

## **Exhibit K Land Use**

### **Umatilla-Morrow County Connect Project**



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*Application for Site Certificate*

*May 2025*

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## ACRONYMS AND ABBREVIATIONS

ASC	Application for Site Certificate
EFSC	Energy Facility Siting Council
EFU	Exclusive Farm Use
Goals	Statewide Planning Goals
LCDC	Land Conservation and Development Commission
MCCP	Morrow County Comprehensive Plan
MCZO	Morrow County Zoning Ordinance
NOI	Notice of Intent
OAR	Oregon Administrative Rule
ODOT	Oregon Department of Transportation
ORS	Oregon Revised Statutes
Project	Umatilla-Morrow County Connect Project
Project Order	First Amended Project Order, <i>In the Matter of the Application for Site Certificate for the Umatilla-Morrow County Connect Project</i> (April 04, 2024)
ROW	right-of-way
UCCP	Umatilla County Comprehensive Plan
UEC	Umatilla Electric Cooperative
UMCC	Umatilla-Morrow County Connect Project

## 1.0 INTRODUCTION

Exhibit K provides an analysis of Land Use for the Umatilla-Morrow County Connect Project (Project), as required by Oregon Administrative Rule (OAR) 345-021-0010(1)(k).

Umatilla Electric Cooperative (UEC) requests an Energy Facility Siting Council (EFSC or Council) determination of compliance under Oregon Revised Statute (ORS) 469.504(1)(b). Under this election, the Project complies with EFSC's land use standard if EFSC determines:

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

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

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

Exhibit K demonstrates that the Project meets the requirements of ORS 345-022-0030 showing compliance with statewide planning goals in order for the Council to issue a site certificate. Exhibit K also demonstrates that the Project complies with the applicable substantive criteria from the comprehensive plans and land use regulations in each of the jurisdictions crossed by the Project.

Exhibit K also demonstrates that the Project complies with Land Conservation and Development Commission (LCDC) administrative rules, Statewide Planning Goals (Goals), and state land use statutes directly applicable to the Project.

## 2.0 ANALYSIS

### 2.1 Project Order Provisions

The Council's Land Use standard requires an evaluation for compliance with the statewide planning goals. Under ORS 469.504(1), the applicant may establish compliance with the applicable statewide planning goals either by obtaining local land use approval under ORS 469.504(1)(a) or by obtaining Council approval under ORS 469.504(1)(b). The applicant indicated in the Notice of Intent (NOI) that it has elected to seek a Council determination of compliance under ORS 469.504(1)(b). Within Exhibit K, since the applicant has elected to obtain a Council determination on land use under ORS 469.504(1)(b), paragraphs A and C of OAR 345-021-0010(1)(k) apply; paragraph B does not apply.

Exhibit K must include information about the proposed facility's compliance with the statewide planning goals adopted by LCDC, providing evidence to support a finding by the Council as required by OAR 345-022-0030.

Under OAR 345-021-0010(1)(k)(A), Exhibit K must include a map showing the comprehensive plan designations and land use zones in the analysis area. All applicable criteria and standards associated with any zone in which the facility site boundary is proposed to be located must be included, unless micrositing corridors clearly demonstrate that no part of the facility will be located within that zone are proposed. The applicant is encouraged to consult with the planning departments of the affected local governments to develop the list.

Because the proposed facility is a jurisdictional transmission line that would pass through multiple jurisdictions, the Council may evaluate the proposed facility against the applicable substantive criteria recommended by the special advisory groups, against the statewide planning goals or against a combination of the applicable substantive criteria and statewide planning goals. In determining how to evaluate the facility, the Council must consider:

- The number of jurisdictions and zones in question.
- The degree to which the applicable substantive criteria reflect local government consideration of energy facilities in the planning process; and
- The level of consistency of the applicable substantive criteria from the various zones and jurisdictions.

The applicant may provide an analysis of these factors and request that the Council evaluate the facility under the applicable substantive criteria, against the statewide planning goals, or a combination of both; however, the Department retains the discretion to recommend, and the Council the discretion to select, a different method of evaluation and Exhibit K must include sufficient information to demonstrate compliance with local applicable substantive criteria regardless of the applicant's requested method of evaluation.

If the proposed facility will not comply with one or more of the applicable substantive criteria, the applicant must demonstrate that the proposed facility nevertheless complies with the applicable statewide planning goals or that an exception to a goal is justified under ORS 469.504(2) and OAR 345-022-0030(4).

Under OAR 345-021-0010(1)(k)(C), the applicant must identify all applicable substantive criteria from the affected local governments' Comprehensive Plan and any land use regulations that are required by the statewide planning goals and that are in effect on the date the application is submitted. The applicant should coordinate with both SAGs prior to submittal of the application to ensure that they are applying the current (at date of submittal of application) applicable substantive criteria.

The Morrow County applicable substantive criteria are found in the Morrow County Zoning Ordinance, and the Morrow County Comprehensive Plan. Written comments from Morrow County identified applicable substantive criteria in effect at the time of their review of the NOI, but as noted above, the applicant must identify applicable substantive criteria in effect at the time of the ASC submittal. (See Attachment 2: SAG Comments on NOI.)

The Umatilla County applicable substantive criteria are found in the Umatilla County Development Code, and the Umatilla County Comprehensive Plan. Written comments from Umatilla County identified applicable substantive criteria in effect at the time of their review of the NOI, but as noted above, the applicant must identify applicable substantive criteria in effect at the time of the ASC submittal. (See Attachment 2: SAG Comments on NOI.)

Exhibit K must identify and discuss each applicable substantive criteria and must demonstrate how the proposed facility complies with those criteria. If the proposed facility will not comply with one or more of the applicable substantive criteria, the applicant must demonstrate that the proposed facility nevertheless complies with the applicable statewide planning goals or that an exception to a goal is justified under ORS 469.504(2) and OAR 345-022-0030(4).

Exhibit K shall also provide evidence that the proposed facility would comply with any directly applicable LCDC administrative rules and statutory requirements related to the proposed facility, and include all requirements regarding the location of any portions of the proposed facility within the County's EFU zone.

## 2.2 Land Use Analysis Area

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

The analysis area for Exhibit K is the Area within the Project site boundary, along with a 0.5-mile-wide study buffer from the Project site boundary. The Project site boundary is defined as "the site perimeter of a proposed energy facility, its related or supporting facilities, all temporary laydown and staging areas, and all corridors and micro siting corridors proposed by the applicant" (OAR 345-001-0010(55)).

Figure K-1 (Umatilla County Zoning) and Figure K-2 (Morrow County Zoning) are a map overview of the Project site boundary and analysis area overlayed with county zoning

designations. Figure K-3 shows Umatilla County's Comprehensive Plan map designations. The way Morrow County has structured its comprehensive plan and zoning regulations, it uses a single map to depict its plan and zone designations. Figure K-2 therefore depicts that county's comprehensive plan designations.

In Umatilla County, Figure K-1 shows the Project site boundary is located mostly in areas zoned Depot Industrial (DI), and a small portion of Light Industrial (LI). The analysis area also includes land zoned as Exclusive Farm Use (EFU), Limited Rural Light Industrial (LRLI), Rural Tourist Commercial (RTC), Umatilla Depot Refuge (UDR) and Depot Military (UDM).

In Morrow County, Figure K-2 shows the line alignment and analysis area are in areas zoned EFU, Port Industrial (PI), and General Industrial (MG).

## 2.3 County and State Land Use Approval

OAR 345-021-0010(1)(k)(B): If the applicant elects to obtain local land use approvals: (i) Identify the affected local government(s) from which land use approvals will be sought. (ii) Describe the land use approvals required in order to satisfy the Council's land use standard. (iii) Describe the status of the applicant's application for each land use approval. (iv) Provide an estimate of time for issuance of local land use approvals.

OAR 345-021-0010(1)(k)(B) is not applicable. The Applicant has elected to obtain a Council determination on land use rather than obtain land use approval from the local jurisdictions.

OAR 345-021-0010(1)(k)(C): (i) Identify the affected local governments; (ii) Identify the applicable substantive criteria from the affected local governments' 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 rules, goals and statutes; (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); proposed facility would comply with any directly applicable LCDC administrative rules and statutory requirements related to the proposed facility, including ORS 215.274, 215.283, 215.296, and specifically including all requirements regarding the location of any portions of the proposed facility within the County's EFU zone.

- (i) Identify the affected local governments**
- (ii) Identify the applicable substantive criteria from the affected local governments' 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.**

The Project would be in Morrow and Umatilla County, the affected local governments. The substantive criteria from the affected local governments' acknowledged comprehensive plans and land use regulations are addressed below in Section 2.5 (Morrow County) and Section 2.6 (Umatilla County). Those sections include a description of how the Project complies with the applicable 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**

UEC is not aware of any LCDC administrative rules, Goals, or land use statutes that are directly applicable to the facility, but which have not already been incorporated into the acknowledged comprehensive plans or land use regulations of the affected local governments. Further, the initial comments provided by the affected local governments do not identify any such requirements. The portion of this rule making such rules, goals, and statutes directly applicable to the review of the Project is therefore not applicable.

**(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.**

As set forth below in Section 2.5 and Section 2.6, the proposed facility will comply with all applicable substantive criteria from Morrow County and Umatilla County, respectively. This portion of the rule requiring identification of Goals is therefore not applicable.

**(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).**

As set forth below in Section 2.5 and Section 2.6, the proposed facility will comply with all applicable substantive criteria from Morrow County and Umatilla County, respectively. UEC is therefore not seeking an exception to any Goals.

## **2.4 Utility Facilities in the Farm Zone**

As noted in Figures K-1 and K-2, the Project site boundary includes land zoned as EFU, a designation that exists both in Morrow County and in Umatilla County.

The EFU zone is the most protective zone in Oregon's land use system and is part of the implementation of Goal 3 applicable in the same manner in each county. Unlike almost every other zone counties use, the EFU zone is established at the state level and counties must implement specific statutes and rules when adopting and applying the EFU zone.

