

# **Exhibit K**

## **Land Use**

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**Carty Generating Station**  
**October 2026**

**Prepared for**



**Portland General Electric Company**

**Prepared by**



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## Acronyms and Abbreviations

|                            |                                              |
|----------------------------|----------------------------------------------|
| AADT                       | average annual daily traffic                 |
| AC                         | alternating current                          |
| ASC                        | Application for Site Certificate             |
| AVA                        | American Viticulture Area                    |
| BCP                        | Boardman Coal Plant                          |
| BESS                       | battery energy storage system                |
| BMP                        | best management practice                     |
| BPA                        | Bonneville Power Administration              |
| Certificate Holder/ PGE    | Portland General Electric Company            |
| CGS / Facility             | Carty Generating Station                     |
| Council                    | Energy Facility Siting Council               |
| EFU                        | Exclusive Farm Use                           |
| ESCP                       | Erosion and Sediment Control Plan            |
| FAA                        | Federal Aviation Administration              |
| goals                      | Statewide Land Use Planning Goals            |
| kV                         | kilovolt                                     |
| LCDC                       | Land Conservation and Development Commission |
| MCCP or Comprehensive Plan | Morrow County Comprehensive Plan             |
| MCZO                       | Morrow County Zoning Ordinance               |
| MG                         | General Industrial                           |
| MW                         | megawatt                                     |
| NRCS                       | Natural Resources Conservation Service       |
| NWSTF                      | Naval Weapons Systems Training Facility      |
| O&M                        | operations and maintenance                   |
| OAR                        | Oregon Administrative Rules                  |
| ODEQ                       | Oregon Department of Environmental Quality   |
| ODFW                       | Oregon Department of Fish and Wildlife       |
| ODOE                       | Oregon Department of Energy                  |
| ODOT                       | Oregon Department of Transportation          |
| ORS                        | Oregon Revised Statutes                      |
| PV                         | photovoltaic                                 |
| RFA                        | Request for Amendment                        |

|      |                                    |
|------|------------------------------------|
| RPS  | Renewable Portfolio Standard       |
| TNC  | The Nature Conservancy             |
| UGB  | urban growth boundary              |
| WPCF | Water Pollution Control Facilities |

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## 1.0 Introduction

The Portland General Electric Company (PGE or Certificate Holder) is submitting a Request for Amendment (RFA) 4 to the Site Certificate for the Carty Generating Station (CGS or Facility). The Facility is located approximately 13 miles southwest of Boardman, in Morrow County, Oregon. As currently approved, the Facility is capable of generating up to 450 megawatts (MW) from the natural gas-fueled combined-cycle unit (Unit 1).

In RFA 4, the Certificate Holder is proposing photovoltaic solar energy generation with approximately 200 MW alternating current (AC) of nominal and average generating capacity and BESS with the capability of storing up to 200 MW AC. The overall CGS additions proposed with RFA 4 (including the BESS) are referred to throughout this request as the Carty Solar Farm with proposed RFA 4 changes. The solar generation is proposed in two separate solar areas referred to as the Northern Solar Area, located north of the Carty Reservoir, and the Southern Solar Area, located south of the reservoir [see Figure 2 in RFA 4's Division 27 document (Request for Amendment 4 for the Carty Generating Station)].

This Exhibit K was prepared to meet the submittal requirements in Oregon Administrative Rule (OAR) 345-021-0010(1)(k). The Energy Facility Siting Council (Council) previously found the Certificate Holder has demonstrated an ability to construct, operate, and retire the approved Facility in compliance with the land use standard OAR 345-022-0030 and related Site Certificate Conditions as reviewed during prior requests for amendment. This Exhibit K demonstrates that the Council may find that the Carty Solar Farm with proposed RFA 4 changes, complies with the land use standard and related Site Certificate Conditions.

To issue a site certificate, the Council must find that the Carty Solar Farm with proposed RFA 4 changes complies with the Statewide Land Use Planning Goals adopted by the Land Conservation and Development Commission (LCDC); see OAR 345-022-0030(1).

*OAR 345-021-0010 (1)(k) Information about the proposed facility's compliance with the statewide planning goals adopted by the Land Conservation and Development Commission, providing evidence to support a finding by the Council as required by OAR 345-022-0030. The applicant must state whether the applicant elects to address the Council's land use standard by obtaining local land use approvals under ORS 469.504(1)(a) or by obtaining a Council determination under ORS 469.504(1)(b)...*

The Certificate Holder has elected to seek a Council determination of compliance under Oregon Revised Statutes (ORS) 469.504(1)(b). Under this election, a finding of compliance is required when the Council determines the following:

*ORS 469.504(1)(b)(A) The facility complies with applicable substantive criteria from the affected local government's acknowledged comprehensive plan and land use regulations that are required by the statewide planning goals and in effect on the date the application is submitted, and with*

*any Land Conservation and Development Commission administrative rules and goals and any land use statutes that apply directly to the facility under ORS 197.646;*

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

*ORS 469.504(1)(b)(C) For a facility that the council elects to evaluate against the statewide planning goals pursuant to subsection (5) of this section, that the proposed facility complies with 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 the Amended Carty Solar Farm is in compliance with the applicable substantive criteria from the Morrow County Zoning Ordinance (MCZO) (Morrow County 2018) and Morrow County Comprehensive Plan (MCCP) (Morrow County 2013). In addition, Exhibit K demonstrates compliance with the LCDC administrative rules and goals and any land use statutes directly applicable to the amended Facility. Exhibit K also demonstrates that a “reasons” exception to Statewide Planning Goal 3, Agricultural Lands, is justified under ORS 469.504(2). Finally, Exhibit K provides evidence upon which the Council may find that the Carty Solar Farm with proposed RFA 4 changes meets OAR 345-022-0030.

## **2.0 Land Use Analysis Area – OAR 345-021-0010 (1)(k)(A)**

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

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

Response: In accordance with OAR 345-001-0010(35)(c), the analysis area for land use is defined as the area within and extending 0.5 mile from the Amended Site Boundary (Figure K-1). Figure K-2 shows the Morrow County land use zones and comprehensive plan designations within the analysis area. In Morrow County, the comprehensive plan designation is the same as the zoning map designation. Table K-1 provides the acreages of potential permanent and temporary impacts that

encompass the Carty Solar Farm with proposed RFA 4 changes. The Carty Solar Farm with proposed RFA 4 changes is located within two zoning designations in Morrow County: Exclusive Farm Use (EFU) and General Industrial (MG).

