 1974 except an exception for county road in Bk 144 Pg 293.	No subdivision occurred.
5S 12E 0 7600	Soskin, Steven	1973-498	2017-3524	9/1/2017	9/6/2017	28	Legal description from 1967 states SW/4; Contract for deed dtd 1969 on S/2SW/4, which contract for deed was satisfied / land conveyed in 1982 Current legal description states S/2 SW/4, Except the East 330 feet thereof In 1973-498 (year 1967), described as SW/4 In 1978-42 (year 1971), S/2SW/4 assignment of contract for deed dtd 1969 In 1982-2624 (year 1982), S/2SW/4 conveyed per the above contract for deed, L&E the East 330' Current vesting, S/2SW/4 L&E East 330' Contract for deed on S/2SW/4 entered into years before 1974, and E 330' is owned by this same landowner under APN 5S 12E 0 7500 per a 1971 deed	No subdivision occurred.
5S 12E 0 7500	Soskin, Steven	1971-1797	2017-3523	9/1/2017	9/6/2017		Legal description is identical post and prior to 1974	No subdivision occurred.
5S 12E 0 8000	Sterling Trust	1973-1220	2016-1468	5/2/2010	5/3/2016		Legal description is identical post and prior to 1974	No subdivision occurred.
5S 12E 0 8100	Sterling Trust	1973-1219	2016-1468	5/2/2010	5/3/2016		Legal description is identical post and prior to 1974	No subdivision occurred.
5S 12E 0 8200	Sterling Trust	1973-1220	2016-1468	5/2/2010	5/3/2016		Legal description is identical post and prior to 1974	No subdivision occurred.
5S 12E 0 3900	Waine, Michael and Waine, Juliane	1964-1475	2009-2986	7/21/2009	7/21/2009		Legal description is identical post and prior to 1974	No subdivision occurred.
5S 12E 0 5400	Waine, Michael and Waine, Juliane	1964-1475	2009-2986	7/21/2009	7/21/2009		Legal description from 1964 states W/2 NW/4; current legal description is NW/4 NW/4 (This APN) and SW/4NW/4 (APN 5S 12E 0 5500); the entire W/2NW/4 of Sec 21 is owned by the same owners via the same deed.	No subdivision occurred.
5S 12E 0 5500	Waine, Michael and Waine, Juliane	1964-1475	2009-2986	7/21/2009	7/21/2009		Legal description from 1964 states W/2 NW/4; current legal description is NW/4 NW/4 (5S 12E 0 5400) and SW/4NW/4 (This APN); the entire W/2NW/4 of Sec 21 is owned by the same owners via the same deed.	No subdivision occurred.
5S 12E 0 5600	Waine, Michael and Waine, Juliane	1964-1475	2009-2986	7/21/2009	7/21/2009		Legal description is identical post and prior to 1974	No subdivision occurred.
5S 12E 23 DD 30(	Woodside, Carlotta Trust	1900-78107	2020-5512	2/22/2020	12/24/2020		Subject land is described by two separate legal descriptions prior to WD 2020-005512; said WD 2020-00512 combines said two seperate legal descriptions into one singular description. Current and prior legal descriptions describe all of the same land.	No subdivision occurred.

MapTaxlot	Landowner	Pre-1974 Deed(s)	Current Vesting Deed(s)	Current Vesting Deed(s) Instrument Date	Current Vesting Deed(s) Recording Date	Section	Analysis	Conclusion
5S 12E 0 5900	Woodside, Carlotta Trust and Snodgrass, Mickey Lu, Et Al	1900-59064 1944-61243	2020-5514 2006-4710 2006-4711 2006-4712 2006-4713 2006-4714 1997-4421	12/22/2020 8/10/2006 8/10/2006 8/10/2006 8/10/2006 8/10/2006 3/28/1997	12/24/2020 8/16/2006 8/16/2006 8/16/2006 8/16/2006 8/16/2006 3/28/1997		Legal description is identical post and prior to 1974	No subdivision occurred.
5S 12E 0 6400	Woodside, Carlotta Trust and Snodgrass, Mickey Lu, Et Al	93-402	2020-5514 2006-4710 2006-4711 2006-4712 2006-4713 2006-4714 1997-4421	12/22/2020 8/10/2006 8/10/2006 8/10/2006 8/10/2006 8/10/2006 3/28/1997	12/24/2020 8/16/2006 8/16/2006 8/16/2006 8/16/2006 8/16/2006 3/28/1997		Legal description is identical post and prior to 1974	No subdivision occurred.
5S 12E 0 6600	Woodside, Carlotta Trust and Snodgrass, Mickey Lu, Et Al	1900-55144 1950-67149 1954-71776	2020-5514 2006-4710 2006-4711 2006-4712 2006-4713 2006-4714 1997-4421	12/22/2020 8/10/2006 8/10/2006 8/10/2006 8/10/2006 8/10/2006 3/28/1997	12/24/2020 8/16/2006 8/16/2006 8/16/2006 8/16/2006 8/16/2006 3/28/1997		Legal description is identical post and prior to 1974	No subdivision occurred.
5S 12E 0 7000	Woodside, Carlotta Trust and Snodgrass, Mickey Lu, Et Al	1955-72564	2020-5514 2006-4710 2006-4711 2006-4712 2006-4713 2006-4714 1997-4421	12/22/2020 8/10/2006 8/10/2006 8/10/2006 8/10/2006 8/10/2006 3/28/1997	12/24/2020 8/16/2006 8/16/2006 8/16/2006 8/16/2006 8/16/2006 3/28/1997		Legal description is identical post and prior to 1974	No subdivision occurred.
5S 12E 23 DD 10(	Woodside, Carlotta Trust and Snodgrass, Mickey Lu, Et Al	1900-78025	2020-5514 2006-4710 2006-4711 2006-4712 2006-4713 2006-4714 1997-4421	12/22/2020 8/10/2006 8/10/2006 8/10/2006 8/10/2006 8/10/2006 3/28/1997	12/24/2020 8/16/2006 8/16/2006 8/16/2006 8/16/2006 8/16/2006 3/28/1997		Legal description is identical post and prior to 1974	No subdivision occurred.
5S 12E 23 DD 20(	Woodside, Carlotta Trust and Snodgrass, Mickey Lu, Et Al	1900-77415 1900-77416 1900-77417 1900-77418 1900-77419	2020-5514 2006-4710 2006-4711 2006-4712 2006-4713 2006-4714 1997-4421	12/22/2020 8/10/2006 8/10/2006 8/10/2006 8/10/2006 8/10/2006 3/28/1997	12/24/2020 8/16/2006 8/16/2006 8/16/2006 8/16/2006 8/16/2006 3/28/1997		Legal description is identical post and prior to 1974	No subdivision occurred.
5S 12E 23 DD 40(	Woodside, Carlotta Trust and Snodgrass, Mickey Lu, Et Al	1900-78007 1900-78025 1965-424	2020-5514 2006-4710 2006-4711 2006-4712 2006-4713 2006-4714 1997-4421	12/22/2020 8/10/2006 8/10/2006 8/10/2006 8/10/2006 8/10/2006 3/28/1997	12/24/2020 8/16/2006 8/16/2006 8/16/2006 8/16/2006 8/16/2006 3/28/1997		Legal description is identical post and prior to 1974	No subdivision occurred.
5S 12E 23 DD 50(	Woodside, Carlotta Trust and Snodgrass, Mickey Lu, Et Al	1900-78007	2020-5514 2006-4710 2006-4711 2006-4712 2006-4713 2006-4714 1997-4421	12/22/2020 8/10/2006 8/10/2006 8/10/2006 8/10/2006 8/10/2006 3/28/1997	12/24/2020 8/16/2006 8/16/2006 8/16/2006 8/16/2006 8/16/2006 3/28/1997		Legal description is identical post and prior to 1974	No subdivision occurred.
5S 13E 0 6500	Woodside, Carlotta Trust and Snodgrass, Mickey Lu, Et Al	1900-75176 1948-64963 1950-67149	2020-5514 2006-4710 2006-4711 2006-4712 2006-4713 2006-4714 1997-4421	12/22/2020 8/10/2006 8/10/2006 8/10/2006 8/10/2006 8/10/2006 3/28/1997	12/24/2020 8/16/2006 8/16/2006 8/16/2006 8/16/2006 8/16/2006 3/28/1997		Legal description is identical post and prior to 1974	No subdivision occurred.