Only “farm uses” and non-farm uses expressly listed in ORS 215.283 are allowed within the EFU zone.<sup>1</sup> That statute is structured in a way that the non-farm uses listed in subsection (1) of ORS 215.283 must be allowed outright, whereas those non-farm uses listed in subsection (2) are subject to additional standards, typically through a conditional use process.<sup>2</sup> These non-farm uses are commonly referred to as “Sub 1” and “Sub 2” uses, respectively. LCDC’s rules impose further restrictions, mostly on Sub 2 uses, limiting the extent of such uses on high-value farmland and establishing specific approval standards.

The Project does not qualify as a “farm use,” which is limited to activities associated with the raising, harvesting and selling of crops and livestock.<sup>3</sup> The Project, however, does qualify as one of the Sub 1 uses listed in ORS 215.283. Specifically, ORS 215.283(1)(c) provides that the following use may be established in an EFU zone

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:

- (A) ORS 215.275; or
- (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and 469.300.

Transmission lines like the Project can be approved as a utility facility necessary for public service in the EFU zone under that statutory language.<sup>4</sup> One limitation in the statute is that the use must satisfy the criteria in ORS 215.275. That statute, in turn, provides that a utility facility is “necessary” if the applicant can demonstrate that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:

- (a) Technical and engineering feasibility.
- (b) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
- (c) Lack of available urban and non-resource lands;
- (d) Availability of existing rights of way;
- (e) Public health and safety; and
- (f) Other requirements of state or federal agencies.<sup>5</sup>

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<sup>1</sup> ORS 215.203(1). This statute refers to uses allowed in ORS 215.213 and ORS 215.283. Only the latter applies to Morrow County and Umatilla County.

<sup>2</sup> See *Brentmar v. Jackson County*, 321 Or 481, 496 (1995); *Dayton Prairie Water Assoc. v. Yamhill County*, 38 Or LUBA 14 (2000).

<sup>3</sup> See ORS 215.203(2).

<sup>4</sup> See, e.g., *WKN Chopin LLC v. Umatilla County*, 66 Or LUBA 1 (2012).

<sup>5</sup> ORS 215.275(2).

The statute also provides that the applicant and a county can consider the costs of any of those factors, but that cost alone cannot be the only consideration when determining whether the facility is necessary.<sup>6</sup>

The statute imposes two other limitations on siting utility facilities in an EFU zone. First, the facility owner is responsible for restoring any damaged or disturbed agricultural land and facilities back to their former condition.<sup>7</sup> Second, if the use is anticipated to result in any significant changes to farm practices (or the costs of those practices), a county must impose conditions to mitigate and minimize those impacts.<sup>8</sup>

The Land Use Board of Appeals has explained that, to comply with ORS 215.275(2), an applicant must first make a reasonable effort to identify reasonable non-EFU zoned sites. This includes considering any reasonable non-EFU zoned sites that are identified by other parties. Once potential non-EFU sites are identified, the applicant must demonstrate that those alternative sites are not feasible based on one or more of the factors set out in ORS 215.275(2).<sup>9</sup> It is noteworthy that the consideration of alternative sites applies only to the determination of whether the facility must be sited in the EFU. Once that decision is made, the applicant does not have to consider alternative locations that are also within an EFU zone.<sup>10</sup>

A key component of the Project is that it is a linear facility that will connect the Highway 730 Switchyard to the Ordnance Switchyard. Because those endpoints of the line are fixed, the availability of alternative routes is relatively limited. As it relates to Goal 3 and ORS 215.275, there is no route between the two switchyards that can avoid EFU zoned land and stay wholly within urban or non-resource zoned lands. As such, the statutory factor set forth in ORS 215.275(2)(b) is determinative, and the Project is locationally dependent on EFU lands. It is therefore authorized as a utility facility necessary for public service that is an outright permitted use in the EFU-zoned portions of the site boundary.

The above legal context informs how the Project complies with the EFU land use regulations in Morrow County and Umatilla County discussed in more detail below.

## 2.5 Morrow County Applicable Criteria

Within its November 9, 2023 letter, the Morrow County Planning Department identified the following provisions of the Morrow County Comprehensive Plan (MCCP) as well as the Morrow County Zoning Ordinance (MCZO) as potentially applicable to the Project.

### 2.5.1 Morrow County Comprehensive Plan

In response to the Notice of Intent (NOI) and in accordance with OAR 345-015-0120, the Morrow County Board of Commissioners provided a comment letter (“Morrow SAG Letter”) providing the applicable substantive criteria for the Project.

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<sup>6</sup> ORS 215.275(3).

<sup>7</sup> ORS 215.275(4).

<sup>8</sup> ORS 215.275(5).

<sup>9</sup> *Getz v. Deschutes County*, 58 Or LUBA 559 (2009).

<sup>10</sup> *WKN Chopin LLC v. Umatilla County*, 66 Or LUBA 1 (2012).

As an initial matter, it should be noted that OAR 345-021-0010(1)(k)(C) requires the Applicant to identify and address only the “applicable substantive criteria” in the county’s comprehensive plan. Typically, the provisions of a comprehensive plan are implemented through the local jurisdiction’s land use regulations. As a result, if a proposed use satisfies the approval criteria in the land use regulations, then the use is consistent with the comprehensive plan. An exception exists only where the comprehensive plan contains express provisions that serve as approval criteria. Despite that legal context, the Applicant addresses the comprehensive plan provisions listed below in response to information provided in the Morrow SAG Letter.

As identified in the Morrow SAG Letter, the following provisions of the MCCP are potentially applicable to the Project:

» **Goal 1: Citizen Involvement: To Develop and implement a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.**

The Application for Site Certificate (ASC) approval process incorporates opportunities for citizen input on the planning and permitting process. Citizen input includes multiple opportunities, through the NOI, scoping meetings, official notices to surrounding property owners and solicitation of comments, and the public hearings process. Therefore, the Application is consistent with this MCCP policy regarding citizen involvement even though it does not impose a substantive criterion.

» **Goal 2: General Land Use**

***Nonfarm – Non Forest Development in Respective Areas:***

***The County must adopt reasonable land use controls in order to assure each proposed development meets minimum standards and is in the best interest of the public. The proposed County Zoning Ordinance and subdivision ordinance will both aid in establishing these standards. Thereof, the County Review of each development proposal shall establish as a minimum a finding that each such proposal:***

1. ***Is compatible with the adjacent and area farm and forest uses and is consistent with the intent and purpose set forth in the County’s Comprehensive Plan and implementing ordinances.***
2. ***Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm or forest use.***
3. ***Does not materially alter the stability of the overall land use pattern of the area; and***
4. ***Is situated upon generally unsuitable land for the production of timber or farm crops and livestock, considering the terrain, adverse soil of land conditions, drainage and flooding, vegetation, location and size of the tract, and***
5. ***Complies with such other conditions as the governing body.***

This MCCP provision must be applied differently depending on which zone is being applied. As discussed above in Section 2.4, the portion of the Project that will be in the EFU zone is allowed outright as a Sub 1 use under ORS 215.283 and only statutory criteria can be applied. This MCCP provision is therefore not a substantive criterion with respect to the Project in the EFU zone.

The transmission line is a passive use with no off-site impacts that relate to farm and forest uses. The Project will be designed to avoid impacts to farming practices on adjacent lands. Limiting the number of new structures within center-pivot agricultural areas and easement acquisition will minimize impacts to the center-pivot agricultural areas. Because the Project occupies only a portion of each parcel it crosses, the underlying parcels remain available for development consistent with the underlying zoning. The overall land use pattern of the area will therefore stay intact. The parcels on non-EFU lands are generally unsuitable for the production of timber and farm crops, which is why they have been urbanized or developed with other uses. Based on the foregoing and based on the discussion of other MCCP goals in this section, these MCCP goals do not impose substantive criteria, but the Project is compatible and consistent with the intent set forth in the comprehensive plan and its implementing regulations.

- » ***Goal 3: Agricultural Lands Element: Agricultural Lands Element, Policy 1: It shall be the policy of Morrow County, Oregon, to preserve agricultural lands, to protect agriculture as its main economic enterprise, to balance economic and environmental considerations, to limit noncompatible nonagricultural development, and to maintain a high level of livability in the County***

This MCCP goal sets forth a general policy and it does not impose a substantive criterion. Even so, the Project is consistent with this goal. Working with landowners, the Project is being designed to minimize its land use and operational impacts on agricultural lands to the extent possible. Structures have been sited to span and avoid center-pivot agricultural areas, and existing access roads will be utilized to the extent possible. Additional discussion regarding the Project's compliance with statewide planning goals, and particularly Goal 3, is provided in Section 7.0.

- » ***Goal 9: Economic Element: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's Citizens.***

This MCCP goal sets forth a general policy and it does not impose a substantive criterion. Project activities will create temporary and permanent jobs (refer to Exhibit U), therefore contributing to the prosperity of Oregon's citizens. The Project is consistent with this state goal.

- » ***Goal 10: Housing Element: Whereas a substantial portion of the County's total housing units are located within the planning areas of the various Cities of the County; and whereas individual plans with respective housing elements have been formulated and jointly adopted by each City and within the County; therefore the housing element contained within this "Plan" is relatively general in scope and context.***

This MCCP goal sets forth a general policy and it does not impose a substantive criterion. The Project will not affect local housing unit development. Indeed, the increased reliability of UEC's system associated with the Project will provide a benefit to local housing. The Project is consistent with this state goal.

- » ***Goal 11: Public Facilities and Service Element: General Policy F: All utility lines and facilities shall be located on or adjacent to existing public or private right-of-way or through generally unproductive lands to avoid dividing existing farm units.***

This MCCP provision applies only to non-EFU lands for the Project because it is an outright permitted use under ORS 215.283(1). Even so, for the EFU zone and for other zones, most of the Project would be located in easements (rights-of-way) that have already been acquired on non-agricultural land. UEC will work with landowners before and during construction to avoid

dividing existing farm units. UEC's siting efforts are consistent with General Policy F of the public facilities and services element.