**Table K-1. Land Area/Zoning Description**

| Land Areas (Acres)                                             | Morrow County            |                         |
|----------------------------------------------------------------|--------------------------|-------------------------|
|                                                                | Exclusive Farm Use (EFU) | General Industrial (MG) |
| Carty Solar Farm with proposed RFA 4 changes - Permanent Areas | 499.9                    | 360.0                   |
| Carty Solar Farm with proposed RFA 4 changes - Temporary Areas | 8.7                      | 28.4                    |
| <b>Total</b>                                                   | 508.7                    | 388.4                   |

### 3.0 Local Land Use Approval – OAR 345-021-0010 (1)(k)(B)

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

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

**Response:** PGE intends to obtain a Council determination on land use for the Carty Solar Farm with proposed RFA 4 changes; therefore, this requirement does not apply.

### 4.0 EFSC Determination on Land Use – OAR 345-021-0010 (1)(k)(C)

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

- (i) Identify the affected local governments.*

**Response:** Morrow County is the affected local government for RFA 4.

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

Response: The applicable substantive criteria of the MCZO and Morrow County Comprehensive Plan MCCP are addressed in Sections 6.0 and 7.0 of this exhibit:

- **Morrow County Zoning Ordinance (Morrow County 2018):**
  - MCZO 1.050 Zoning Permit
  - MCZO 3.010 Exclusive Farm Use, EFU
  - MCZO 3.070 General Industrial Zone, MG
  - MCZO 4.040 Off-Street Vehicle Parking Requirements
  - MCZO 4.050 Off-Street Parking and Loading
  - MCZO 4.165 Site Plan Review
  - MCZO 6.015 Requirements Under a State Energy Facility Site Certificate
  - MCZO 6.020 General Criteria
  - MCZO 6.025 Resource Zone Standards for Approval
  - MCZO 6.030 General Conditions
  - MCZO 6.040 Permit Improvements
  - MCZO 6.050 Standards Governing Conditional Uses
- **Morrow County Comprehensive Plan (Morrow County 2013):**
  - Goal 3 Agricultural Lands Element – Policies 1 and 4
  - Goal 9 Economic Element – Policies 2A, 3A, 5A and 6C
  - Goal 13 Energy Conservation Element – Policies 3 and 9

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

Response: State statutes and LCDC administrative rules directly applicable to the Carty Solar Farm with proposed RFA 4 changes are addressed in Section 8.0 of this exhibit. The statutes and administrative rules are:

- ORS 215.296(1)
- OAR 660-033-0130(5)
- OAR 660-033-0130(16)
- OAR 660-033-0130(38)

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

Response: As discussed in this exhibit, the Carty Solar Farm with proposed RFA 4 changes complies with all substantive criteria, with the exception that it will occupy more than 12 acres of high-value farmland and more than 20 acres of arable land in the EFU zone. The majority of the Carty Solar Farm with proposed RFA 4 changes proposed in the EFU zone is to the south and east of the Carty Reservoir, referred to throughout this exhibit as the Southern Solar Area (see Figure 2 in RFA 4's Division 27 document [Request for Amendment 4 for the Carty Generating Station]). The northern portion of the Carty Solar Farm with proposed RFA 4 changes, referred to throughout this exhibit as the Northern Solar Area, includes approximately 8 acres in the EFU zone. Therefore, the Carty Solar Farm with proposed RFA 4 changes does not meet the acreage standards under MCZO 3.010(K)(3)(f) and OAR 660-033-0130(38)(g), and thus PGE is requesting an exception to Statewide Planning Goal 3. In addition, the majority of the Northern Solar Area does not comply with MCZO Section 3.070, which provides the outright and conditionally permitted uses for the MG zoning district. Therefore, in Section 9.0 of this exhibit, the Certificate Holder identifies the applicable Statewide Land Use Planning Goals and, since these conditions primarily occur within the Northern Solar Area and Southern Solar Area respectively, the Certificate Holder describes how the Northern Solar Area and Southern Solar Area otherwise comply with the applicable Statewide Land Use Planning Goals.

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

Response: As discussed in this exhibit, the Carty Solar Farm with proposed RFA 4 changes does not comply with the requirement of the Statewide Planning Goal 3 implementing rule because it will occupy more than 12 acres of high-value farmland and more than 20 acres of arable land in the EFU zone. Therefore, PGE is requesting an exception to Statewide Planning Goal 3.

## **5.0 Overview of Facility, Land Uses, and Farmland Characteristics**

### **5.1 Facility Overview**

As currently approved, the Facility is an electrical generation facility capable of generating up to 450 MW of electrical power on 4,997 acres in Morrow County, Oregon. CGS consists of the operating 450 MW natural gas-fueled combined-cycle unit (Unit 1) and its associated components;; the 500-kV Grassland to Slatt transmission line (approximately 17 miles long); the 230-kV BCP to Dalreed transmission line (approximately 16 miles long); the 34.5-kV BCP to the railroad crossing at Tower Road transmission line; and Carty Reservoir.

In RFA 4, the Certificate Holder proposes to amend the Third Amended Site Certificate to allow 200 MW AC of nominal and average generating solar energy generation capacity as defined in ORS 469.300(4)(c), amend the Facility's Approved Site Boundary to expand into areas formerly used for the BCP, and add BESS with the capability of storing up to 200 MW. The Certificate Holder proposes the Carty Solar Farm with proposed RFA 4 changes

The RFA 4's Division 27 document (Request for Amendment 4 for the Carty Generating Station) provides a detailed overview of the Carty Solar Farm with proposed RFA 4 changes. Table 1 in the RFA 4's Division 27 document summarizes those changes that include amending the Approved Site Boundary, increasing the maximum peak generating capacity from the Facility, amending the Facility description to include photovoltaic solar energy generation, and adding a BESS as a related and supporting facility.

The Carty Solar Farm with proposed RFA 4 changes will be designed, constructed, and operated consistent with the relevant Council siting criteria and standards.

## **5.2 Overview of Existing Land Uses**

The zoning designations, underlying land uses, and soil classifications within the Amended Site Boundary and analysis area are relevant for purposes of analyzing compliance with applicable substantive criteria and directly applicable state land use regulations. Zoning is discussed in Section 2.0. Existing land uses are discussed in this section while soil classifications are discussed in Section 5.3.2.

As shown on Figure K-4, a majority of the Amended Site Boundary is non-cultivated land and open water from the Carty Reservoir. Cultivated land within the Amended Site Boundary is owned and operated by Threemile Canyon Farms. The facilities (including related or supporting facilities) proposed for the Carty Solar Farm with proposed RFA 4 changes are not located on cultivated land.