MapTaxlot	Landowner	Pre-1974 Deed(s)	Current Vesting Deed(s)	Current Vesting Deed(s) Instrument Date	Current Vesting Deed(s) Recording Date	Section	Analysis	Conclusion
5S 13E 0 6700	Woodside, Carlotta Trust and Snodgrass, Mickey Lu, Et Al	1900-55144	2020-5514 2006-4710 2006-4711 2006-4712 2006-4713 2006-4714 1997-4421	12/22/2020 8/10/2006 8/10/2006 8/10/2006 8/10/2006 8/10/2006 3/28/1997	12/24/2020 8/16/2006 8/16/2006 8/16/2006 8/16/2006 8/16/2006 3/28/1997		Legal description is identical post and prior to 1974 being the NWNW of Section 30 (Current deeds also include in parenthesis Government Lot 1)	No subdivision occurred.
5S 12E 0 3300	Groce, Francis R., Groce, Cora Lee Groce and Groce, Gregory S	1953-70655 1900-77314 1900-77313	2003-6517 2021-4650 2024-002924	11/10/2003 10/19/2021 10/19/2021	11/12/2003 10/20/2021 12/3/2024	14	**Not currently in project layout Prior legals are S/2NW/4, SW/4NE/4, SW/4, NW/4SE/4, NW/4NE/4, NE/4NW/4 Current legals are E/2NW/4, W/2NE/4, NE/4SW/4, NW/4SE/4 In 1900-77314 (1959), described as S/2NW/4, SW/4NE/4, SW/4, NW/4SE/4 In 1900-7773 (1959), described as NW/4NE/4 and NE/4NW/4 In 2003-6517, 2021-4650, and current vesting, described as E/2NW/4, W/2NE/4, NE/4SW/4, NW/4SE/4	No subdivision occurred. NOTE: The SW/4NW/4 and the remainder of the SW4 were conveyed to the Groce family by the same deed, described in another tract. This is now Parcel 5S 12E 0 3400. NOTE: Not currently in project layout
5S 12E 31 100	Dodge Family Revocable Wasco County Property Trust	1955-72883 (year 1955) 1955-73088 (year 1955) 1900-79368 (year 1961) 1900-79413 (year 1962)	2014-1146 2017-1519 (correction deed)	February 21, 2014 April 11, 2014	April 11, 2014 April 27, 2017	31	**Prior Legal**: S/2 SE/4, N/2 SE/4 and NE/4 L&E 5 ac **Current Legal**: E/2, less and except three tracts further described by metes and bounds - (1) 5 ac, (2) 39.91 ac, and (3) 29.97 ac 1955-72883 (year 1955), 5 acre MB conveyed out of the NE/4 1955-73088 (year 1955), NE/4 L&E above 5 ac MB, N/2SE/4 1900-79368 (year 1961), S/2SE/4 1900-79413 (year 1962), NE/4 L&E above 5 ac MB, N/2SE/4 1979-0097 - Minor Partition Plat (does this cover the 2 below MB parcels?) 1982-1121 - CFD on 29.97 ac 1982-1369 - CFD on 39.91 ac 1988-1947 - 29.97 ac conveyed out 1989-2391 - 39.91 ac conveyed out 1998-1198 (year 1991) and current vesting, E/2 L&E (1) the above 5 ac tract, AND (2) two additional M&B tracts -Current legal is the same land as the prior deeds, just less and except the 3 metes and bounds parcels. Approx. 245 acres in current legal. -The 5 acre tract was created in pre-1974; the remaining 2 MB tracts were created post-1974. Exception parcels: 1. 5S 12E 31 400 - Miller, Richard and Miller, Kristie (39.91 ac) 2. 5S 12E 31 300 - Wolfe, Vernon and Wolfe, Mary Jo (29.97 ac) 3. 5S 12E 31 200 - Malay, George and Jones, Andrea (5 ac)	Presumption: Unclear. Need: Definition of "subdivision" in 1982 (or 1988 and 1989?) when two post-1974 metes and bounds exceptions were created. Does existing Minor Partition Plat cover these 2 parcels? NOTE: The DECH Project Lease with this landowner does not encumber the three exception parcels.
5S 12E 0 4500	Dodge Family Revocable Wasco County Property Trust	1982-1505	2014-1146 2017-1519 (correction deed)	February 21, 2014 April 11, 2014	April 11, 2014 April 27, 2017	19	**Prior Legal:** Lots 1 and 2 **Current Legal**: W/2 NW/4 NW/4 and W/2 SW/4 NW/4 (AKA West Half of Lots 1 and 2) NOTE: Lot 1 = NW/4NW/4 and Lot 2 = SW/4NW/4 1982-1505 (year 1964), described as Lots 1 and 2 1975-123 (year 1975), Contract for Deed on E/2 of Lots 1 and 2 1980-121 (year 1980), Contract for Deed on W/2 of Lots 1 and 2 1984-141 (year 1984) - E/2 of Lots 1 and 2 conveyed 1986-3 (year 1986), described as All of Lots 1 and 2 less the 660' "out from the East side as sold to Wes Johnson in 1975" AKA W/2NW/4NW/4 and W/2SW/4NW/4. The East 660' = E/2NW/4NW/4 and E/2SW/4NW/4	Presumption: Unclear. Need: Definition of "subdivision" in 1975 (or 1984?) when the east and west halves of Lots 1 and 2 were split AKA the E/2NW/4NW/4 and E/2SW/4NW/4 were split off from the NW/4NW/4 and the SW/4NW/4. NOTE: The DECH Project Lease with this landowner does not encumber the east half of Lots 1 and 2 (E/2NW/4NW/4 and

MapTaxlot	Landowner	Pre-1974 Deed(s)	Current Vesting Deed(s)	Current Vesting Deed(s) Instrument Date	Current Vesting Deed(s) Recording Date	Section	Analysis	Conclusion
5S 12E 0 4700	Dodge Family Revocable Wasco County Property Trust	1965-509	2014-1146 2017-1519 (correction deed)	February 21, 2014 April 11, 2014	April 11, 2014 April 27, 2017	19	**Prior Legal**: S/2 **Current Legal**: W/2 SW/4 In 1965-509, described as the S/2 less 2.10 highway ROW in the SE/4 In 1978-551, the E1/2SW1/4 SE1/4 conveyed out (these portions of the S/2 are not owned by this landowner, Dodge, separate chain of title under APNs 4800 and 4900 in this spreadsheet) In 1997, the above land, E1/2SW/4 and the SE1/4, were platted via 97-0025 and 1997-2381 (again, not owned by this landowner, Dodge, separate chain of title under APNs 4800 and 4900) In 2001-2245 and current vesting deeds, the remaining unplatted portion of the S/2, being the W/2SW/4, was conveyed to current landowner, Dodge	Presumption: Land legally subdivided. Need: Definition of "subdivision" in 1978 when the Dodge land, W/2SW/4, was conveyed out from the remainder of the S/2. Again, note that the remainder of the S/2 was legally subdivided in 1997 by the neighboring landowner.
S 12E 23 DD 110	Woodside, Carlotta Trust and Snodgrass, Mickey Lu, Et Al	1900-54934 1946-63275 1945-62164 1900-54960	2020-5514 2006-4710 (Ref. 2006-3879) 2006-4711 (Ref. 2006-3880) 2006-4712 (Ref. 2006-3881) 2006-4713 (Ref. 2006-3882) 2006-4714 (Ref. 2006-3878) 1997-1421 1997-1420 1997-1419 1981-171	12/22/2020 8/10/2006 8/10/2006 8/10/2006 8/10/2006 8/10/2006 3/28/1997 3/28/1997 3/28/1997 1/21/1981	12/24/2020 8/16/2006 8/16/2006 8/16/2006 8/16/2006 8/16/2006 4/11/1997 4/11/1997 4/11/1997 1/21/1981		**Not currently in project layout Deeds 1900-54934, 1946-63275, 1945-62164, and 1900-54960 match legal descriptions through the 1997 deeds. In the 2006 deeds and 2020 deed a new legal description is used that appears to slightly redefine parcel boundaries. A survey or partition plat has not been located for this new legal description.	Presumption: Unclear NEED: Locate source of legal description in 2006 and 2020 deeds. NOTE: Not currently in project layout

ATTACHMENT 7 – ECONOMIC AND FISCAL IMPACT ANALYSIS

Economic and Fiscal Impact Report

PREPARED FOR

BRIGHTNIGHT
Power when you need it

DATE
December 2025

REFERENCE
Oregon Energy Facility Siting Council

CONTENTS

LIST OF TABLES

LIST OF FIGURES

ACRONYMS AND ABBREVIATIONS

Acronym	Description
Applicant	DECH bn, LLC
BESS	Battery Energy Storage System
ERM	Environmental Resources Management, Inc.
Facility	Solar photovoltaic power generation facility and related or supporting facilities in Wasco County, Oregon
FTEs	full-time equivalents
GDP	Gross Domestic Product
MW	megawatt
PILOT	payment in lieu of taxes
PV	photovoltaic
SIP	Strategic Investment Program
TCA	Tax Code Area
USDA	United States Department of Agriculture

EXECUTIVE SUMMARY

This report, prepared on behalf of DECH bn, LLC (Applicant), assesses the economic and fiscal impacts of the construction and operation of the solar photovoltaic power generation facility and related or supporting facilities in Wasco County, Oregon (Facility). Regional economic impacts are assessed for Wasco County, Oregon in terms of economic output and employment labor income, using the IMPLAN economic modeling package.