- » **Goal 13: Energy Conservation Element: Policy 1: To encourage renewable and/ or efficient energy systems, design, siting and construction materials in all new development and improvements to the county.**

This MCCP goal sets forth a general policy and it does not impose a substantive criterion. However, the Project is consistent with this goal because it is part of the development of a more efficient energy system.

## 2.5.2 Morrow County Zoning Ordinance

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

### Article 3 Section 3.010 Exclusive Farm Use Zone

*The purpose of the Exclusive Farm Use Zone is to preserve, protect and maintain agricultural lands for farm use, consistent with historical, existing and future needs, including economic needs, which pertain to the production of agricultural products. The EFU Zone is also intended to allow other uses that are compatible with agricultural activities, such as forest use, fish and wildlife habitat, and to maintain, improve, and utilize the quality of air, water and land resources of the county. It is also the purpose of the EFU Zone to qualify farms for farm use valuation under the provisions of Oregon Revised Statute (ORS) Chapter 308.*

*The EFU Zone has been applied to lands designated as Agriculture in the Comprehensive Plan (except for lands Zoned Space Age Industrial). The provisions of the EFU Zone reflect the agricultural policies of the Comprehensive Plan as well as the requirements of ORS Chapter 215 and Oregon Administrative Rule (OAR) Chapter 660 Division 33. The minimum parcel size and other standards established by this Zone are intended to promote commercial agricultural operation.*

- » **Section 3.010(B) Uses Permitted Outright**

*(25) Utility facilities necessary for public service, including associated transmission lines as defined in Article 1 and 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 as provided in Subsection D.10.*

This part of the MCZO implements ORS 215.283 and allows utility facilities necessary for public service as a use permitted outright. The structures for this Project will not exceed 200 feet in height.<sup>11</sup>

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<sup>11</sup> The Morrow SAG Letter also lists Section 3.010(B)(24) and Section 3.010(D)(9). Those code provisions, however, contain criteria applicable to utility facility service lines. The Project is a transmission line only and does not include any service lines, which Section 1.030 defines as lines that terminate at the point where a utility customer receives service.

### » Section 3.010(N) Transportation Impacts

***Traffic Impact Analysis (TIA). In addition to the other standards and conditions set forth in this section, a TIA will be required for all projects generating more than 400 passenger car equivalent trips per day. Heavy vehicles – trucks, recreational vehicles and buses – will be defined as 2.2 passenger car equivalents. A TIA will include: trips generated by the project, trip distribution for the project, identification of intersections for which the project adds 30 or more peak hour passenger car equivalent trips, and level of service assessment, impacts of the project, and, mitigation of the impacts. If the corridor is a State Highway, use ODOT standards. (MC-C-8-98)***

As noted above, for uses permitted outright in the EFU zone through ORS 215.283(1), the county is not authorized to impose any approval criteria other than those set forth in state statute. This provision is therefore not applicable. Even so, this is a transmission line project. It will not generate more than 400 passenger trips a day, including heavy vehicles. The Project will comply with all Oregon Department of Transportation (ODOT) standards.

### Article 3 Section 3.073 Port Industrial Zone

***The PI zone is intended to regulate development at portions of the Port of Morrow Industrial Park and other appropriate locations. The zone is intended to provide for port-related industrial uses and be an industrial sanctuary, limiting commercial uses to those appropriate and necessary to serve the needs of the workers employed within the zone. (MC OR-2014-1)***

The PI zone lists *Power generating and utility facilities* as Permitted Uses with a Zoning Permit. The proposed use is not subject to limitations on the use as outlined in Section 3.073(C). The use will comply with Section 3.073(D) Dimension Requirements.

### Article 3, Section 3.120 UMCD PI Limited Use Overlay Zone

***The purpose of the UMCD PI Limited Use Overlay Zone is to provide guidance concerning the development of approximately 959 acres of designated Port Industrial zoned lands. These lands are identified on the UMCD PI Limited Use Overlay Zone Map and include roads and bunkers used as part of the Army Depot.***

Although the Morrow SAG Letter does not list Section 3.120 as a substantive criterion, the PI Limited Use Overlay Zone map adopted with ORD-2014-4 shows the location of properties in the analysis area subject to this overlay. The Limited Use Overlay Zone lands are located near the south-west corner of the lands included in the Depot Plan, as a sub-area of the lands zone Port Industrial. The location of the Project Boundary would avoid crossing this overlay zone. However, these lands are included within the 0.5-mile land use analysis area.

### Article 4 Supplementary Procedures (relative to access, parking and related measure)

#### » Section 4.010 Access

Existing access will be utilized wherever feasible. As outlined in Exhibit B, permanent access roads will not be required where the Project right-of-way (ROW) is adjacent to existing roads. In agricultural areas, permanent easements for access roads will be established as necessary, but UEC will not construct permanent roads that would potentially affect agricultural operations or crop production. Existing roads may require minor improvements such as widening; these improvements would be coordinated with the applicable owner or agency managing the road and subject to any permitting requirements

If new access is required, UEC will coordinate approval with the county or ODOT and comply with all applicable provisions of Section 4.010 and other requirements.

» **Section 4.040 Parking and Related Measure**

This code provision requires off-street parking for some uses, but does not include requirements for utility uses. This code section is therefore not applicable to the Project. Other parking and related measures are addressed below in response to the County's requirement for site plan review.

» **Section 4.165 Site Plan Review**

***Site Plan Review is a non-discretionary or “ministerial” review conducted without a public hearing by the County Planning Director or designee. Site Plan Review is for less complex developments and land uses that do not require site development or conditional use review and approval through a public hearing.***

***A. Purpose. The purpose of Site Plan Review (ministerial review) is based on clear and objective standards and ensures compliance with the basic development standards of the land use district, such as building setbacks, lot coverage, maximum building height, and similar provisions. Site Plan review also addresses conformity to floodplain regulations, consistency with the Transportation System Plan, and other standards identified below.***

***B. Pre-application review. Prior to filing its application for site plan review, the applicant shall confer with the County Planning Director or designee, who shall identify and explain the relevant review procedures and standards.***

***C. Applicability. Site Plan Review shall be required for all land use actions requiring a Zoning Permit as defined in Section 1.050 of this Ordinance. The approval shall lapse, and a new application shall be required, if a building permit has not been issued within one year of Site Review approval, or if development of the site is in violation of the approved plan or other applicable codes.***

***D. Review Criteria.***

***1. The lot area shall be adequate to meet the needs of the establishment.***

***2. The proposed land use is permitted by the underlying land use district.***

- 3. The land use, building/yard setback, lot area, lot dimension, density, lot coverage, building height and other applicable standards of the underlying land use district and any sub-district(s) are met.**
- 4. Development in flood plains shall comply with Section 3.100 Flood Hazard Overlay Zone of the Ordinance.**
- 5. Development in hazard areas identified in the Morrow County Comprehensive Plan shall safely accommodate and not exacerbate the hazard and shall not create new hazards.**
- 6. Off-street parking and loading-unloading facilities shall be provided as required in Section 4.040 and 4.050 of the Morrow County Zoning Ordinance. Safe and convenient pedestrian access to off-street parking areas also shall be provided as applicable.**
- 7. County transportation facilities shall be located, designed and constructed in accordance with the design and access standards in the Morrow County Transportation System Plan.**
- 8. Site planning, including the siting of structures, roadways and utility easements, shall provide, wherever practicable, for the protection of trees eight inch caliper or greater measured four feet from ground level, with the exception of noxious or invasive species, such as Russian olive trees.**
- 9. Development shall comply with Section 3.200 Significant Resources Overlay Zone or 3.300 Historic Buildings and Sites protecting inventoried significant natural and historic resources.**
- 10. The applicant shall determine if compliance is required with Oregon Water Resources Department water quantity and/or Oregon Department of Environmental Quality water quality designations.**
- 11. The applicant shall determine if previous Code Enforcement violations have been cleared as applicable.**
- 12. The applicant shall determine the method of disposal for solid waste, with staff providing information to the applicant about recycling opportunities.**
- 13. The applicant shall obtain the necessary access permit through the Public Works Department as required by Morrow County Resolution R-29-2000**

UEC understands that Site Plan Review will be required by Morrow County in accordance with Section 4.165. The site plan review cannot take place until after micro-siting is complete. This will occur after a certificate of approval is issued through the EFSC process. As a condition of approval, UEC will submit the required documents for site plan review once the final route is chosen. All necessary access permits will be obtained from the Public Works department prior to construction of the Project as detailed in Exhibit E.

## Article 6 Conditional Uses

The Morrow SAG Letter identifies several provisions of Article 6 as substantive criteria. Those provisions, however, regulate conditional uses. The Project does not require conditional use approval because it is an outright permitted use in both zones it passes through in Morrow County (the EFU and PI zones).

### 2.5.3 Morrow County Subdivision Ordinance

» ***Article 8: Design Standards: Any land division, whether by Subdivision, creation of a street or other right-of-way, partitioning or planned unit development, shall be in compliance with the design standards set forth by this ordinance.***

T. Access Management.

2. Access within the influence area of existing or proposed state highway interchanges for which there is no adopted IAMP is regulated by standards in OAR 734-051. These standards do not retroactively apply to interchanges existing prior to adoption of the 1999 Oregon Highway Plan, except or until any redevelopment, change of use, or highway construction, reconstruction or modernization project affecting these existing interchanges occurs. It is the goal at that time to meet the appropriate spacing standards, if possible, but, at the very least, to improve the current conditions by moving in the direction of the spacing standard.

3. Access within a mapped and adopted IAMP Management Area of an existing or proposed state highway interchange is regulated by the adopted plan associated with that interchange. In an IAMP Management Area, proposed access shall be consistent with the associated Access Management Plan.

4. Morrow County also requires an access permit for land use development proposing access onto a County road. Access permit requirements for land use development are outlined in Section 4.010 of the Morrow County Zoning Code, and development proposing access onto a County road is subject to access spacing standards specified in the table below.

The Project is not a subdivision; therefore, this standard is not applicable.