## **5.3 Farmland Characteristics**

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

- Whether the land is within a place of use for a permit, certificate, or decree for the use of water for irrigation issued by the Oregon Water Resources Department or is within the boundaries of an irrigation district (as defined under ORS 540.505);
- Whether the land in a tract<sup>1</sup> is predominantly composed of soils that are irrigated or not irrigated and classified by the Natural Resources Conservation Service (NRCS) as prime,

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<sup>1</sup> Per OAR 660-033-0020(14) "Tract" means one or more contiguous lots or parcels under the same ownership. As mapped in Figure K-3, there are three tracts located within the Amended Site Boundary. While Threemile Canyon, LLC owns the land west of Tract 1, it is separated by the right-of-way of Tower Road and is therefore not "contiguous" per the definition under OAR 660-033-0020(14).

unique, Class 1 or Class 2 (for high-value soils) or as cultivated land and arable soils (for arable land); and

- Whether the land is located within the Columbia Valley American Viticulture Area (AVA), as described in 27 Code of Federal Regulations 9.74, and meets the elevation, aspect, and slope criteria listed under ORS 195.300(10)(f).

The following subsections investigate each of these factors as they apply to the Amended Site Boundary and analysis area.

### ***5.3.1 Existing Water Rights***

As shown on Figure K-5, there are currently no irrigated agricultural lands within the permanent or temporary disturbance footprint for the Carty Solar Farm with proposed RFA 4 changes. In addition, none of the land within the Amended Site Boundary and analysis area are included within the boundaries of an irrigation district. However, there are approximately 1,007 acres of irrigated agricultural land located within the analysis area and 227 acres of irrigated agricultural land within the Amended Site Boundary, located to the west of the proposed solar areas. The areas that comprise the Carty Solar Farm with proposed RFA 4 changes have no known history of cultivation, no water rights for irrigation, and no infrastructure for irrigation.

As a practical matter, irrigation is typically necessary to produce crops in the arid climate of Morrow County. Threemile Canyon Farms, LLC, for example, does not cultivate unirrigated land. Thus, without irrigation rights (either through a new water right or a transfer), the site while technically containing arable land—and high-value farmland as part of the Columbia Valley AVA (see Section 5.3.3)—would not be productive cropland. The solar areas could be utilized for commercial agriculture only if new irrigation rights were obtained or existing irrigation rights were transferred from other agricultural land, and if the necessary irrigation infrastructure were constructed. Although it is theoretically possible to transfer irrigation rights, cultivated lands in the area are irrigated with center pivot irrigation. In order to transfer irrigation rights to the site, it would be necessary to “dry up” lands in which the investment in center pivot irrigation and irrigation water pipelines have already been made. The result is no net increase in cultivated acreage, and a substantial economic inefficiency associated with abandoning existing irrigation infrastructure at the “donor” site and establishing new infrastructure at the Carty Solar Farm with proposed RFA 4 changes.

### ***5.3.2 Soil Classifications***

According to the NRCS web-based soil survey (NRCS 2023), there are 10 major soil types in the Amended Site Boundary. The NRCS assigns land capability classifications to each soil unit to show, in a general way, the suitability of soils for most kinds of field crops. Soils are grouped according to their limitations for field crops, the risk of damage if they are used for crops, and the way they respond to management (NRCS 2019). Soil classifications can depend on whether the soils are irrigated. The definition of “irrigated” in OAR 660-033-0020(9) means:

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

Per this definition, an area or tract is "irrigated" if it is:

- Currently watered;
- Has established rights to use water for irrigation;
- Receives water for irrigation from a water or irrigation district or other provider; or
- Is located within a water or irrigation district and currently or historically was irrigated.

As discussed in Section 5.3.1, there are currently no irrigated agricultural lands within the permanent or temporary disturbance footprint for the Carty Solar Farm with proposed RFA 4 changes. In addition, none of the land within the Amended Site Boundary and analysis area are included within the boundaries of an irrigation district. However, there are approximately 1,007 acres of irrigated agricultural land located within the analysis area and 227 acres of irrigated agricultural land within the Amended Site Boundary, located to the west of the proposed solar areas. The proposed solar areas have no known history of cultivation, no water rights for irrigation, and no infrastructure for irrigation.

In accordance with the definition of "irrigated" in OAR 660-033-0020(9), Figure K-6 shows irrigated NRCS soil capability classes for soils within established place of use water rights and non-irrigated NRCS soil capability classes for soils not currently being irrigated and outside any water right.

The NRCS provides the following descriptions for each soil class associated with the soils in the analysis area (NRCS 2019):

- Class 1 soils have few limitations that restrict their use.
- Class 2 soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices.
- Class 3 soils have severe limitations that reduce the choice of plants or that require special conservation practices, or both.
- Class 4 soils have very severe limitations that reduce the choice of plants or that require very careful management, or both.
- Class 5 soils have very severe limitations that restrict the choice of plants or require very careful management, or both.

- Class 6 soils have severe limitations that make them generally unsuitable for cultivation and that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.
- Class 7 soils have very severe limitations that make them unsuitable for cultivation and that restrict their use mainly to grazing, forestland, or wildlife habitat.

In addition to the irrigated and non-irrigated soil capability classifications, the NRCS assigns farmland classifications to map units as prime farmland, prime farmland if irrigated, farmland of statewide importance, farmland of local importance, or unique farmland. Farmland classifications identify the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops (NRCS 2019). Soils in the Amended Site Boundary are classified by the NRCS as either prime farmland if irrigated, farmland of statewide importance, or not prime farmland. See Table K-2.

**Table K-2. Soil Classifications in Amended Site Boundary**

| Soil Type ID/Soil Unit                                          | NRCS Farmland Classification     | NRCS Irrigated Soil Capability Class | NRCS Non-Irrigated Soil Capability Class | Acreage within Amended Site Boundary |
|-----------------------------------------------------------------|----------------------------------|--------------------------------------|------------------------------------------|--------------------------------------|
| 53A, Royal silt loam, 0 to 3 percent slopes                     | Prime farmland if irrigated      | 2                                    | 6                                        | 60                                   |
| 54B, Sagehill fine sandy loam, 2 to 5 percent slopes            | Prime farmland if irrigated      | 2                                    | 4                                        | 969                                  |
| 54D, Sagehill fine sandy loam, 12 to 20 percent slopes          | Farmland of statewide importance | 6                                    | 4                                        | 96                                   |
| 55B, Sagehill fine sandy loam, hummocky, 2 to 5 percent slopes  | Prime farmland if irrigated      | 2                                    | 4                                        | 449                                  |
| 55C, Sagehill fine sandy loam, hummocky, 5 to 12 percent slopes | Farmland of statewide importance | 3                                    | 4                                        | 223                                  |
| 58B, Taunton fine sandy loam, 2 to 5 percent slopes             | Prime farmland if irrigated      | 4                                    | 6                                        | 553                                  |
| 58C, Taunton fine sandy loam, 5 to 12 percent slopes            | Farmland of statewide importance | 4                                    | 6                                        | 120                                  |
| 71E, Warden silt loam, 20 to 40 percent slopes                  | Farmland of statewide importance | <Null>                               | 6                                        | 2                                    |