The economic impact of the Facility would occur during the initial construction and through operations. This report assesses both stages using IMPLAN data for 2023, the most recent year for which data are available. Construction and operation of the proposed Facility would generate economic benefits in the regional economy through direct expenditures for materials and services, as well as new payroll income.

Over the course of construction, the Facility is planned to support approximately **400 direct jobs, along with 32 indirect jobs and 102 induced jobs**. Total labor income impacts are $38 million, for an average labor income of $71,000 per worker. During operations, the Facility will support approximately 15 direct jobs, along with 8 indirect jobs and 12 induced jobs. Total labor income impacts during operations are $4.6 million, for an average labor income of $133,000 per worker. Many of these high paying jobs are likely skilled technical jobs associated with the operations of the Facility.

The Facility may generate anywhere from **$4.9 to $8.1 million annually**, on average, in property taxes for Wasco County, depending on which program the Applicant pursues for tax payments. The Baseline Scenario of no project occurring would yield only $58,204 annually as a comparison.

There are multiple fiscal impact scenarios the Applicant could qualify for, including a payment in lieu of taxes (PILOT) agreement or Oregon's Strategic Investment Program (SIP). Regardless of tax program, the Applicant would be the largest contributor to Wasco County's tax base (based on 2024 data) by a multiple of 2-4. The current top contributor is Google at approximately $2 million per year.

TABLE 1

Scenario	30-Year Total	Annual Average	Difference From Baseline[1]
PILOT	$186,066,036	$6,202,201	$6,143,997
SIP	$147,051,988	$4,901,733	$4,843,529
No PILOT or SIP	$242,273,228	$8,075,774	$8,017,570

[1] Based on a 2025 total tax revenue of $58,204, calculated by combining the total tax bills of all tax parcels within the Site Boundary.

1. INTRODUCTION AND BACKGROUND

1.1 REGIONAL DEMOGRAPHIC AND ECONOMIC OVERVIEW

1.1.1 POPULATION

Located in northcentral Oregon, Wasco County is bordered to the north by the State of Washington. The county is 2,392 square miles in size, or 1.5 million acres, and is the 14th largest county in Oregon by total area (United States Department of Agriculture (USDA) 2024, U.S. Census Bureau 2020). Privately owned land accounts for 59%, or 902,669 acres of the county, tribal lands account for 12%, or 387,113 acres of the county, and public land accounts for 13% of the county, of which 177,888 acres is managed by the USDA Forest Service (USDA 2024). Approximately 16%, or 236,435 acres, are considered crop land (USDA 2024).

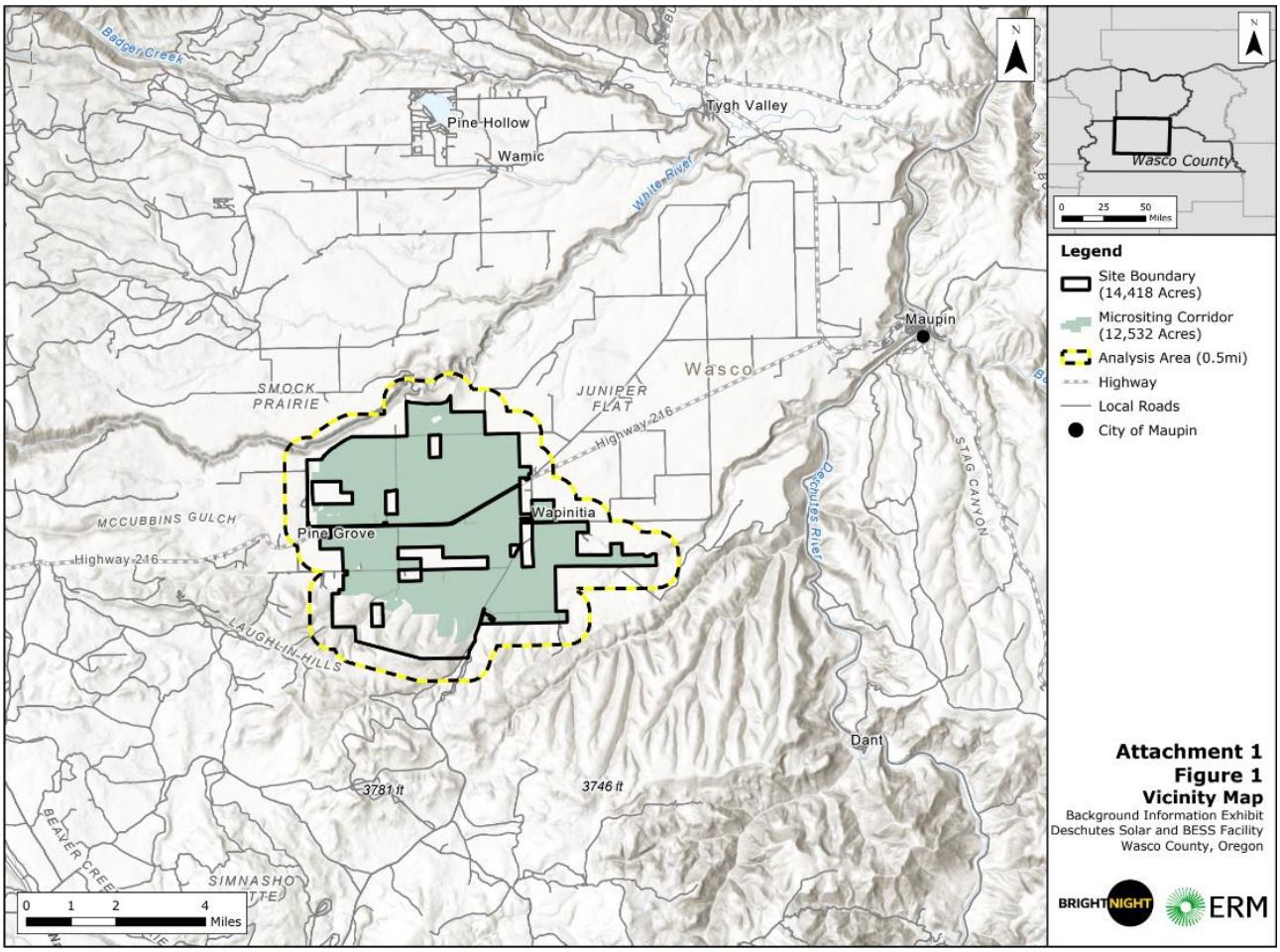
Wasco County had a total estimated population of 27,052 in 2023, ranking 22 out of the 36 counties in Oregon in terms of population (Portland State University 2023). The county is sparsely populated with a population density of 11.2 per square mile in 2020, well below the corresponding state and national averages, which were 44.1 and 93.8 people per square mile, respectively (U.S. Census Bureau 2023). There are six incorporated communities in Wasco County (Antelope, Dufur, Maupin, Mosier, Shaniko, and The Dalles) which together account for 66% of the population (Table 2). The overall county population has increased in the past decade, with most growth occurring in The Dalles and Mosier. Antelope and Shaniko have experienced a decline in population growth, while Dufur and Maupin saw moderate increases.

TABLE 2 WASCO COUNTY POPULATION

Geographic Area	Estimated Population (2022)	Percent of Total	Net Change (2010 to 2022)	Percent Change
Wasco County	**26,794**	**100%**	**1,581**	**6%**
Antelope	37	0%	-9	-24%
Dufur	611	2%	7	1%
Maupin	431	2%	13	3%
Mosier	477	2%	44	9%
Shaniko	30	0%	-6	-20%
The Dalles	16,202	60%	2582	16%
Unincorporated	9,006	34%	-1050	-12%

Source: Portland State University 2023

FIGURE 1 FACILITY LOCATION



1.1.2 EMPLOYMENT AND THE ECONOMY

The local economy in Wasco County is primarily dominated by private nonfarm-related sectors. The health care and social assistance industry makes up 17 percent of total employment, with the Mid-Columbia Medical Center being the county's largest employer (Table 3, Wasco County 2022). Employment within the retail trade and government industries are the second largest employers within the county, each accounting for 13% of total employment (Table 3). These employment levels are similar at the state level, as the health care, retail trade, and government sectors make up 12 percent, 10 percent, and 11 percent of total employment, respectively (Table 3). In contrast to statewide levels, the farm sector accounts for 8 percent of total employment, representing 1,221 employees, compared to 2% statewide (Table 3).