### 2.5.4 Morrow County Transportation System Plan

The Project will use existing access points so the Morrow County Transportation System Plan is not applicable to this Project. However, if new access points are required, UEC will coordinate with Morrow County Public Works and comply with all applicable aspects of the Morrow County Transportation System Plan.

### 2.5.5 Morrow County Public Works Policy on Renewable Energy Development

***The Public Works Policy is in regard to Renewable Energy Project (REP) road impacts and mitigation or upgrades that may be required. Public Works will require that prior to any development of any REP, or related aggregate site, that affects, or may cause an effect on any Morrow County Road, a meeting with Public Works Staff, Planning Department Staff and the REP developer will be***

***required. Prior to or during this meeting, each developer will be furnished a copy of the Morrow County Transportation System Plan.***

This is not a Renewable Energy Development project. Therefore, this policy does not apply.

#### **2.5.6 Morrow County Solid Waste Ordinance**

***Responsibility for Proper Disposal of Hazardous Waste The owner, operator, or occupant of any premise, business, establishment, or industry shall be responsible for the satisfactory and legal disposal of all hazardous solid waste generated or accumulated by them on the property. All hazardous solid wastes shall be disposed of at an appropriate solid waste disposal site licensed to receive such waste, or in a manner consistent with Department of Environmental Quality regulations. It shall be unlawful for any person to dump, deposit, bury, or allow the dumping, depositing or burying of any hazardous solid waste onto or under the surface of the ground or into the waters of the state, except at a State permitted solid or hazardous waste disposal site.***

UEC will comply with all standards within the Solid Waste Ordinance.

#### **2.5.7 Morrow County Code Enforcement Ordinance**

UEC will comply with all standards within the Code Enforcement Ordinance.

#### **2.5.8 Morrow County Weed Control Ordinance**

UEC will submit a Weed Control Plan prior to construction.

#### **2.5.9 Morrow County Hazards Mitigation Plan**

According to the Morrow County Hazards Mitigation Plan, the county implements the plan by incorporating the recommended migration action items into existing programs, including its comprehensive plan and zoning regulations. As described in this Exhibit K, the Project can be approved under those regulations.

### **2.6 Umatilla County Applicable Criteria**

#### **2.6.1 Umatilla County Comprehensive Plan**

As noted in the discussion above relating to Morrow County, OAR 345-021-0010(1)(k)(C) requires the Applicant to identify and address only the "applicable substantive criteria" in the county's comprehensive plan. Typically, the provisions of a comprehensive plan are implemented through the local jurisdiction's land use regulations. As a result, if a proposed use satisfies the approval criteria in the land use regulations, then the use is consistent with the comprehensive plan. An exception exists only where the comprehensive plan contains express provisions that serve as approval criteria. The Applicant addresses various comprehensive plan provisions below to address the provisions identified by Umatilla County in its letter ("Umatilla SAG Letter"), but those provisions are either implemented through the application of the

county's development code, or they impose requirements on the county rather than an applicant.

#### **2.6.1.1 Citizen Involvement: Policy 1 and Policy 5**

- » ***Policy 1: Provide information to the public on planning issues and programs, and encourage continuing citizen input to planning efforts.***

The ASC approval process incorporates opportunities for citizen input on the planning and permitting process, through the NOI, scoping meetings, official notices to surrounding property owners and solicitation of comments, and the public hearings process. Therefore, the Project is consistent with this UCCP policy regarding citizen involvement.

- » ***Policy 5: Through appropriate media, encourage those County residents' participation during both city and County deliberation proceedings.***

As noted above, the Site Certificate process with EFSC provides ample opportunity for public review of application materials and provide input, along with participation in the planning process. This includes at least one hearing in the local area. The EFSC process is consistent with Statewide Land Use Planning Goal 1 regarding citizen involvement. Accordingly, the Project is consistent with the UCCP policies regarding citizen involvement.

#### **2.6.1.2 Chapter 8. Open Space, Scenic and Historic Areas, and Natural Areas**

- » ***Section 1(a) The County shall maintain this resource [Open Space] by limiting development mainly to existing built up areas.***

The Project will not be built on land being utilized or historically used for agricultural activities or other open space. The Project is located entirely on private land, none of which is designated as open space. The Project site boundary of the Project is relatively small compared to the Study Area (see Figure K-1). The Project will allow the underlying properties to be developed in conformance with applicable zoning standards and will not significantly alter the rural, sparsely developed character of the land immediately surrounding the Project site boundary. The impacts of the Project on scenic, protected, and recreational areas are discussed in further detail in Exhibits R, L, and T.

- » ***Section 5(a) The County shall maintain rural agricultural lands, Development shall be of low density to assure retention of upland game habitat***

The density of developed areas and existing agricultural land uses will remain very low, and the vast majority of land within the Project site boundary will remain undeveloped. Project impacts would occur primarily on agricultural lands, while upland game habitat, and particularly the streams, wetlands and riparian areas on which game relies, will be minimally affected.

Agricultural land within the Project area can continue to be used for agriculture even after the Project is constructed. Refer to Exhibit B and C for analysis of disturbance areas.

- » ***Section 5(b) Land uses should maintain the vegetation along stream banks, fence rows, woodlots, etc. Research ways to reduce harassment and loss of upland game by free roaming dogs and cats.***

The Project would install transmission structures with a relatively small footprint and minimal supporting infrastructure. As such, it will not interfere with game movement or habitat. Sensitive habitat and vegetated areas along stream banks, fence rows, and woodlots will not be

permanently disturbed by the Project. There are no characteristics of the Project that would attract or exacerbate the problem of free roaming dogs and cats.

- » ***Section 6(a) Developments or land uses that require drainage, channelization, filling or excessive removal of riparian vegetation in sensitive waterfowl areas should be identified.***

The Project does not require drainage, channelization, filling, or removal of riparian vegetation in sensitive waterfowl areas.

- » ***Section 8(a) Setbacks shall be established to protect significant and other wetlands.***

The Project is designed to avoid wetlands and maintain sufficient setbacks from wetland edges to prevent indirect impacts to nearby wetlands as further discussed in Exhibit J.

- » ***Section 9(a) The County shall encourage land use practices which protect and enhance significant wetlands.***

The Project will not disturb wetlands in Umatilla County as further discussed in Exhibit J.

- » ***Section 10(c) Compatible land use shall maintain the riparian vegetation along streams in the floodplain. Stream bank vegetation shall be maintained along streams outside of the floodplain by utilizing appropriate setbacks.***

The Project is designed to avoid impacts to riparian or other stream bank vegetation as further discussed in Exhibit J.

- » ***Section 10(d) Development or land use that requires channelization, excessive removal of streamside vegetation, alteration of stream banks and filling into stream channels shall be restricted in order to maintain streams integrity.***

The Project is designed to avoid nearly all impacts to streams as discussed in Exhibit J. In the unlikely event there are impacts to ephemeral streams, all appropriate measures will be implemented to maintain stream integrity. Streamside vegetation removal will be avoided to the extent practicable, and areas disturbed temporarily will be restored to approximately original contours and reseeded with native species.

- » ***Section 10(e) New roads, bridges and access rights-of-way shall be designed to avoid channel capacity, and minimize removal of shoreline vegetation.***

This Project is not adjacent to a river, lake, sea, or ocean. No new roads, bridges, or access ROW will adversely affect channel capacity. This standard does not apply.

- » ***Section 20(a) Developments of potentially high visual impacts shall address and mitigate adverse visual effects in their permit application, as outlined in the Development Ordinance standards.***

Exhibits L, R, and T provide evidence that the Project will not result in significant adverse visual impacts to protected areas, scenic resources, and recreational resources. Visual impacts are minimized as discussed in Exhibit R. Project facilities would be non-natural vertical elements in locations where they are visible. Proposed Project facilities would result in minimal changes to the existing topography, landforms, and land cover, and no significant or important scenic resources in the analysis area.

» ***Section 20(b) It is the position of the County that the Comprehensive Plan designations and zoning already limit scenic and aesthetic conflicts by limiting land uses or by mitigating conflicts through ordinance criteria. However, to address any specific, potential conflicts, the County shall insure special consideration of the following when reviewing a proposed change of land use:***

- (1) Maintaining natural vegetation whenever possible.***
- (2) Landscaping areas where vegetation is removed and erosion might result.***
- (3) Screening unsightly land uses, preferably with natural vegetation or landscaping.***
- (4) Limiting rights-of-way widths and numbers of roads intersecting scenic roadways to the minimum needed to safely and adequately serve the uses to which they connect.***
- (5) Limiting signs in size and design so as not to distract from the attractiveness of the area.***
- (6) Siting Developments to be compatible with surrounding area developments and recognizing the natural characteristics or the location.***
- (7) Limiting excavation and filling only to those areas where alteration of the natural terrain is necessary and re-vegetating such areas as soon as possible.***
- (8) Protection vistas and other views which are important to be recognized because of their limited number and importance to the visual attractiveness of the area.***

Exhibit R reviews Project impacts to important scenic resources in Umatilla County.

Transmission projects are allowed in the EFU zone if conformance with ORS 469.300 and ORS 469.310 are demonstrated. Aesthetic and scenic conflicts are addressed for a project as part of the substantive criteria applicable to the project. Nonetheless, the Project incorporates many of the design guidance elements enumerated in this policy to the extent applicable to minimize aesthetic impacts.

Disturbed areas will be revegetated as soon as practicable following construction to restore the visual quality of the land and to prevent erosion. Project access roads have been reduced to the minimum length needed to develop the Project and will be narrowed following construction to a minimum width needed for typical maintenance vehicles.

Access road routes and structure locations were chosen to limit cut and fill requirements, and to follow existing terrain, as much as possible.

» ***Section 22 The County shall cooperate with state agencies and other historical organizations to preserve historic buildings and sites, cultural areas, and archeological sites and artifacts.***

This provision imposes a requirement on the county and not the applicant. The Project would not impact historic buildings (see Exhibit S). All other known historic, cultural, and archaeological resources have been avoided, through Project layout modifications, to avoid significant impacts. In the event that previously undiscovered sites or artifacts are found during construction, the Applicant will coordinate with the State Historic Preservation Office regarding an appropriate course of action to conserve the resource. Avoidance of impacts to cultural or archaeological resources is discussed in Exhibit S.