| Soil Type ID/Soil Unit                | NRCS Farmland Classification     | NRCS Irrigated Soil Capability Class | NRCS Non-Irrigated Soil Capability Class | Acreage within Amended Site Boundary |
|---------------------------------------|----------------------------------|--------------------------------------|------------------------------------------|--------------------------------------|
| 78, Xeric Torriorthents, nearly level | Farmland of statewide importance | 3                                    | 6                                        | 19                                   |
| 9, Dune land                          | Not prime farmland               | <Null>                               | 8                                        | 88                                   |

Arable lands are defined under OAR 660-033-0130(38) as “land in a tract that is predominantly cultivated, or if not cultivated, predominantly comprised of arable soils. ‘Arable soils’ means soils that are suitable for cultivation as determined by the governing body or its designate based on substantial evidence in the record of a local land use application, but ‘arable soils’ does not include high-value farmland soils described at ORS 195.300(10) unless otherwise stated.” NRCS soil capability classes 1 through 4 are generally considered arable soils (Helms 1992) whereas NRCS soil classes 5 through 8 are generally considered nonarable soils. Per OAR 660-033-0130(38), “nonarable soils” means “soils that are not suitable for cultivation. Soils with an NRCS agricultural capability class 5–8 and no history of irrigation shall be considered nonarable in all cases. The governing body or its designate may determine other soils, including soils with a past history of irrigation, to be nonarable based on substantial evidence in the record of a local land use application.” Figure K-8 shows a composite of arable soils and cultivated lands within the Amended Site Boundary and analysis area. As can be seen in Figure K-6, the Amended Site Boundary is largely composed of predominately arable soils or cultivated lands and is therefore considered arable lands. Table K-6 (see Section 5.3.3) provides a breakdown of total acreage of arable land within the analysis area, tracts, Amended Site Boundary, and permanent disturbance footprint.

### 5.3.3 High-Value Farmland and Arable Lands Analysis

#### 5.3.3.1 High Value Farmland

Certain lands within the EFU zone are considered high-value farmland. High-value farmland is defined under ORS 195.300(10), and the provisions of this statute potentially applicable to the analysis area are summarized below:

- ORS 195.300(10)(a) relies on land in the EFU zone meeting the description of high-value farmland under ORS 215.710, which describes land in a tract composed predominantly of soils, that at the time the siting approval, are irrigated and classified as prime, unique, Class 1, or Class 2 or not irrigated and classified as prime, unique, Class 1, or Class 2.
- ORS 195.300(10)(c) relies on the land in the EFU zone being located within a place of use water right, an irrigation district, or a diking district.

- ORS 195.300(10)(f) relies on the land in the EFU zone being located within the boundaries of the Columbia Valley American Viticulture Area (see 27 Code of Federal Regulations Part 9, Subpart C - Approved American Viticultural Areas [AVA], Section 9.74 Columbia Valley)—and meeting certain elevation (below 3,000 feet), slope (between zero and 15 percent), and aspect (between 67.5 and 292.5 degrees) criteria.

Per the predominance test in Table K-3, the applicable tracts (Figure K-3) do not meet the definition of high-value farmland under ORS 195.300(10)(a) and ORS 215.710 as none of the tracts are composed of over 50 percent high value soils. However, portions of the Carty Solar Farm with proposed RFA 4 changes do meet the definition of high-value farmland under ORS 195.300(10)(f) (i.e., location in the Columbia Valley AVA).

**Table K-3. Tract Analysis Predominance Test of High-Value Farmland Soils**

| Tract | Owner                       | Water Right                                                                                                                                                                                                                                                           | Total Tract Acreage (within EFU zone) | Acreage of High Value Soils             |                       |
|-------|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|-----------------------------------------|-----------------------|
|       |                             |                                                                                                                                                                                                                                                                       |                                       | NRCS Soils Class 1, 2, Prime, or Unique | Percent of Tract Area |
| 1     | Threemile Canyon Farms, LLC | Cert:76712 OR * IR<br>Cert:76713 OR * IR<br>Cert:86056 OR * PW<br>Cert:86057 OR * PW<br>Cert:87965 ( RR ) * IR<br>Cert:87969 ( T 11159 RR ) * IR<br>Cert:89691 OR * IM<br>Permit: R 6605 * ST<br>Permit: S 41645 * IR<br>Permit: S 41645 * IS<br>Permit: S 54925 * IM | 27,543                                | 4,208                                   | 15                    |
| 2     | Portland General Electric   | Cert:56275 OR * IM<br>Cert:76713 OR * IR<br>Cert:86056 OR * PW<br>Cert:86057 OR * PW<br>Permit: R 6605 * ST<br>Permit: S 54925 * IM                                                                                                                                   | 2,117                                 | 0.06                                    | 0.003                 |
| 3     | Portland General Electric   | Cert:86056 OR * PW<br>Cert:86057 OR * PW<br>Permit: R 6605 * ST                                                                                                                                                                                                       | 639                                   | 0                                       | 0                     |

Based on the definition under ORS 195.300(10)(c), approximately 227 acres (6 percent) of land within the Amended Site Boundary qualify as high-value farmland based on being located within a place of use water right. Further, approximately 993 acres (28 percent) of the Amended Site Boundary qualifies as high-value farmland based on being located in the Columbia Valley AVA and

meeting the criteria under ORS 195.300(10)(f). However, as the lands that qualify as high-value farmland under ORS 195.300(10)(c) and (f) overlap in some areas within the Amended Site Boundary and analysis area (see Figure K-7), a composite of the two categories was calculated for a net total of 1,219 acres of high-value farmland within the Amended Site Boundary. However, Table K-4 details only 85 acres of high-value farmland per the Columbia Valley AVA will be permanently impacted by the Carty Solar Farm with proposed RFA 4 changes.