TABLE 3 EMPLOYMENT BY ECONOMIC SECTOR, 2022

Economic Sector	Wasco County		Oregon	
	Employment	Percent of Total	Employment	Percent of Total
Farm employment	1,221	8%	57,344	2%

Economic Sector	Wasco County		Oregon	
Nonfarm employment	13,583	92%	2,600,941	98%
Private nonfarm employment	**11,629**	**79%**	**2,308,809**	**87%**
Forestry, fishing, and related activities	(D)	N/A	32,859	1%
Mining, quarrying, oil and gas extraction	(D)	N/A	4,621	0%
Utilities	49	0%	5,299	0%
Construction	666	4%	153,517	6%
Manufacturing	554	4%	206,906	8%
Wholesale trade	210	1%	86,064	3%
Retail trade	1,957	13%	264,677	10%
Transportation and warehousing	412	3%	132,623	5%
Information	340	2%	49,275	2%
Finance and insurance	377	3%	108,772	4%
Real estate and rental and leasing	678	5%	143,199	5%
Professional, scientific, and technical	549	4%	187,980	7%
Management of companies and enterprises	57	0%	52,792	2%
Administrative and support and waste management and remediation services	503	3%	136,310	5%

Economic Sector	Wasco County		Oregon	
Educational services	145	1%	50,885	2%
Health care and social assistance	2,456	17%	312,843	12%
Arts, entertainment, and recreation	233	2%	60,435	2%
Accommodation and food services	1,316	9%	190,276	7%
Other services (except government)	676	5%	129,476	5%
Government and government enterprises	**1,954**	**13%**	**292,132**	**11%**
Federal civilian	277	2%	27,876	1%
Military	58	0%	10,604	0%
State and local	1,619	11%	253,652	10%
State government	215	1%	43,172	2%
Local government	1,404	9%	210,480	8%
Total Employment	**14,804**	**100%**	**2,658,285**	**100%**

Source: U.S. Bureau of Economic Analysis 2022

Notes: Na- not applicable; (D)- Not shown to avoid disclosure of confidential information; estimates are included in higher-level totals.

The IMPLAN model is used to deliver estimates for Wasco County across various measures, including total employment, labor income, and output for each sector as shown in Table 4. The model categorizes the economy into 546 industries, including government, manufacturing, agriculture, and many others, drawing on data from multiple sources such as the Bureau of Labor Statistics Census of Employment and Wages, the Census Bureau County Business Patterns, and the Bureau of Economic Analysis Regional Economic Accounts (REA).

Table 3 lists the top 20 industries in terms of their employment contributions to Wasco County. Estimates of labor income and output are also provided. Output measures total goods and services an industry uses and produces and is closely related to sales. Fruit farming is the largest sector by employment, accounting for 932 total jobs, or about 6% of overall employment in the county. Agriculture-related employers in the top 20 include fruit farming

and support activities for agriculture and forestry. These industries comprise about 7.6 percent of jobs in the county. Beef cattle ranching was the 23rd largest employer in the county, accounting for 162 jobs, while grain farming (including wheat) was the 28th largest employer in the county, accounting for 130 jobs. Together, both these industries accounted for about 2 percent of overall employment in the county. For additional perspective, the 10-year average of total employment for these two industries in the county is 14,896.

The Wasco County 2021 Community Economic Profile supports this data, as it lists the largest employers being Mid-Columbia Medical Center, Northern Wasco County School District 21, Oregon Cherry Growers, and Fred Meyer.

TABLE 4 TOP 20 SECTORS FOR EMPLOYMENT, WASCO COUNTY, 10-YEAR AVERAGE (2015-2024)

IMPLAN Code	IMPLAN Industry Description	Employment	Labor Income	Output
4	Fruit farming	932	$77,097,650	$24,115,416
472	Hospitals	797	$163,114,893	$75,453,325
524	Employment and payroll of local govt, education	620	$58,568,219	$49,977,365
492	Limited-service restaurants	538	$54,382,159	$16,449,874
473	Nursing and community care facilities	519	$47,817,586	$27,071,730
429	Other real estate	503	$98,143,662	$16,643,877
491	Full-service restaurants	450	$37,711,474	$14,579,437
526	Employment and payroll of local govt, other services	446	$48,640,402	$41,403,682
465	Offices of physicians	403	$53,549,251	$32,256,996
475	Individual and family services	388	$27,168,444	$20,501,204
394	Retail - General merchandise stores	326	$24,120,696	$12,586,458
389	Retail - Food and beverage stores	306	$30,821,954	$13,922,089
503	Religious organizations	246	$14,638,630	$13,428,624

IMPLAN Code	IMPLAN Industry Description	Employment	Labor Income	Output
388	Retail - Building material and garden equipment and supplies stores	245	$25,811,221	$10,512,229
385	Retail - Motor vehicle and parts dealers	238	$40,018,356	$18,485,099
19	Support activities for agriculture and forestry	204	$8,417,850	$6,541,830
523	Employment and payroll of state govt, other services	199	$25,418,099	$21,844,460
493	All other food and drinking places	187	$14,384,978	$6,778,730
395	Retail - Miscellaneous store retailers	184	$10,082,959	$4,543,612
489	Hotels and motels, including casino hotels	179	$20,928,868	$6,348,623

Note:
1: IMPLAN Jobs include all full-time, part time, and temporary positions
2: IMPLAN Sector 19 – Support activities for agriculture and forestry includes a wide range of agricultural services, including crop dusting, crop spraying, cultivation services, machine harvesting of grain, hay mowing, and livestock breeding services, as well as forestry related services, including timber cruising, forest thinning, and reforestation services.
3: IMPLAN Sector 10 – All other crop farming includes hay farming (e.g. alfalfa hay, clover hay, grass hay) hop, mint, and tea farming
4: IMPLAN Sector 2 – Grain farming includes wheat, corn, dry beans, and dry peas.

1.2 ECONOMIC IMPACT MODEL (IMPLAN)

This analysis uses IMPLAN software to estimate the economic impacts of the Facility's development and operations on local and state economies. Impacts include measures of economic activity such as output, employment, and Gross Domestic Product (GDP) (often referred to as value added). Several economic sectors, including government agencies and academic institutions, regard IMPLAN as a highly credible economic modeling system.

Within an economy, IMPLAN depicts inter-industry relationships, such as how output from one sector becomes input to another sector, through multipliers. These multipliers are based on previous input-output models and a methodology that quantifies interactions among firms, industries, and social institutions within a local economy (IMPLAN Group, LLC 2019).

IMPLAN assigns each industrial or service activity (e.g., agriculture, mining, manufacturing, trade, services) to an economic sector, designated by a unique code within the North American Industry Classification System NAICS. The number of sectors is determined by the level of desired detail. This analysis uses the highest level of detail, which includes 546 sectors. The linkages are modeled through input-output tables that account for all dollar flows between

different sectors of the economy. The economic relationships modeled by IMPLAN allow the user to estimate the overall change in the economy that would result from the displacement of agricultural land due to the proposed Facility. This change would decrease overall employment, labor income, and economic output in the local economy.

1.2.1 IMPACT TYPES

Economic multipliers from the model are used to estimate total economic impacts, which include three main components: direct, indirect, and induced impacts.

- **Direct impacts** involve expenditures specifically related to the proposed Facility, such as those for construction labor and materials. These direct expenditures drive further economic activity within the local economy through the multiplier effect, as initial increases in demand "ripple" outwards and lead to indirect and induced impacts.
- **Indirect impacts** arise from spending on goods and services by suppliers that provide resources to the agricultural production at the proposed Facility site. Often referred to as "supply-chain" impacts, these effects capture the interactions between various businesses.
- **Induced impacts** result from household spending associated either directly or indirectly with the agricultural production at the Facility site. For example, farmers may spend their income on groceries and other household needs. These are also known as "consumption-driven" impacts.

1.2.2 IMPACT MEASURES

Impacts are evaluated using the following measures reported by the IMPLAN model:

- **Output** – the total value of goods and services produced, representing an overall measure of economic activity.
- **Jobs** – measured as the average number of employees working full- or part-time. Model outputs are adjusted to full-time equivalents (FTEs) using coefficients from IMPLAN[2].
- **Personal income (or labor income)** – defined as the sum of employee compensation and proprietary income.
    - **Employee compensation (wages)** includes wages and salaries, along with other benefits such as health, disability, and life insurance; retirement contributions; and non-cash compensation, expressed as the total cost to the employer.
    - **Proprietary income (business income)** represents payments to small business owners or self-employed individuals.

1.2.3 LIMITATIONS OF INPUT-OUTPUT MODELS

Input-output models are static models that capture the inputs and outputs of an economy at a specific point in time. With this data and the balanced accounting framework of an input-output model, an analyst can: 1) describe an economy within a single time period, 2) introduce an economic change, and then 3) assess the economy after it has adapted to that change.

[2] Each FTE job equates to one full-time job for one year or 2,080-hour units of labor. Part-time or temporary jobs constitute a fraction of a job. For example, if an engineer works just 3 months on a solar project, that would be considered one-quarter of an FTE job.