» ***Section 23(a) Umatilla County shall encourage and cooperate in developing a detailed county-wide historic site inventory.***

This provision imposes a requirement on the county and not the applicant. Any historic site information developed in the course of Project development will be provided for inclusion in the Umatilla County historic site inventory.

» ***Section 24(a) Umatilla County shall protect significant historical and cultural sites from land use activities which diminish their value as historical resources.***

This provision imposes a requirement on the county and not the applicant. Avoiding impacts to cultural or historical resources is discussed in Exhibit S. Project design, including avoidance measures, was designed to avoid significant impacts on historic, cultural, and archaeological resources. Direct impacts on known resources will be avoided through Project design. Avoidance would be achieved either through spanning overhead lines over the resource or moving Project components. Avoiding these resources will be ensured through monitoring during construction.

» ***Section 26 The County shall cooperate with the Tribe, Oregon State Historic Preservation Office, and others involved in concern identifying and protecting Indian cultural areas and archeological sites.***

This provision imposes a requirement on the county and not the applicant. The Applicant has contacted, cooperated and/or consulted with the Confederated Tribes of the Umatilla Indian Reservation and the Confederated Tribes of the Warm Spring Reservation. The Applicant will consult with Oregon State Historic Preservation Office through the ASC process regarding cultural and archaeological resources (see Exhibit S). All identified native American cultural and archaeological sites eligible or potentially eligible for regulatory protection will be avoided, as required by applicable standards.

» ***Section 37 The County shall ensure compatible interim uses provided through Development Ordinance standards, and where applicable consider agriculturally designated land as open space for appropriate and eventual resource or energy facilities use.***

The final Project centerline has not been finalized. Pursuant to this section, agriculturally designated land will be utilized where feasible.

» ***Section 38(a) The County shall encourage mapping of future agencies [sic] sites, ensure their protection from conflicting adjacent land uses, and required reclamation plans.***

This provision relates to aggregate or mineral exploration, extraction, and reclamation. The Project does not include these activities and will not impact any existing aggregate or mineral extraction site. The Project will not prevent future development of aggregate or mineral

extraction sites and will not represent a conflicting land use that would adversely affect or be adversely affected by mining activities in the vicinity.

- » ***Section 38(b) Aggregate and mineral exploration, extraction, and reclamation shall be conducted in conformance with the regulations of the Department of Geology and Mineral Industries.***

The Project does not involve aggregate or mineral exploration, extraction, or reclamation, and will not impact any existing aggregate or mineral extraction site.

- » ***Section 38(c) The County Development Ordinance shall include conditional use standards and other provisions to limit or mitigate conflicting uses between aggregate sites and surrounding land uses.***

Umatilla County identified one Goal 5 protected site located near the proposed transmission line. The site is currently owned by Rock It, LLC and is located on Tax Lot 300. The site was added to the County's Goal 5 Inventory and allowed mining. The site's allowed uses were later expanded in 2016 to permit aggregate processing. Although the County's Aggregate Resource overlay zone was applied, no specific protections for the aggregate resource were granted for the site. While the Project does not include developing any aggregate or other mining sites, these sites are still protected under Statewide Planning Goal 5. Through the public participation process, Oregon Department of Energy and EFSC will engage this aggregate operator, and others that may be affected by the proposed transmission line, to ensure that the Project will not negatively impact their existing operations. If a new or renewed permit is required, it will be obtained by a selected contractor. The Project complies with all applicable substantive criteria related to protection of aggregate resources.

- » ***Section 39(a) The County shall strictly enforce state and county development standards pertaining to gravel extraction/processing uses through appropriate agencies; whether new operations or expansions of existing sites.***

The Project will not directly extract sand or gravel; therefore, no extraction permits are required.

- » ***Section 42(a) Encourage development of alternative sources of energy.***

This provision imposes a requirement on the county and not the applicant.

### **2.6.1.3 Chapter 9. Air, Land, Water Quality**

- » ***Policy 1: Discharges from existing and future developments shall not exceed applicable environmental standards.***

The Project will not discharge any pollutants or other regulated materials, in exceedance of environmental standards. The Applicant will obtain and comply with a National Pollution Discharge Elimination System permit for stormwater discharge and shall follow Best Management Practices to minimize discharges and emissions during construction. Once operational, the Project will not discharge pollutants or other materials regulated by environmental law. Waste materials will be managed in compliance with applicable laws and regulations (see Exhibits W and CC).

- » ***Policy 7: Consider cumulative noise impacts and compatibility of future developments, including the adoption of appropriate mitigating requirements of plan updates.***

Noise impacts and mitigation are discussed in Exhibit Y, which demonstrates that the Project can be operated to comply with state noise regulations. The Applicant considered the potential for, but is not aware of, future developments that could give rise to cumulative noise impact issues.

- » ***Policy 8: Recognize that protection of existing wells has priority over development proposals requiring additional subsurface sewage disposal.***

This transmission line Project would not include subsurface sewage disposal.

#### **2.6.1.4 Chapter 10. Natural Hazards**

- » ***Policy 1: The County will endeavor, through appropriate regulations and cooperation with applicable governmental agencies, to protect life and property from natural hazards and disasters found to exist in Umatilla County.***

The Project is in an area largely free of natural hazards. It will incorporate many features protective of life and property (see Exhibit H). The Project incorporates setbacks to public roads to the extent possible such that it would minimize hazards to public health or safety even in the event of a catastrophic failure. Project facilities will be located away from known hazard areas. The structures will be designed and built to industry engineering standards so that they can withstand anticipated wind, ice, seismic loads, and other hazards. Exhibit H demonstrates that the Project can be designed, engineered, and constructed to minimize dangers to human safety and the environment in case of a design seismic event. Exhibit E provides the additional permits that will be obtained to demonstrate compliance.

- » ***Policy 4: Potentially hazardous major developments (e.g., power plants) must address earthquake hazard possibilities.***

There are few known or active faults mapped within the Project site boundary (see Exhibit H). The risk of seismic hazards to human safety at the proposed Project is considered low (See Exhibit H). There are no known liquefaction, subsidence, or landslide risk areas within the Project site boundary. All foundations will be built to applicable engineering standards for earthquake safety, and all county setbacks from roads will be observed, reducing the risk that Project improvements could collapse onto roads. In Exhibit H, the Applicant has demonstrated that the Project can be designed, engineered, and constructed to avoid anticipated dangers to human safety and the environment in case of a design seismic event.

#### **2.6.2 Chapter 11. Recreation Needs**

- » ***Policy 1: Encourage and work with local, state, federal agencies and private enterprise to provide recreational areas and opportunities to citizens and visitors to the County.***

The Project will not interfere with or have any influence on the ability of the county to implement this policy. There are no areas zoned Open Space or parks in the Project site boundary. In general, the Project setting, primarily agricultural with no major waterways, does not provide any ideal spaces for recreational areas or opportunities especially in consideration of other areas of the county.

## 2.6.2.1 Chapter 12. Economy of the County

» ***Policy 1: Encourage diversification within existing and potential resource-based industries.***

The existing economic use of affected land will not be significantly impacted by the Project. The Project will be an addition to and diversification of the County economy rather than a replacement of one economic use with another.

» ***Policy 4: Participate in selected economic development programs and projects applicable to the County desired growth.***

The Project is outside of all Urban Growth Boundaries. The Project will make economic use of the energy resource of Umatilla County without detriment to other energy projects or natural resource uses. The Project will generate economic growth and jobs within Umatilla County.

» ***Policy 8: Evaluate economic development proposals upon the following: Will the proposal:***

- a. increase or decrease available [water] supplies?***
- b. improve or degrade [water] qualities?***
- c. balance [water] withdrawal with recharge rates?***
- d. be a beneficial use?***
- e. have sufficient [water] quantities available to meet needs of the proposed project and other existing and reassembly anticipated needs?***
- f. reduce other [water] use opportunities and if so, will the loss be compensated by other equal opportunities?***

The Project will provide economic growth and jobs within Umatilla County, operations will have no effect on water supplies or quality and will be a net beneficial use by reducing the need for carbon intensive energy sources. Exhibit O demonstrates that construction and operation of the Project will not result in significant adverse impacts to water resources. The Applicant's third-party construction contractor can obtain construction water from the local cities under an existing municipal water right. This is considered an exempt use, which would not require a new water right to be obtained under ORS 537.545.

## 2.6.2.2 Chapter 14. Public Facilities and Services

» ***Policy 1: The county will control land development in a timely, orderly, and efficient manner by requiring that public facilities and services be consistent with established levels of rural needs consistent with the level of service requirements listed on pages J-27 and J-28 of the Technical Report. Those needs are identified as follows:***

- a. Fire protection shall be provided consistent with Policies 8,9,10.***

Policies 8, 9, and 10 respectively call for the formation or expansion of rural fire districts in areas designated for non-resource use; the provision of adequate fire-fighting water supplies for significant new rural developments in coordination with the appropriate fire district; and

assistance by the county in locating satellite fire stations. The Applicant will provide construction plans, phasing information, and locational information for all Project facilities, including Project access, to all involved fire departments as required. During construction, and particularly during activities that present a potential fire hazard, the Applicant will maintain water trucks on-site for rapid response in the event of a fire (also see Exhibit V). None of the fire departments have suggested that water supplies should be maintained for the Project; any specific requirements will be determined prior to beginning construction. Project development would not preclude the use of other portions of the participating properties for use as the location of a future fire station.

***b. Police protection shall be provided consistent with Policy 7.***

Policy 7 calls for the allocation of county funding to maintain at least the state average of 0.34 officers per 1,000 people. During operations, the Project will create full-time employment for up to 10 to 15 workers, some of whom may be new residents in Umatilla County. However, the addition of a small number of employees and their families would not significantly affect the provision of police services. Additionally, the Project will contribute toward funding of police services through increased property tax revenues, allowing the county to maintain this minimum level of service.