**Table K-4. High-Value Farmland Classifications**

| Land Type                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Analysis Area <sup>1</sup> |         | Amended Site Boundary |         | Estimated Permanent Disturbance within Amended Site Boundary (Acres/%) |         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|---------|-----------------------|---------|------------------------------------------------------------------------|---------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Acres                      | Percent | Acres                 | Percent | Acres                                                                  | Percent |
| High-value land per ORS 195.300(10)(a) (i.e., Class 1 or 2 soils)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 835                        | 11%     | 0                     | 0%      | 0                                                                      | 0%      |
| High-value land per ORS 195.300(10)(c) (i.e., within place of use water right or irrigation district)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 929                        | 12%     | 227                   | 6%      | 0                                                                      | 0%      |
| High-value land per ORS 195.300(10)(f) (i.e., within AVA and meets slope, elevation, aspect criteria.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 2,548                      | 32%     | 993                   | 28%     | 85                                                                     | 10%     |
| High-value lands/high-value soils (merged all 3 HVFs and includes overlap) <sup>2</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3,380                      | 43%     | 1,219                 | 34%     | 85                                                                     | 10%     |
| <p>1. Portions of the analysis area were not included in the high-value farmland soils tract analysis per ORS 195.300(10)(a) detailed on Table K-3 because the tract boundary for Threemile Canyon Farms, LLC breaks at the right-of-way of Tower Road (see Figure K-3), and therefore does not extend fully across the analysis area. As such, the analysis area column accounts for the acreage of Class 1 and 2 soils present regardless of predominance throughout the tracts that extend further beyond the analysis area boundary.</p> <p>2. High-value farmland designations per ORS 195.300(10)(a), (c), and (f). Note: lands that qualify as high-value farmland under these designations overlap in some areas, so a composite of high-value farmland was calculated.</p> |                            |         |                       |         |                                                                        |         |

### 5.3.3.2 Arable Lands

Per OAR 660-033-0130(38)(a), “‘arable land’ means land in a tract that is predominantly cultivated or, if not currently cultivated, predominantly comprised of arable soils.”

Since the definition in OAR 660-033-0130(38)(a) refers to land in a tract being *predominately* cultivated or comprised of arable soils, a predominance test per tract associated with the Carty

Solar Farm with proposed RFA 4 changes is provided in Table K-5 below. Based on the results of the predominance test, more than 50 percent of the area within Tracts 1 and 3 is composed of cultivated land and NRCS Class 3 and 4 soils, and therefore meet the definition of arable land under OAR 660-033-0130(38)(a).

**Table K-5. Tract Analysis Predominance Test of Arable Land**

| Tract | Owner                       | Total Tract Acreage (within EFU zone) | Acreage of Cultivated Land and Arable Soils <sup>1</sup> | Percent of Tract Area |
|-------|-----------------------------|---------------------------------------|----------------------------------------------------------|-----------------------|
| 1     | Threemile Canyon Farms, LLC | 27,543                                | 22,646                                                   | 82%                   |
| 2     | Portland General Electric   | 2,117                                 | 711                                                      | 34%                   |
| 3     | Portland General Electric   | 639                                   | 510                                                      | 80%                   |

1. Per OAR 660-033-0130(38)(b), “‘arable soils’ means soils that are suitable for cultivation as determined by the governing body or its designate based on substantial evidence in the record of a local land use application, but ‘arable soils’ does not include high-value farmland soils described at ORS 195.300(10) unless otherwise stated.” Per the USDA Soil Conservation Service, NRCS Class 1 through 4 soils are considered suitable for cultivation or arable soils while Class 5 and higher are considered nonarable soils (Helms 1992). As Class 1 and 2 soils are considered high-value farmland soils per ORS 195.300(10) and the definition of arable soils per OAR 660-033-0130(38)(b) excludes high-value farmland soils, the predominance test included only NRCS Class 3 and 4 soils.

Figure K-8 shows a composite of arable soils and cultivated lands within the Amended Site Boundary and analysis area. Table K-6 provides a breakdown of total acreage of arable soils and nonarable soils within the Amended Site Boundary. As Tracts 1 and 3 are predominately cultivated and/or comprised of arable soils, all the land within those tracts is considered arable land. Tract 2 is not predominantly comprised of cultivated land and/or arable soils, therefore all the land within that tract is considered nonarable land. The Amended Site Boundary contains approximately 2,209 acres of arable soils (see Table K-6).

**Table K-6. Arable and Nonarable Land Classifications**

| Classification | Amended Analysis Area |         | Amended Site Boundary |         | Estimated Permanent Disturbance |         |
|----------------|-----------------------|---------|-----------------------|---------|---------------------------------|---------|
|                | Acres                 | Percent | Acres                 | Percent | Acres                           | Percent |
| Arable         | 6,001                 | 99      | 2,209                 | 72      | 492                             | 98      |
| Nonarable      | 74                    | 1       | 845                   | 28      | 8                               | 2       |

### 5.3.3.3 Summary of High-Value Farmland and Arable Lands Analysis

Per OAR 660-033-0130(38), a photovoltaic solar power generation facility shall not use, occupy, or cover more than 12 acres of high-value farmland or 20 acres of arable lands unless certain criteria

under OAR 660-033-0130(38) is met or an exception is taken pursuant to ORS 194.732. The Carty Solar Farm with proposed RFA 4 changes is estimated to disturb up to 85 acres of high-value farmland (Table K-4) and 492 acres of arable land (Table K-6). Therefore, the Carty Solar Farm with proposed RFA 4 changes will use, occupy, or cover more than 12 acres of high-value farmland and 20 acres of arable lands and a Goal 3 exception is required. See Section 10.0 for a demonstration that a “Reasons” exception under ORS 469.504(2)(c)(A) is appropriate for the Carty Solar Farm with proposed RFA 4 changes.

## **6.0 Compliance with the Applicable Substantive Criteria from the Morrow County Zoning Ordinance**

### **6.1 Article 1 Introductory Provisions**

#### **6.1.1 Section 1.050. Zoning Permit**

*Prior to the construction, reconstruction, alteration, or change of use of any structure larger than 100 square feet or use for which a zoning permit is required, a zoning permit for such construction, reconstruction, alteration, or change of use or uses shall be obtained from the Planning Director or authorized agent thereof. A zoning permit shall become void after 1 year unless the development action has commenced. A 12-month extension may be granted when submitted to the Planning Department prior to the expiration of the approval period. At the Planning Director’s sole discretion, the Director may refer any Zoning Permit application to the Planning Commission for consideration and decision, following notice and public hearing consistent with the public hearing procedures in Section 9.050.*

Response: Site Certificate Condition 4.6 in the Third Amended Site Certificate requires the Certificate Holder to obtain all necessary local permits, including the zoning permit (Council 2022). This condition will apply to the Carty Solar Farm with proposed with RFA 4 changes. Therefore, the Council may find the proposed changes described in RFA 4 do not alter the basis for the prior findings that the requirements under MCZO Section 1.050 will be satisfied.