This form of "partial equilibrium" analysis allows for comparing the economy in two distinct states, though it does not illustrate how the economy transitions between these states. In partial equilibrium analysis, the researcher assumes that all other economic relationships remain constant, aside from the initial changes in spending.

Unlike dynamic models, static models assume there are no changes in wage rates, input prices, or property values. Additionally, economic relationships in input-output models are considered stable, with no changes in labor and capital productivity, population migration, or business location patterns. Input-output models are particularly well-suited to assess the impacts of small to medium-sized projects (relative to the affected markets or sectors), where these projects are unlikely to alter the underlying supply or demand functions (USDA NRCS 2014).

1.3 REGIONAL DEMOGRAPHIC AND ECONOMIC OVERVIEW

TABLE 5 POPULATION

Geographic Area	2020 Estimated Population	Change from 2010 to 2020	
		Net Change	Percent Change
Wasco County	26,670	+ 1,457	6%
Oregon	4,237,256	+ 406,182	11%

Source: US Census Bureau

1.3.1 EMPLOYMENT AND THE ECONOMY

The service-providing sector is the largest economic sector in terms of employment, making up 25 percent of local jobs compared to 26 percent at the state level (Table 6).

This report employs IMPLAN input-output software to evaluate the impacts of the Facility on the regional economy. Utilizing data gathered from multiple sources, such as the Bureau of Labor Statistics Census of Employment and Wages, Census Bureau County Business Patterns, and Bureau of Economic Analysis Regional Economic Accounts (REA), the IMPLAN model categorizes the economy into 546 sectors, encompassing government, households, farms, and various other industries. Comprehensive estimates are available for a range of metrics, including employment, labor income, output, and value added for each sector.

TABLE 6 EMPLOYMENT BY ECONOMIC SECTOR, 2024

Economic Sector	Wasco County		Oregon	
	Employment	Percent of Total	Employment	Percent of Total
Total, all industries	9,355	33%	1,700,554	33%
Service-providing	7,033	25%	1,344,155	26%
Goods-producing	2,321	8%	356,398	7%
Education and health services	2,232	8%	332,779	7%
Trade, transportation, and utilities	2,037	7%	356,766	7%
Professional and business services	582	2%	259,792	5%

Leisure and hospitality	1,327	5%	206,448	4%
Construction	444	2%	115,812	2%
Natural resources and mining	1,412	5%	54,647	1%
Other services	373	1%	68,888	1%
Financial activities	211	1%	81,881	2%
Manufacturing	466	2%	185,940	4%
Information	268	1%	36,049	1%
Unclassified	3	0%	1,553	0%
Total Employment	**28,064**	**100%**	**5,101,662**	**100%**

Source: US Bureau of Labor Statistics

2. ECONOMIC AND FISCAL IMPACT ANALYSIS

2.1 ECONOMIC IMPACT ANALYSIS

The economic impacts of the Facility will occur over two phases: 1) the initial construction phase; and 2) the operations phase. This report evaluates both phases utilizing IMPLAN input-output software specifically designed for Wasco County. The impacts are analyzed with IMPLAN data from 2023, the latest year for which information is available. The construction and operation of the proposed Facility are expected to create economic benefits in the regional economy through direct spending on materials and services, along with new payroll income. Beyond analyzing the impacts of the Facility construction and operation, IMPLAN will also be employed in the subsequent analysis to examine the potential economic impacts of increased property tax revenues.

2.1.1 IMPACT SOURCES

Environmental Resources Management, Inc. (ERM) used Applicant's own construction and operation job estimates based on equivalent projects but also validated by ERM's experience conducting economic and fiscal impact analyses across the industry. Construction costs for the Facility are primarily driven by specialized materials and equipment, which typically make up the largest share of total installed costs for both solar facilities and battery energy storage system (BESS). These components are generally sourced outside the local area, meaning little to no spending on these items is expected within Wasco County. However, some construction-related purchases such as concrete, gravel, water, fencing, fuel, and small equipment rentals may occur locally. These types of expenditures could generate additional ripple effects within the local economy. Construction labor spending in Wasco County would also create secondary economic impacts within the local economy. This includes wages and salaries paid to construction workers employed directly on-site. Payments to workers who live in Wasco County would support local businesses as they and their families purchase goods and services.

Workers temporarily relocating to the county for the construction period would also contribute to local spending.

2.1.1.1 CONSTRUCTION

The construction workforce will include both local workers who commute daily and others who temporarily relocate near the Facility site. Given the available temporary housing in Wasco County, it is assumed that some of the approximately 400 workers will use rental housing, hotels, motels, or RV hookups during the 18-month construction period. With only about 2 percent of the county's population employed in construction and a total population of 28,000, it is uncertain how many local construction workers will participate in the Facility.

2.1.1.2 OPERATION

After construction ends, the Facility will continue to support the local economy through ongoing operation and maintenance activities. This includes direct employment and spending that generates additional indirect and induced economic benefits. It is estimated that 10 to 20 personnel will work on-site at the facility, all assumed to reside in Wasco County. Typical local expenditures during operations include vehicle-related costs such as fuel, replacement parts, equipment, and miscellaneous supplies.

2.1.2 ECONOMIC IMPACTS

2.1.2.1 CONSTRUCTION

Table 6 summarizes the anticipated direct, indirect, and induced construction related impacts for Wasco County. These figures represent one-time economic impacts that are anticipated over the estimated 18-month construction period. Estimates are provided for the full 18 months. Employment impacts are expressed in FTEs or job-years, where each job equates to 12 months (2,080 hours) of work.

The Facility is expected to generate approximately 400 direct on-site jobs during the construction phase, contributing $30.5 million in labor income and $38.2 million to the GDP of Wasco County. Furthermore, the indirect and induced effects of the construction phase are projected to sustain an additional 134 jobs within Wasco County, along with $7.5 million in labor income and $13.8 million in GDP (Table 6). In total, Facility construction is projected to support approximately 534 jobs—combining direct, indirect, and induced impacts—along with about $38,004,000 in labor income and an overall economic output of approximately $83 million.

TABLE 7 ECONOMIC IMPACTS, CONSTRUCTION

Impact	Employment	Labor Income	GDP	Output
Direct	400	$30,516,000	$38,212,000	$59,690,000
Indirect	32	$1,993,000	$3,592,000	$6,563,000
Induced	102	$5,496,000	$10,210,000	$16,844,000
Total	**534**	**$38,004,000**	**$52,014,000**	**$83,097,000**

2.1.2.2 OPERATION

Table 7 presents the projected operational impacts for Wasco County from the Facility. During the operation phase, the Facility is expected to directly support about 15 jobs. In addition to these positions, ongoing operation and maintenance activities will support employment, labor income, and economic output across other sectors of the local economy. Indirect and induced impacts are estimated to add approximately 20 jobs (Table 7). In total, Facility operations are projected to support approximately 35 jobs—combining direct, indirect, and induced impacts—along with about $4,649,000 in labor income and an overall economic output of approximately $17 million.

TABLE 8 ECONOMIC IMPACTS, OPERATION

Impact	Employment	Labor Income	GDP	Output
Direct	15	$3,108,000	$6,558,000	$10,878,000
Indirect	8	$889,000	$1,266,000	$4,148,000
Induced	12	$652,000	$1,211,000	$1,998,000
Total	**35**	**$4,649,000**	**$9,035,000**	**$17,024,000**

2.2 FISCAL IMPACT ANALYSIS

The proposed Facility would generate significant economic and fiscal benefits for Wasco County. Economic benefits associated with solar facilities typically include lease payments to underlying landowners, direct economic benefits to local governments, and other direct and indirect benefits to the local economy through job creation and activity in the supply chain. The following section estimates direct benefits to local governments that would be generated in the form of property tax revenues. Three separate property tax scenarios are assessed:

1) If the Applicant enters into a PILOT agreement with the county;
2) If the Applicant pays taxes under Oregon's SIP; or,
3) If the Applicant does not enter into a PILOT or SIP agreement and would instead pay taxes as normal.

2.2.1 OVERVIEW OF OREGON PROPERTY TAXES

Property taxes are one of the largest sources of revenues for the public sector in Oregon. They support police, fire protection, education, and many other public services. More than 1,200 districts impose property taxes in Oregon, including public schools, cities, counties, community colleges, infrastructure improvements, libraries, hospitals, and public parks.

The property tax due is based on the assessed value of the property, and the tax rates of the taxing districts where the property resides. Applicable taxing districts change based on where the property is located. Most property is assessed by county assessors, but some types of properties such as large industrial properties, or public utilities, are assessed by the Oregon Department of Revenue. Local taxing districts combine to form Tax Code Areas (TCAs), which represent unique combinations of overlapping districts. The Facility site occupies two taxing

districts – TCAs 13 and 14.[3] The only difference between TCA 13 and 14 is that Juniper Flats is not a taxing district for TCA 13, so the overall rate is less (Table 8). Mill rates are charged for every $1,000 of assessed value, so if a property is assessed at a value of $200,000, and the total ad valorem rate is 14.2172 mills, then the property tax bill would be equal to $2,843.