***c. Surface Water Drainage-Roadside drainage shall be maintained and plans for drainage shall be required in multiple use areas.***

Roadside drainage will be maintained on all roads developed or improved for the county, which is limited to locations where Project access roads intersect county roads or state highways. The Project must meet applicable local government erosion and sediment control or stormwater management requirements. Specific requirements for roadside drainage will be determined through the National Pollution Discharge Elimination System permit and the associated Erosion and Sedimentation Control Plan. The Applicant will coordinate with Umatilla County Public Works to ensure the roadside drainage plans for the Project meet county specifications.

***d. Roads shall be maintained or improved to standards adopted by the County Road Department which are consistent with nationally accepted standards that correlate traffic to desired road conditions.***

The Applicant will enter into a road use agreement with Umatilla County to ensure that roads are maintained or improved to county standards.

***Policy 2: Require that domestic water and sewage disposal systems for rural areas be provided and maintained at levels appropriate for rural use only. Rural services are not to be developed to support urban uses.***

Water supply and sewage disposal plans for the Project are consistent with the rural nature of the site. The Project will not have significant water needs. Construction water will be obtained from municipal water suppliers or from some other permitted source (see Exhibit O) in quantities within the service capacity of those providers and hauled to the Project site. Sewage disposal will be handled by portable toilets during construction, and thereafter by an on-site sewage disposal system (see Exhibit U).

***» Policy 9: Require adequate water supplies for firefighting as part of significant new developments in rural areas in coordination with the appropriate rural fire district.***

The Applicant has confirmed the adequacy of fire protection services in Umatilla County as discussed in Exhibit U. Attachment U-3 is a record of correspondence with the Umatilla County Fire District, Boardman Fire Rescue, Hermiston Police Department, and Morrow County Sheriff's Department confirming that the construction and operation of the Project will not impede their abilities to provide emergency services. In general, wind and solar projects do not pose a significant fire risk.

» ***Policy 19: Where feasible, all utility lines and facilities shall be located on or adjacent to existing public or private rights-of-way so as to avoid dividing existing farm or forest units; and transmission lines should be located within existing corridors as much as possible.***

The proposed Project centerline will generally follow Project access roads as much as possible, which are routed to avoid dividing existing farm fields to the maximum extent practicable.

#### **2.6.2.3 Chapter 15. Transportation**

» ***Policy 18: The County will review right-of-way acquisitions and proposals for transmission lines and pipelines so as to minimize adverse impacts on the community.***

Electric transmission lines that are part of the Project will be reviewed by EFSC as part of this Site Certificate application. The Applicant understands that the county will comment on the ASC content regarding ROW for Project transmission lines. As described throughout this Exhibit K and remainder of the ASC, the Project is designed to minimize adverse impacts on the community.

» ***Policy 20: Request larger industrial and commercial development proposals, consider sponsoring carpooling programs***

The Project is needed to address reliability on UEC's system, which will also allow UEC to provide service to larger industrial and commercial development proposal the county approves in the future. The Project itself is a passive use and does not result in the types of jobs for which regular commuting is required. Carpooling programs are therefore not applicable to this kind of development.

#### **2.6.2.4 Chapter 16. Energy Conservation**

» ***Policy 1: Encourage rehabilitation /weatherization of older structures and the utilization of locally feasibly renewable energy resources through use of tax and permit incentives.***

The Project does not qualify as a building structure under Policy 1 standards. This provision does not apply.

#### **2.6.3 Umatilla County Development Code**

##### **2.6.3.1 Chapter 152.059 Land Use Decisions**

*In an EFU zone the following uses may be permitted through a land use decision via administrative review (§ 152.769) and subject to the applicable criteria found in §152.617.*

*Once approval is obtained a zoning permit (§ 152.025) is necessary to finalize the decision.*

**(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 or communication towers over 200 feet in height. A utility facility necessary for public service may be established as provided in ORS 215.275 and in § 152.617 (II)(7).**

**§ 152.617 (II) (7) Utility Facility Necessary for Public Service**

**(A) A utility facility established under ORS 215.283(1)(c) is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service. To demonstrate that a utility facility is necessary, an applicant must:**

**(1) Demonstrate that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:**

- (a) Information provided in the technical and engineering feasibility;**
- (b) The proposed facility is locationally dependent. (It must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands.)**
- (c) Show a lack of available urban and non-resource lands;**
- (d) Due to availability of existing rights of way.**
- (e) Due to public health and safety concerns; and**
- (f) Show it must meet other requirements of state and federal agencies.**

This code provision implements the statutory criteria set forth in ORS 215.283(1)(c) and ORS 215.275. As explained above in Section 2.4, the Project is a utility facility necessary for public service under these provisions.

The Project is locationally dependent. It would inter-connect two existing switchyards, Highway 730 Switchyard and Ordnance Switchyard, which are fixed in their locations. There is no route between these two existing endpoints that completely avoids resource lands. Thus, even though the Project is not planned to pass through the EFU zone in Umatilla County, it would be authorized to do so.

UEC understands that Umatilla County adopted and follows state regulations on zoning. Therefore, by complying with Umatilla County ordinances UEC will also meet state regulations. UEC is also working with the state agencies to permit activities that are not zoning related. Therefore, reasonable alternatives have been considered and factors (a), (b), (c), (d), and (f) listed above have been demonstrated.

**(2) Costs associated with any of the factors listed in subsection (A) above may be considered, but cost alone, including the cost of land, may not be**

***the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.***

The factors in subsection (A) relate to determining if a utility is necessary to be in the farm zone. UEC has not relied on costs to make that determination.

***(3) The owner of a utility facility approved under this section shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this paragraph shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.***

Project construction is anticipated to require approximately nine to 12 months to complete. Construction is anticipated between November 2025 and July 2026. Construction sites, material storage yards, and access roads would be kept in an orderly condition throughout the construction period. Refuse and trash, including stakes and flags, would be removed from the sites and disposed of in an approved manner. Oils or chemicals would be hauled to an approved site for disposal.

Following construction and cleanup, site restoration would be implemented and completed. Except where permanent facilities are being located, the disturbed surfaces would be restored to the original land surface contours, to the extent determined by the local agencies. Agency- or owner-recommended, site-specific seed mixes would be used. Seed would be planted using drilling, straw mulching, or hydro-mulching as directed by local and state agencies and landowners.

***(4) The governing body of the county or its designee shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmlands.***

The proposed work will have minimal impacts to the surrounding lands devoted to farm use and would not cause a significant change in accepted farm practices or cost of surrounding farm practices. If any such impacts are identified during EFSC's review, UEC will cooperate in the development of appropriate mitigation conditions.

***(5) Utility facilities necessary for public service may include on-site and offsite facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete. Offsite facilities allowed under this paragraph are subject to OAR 660-033-0130(5). Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall have no effect on the original approval.***

Temporary workforce housing facilities will not be utilized for the Proposed work. Therefore, this standard does not apply.

***(6) In addition to the provisions of paragraphs (1) to (4) of this subsection, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) in an exclusive farm use zone shall be subject to the provisions of OAR 660-011-0060.***

No sewer extension is proposed or required for the proposed transmission line. Therefore, this standard does not apply.

***(7) The provisions of paragraphs (1) to (4) of this subsection do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.***

The Project does not include a gas pipeline. Therefore, this standard does not apply.

***(B) An associated transmission line is necessary for public service and shall be approved by the governing body of a county or its designee if an applicant for approval under ORS 215.283(1)(c) demonstrates to the governing body of the county or its designee that the associated transmission line meets either the requirements of paragraph (1) of this subsection or the requirements of paragraph (2) of this subsection.***

***(1) 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.***

***(2) After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to paragraphs (3) and (4) of this subsection, two or more of the following criteria:***

- (a) Technical and engineering feasibility;***
- (b) The associated transmission line is locationally dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;***

- (c) ***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;***
- (d) ***Public health and safety; or***
- (e) ***Other requirements of state or federal agencies.***

(3) ***As pertains to paragraph (2), the applicant shall present findings to the governing body of the county or its designee on how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.***

(4) ***The governing body of a county or its designee may consider costs associated with any of the factors listed in paragraph (B) of this subsection, but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.***

The Project is not an associated transmission line. Therefore, these standards do not apply.

#### 2.6.3.2 Chapter 152.238 Conditional Uses

In the DI Zone, the following uses and their accessory uses are permitted conditionally, subject to the requirements and general criteria of § 152.610 through 152.616, § 152.239 and § 152.241 of and upon issuance of a zoning permit. Some conditional uses in the DI Zone are only allowed in specific subareas [identified in brackets following each use].

(4) ***Utility facility and power generation plant as provided in § 152.616 (CCC) [Subareas 1 & 3];***

***1) The facility is designed to minimize conflicts with scenic values and adjacent recreational residential, forest, grazing and farm uses as outlined in policies of the Comprehensive Plan;***

The visual impact of the Project will minimally add to the existing cumulative effect of development and land use in the surrounding area. The proposed Project will not conflict with scenic values in the area. The adjacent parcels of land are not currently being used for recreational, residential, forest, or grazing uses.

The Umatilla County Comprehensive Plan (UCCP) includes mentions of transmission lines and facilities as well as energy facilities and related infrastructure. The UCCP states the following:

- (a) Where feasible, all utility lines and facilities shall be located on or adjacent to existing public or private ROWs to avoid dividing existing farm or forest units; and transmission lines should be located within existing corridors as much as possible. (Chapter 14. Public Facilities and Services, Policy 19)

(b) The County will review ROW acquisitions and proposals for transmission lines and pipelines so as to minimize adverse impacts on the community. (Chapter 15. Transportation, Policy 18)

The Plan more generally describes issues of continued agricultural use when transmission line and towers cut diagonally across fields. The intentional siting along parcel edges, spanning center pivots, and along roads and highways minimizes overall impacts and is conformance with the Comprehensive Plan.