### **6.2 Article 3 Use Zones**

#### **6.2.1 Section 3.010. EFU Zone; B. Uses Permitted Outright**

*In the EFU zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this ordinance:*

*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.*

**Response:** Energy generated by the Carty Solar Farm with proposed RFA 4 changes will be sent via 34.5-kV collection lines to the proposed collector substation. The new substation will step up the energy from 34.5-kV to 500-kV and then interconnect with the existing transmission system remaining from the BCP. The new substation will connect to the existing dead-end structure, which is 100 feet tall, via new lines that will be approximately 300 feet in length. The 34.5 kV collector lines are primarily buried, with one approximately 2-mile-long aboveground segment along the eastern and northern shore of the Carty Reservoir. As such, the Certificate Holder evaluates the 34.5-kV segment as a collection system permitted under the standards for "photovoltaic solar power generation facility" in MCZO 3.010(K).<sup>2</sup> The 300-foot 500-kV interconnection is within the MG zone, where "utility, transmission and communications towers less than 200 feet in height" are listed as an outright permitted use.

The Certificate Holder proposes the deletion of existing Site Certificate Condition 6.26 in its entirety (Attachment 1) since it addresses the three alternative transmission line routes previously considered as part of RFA 1, which are no longer proposed as part of RFA 4.

### **6.2.2 Section 3.010. EFU Zone; C. Conditional Uses**

*The following uses are permitted subject to county review, any specific standards for the use set forth in Section D, Article 6, the general standards for the zone, and any other applicable standards and review process in the ordinance:*

*24. Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale subject to Subsection K.3.*

**Response:** Table K-1 above details the Carty Solar Farm with proposed RFA 4 changes proposes a total of approximately 509 acres of potential impact within the EFU zone. The proposed photovoltaic (PV) solar power generation facility locations are referred throughout this exhibit as the Northern Solar Area and Southern Solar Area. The Southern Solar Area is entirely within the EFU zone, while only a small portion—8 acres—of the Northern Solar Area's eastern, southern, and western edges is within the EFU zone. Both portions of the Carty Solar Farm with proposed RFA 4 changes within the EFU zone are considered a "photovoltaic solar power generation facility" per the definition provided under MCZO Section 3.010(K)(3)(e).

### **6.2.3 Section 3.010. EFU Zone; K. Commercial Facilities for Generating Power<sup>3</sup>**

*3. Photovoltaic Solar Power Generation Facility. A proposal to site a photovoltaic solar power generation facility shall be subject to the following definitions and provisions:*

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<sup>2</sup> The Council previously found the 34.5-kV interconnection transmission line segments proposed with RFA 1 should be evaluated as an "associated transmission line." On the more recent RFA 3, ODOE evaluated the changes applicable to the request and determined the Council should rely on the Final Order on Amendment 1.

<sup>3</sup> MCZO 3.010(K)(3) parallels the requirements under OAR 660-033-0130(38) for siting a photovoltaic solar power generation facility on EFU land.

**Response:** To address applicable EFU zone standards for the Carty Solar Farm with proposed RFA 4 changes, the Certificate Holder assesses the PV solar power generation facility standards of MCZO Section 3.010(K)(3) that parallel the requirements under OAR 660-033-0130(38) for siting a PV solar power generation facility on EFU land. The applicable regulations depend on whether the solar power generation facility is located on “high-value farmland,” “arable land,” or “nonarable land.” “High-value farmland” is defined in ORS 195.300(10). The definitions of “arable land” and “nonarable land” are set forth in MCZO Section 3.010(K)(3)(a)-(d), below:

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

The soil classifications of the Carty Solar Farm with proposed RFA 4 changes are detailed above in the overview of farmland characteristics in Section 5.3 of this exhibit. As discussed, the Carty Solar Farm with proposed RFA 4 changes is within the Columbia Valley AVA and portions meet the elevation, aspect, and slope criteria under ORS 195.300(10)(f). Thus, although the solar areas have never been cultivated, have no irrigation rights, and are composed of soils that are not themselves identified as “high-value farmland soils,” the site contains “high value farmland” pursuant to ORS 195.300(10)(f)(C). The criteria for siting a PV solar power generation facility on high-value farmland are set forth in MCZO Section 3.010(K)(3)(f)(3)(i), and (j).

- e. “Photovoltaic solar power generation facility” includes, but is not limited to, an assembly of equipment that converts sunlight into electricity and then stores, transfers, or both, that electricity. This includes photovoltaic modules, mounting and solar tracking equipment, foundations, inverters, wiring, storage devices and other components. Photovoltaic solar power generation facilities also include electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, all necessary grid integration equipment, new or expanded private roads constructed to serve the photovoltaic solar power generation facility, office, operation and maintenance buildings, staging areas and all other necessary appurtenances. For purposes of applying the acreage standards of this Section, a photovoltaic solar power generation facility includes all existing and proposed facilities on a single tract, as well as any existing and proposed facilities determined to be*

*under common ownership on lands with fewer than 1320 feet of separation from the tract on which the new facility is proposed to be sited. Projects connected to the same parent company or individuals shall be considered to be in common ownership, regardless of the operating business structure. A photovoltaic solar power generation facility does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.*

**Response:** As described earlier in the response to MCZO Section 3.010(C), the portions of the Carty Solar Farm with proposed RFA 4 changes within the EFU zone meet the definition of “photovoltaic solar power generation facility,” which includes photovoltaic modules, racking, collection system, inverters, new or expanded private roads, and a portion of the operations and maintenance (O&M) building in the Northern Solar Area. The Northern Solar Area also includes the battery energy storage system (BESS) and collector substation; however, the BESS and collector substation location is proposed within the MG zoning district.

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

**Response:** As outlined in Table K-4 and discussed in Section 5.3, the Carty Solar Farm with proposed RFA 4 changes would preclude 85 acres of high-value farmland from use as a commercial agricultural enterprise. Therefore, an exception to Goal 3 is necessary. For projects under Council jurisdiction, the standards for approving an exception are set forth in ORS 469.504(2)(c) and the Council’s rule (which mirrors the statute), OAR 345-022-0030(4). The justification for an exception to Statewide Planning Goal 3 is detailed in Section 10.0 of this exhibit.