TABLE 9 TAXING DISTRICTS AND MILL RATES FOR SITE BOUNDARY, 2024-2025[1]

Taxing District	TCA 13	TCA 14
Columbia Gorge CC	0.2703	0.2703
Columbia Gorce ESD	0.4678	0.4678
S Wasco Co SD 1	4.6651	4.6651
Juniper Flat RFPD	0	2.3486
Wasco Co 4H & Ext	0.2500	0.2500
Wasco Co Library	0.6800	0.6800
Wasco Co Soil & Water	0.2500	0.2500
Wasco Co	4.2523	4.2523
White River Health	0.2500	0.2500
Columbia Gorge CC Bonds	0.2609	0.2609
S Wasco Co SD 1 Bonds	0.5222	0.5222
Total Rate	11.8686	14.2172
Total Acres in District[2]	2,012	11,214
Acres in District, as a % of Total Acreage	**15.2%**	**84.8%**

1:Rates are subject to change each year.

2: Acres in district is based off Tax Parcel acreage, so totals do not match analysis area. Comparison is for illustrative purposes only.

Currently, the combined tax revenues from the property generate approximately **$58,000 per year, or $1.75 million over 30 years,** based on publicly available tax bills for the year 2025.[4,5] The above represents the tax revenues if the Facility was not built.

2.2.2 FEE IN LIEU OF PROPERTY TAXES FOR SOLAR PROJECTS

Oregon legislature passed an act in 2015 authorizing counties to enter into PILOT agreements at their discretion. Under this agreement, a solar project may be exempt from property taxes for up to 20 years, contingent on the annual payment to the county of a fee of $7,000 per megawatt (MW) of nameplate capacity. While the bill was set to expire in January 2022, the passage of Oregon Senate Bill 154 extended the expiration date to January 2028 and modified the fee amount for $7,000 per MW per year to a range of $5,500 to $7,000 per MW. Per SB 154, the fees are apportioned and distributed among the taxing districts that have jurisdiction over the property.[6] The PILOT scenario assumes that the Applicant enters into a PILOT

[3] Source: Wasco County Department of Assessment and Taxation
[4] Source: Wasco County Department of Assessment and Taxation
[5] This total does not include revenues from the Ambrose parcel, as that information is not currently publicly available.
[6] Source: Oregon Department of Energy

agreement with Wasco County for a 20-year duration, with a fee of $7,000 per MW, and then would pay taxes as normal for the last 10 years of expected operation.

2.2.3 REAL AND PERSONAL PROPERTY TAX DESCRIPTION FOR SOLAR PROJECTS

In Oregon, business-owned equipment is subject to property tax unless a specific exemption, such as a PILOT agreement, applies. Alternative energy installations, like photovoltaic (PV) and BESS, are exempt only if they are net-metered or used primarily to offset onsite power use.[7] A large utility-scale project that sells power to the grid does not qualify for this property tax exemption. As such, utility-scale PV and BESS owned by a business would be taxed as business personal property.

Oregon's Department of Revenue publishes Personal Property Valuation Guidelines that set the age/life schedules used for taxing business assets. Under these guidelines, solar-generation equipment falls into the category of "electric generating equipment", which is assigned a 15-year life. Similarly, large battery energy storage units are treated as industrial machinery with long life, and are typically placed in the same 15-year age schedule.[8] This provides the basis of the "no PILOT" property tax scenario. The no PILOT scenario assumes that the Applicant does not enter into a PILOT agreement with Wasco County, and onsite energy generation equipment would be taxed as business personal property. ERM has used NREL PV and BESS equipment benchmarks to assume a starting value of approximately $1.2 billion for equipment on site.[9] This estimate is subject to change based on final equipment contracts.

2.2.4 OREGON STRATEGIC INVESTMENT PROGRAM (SIP)

The SIP offers a 15-year property tax exemption on a portion of large capital investments by "traded sector" businesses anywhere in Oregon. Oregon defines a business firm in the "traded sector" as "industries in which member firms sell their goods or services into markets for which national or international competition exist". Additionally, businesses must have a total investment cost of at least $154.2 million or $41.1 million in a rural area.[10] The applicant's projected total investment far exceeds this number. As of 2025, several renewable energy producers utilize the SIP, including Avangrid Renewables, Constellation Energy, and NextEra Energy Resources.[11] In order to qualify, an SIP business must:

1. Enter into a first-source agreement with the local Worksource Oregon office.
2. Chatgpt
3. Pay application and administrative fees to Business Oregon for Oregon Business Development Commission determination;
4. Hold a job fair by announcement through Worksource Oregon;
5. Pay a community service fee to the county in each year of the 15-year SIP period, which by law equals 25% of that year's property tax savings up to an annual maximum of $3 million (as price-indexed starting in 2025);

[7] Source: Oregon Revised Statues
[8] Source: Oregon Department of Revenue
[9] Source: National Renewable Energy Laboratory Cost Benchmarks
[10] Source: Business Oregon
[11] Source: Oregon.gov

6. Satisfy any additional requirements as negotiated and contained in the agreement with the county government and potentially city governments; and,
7. Report employment and payroll data for the SIP project to Business Oregon following each tax year.

Distribution of the community service fee is subject to another agreement amount the county and certain other local governments or taxing districts. For the purpose of this analysis, ERM assumes that the community service fee would be distributed as normal – to each taxing district in the area according to the current mill rates. For rural projects where the total cost is greater than $1.0 billion, the total taxable base is $150 million, which grows by 3 percent with each year of the SIP period. If the total taxable base of the Facility is $1.2 billion, then only the first $150 million is taxed, and the remaining taxable value of $1.05 billion is forfeited, less a $3 million community service fee, or 25% of tax savings. The $3 million service fee is subject to a price index, or percent increase, each year. For purposes of this analysis, ERM assumes that the price index will be 3 percent each year, equal to the current 12-month percentage change in the Consumer Price Index.[12] This is subject to change based on broader economic conditions. For the "SIP" tax scenario, ERM also assumes that equipment would be taxed as normal, at the floor of the 15-year depreciation schedule for the remainder of the life of the Facility.

2.2.5 WASCO COUNTY PROPERTY TAX REVENUES

Total property tax revenues are summarized for Wasco County from 2020 to 2025 in Figure 2. There were 30 taxing districts (and three special assessments) in Wasco County in 2025, which together imposed $54.8 million in property taxes after "compression," which reduced total estimated revenues by approximately $1.6 million.[13] Compression is an Oregon property tax limit that limits the taxes individual properties pay to $5 per $1,000 of real market value for school taxes, and $10 per $1,000 of real market value for general government taxes.[14] Wasco County Schools and Wasco County were the largest recipients of countywide property revenues, receiving about 32.49 percent and 25.98 percent of the total, respectively.

[12] Source: Bureau of Labor Statistics
[13] Source: Wasco County Assessment and Tax Roll
[14] Source: Tonkon Torp LLP

FIGURE 2 PROPERTY TAX REVENUES IN WASCO COUNTY, 2020-2025

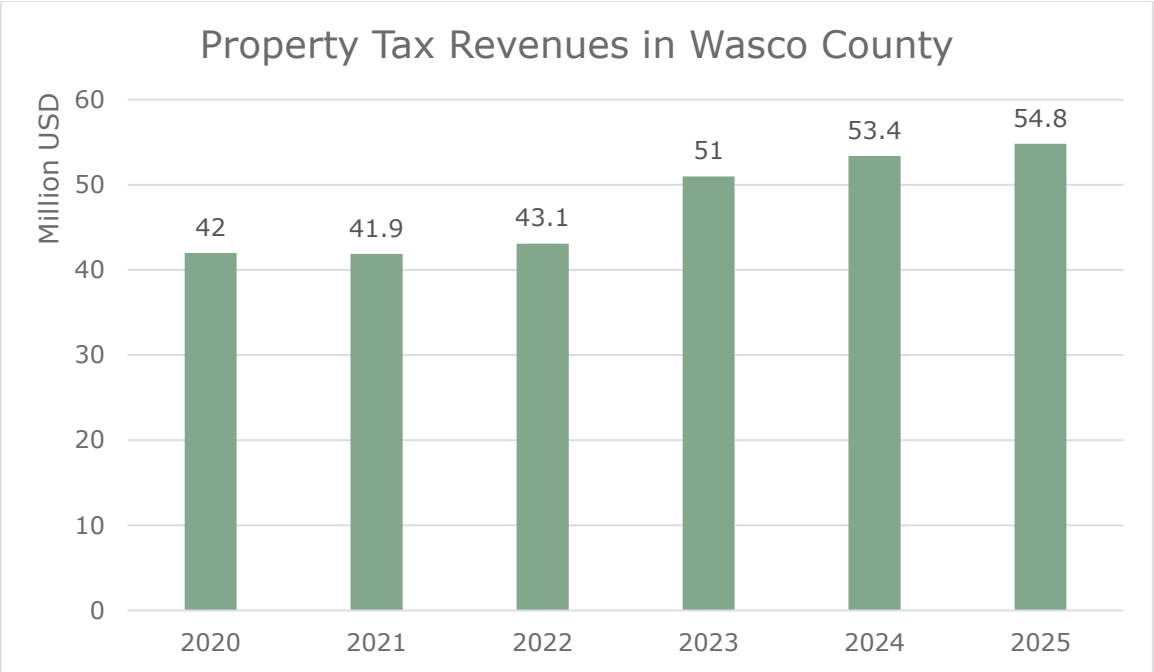


Table 10 identifies the ten largest property taxpayers in Wasco County in 2024-25. Google, LLC was by far the largest single taxpayer accounting for approximately 4 percent of total property tax revenues. The other seven taxpayers identified by name in Table 9 together accounted for 13 percent of property tax revenues, with all other taxpayers accounting for a combined 84 percent.[15]