***(2) The facility be of a size and design to help reduce noise or other detrimental effects when located adjacent to recreational residential dwellings;***

The site location for the transmission line is not directly adjacent to residential districts. The transmission line will cause short term noise during construction and minimal coronal noise during operation as described in Exhibit Y.

***(3) The facility may be required to be fenced, landscaped or screened;***

The Project is a linear utility line and will not require fencing or additional landscaping. The area immediately around the transmission line will be kept clear of vegetative growth that may interfere with the operations and maintenance of the transmission line.

***(4) The facility does not materially alter the stability of the overall land use pattern of the area;***

Existing distribution utility corridors, roads, and ROWs will be utilized in order to minimize the impact on existing land uses or patterns of use in the area. Further, the transmission line will still allow underlying properties to be developed in conformance with their existing zoning designations so the overall land use pattern of the area will not be impacted.

***(5) The facility does not constitute an unnecessary fire hazard, and consideration be made for minimum fire safety measures which can include, but are not limited to:***

***(a) The site be maintained free of litter and debris;***

***(b) Using non-combustible or fire-retardant treated materials for structures and fencing;***

***(c) Clearing site of all combustible materials within 30 feet of structures;***

The structures will be made of steel, which will provide maximum fire protection. Litter or other debris will not be generated as a result of facility operations. Any woody vegetation will be cleared during operation and maintenance of the transmission line to lower the risk of wildfires.

***(6) Major transmission tower, poles and similar gear shall consider locations within or adjacent to existing rights of way in order to take the least amount of timberland out of production and maintain the overall***

***stability and land use patterns of the area, and construction methods consider minimum soil disturbance to maintain water quality;***

The Common Corridor does not cross any timber production land. The Common Corridor was chosen to follow as many existing ROW or boundary lines such as parcel and section lines as possible while not lengthening the project by restricting it to only following roads or other public infrastructure. Industry standard best practices will be utilized to ensure land disturbance is minimized and water quality is preserved.

***(7) The facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations;***

The Project will follow Oregon State Department of Forestry regulations.

***(8) Access roads or easements be improved to a standard and follow grades recommended by the Public Works Director;***

Permanent access roads will not be required where the Project ROW is adjacent to existing roads. In agricultural areas, permanent easements for access roads will be established as necessary, but UEC will not construct permanent roads that would potentially affect agricultural operations or crop production. Existing roads may require minor improvements such as widening. All recommendations from the Public Works Director will be adhered to if new access or access improvement is required.

***(9) Road construction be consistent with the intent and purposes set forth in the Oregon Forest Practices Act or the 208 Water Quality Program to minimize soil disturbance and help maintain water quality;***

Existing road entrances off of public roads will be used to access the Project for regular maintenance.

***(10) Land or construction clearing shall be kept to a minimum to minimize soil disturbances and help maintain water quality;***

Land clearing will be minimal since existing access roads will typically be utilized for line construction and maintenance. Industry standard best practices will be utilized to maintain the air and water quality.

***(11) Complies with other conditions as deemed necessary provided in § 152.615.***

The Applicant understands that the Planning Director or other appropriate planning authority may specify conditions for the use submitting in its application as outlined in UCDC 152.615. The Applicant will work with Umatilla County as needed to comply with conditions deemed necessary.

### **2.6.3.3 Chapter 152.240 Master Plan and Design Review on lands zoned DI**

***(B) Design Review for Permitted Uses in all Subareas in the DI Zone.***

***(A) An application for a zoning permit for a use permitted in § 152.237 of this chapter shall be accompanied by a site plan and, if applicable, a design review application***

The EFSC process supports statewide planning goals while conforming to local land use plans and regulations. Once the EFSC Certificate is received, a local zoning permit would be secured for the specific alignment chosen. This would be an administrative approval issued by the county based on EFSC's approval and any zoning permit requirements. The site plan criteria would be addressed at that time.

#### **2.6.4 Chapter 152.305 Design Review Criteria On Lands Zoned LI**

***(A) An application for a zoning permit for a use permitted in § 152.302 of this chapter shall be accompanied by a site plan and, if applicable, a design review application.***

The EFSC process supports statewide planning goals while conforming to local land use plans and regulations. Once the EFSC Certificate is received, a local zoning permit would be secured for the specific alignment chosen. This would be an administrative approval issued by the county based on EFSC's approval and any zoning permit requirements. The site plan criteria would be addressed at that time.

#### **2.6.5 Chapter 152.615 Additional Conditional Use Permit Restrictions**

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

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

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

***(C) Limiting the height, size or location of a building or other structure;***

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

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

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

- (G) Limiting or otherwise designating the number, size, location, height and lighting of signs;*
- (H) Limiting the location and intensity of outdoor lighting and requiring its shielding;*
- (I) Requiring diking, screening, landscaping or other methods to protect adjacent or nearby property and designating standards for installation and maintenance.*
- (J) Designating the size, height, location and materials for a fence;*
- (K) Protecting and preserving existing trees, vegetation, water resources, air resources, wildlife habitat, or other natural resources;*
- (L) Parking area requirements as listed in §§ 152.560 through 152.562 of this chapter. (Ord. 83-4, passed 5-9-83; Ord. 2005-02, passed 1-5-05; Ord. 2011-05 passed 6-28- 11;)*

The Project activities are consistent with existing uses in the Site Boundary. UEC is not proposing any conditions of approval like those listed above. UEC will review and respond to any such conditions imposed by EFSC as part of its review process.

## **2.6.6 Umatilla County's Transportation System Plan**

As requested in the Umatilla SAG Letter, UEC will work with the Umatilla County Public Works Director to identify specific road improvements and traffic management necessary to accommodate construction traffic and oversize loads on county roads. This coordination will begin prior to construction of the transmission line but after more detailed design drawings and development plans are created based on the final route of the Project.

## **2.6.7 Interchange Area Management Plans**

### **» Westland Road / 1-84 / I-82 Interchange Area Transportation Plan (2006)**

Westland Road is a two-lane rural major collector with two-to-four-foot shoulders. It has an interchange with Interstate-84. Lamb Road is a two-lane rural major collector, with up to two-foot-wide shoulders. Lamb Road provides access to the former Umatilla Chemical Depot (now under Columbia Development Authority ownership), Westland Road, as well as an interchange with Interstate-82. New access points from Lamb Road are limited and should be coordinated with County Public Works.

#### **Standard One**

***The standard adopted in the 2002 Umatilla County Transportation System Plan is 1320 foot spacing between a freeway ramp intersection with a local cross street and the first full access. This spacing standard is also consistent with the 1999 Oregon Highway Plan***

The Project will not involve new local cross streets or an approach on a highway interchange. This standard does not apply.

### **Standard Two**

***The second access spacing standard to consider in the development of the local street network and access management plan is the minimum public street to public street spacing standard. The 2002 Umatilla County Transportation System Plan requires that the minimum spacing standard between public roads on a designated rural collector arterial is 500 feet.***

The Project will not include new access on a rural arterial or from a public road; existing access points will be used. This standard does not apply.

### **Standard Three**

***The third and final access spacing standard to consider is the minimum driveway spacing standard. The 2002 Umatilla County Transportation System Plan defines minimum driveway spacing on a rural collector arterial at 250 feet.***

The Project will not involve building any driveways on a rural collect arterial. This standard does not apply.

### **1-84/Army Depot Interchange Area Management Plan**

The Project will be in full compliance with the UCCP as analyzed above, as well as the County Development code. All utilization of new and existing access points and roads will conform with the standards within both Access Management Plans.

#### **2.6.8      Emergency Response Plan**

UEC developed an emergency response plan that can be viewed if requested.

### **3.0      CONCLUSIONS**

The information contained in this Exhibit provides the Council with sufficient information to make a determination that the Facility complies with the land use standard set forth in ORS 345-022-0030.

## 4.0 COMPLIANCE CROSS REFERENCES

Table K-1 identifies the location within the application for site certificate of the information responsive to the application submittal requirements OAR 345-021-0010(1)(k) the Land Use Standard at OAR 345-022-030, and the relevant Project Order provisions.