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

**Response:** There are no agricultural operations within the footprint for the Carty Solar Farm with proposed RFA 4 changes, which has no known history of cultivation. The neighboring lands to the south and east of the Southern Solar Area, while owned by Threemile Canyon Farms, LLC, are not cultivated and are subject to a conservation easement managed by The Nature Conservancy which prevents any development on the land. As shown on Figure K-4, the nearest agricultural operations are approximately 1.7 miles from the western edge of the Southern Solar Area and are separated from the Carty Solar Farm with proposed RFA 4 changes by uncultivated land and the Carty Reservoir. Land approximately 1 mile west of the Northern Solar Area, beyond the Amended Site

Boundary, is actively cultivated by Threemile Canyon Farms, LLC. The Carty Solar Farm with proposed RFA 4 changes will not affect infrastructure, including road access, to or within those agricultural operations, and will not affect the ability to plant, irrigate, fertilize, or harvest the center pivot circles in question.

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

Response: Site Certificate Condition 9.1 requires that the Certificate Holder, during operation, implement an Oregon Department of Environmental Quality (ODEQ)-approved Erosion and Sediment Control Plan (ESCP) (Exhibit I, Attachment I-1). The Certificate Holder also proposes a Draft Vegetation and Soil Management Plan (VSMP) for construction and operation (Site Certificate Condition 5.5) (Exhibit I, Attachment I-2). These plans include best management practices (BMPs) to be implemented during construction and operation designed to reduce and minimize unnecessary soil erosion or loss that could limit agricultural productivity within the subject property and on adjacent EFU-zoned land. The potential for soil erosion is addressed in Exhibit I of this RFA. Construction of the Amended Carty Solar Farm will be performed under a National Pollutant Discharge Elimination System 1200-C permit, including an ODEQ-approved ESCP. After completing construction in an area, the Certificate Holder will monitor the area until soils are stabilized, to evaluate whether construction-related impacts to soils are being adequately addressed by the mitigation procedures described in the ESCP and the VSMP. The VSMP addresses topsoil management and describes a monitoring program (and remedial measures) for evaluating (and addressing impacts to) long-term soil stability. Consistent with the recommendations included for satisfying MCZO Section 3.010(K)(3)(f)(2), prior to construction, the Certificate Holder will submit the VSMP to ODOE and Morrow County Weed Control Supervisor for review and approval (Site Certificate Condition 5.5). Therefore, the Council may find Carty Solar Farm with proposed RFA 4 changes satisfies the requirements under MCZO Section 3.010(K)(3)(f)(2).

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

Response: As stated previously, the Certificate Holder will submit, prior to construction, a VSMP to the ODOE and Morrow County Weed Control Supervisor for review and approval (Site Certificate Condition 5.5). The VSMP (Exhibit I, Attachment I-2) states soil decompaction measures will be

implemented, as necessary, including scarification, ripping compacted soils to a depth of 12 inches, and roughening the soil to provide maximum seed-soil contact. Therefore, the Council may find the proposed changes described in RFA 4 do not alter the basis for the prior finding that the Carty Solar Farm with proposed RFA 4 changes satisfies the requirements under MCZO Section 3.010(K)(3)(f)(3).

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

**Response:** As stated previously, the Certificate Holder will submit a VSMP to ODOE and Morrow County Weed Control Supervisor for review and approval (Exhibit I, Attachment I-2) (Site Certificate Condition 5.5). The VSMP adequately ensures that construction and maintenance activities at the Carty Solar Farm with proposed RFA 4 changes will not result in the unabated introduction or spread of noxious weeds and other undesirable weed species. Therefore, the Council may find Carty Solar Farm with proposed RFA 4 changes satisfies the requirements under MCZO Section 3.010(K)(3)(f)(4).

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

- (a) Non high-value farmland soils are not available on the subject tract;*
- (b) Siting the project on non high-value farmland soils present on the subject tract would significantly reduce the project's ability to operate successfully; or*
- (c) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of non high-value farmland soils; and*

**Response:** The Carty Solar Farm with proposed RFA 4 changes will be located on land defined by statute as high-value farmland because it is within the Columbia Valley AVA. As shown on Figure K-7, high-value farmland occurs on a patchy basis throughout the Amended Site Boundary and analysis area. Due to that statutory designation, there is no EFU land on the subject tract—or within miles of the subject tract—that does not contain high-value farmland. Figure K-7 shows most of the Northern Solar Area is not high-value farmland due to its location primarily within the MG zone. As noted throughout this exhibit, only approximately 8 acres of the Northern Solar Area's eastern, southern, and western edges fall within EFU land relevant to the high-value farmland analysis. Figure K-7 shows some of the areas contain patches of high-value farmland within the Columbia Valley AVA. With this RFA 4, the Certificate Holder proposes renewable solar energy at the CGS in areas formerly used for PGE's BCP and maximizing the buildable area southeast of Carty Reservoir. The Certificate Holder views these areas as the most practicable locations to allow the Carty Solar Farm with proposed RFA 4 changes to operate successfully while minimizing farmland impacts.

As described in Section 5.3 of this exhibit, the tracts associated with RFA 4 are not predominantly composed of high-value farmland soils per ORS 195.300(10)(a). In addition, there are no water rights for irrigation within the proposed siting areas and therefore no high-value farmland impact per ORS 195.300(10)(c). However, as described above, high-value farmland per ORS 195.300(10)(f) (within the Columbia Valley AVA) occurs on a patchy and irregular basis throughout the Amended Site Boundary and analysis area. Thus, it is not possible to site the Carty Solar Farm with proposed RFA 4 changes in a manner that entirely avoids high-value farmland. The Carty Solar Farm with proposed RFA 4 changes is almost entirely surrounded by uncultivated lands. The closest cultivated agricultural land is approximately 1.7 miles west of the western edge of the Southern Solar Area and is separated from the Facility by uncultivated land and the Carty Reservoir. Land approximately 1 mile west of the Northern Solar Area, beyond the Amended Site Boundary, is actively cultivated by Threemile Canyon Farms, LLC. However, the Carty Solar Farm with proposed RFA 4 changes will not affect infrastructure within those agricultural operations, and will not affect the ability to plant, irrigate, fertilize, or harvest the center pivot circles in question. In other words, as shown on Figure K-4, the Carty Solar Farm with proposed RFA 4 changes is physically isolated from other cultivated lands. As such, the proposed location is a better location for solar power generation rather than a commercial farm or ranching operation.

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

*(a) If fewer than 48 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area, no further action is necessary.*

*(b) When at least 48 acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities within the study area, the local government or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland or acquire water rights, or will reduce the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.*

**Response:** The area within 1 mile of the center of the Carty Solar Farm with proposed RFA 4 changes comprises uncultivated lands and the Carty Reservoir. No other solar PV power generation facilities have been constructed or are approved for construction within the required study area. Therefore, the Council may find no further action is necessary.