[15] Source: Wasco County

TABLE 10 TOP 10 TAXPAYERS IN WASCO COUNTY, 2025

Name	2024-25 Tax ($ million)	Percent of Total
Google, LLC	$1,980,648	4%
Design, LLC	$1,716,154	3%
Northern Wasco County PUD	$1,087,623	2%
Avangrid, Inc	$884,430	2%
Union Pacific Railroad Co	$825,289	2%
Hydro Extrusion USA, LLC	$614,477	1%
BNSF Railroad Co	$515,528	1%
Climate GM, LLC	$420,802	1%
Oregon Cherry Growers, LLC	$354,869	1%
FM Falles F, LLC	$245,758	0%
Other	$46,161,416	84%
Total	**$54,806,993**	**100%**

Source: Wasco County Top Taxpayers for Year 2024

2.2.6 FISCAL IMPACTS

2.2.6.1 SCENARIO 1: PILOT AGREEMENT

Under a PILOT agreement, the Applicant would pay a $7,000 per MW fee in lieu of taxes for the first 20 years of Facility operation and then pay business personal property taxes as normal for the remainder of the life of the Facility. This scenario would generate approximately $186.1 million in property tax revenue for Wasco County, for an average of $6.2 million per year. Of that total, approximately $94.5 million would go to local school districts (Table 11).

TABLE 11 PILOT AGREEMENT PROPERTY TAX CALCULATIONS

Overall Payment Calculation	
Amount paid per MW	7,000
Total annual amount paid	$7,000,000
Breakdown by Taxing District	
Taxing District	**Amount Paid**
Columbia Gorge CC	$133,085
Columbia Gorge ESD	$230,327
S Wasco Co SD 1	$2,296,915
Juniper Flat RFPD	$1,156,360
Wasco County 4H & Ext	$123,090
Wasco County Library	$334,806
Wasco County Soil & Water	$123,090
Wasco County	$2,093,668
White River Health	$123,090
White River Health Local Option	$0
Columbia Gorge CC Bonds	$128,457
S Wasco Co SD 1 Bonds	$257,111
Total	**$7,000,000**
20-year total	**$140,000,000**
30-year total[16]	**$186,066,036**

2.2.6.2 SCENARIO 2: NO PILOT AGREEMENT

Under a "no PILOT" scenario, property taxes generated from the value of business personal property on site would generate approximately $242.3 million in property taxes for Wasco County, for an average of $8.08 million per year. Of that total, approximately $105.4 million would go to local school districts, including Columbia Gorge Community College (Table 12).

[16] See section 2.2.5.2 for breakdown of last 10 years of property taxes

TABLE 12 NO PILOT OR SIP TAX ESTIMATES

Year	Depreciation	Taxable Value of Equipment	Columbia Gorge CC	Columbia Gorge ESD	S Wasco Co SD 1	Juniper Flat RFPD	Wasco County 4H & Ext	Wasco County Library	Wasco County Soil & Water	Wasco County	White River Health	Columbia Gorge CC Bonds	S Wasco Co SD 1 Bonds	Total
0	1	$1,200,060,132	$324,376	$561,388	$5,598,401	$2,818,461	$300,015	$816,041	$300,015	$5,103,016	$300,015	$313,096	$626,671	$17,061,495
1	0.88	$1,056,052,916	$285,451	$494,022	$4,926,592	$2,480,246	$264,013	$718,116	$264,013	$4,490,654	$264,013	$275,524	$551,471	$15,014,116
2	0.83	$996,049,910	$269,232	$465,952	$4,646,672	$2,339,323	$249,012	$677,314	$249,012	$4,235,503	$249,012	$259,869	$520,137	$14,161,041
3	0.79	$948,047,504	$256,257	$443,497	$4,422,736	$2,226,584	$237,012	$644,672	$237,012	$4,031,382	$237,012	$247,346	$495,070	$13,478,581
4	0.74	$888,044,498	$240,038	$415,427	$4,142,816	$2,085,661	$222,011	$603,870	$222,011	$3,776,232	$222,011	$231,691	$463,737	$12,625,506
5	0.71	$852,042,694	$230,307	$398,586	$3,974,864	$2,001,107	$213,011	$579,389	$213,011	$3,623,141	$213,011	$222,298	$444,937	$12,113,661
6	0.66	$792,039,687	$214,088	$370,516	$3,694,944	$1,860,184	$198,010	$538,587	$198,010	$3,367,990	$198,010	$206,643	$413,603	$11,260,587
7	0.63	$756,037,883	$204,357	$353,675	$3,526,992	$1,775,631	$189,009	$514,106	$189,009	$3,214,900	$189,009	$197,250	$394,803	$10,748,742
8	0.6	$720,036,079	$194,626	$336,833	$3,359,040	$1,691,077	$180,009	$489,625	$180,009	$3,061,809	$180,009	$187,857	$376,003	$10,236,897
9	0.57	$684,034,275	$184,894	$319,991	$3,191,088	$1,606,523	$171,009	$465,143	$171,009	$2,908,719	$171,009	$178,465	$357,203	$9,725,052
10	0.54	$648,032,471	$175,163	$303,150	$3,023,136	$1,521,969	$162,008	$440,662	$162,008	$2,755,628	$162,008	$169,072	$338,403	$9,213,207
11	0.51	$612,030,667	$165,432	$286,308	$2,855,184	$1,437,415	$153,008	$416,181	$153,008	$2,602,538	$153,008	$159,679	$319,602	$8,701,362
12	0.46	$552,027,661	$149,213	$258,239	$2,575,264	$1,296,492	$138,007	$375,379	$138,007	$2,347,387	$138,007	$144,024	$288,269	$7,848,288
13	0.41	$492,024,654	$132,994	$230,169	$2,295,344	$1,155,569	$123,006	$334,577	$123,006	$2,092,236	$123,006	$128,369	$256,935	$6,995,213
14	0.37	$444,022,249	$120,019	$207,714	$2,071,408	$1,042,831	$111,006	$301,935	$111,006	$1,888,116	$111,006	$115,845	$231,868	$6,312,753
15[17]	0.3	$360,018,040	$97,313	$168,416	$1,679,520	$845,538	$90,005	$244,812	$90,005	$1,530,905	$90,005	$93,929	$188,001	$5,118,448
30-year Total			**$4,606,143**	**$7,971,711**	**$79,497,287**	**$40,022,149**	**$4,260,213**	**$11,587,781**	**$4,260,213**	**$72,462,823**	**$4,260,213**	**$4,445,959**	**$8,898,734**	**$242,273,228**
Average			**$153,538**	**$265,724**	**$2,649,910**	**$1,334,072**	**$142,007**	**$386,259**	**$142,007**	**$2,415,427**	**$142,007**	**$148,199**	**$296,624**	**$8,075,774**

[17] Equipment reaches the deprecation floor at year 15, and annual property taxes remain the same for the life of the project.

2.2.6.3 SCENARIO 3: SIP

For the first 15 years of the SIP scenario, the Applicant will pay an estimated total of $39.6 million in property taxes to taxing districts in Wasco County. Of that total, approximately $17.2 million will be paid to local school districts (Table 12). The taxable value of equipment will increase by approximately 3% each year. For the first two years, the 25 percent tax savings are greater than $3 million, and the community service fee will be equal to $3 million in the first year, and $3.09 million in the second year, and then will be equal to 25 percent of tax savings for the next 13 years. This results in an approximate total of $30.6 million paid in community service fees over the 15-year tax abatement period. Total tax savings over the 15-year period are equal to approximately $125.8 million (Table 13). If the community service fee is distributed among tax districts per current mill rate allocations[18], and the project is taxed as normal past the 15-year SIP period, then the Facility will generate approximately $147.1 million in tax revenue over the 30-year operational period of the Facility, for an average of $4.9 million per year (Table 14).