**TABLE K-1. COMPLIANCE REQUIREMENTS AND RELEVANT CROSS-REFERENCES**

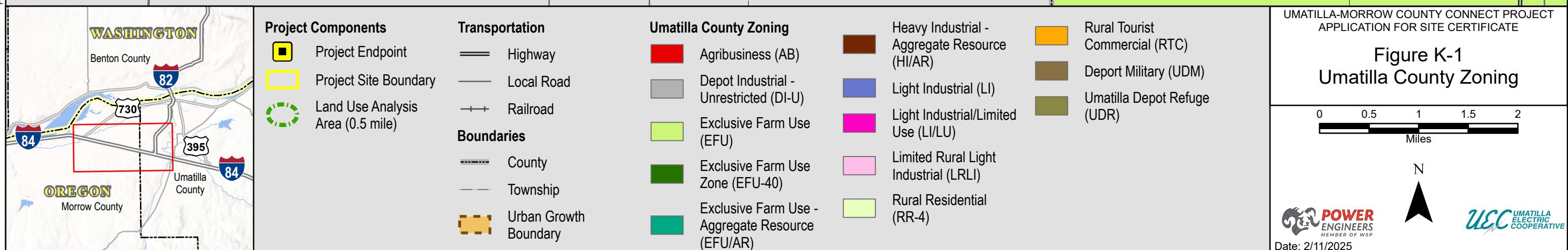
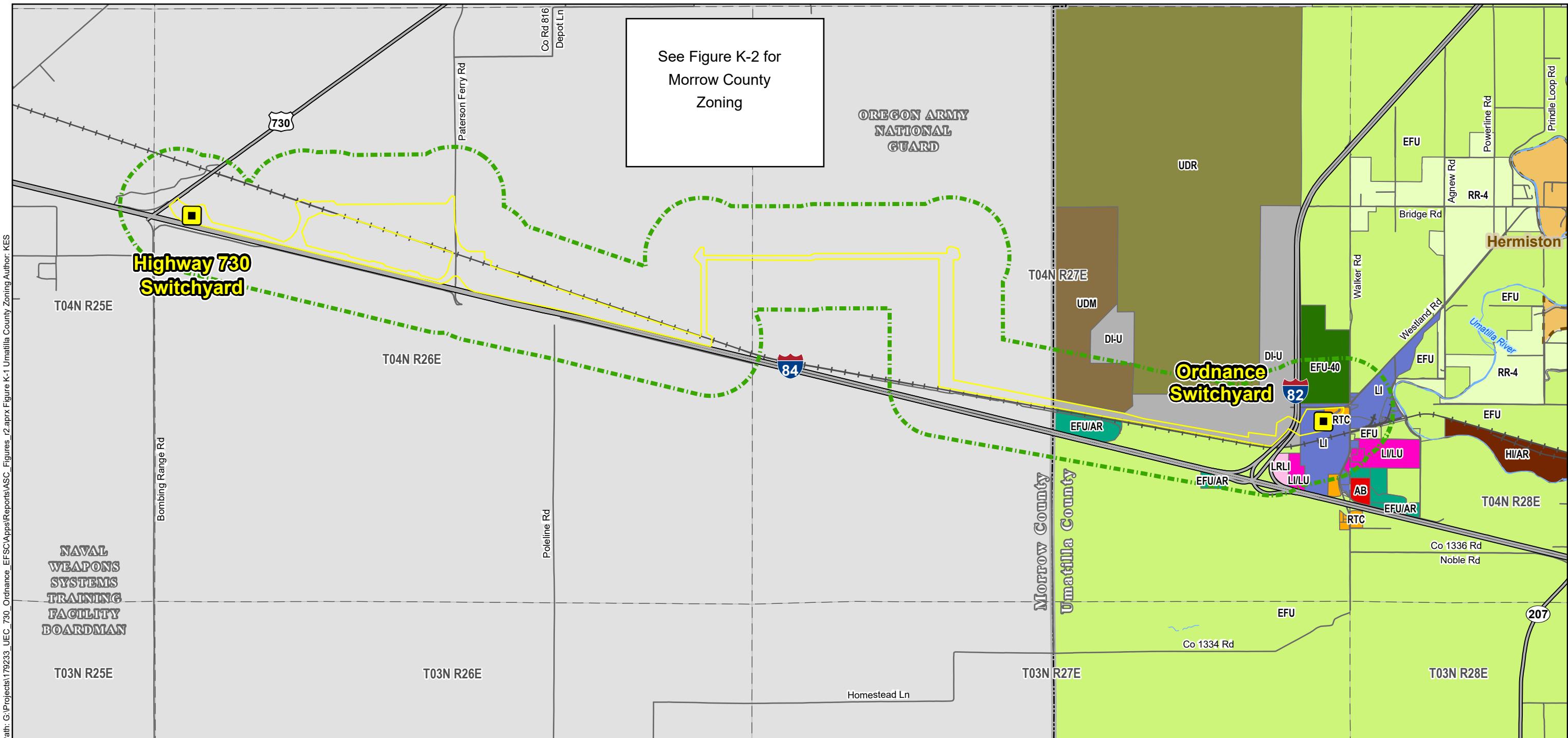
REQUIREMENT	LOCATION
<b>OAR 345-021-0010 (1)(k) (A)</b>	
Exhibit K must include a map showing the comprehensive plan designations and land use zones in the analysis area. All applicable criteria and standards associated with any zone in which the facility site boundary is proposed to be located must be included, unless micro-siting corridors clearly demonstrate that no part of the facility will be located within that zone are proposed. The applicant is encouraged to consult with the planning departments of the affected local governments to develop the list.	Exhibit K, Figure K-1 and K-2
<b>OAR 345-021-0010(1)(k)(C)</b>	
The applicant must identify all applicable substantive criteria from the affected local governments' Comprehensive Plan and any land use regulations that are required by the statewide planning goals and that are in effect on the date the application is submitted. The applicant should coordinate with both SAGs prior to submittal of the application to ensure that they are applying the current (at date of submittal of application) applicable substantive criteria	Exhibit K, Section 2.4 and 2.5
<b>ORS 469.504(2) and OAR 345-022-030</b>	
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;	Exhibit K, Section 2.3
ORS 469.504(1)(b)(B) For an energy facility or a related or supporting facility that must be evaluated against the applicable substantive criteria pursuant to subsection (5) of this section, that the proposed facility does not comply with one or more of the applicable substantive criteria but does otherwise comply with the applicable statewide planning goals, or that an exception to any applicable statewide planning goal is justified under subsection (2) of this section; or	
ORS 469.504(1)(b)(C) For a facility that the council elects to evaluate against the statewide planning goals pursuant to subsection (5) of this section, that the proposed facility complies with all applicable statewide planning goals or that an exception to any applicable statewide planning goal is justified under subsection (2) of this section.	

## 5.0 REFERENCES

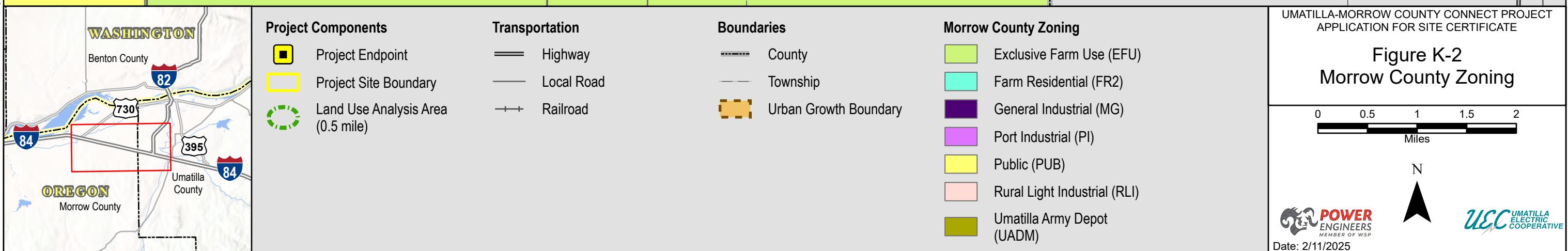
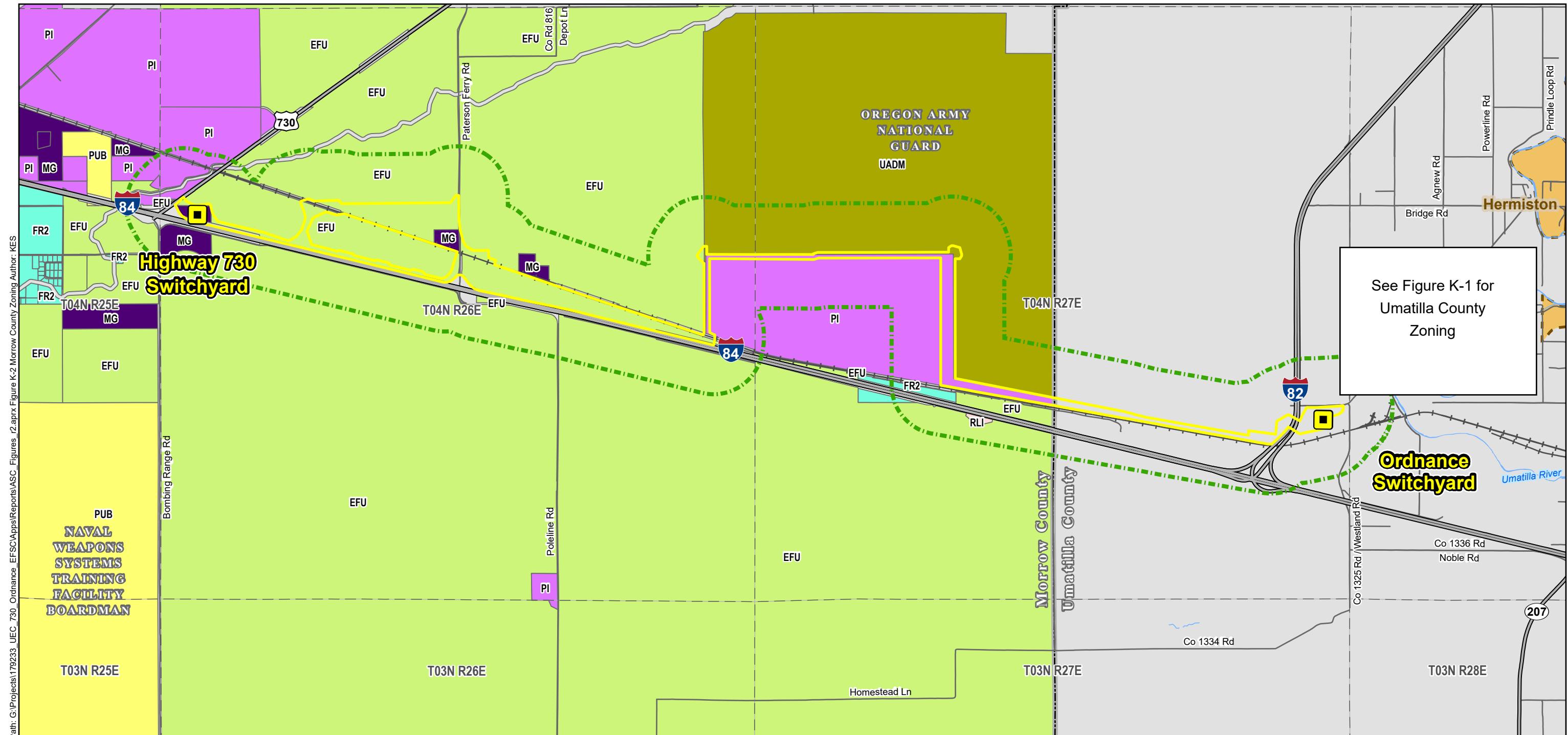
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## FIGURE K-1 UMATILLA COUNTY ZONING



## FIGURE K-2 MORROW COUNTY ZONING



## FIGURE K-3 COUNTY COMPREHENSIVE PLAN DESIGNATIONS