[18] As a percent of total mill rate

TABLE 13 SIP TAX SCENARIO CALCULATIONS

Year	Value of Equipment[19] ($millions)	Columbia Gorge CC	Columbia Gorge ESD	S Wasco Co SD 1	Juniper Flat RFPD	Wasco County 4H & Ext	Wasco County Library	Wasco County Soil & Water	Wasco County	White River Health	Columbia Gorge CC Bonds	S Wasco Co SD 1 Bonds	Total
0	$150.0	$40,545	$70,170	$699,765	$352,290	$37,500	$102,000	$37,500	$637,845	$37,500	$39,135	$78,330	$2,132,580
1	$154.5	$41,761	$72,275	$720,758	$362,859	$38,625	$105,060	$38,625	$656,980	$38,625	$40,309	$80,680	$2,196,557
2	$159.1	$43,014	$74,443	$742,381	$373,744	$39,784	$108,212	$39,784	$676,690	$39,784	$41,518	$83,100	$2,262,454
3	$163.9	$44,305	$76,677	$764,652	$384,957	$40,977	$111,458	$40,977	$696,990	$40,977	$42,764	$85,593	$2,330,328
4	$168.8	$45,634	$78,977	$787,592	$396,505	$42,207	$114,802	$42,207	$717,900	$42,207	$44,047	$88,161	$2,400,238
5	$173.9	$47,003	$81,346	$811,219	$408,401	$43,473	$118,246	$43,473	$739,437	$43,473	$45,368	$90,806	$2,472,245
6	$179.1	$48,413	$83,787	$835,556	$420,653	$44,777	$121,793	$44,777	$761,620	$44,777	$46,729	$93,530	$2,546,412
7	$184.5	$49,865	$86,300	$860,623	$433,272	$46,120	$125,447	$46,120	$784,469	$46,120	$48,131	$96,336	$2,622,804
8	$190.	$51,361	$88,889	$886,441	$446,270	$47,504	$129,211	$47,504	$808,003	$47,504	$49,575	$99,226	$2,701,489
9	$195.7	$52,902	$91,556	$913,035	$459,659	$48,929	$133,087	$48,929	$832,243	$48,929	$51,062	$102,203	$2,782,533
10	$201.6	$54,489	$94,303	$940,426	$473,448	$50,397	$137,079	$50,397	$857,210	$50,397	$52,594	$105,269	$2,866,009

[19] Assumes a Price Index increase of 3% each year, per SIP guidelines

Year	Value of Equipment[19] ($millions)	Columbia Gorge CC	Columbia Gorge ESD	S Wasco Co SD 1	Juniper Flat RFPD	Wasco County 4H & Ext	Wasco County Library	Wasco County Soil & Water	Wasco County	White River Health	Columbia Gorge CC Bonds	S Wasco Co SD 1 Bonds	Total
11	$207.6	$56,124	$97,132	$968,638	$487,652	$51,909	$141,192	$51,909	$882,927	$51,909	$54,172	$108,427	$2,951,989
12	$213.9	$57,807	$100,046	$997,698	$502,281	$53,466	$145,428	$53,466	$909,414	$53,466	$55,797	$111,680	$3,040,549
13	$220.3	$59,542	$103,047	$1,027,628	$517,350	$55,070	$149,790	$55,070	$936,697	$55,070	$57,471	$115,030	$3,131,766
14	$226.9	$61,328	$106,138	$1,058,457	$532,870	$56,722	$154,284	$56,722	$964,798	$56,722	$59,195	$118,481	$3,225,719
Total	**N/A**	**$754,093**	**$1,305,085**	**$13,014,869**	**$6,552,211**	**$697,459**	**$1,897,089**	**$697,459**	**$11,863,224**	**$697,459**	**$727,868**	**$1,456,853**	**$39,663,672**
15-year average	**N/A**	**$50,273**	**$87,006**	**$867,658**	**$436,814**	**$46,497**	**$126,473**	**$46,497**	**$790,882**	**$46,497**	**$48,525**	**$97,124**	**$2,644,245**

TABLE 14 YEARLY TAX SAVINGS AND COMMUNITY SERVICE FEE

Year	Yearly Tax Savings	25%	Community Service fee
0	$14,928,915	$3,732,229	$3,000,000
1	$12,817,558	$3,204,390	$3,090,000
2	$11,898,587	$2,974,647	$2,974,647
3	$11,148,253	$2,787,063	$2,787,063
4	$10,225,269	$2,556,317	$2,556,317
5	$9,641,417	$2,410,354	$2,410,354
6	$8,714,175	$2,178,544	$2,178,544
7	$8,125,937	$2,031,484	$2,031,484
8	$7,535,408	$1,883,852	$1,883,852
9	$6,942,519	$1,735,630	$1,735,630
10	$6,347,198	$1,586,800	$1,586,800
11	$5,749,373	$1,437,343	$1,437,343
12	$4,807,739	$1,201,935	$1,201,935
13	$3,863,447	$965,862	$965,862
14	$3,087,035	$771,759	$771,759
Total	**$125,832,829**	**N/A**	**$30,611,589**
15-year average	**$8,388,855**	**N/A**	**$2,040,773**

TABLE 15 30-YEAR TOTAL AND AVERAGES FOR SIP TAX SCENARIO

Taxing District	30-Year Total	30-Year Annual Average
Columbia Gorge CC	$2,795,779	$93,193
Columbia Gorge ESD	$4,838,570	$161,286
S Wasco Co SD 1	$48,252,274	$1,608,409
Juniper Flat RFPD	$24,292,146	$809,738
Wasco County 4H & Ext	$2,585,811	$86,194
Wasco County Library	$7,033,407	$234,447
Wasco County Soil & Water	$2,585,811	$86,194
Wasco County	$43,982,582	$1,466,086

Taxing District	30-Year Total	30-Year Annual Average
White River Health	$2,585,811	$86,194
White River Health Local Option	$0	$0
Columbia Gorge CC Bonds	$2,698,553	$89,952
S Wasco Co SD 1 Bonds	$5,401,243	$180,041
Grand Total	**$147,051,988**	**$4,901,733**

2.2.7 ECONOMIC IMPACTS OF INCREASED TAX REVENUE

The estimated tax revenues shown in the previous section would be a significant additional source of revenue that the affected local jurisdictions would otherwise not receive. This would be the case for the non-educational taxing districts. However, the situation is more complicated for the educational taxing districts due to the equalization formula Oregon uses to ensure financial equity among school districts. The application of this formula suggests that estimated education-related tax revenue gains would be offset by a corresponding decrease in state funding, with no net gain to Wasco County. Because there would likely be no net impact to schools, only non-school taxing districts are included in the total output values for both scenarios.

For the "no PILOT" scenario, tax revenues on average will annually support 21 jobs, along with $1.8 million in labor income and $3 million in GDP to the county (Table 16 Estimated Economic Impacts of increased property tax revenues, no PILOT or SIP2). For the PILOT scenario, tax revenues on average will annually support 14 jobs, along with $1.2 million in labor income and $2 million in GDP to the county (Table 12). For the SIP scenario, tax revenues on average will annually support 13 jobs, with $1.1 million in labor income and $1.8 million in GDP to the county (Table 18 Economic Impacts of Increased Property Tax Revenues, SIP)

Table 16 Estimated Economic Impacts of increased property tax revenues, no PILOT or SIP

Impact		Employment	Labor Income	GDP	Output
Direct	9.9	$1,090,508	$1,840,787	$4,561,780	
Indirect	7.1	$455,491	$695,309	$1,399,821	
Induced	4.4	$235,125	$436,434	$720,148	
Total	**21.4**	**$1,781,125**	**$2,972,530**	**$6,681,748**	

TABLE 17 ESTIMATED ECONOMIC IMPACTS OF INCREASED PROPERTY TAX REVENUES, PILOT

Impact		Employment	Labor Income	GDP	Output
Direct	6.7	$729,650	$1,231,654	$3,052,247	
Indirect	4.8	$304,765	$465,225	$936,608	
Induced	2.9	$157,320	$292,014	$481,844	

Impact		Employment	Labor Income	GDP	Output
Total	**14.3**	**$1,191,735**	**$1,988,894**	**$4,470,699**	

TABLE 18 ECONOMIC IMPACTS OF INCREASED PROPERTY TAX REVENUES, SIP

Impact		Employment	Labor Income	GDP	Output
Direct	6.0	$661,903	$1,117,298	$2,768,852	
Indirect	4.3	$276,468	$422,030	$849,646	
Induced	2.6	$142,714	$264,901	$437,106	
Total	**13.0**	**$1,081,085**	**$1,804,229**	**$4,055,604**	

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