*g. For arable lands, a photovoltaic solar power generation facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is*

*taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:*

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

*(a) Nonarable soils are not available on the subject tract;*

*(b) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or*

*(c) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of nonarable soils;*

Response: As outlined in Table K-5, Tracts 1 and 3 are predominately cultivated and/or comprised of arable soils, so all the land within those tracts is considered arable land. Tract 2 is not predominantly composed of cultivated land and/or arable soils; therefore, all the land within that tract is considered nonarable land. The Amended Site Boundary contains approximately 2,209 acres of arable soils (see Table K-6). Table K-6 shows the solar generation proposed with RFA 4 has an estimated permanent disturbance of approximately 492 acres to arable land within the Amended Site Boundary. The configuration of the Southern Solar Area in particular, is the most practicable location to allow the Carty Solar Farm with proposed RFA 4 changes to operate successfully while minimizing farmland impacts.

The Carty Solar Farm with proposed RFA 4 changes is almost entirely surrounded by uncultivated lands. The closest cultivated agricultural land is approximately 1.7 miles west of the western edge of the Southern Solar Area and is separated from the Facility by uncultivated land and the Carty Reservoir. Land approximately 1 mile west of the Northern Solar Area, beyond the Amended Site Boundary, is actively cultivated by Threemile Canyon Farms, LLC. However, the Carty Solar Farm with proposed RFA 4 changes will not affect infrastructure to or within those agricultural operations, and will not affect the ability to plant, irrigate, fertilize, or harvest the center pivot circles in question. In other words, as shown on Figure K-4, the Carty Solar Farm with proposed RFA 4 changes is physically isolated from cultivated lands and without water rights has no prospect of being cultivated. Further, a significant portion (approximately 46 acres) of Tract 3, which is considered predominantly arable due to NRCS soil classifications (Table K-5), contains the BCP Ash Disposal Area, where coal ash was disposed during operations of the BCP. So, while this area is considered "arable land" due to soils mapped by the NRCS per the definition in OAR 660-033-0130(38)(a), it should not be considered arable land in a practical sense due to its history of industrial waste and has been capped by a synthetic impermeable liner. As such, the Certificate Holder views the location as better for solar power generation rather than commercial farm or ranching operation.

*(2) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10) unless an exception is taken pursuant to 197.732 and OAR chapter 660, division 4;*

Response: As the total area of high-value farmland within the Amended Site Boundary that will be precluded from use as a commercial agricultural enterprise is more than 12 acres, a Goal 3 exception is requested for the Carty Solar Farm with proposed RFA 4 changes. The exception request is provided in Section 10.0 of this exhibit.

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

*(a) If fewer than 80 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area no further action is necessary.*

*(b) When at least 80 acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities, within the study area the local government or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area; and*

Response: The area within 1 mile of the center of the Carty Solar Farm with proposed RFA 4 changes comprises uncultivated lands and the Carty Reservoir. No other solar PV power generation facilities have been constructed or are approved for construction within the required study area. Therefore, the Council may find no further action is necessary.

*(4) The requirements of Subsections K.3.f(1), (2), (3), and (4) are satisfied.*

Response: The requirements of Subsections K.3.f(1), (2), (3), and (4) are discussed above. This criterion is satisfied.

*h. For nonarable lands, a photovoltaic solar power generation facility shall not preclude more than 320 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:*

Response: The Carty Solar Farm with proposed RFA 4 changes does not preclude more than 320 acres of nonarable land from use as a commercial agricultural enterprise (see Table K-6), and is therefore compliant with MCZO Section 3.010(K)(3)(h).

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

*(a) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or*

*(b) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract as compared to other possible sites also located on the subject tract, including sites that are comprised of nonarable soils;*

Response: See response to MCZO 3.010(K)(3)(g)(1).

*(2) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10);*

Response: See response to MCZO 3.010(K)(3)(g)(2).

*(3) No more than 20 acres of the project will be sited on arable soils unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4;*

Response: As the total area of arable land within the Amended Site Boundary that will be precluded from use as a commercial agricultural enterprise is more than 20 acres, a Goal 3 exception is requested for the Carty Solar Farm with proposed RFA 4 changes. The exception request is provided in Section 10.0 of this exhibit.

*(4) The requirements of Subsection K.3.f(4) are satisfied;*

Response: See response to MCZO 3.010(K)(3)(f)(4).

*(5) If a photovoltaic solar power generation facility is proposed to be developed on lands that contain a Goal 5 resource protected under the County's comprehensive plan, and the plan does not address conflicts between energy facility development and the resource, the applicant and the county, together with any state or federal agency responsible for protecting the resource or habitat supporting the resource, will cooperatively develop a specific resource management plan to mitigate potential development conflicts. If there is no program present to protect the listed Goal 5 resource(s) present in the local comprehensive plan or implementing ordinances and the applicant and the appropriate resource management agency(ies) cannot successfully agree on a cooperative resource management plan, the county is responsible for determining appropriate mitigation measures; and*

Response: There are no Goal 5 resources in the Amended Site Boundary.

*(6) If a proposed photovoltaic solar power generation facility is located on lands where the potential exists for adverse effects to state or federal special status species (threatened, endangered, candidate, or sensitive), or to wildlife species of concern identified and mapped by the Oregon Department of Fish and Wildlife (including big game winter range and migration corridors, golden eagle and prairie falcon nest sites,*

*and pigeon springs), the applicant shall conduct a site-specific assessment of the subject property in consultation with all appropriate state, federal, and tribal wildlife management agencies. A professional biologist shall conduct the site-specific assessment by using methodologies accepted by the appropriate wildlife management agency and shall determine whether adverse effects to special status species or wildlife species of concern are anticipated. Based on the results of the biologist's report, the site shall be designed to avoid adverse effects to state or federal special status species or to wildlife species of concern as described above. If the applicant's site-specific assessment shows that adverse effects cannot be avoided, the applicant and the appropriate wildlife management agency will cooperatively develop an agreement for project-specific mitigation to offset the potential adverse effects of the facility. Where the applicant and the resource management agency cannot agree on what mitigation will be carried out, the county is responsible for determining appropriate mitigation, if any, required for the facility.*

*(7) The provisions of Subsection K.3.h(6) are repealed on January 1, 2022.*

**Response:** Professional biologists conducted site-specific assessments for the Carty Solar Farm with proposed RFA 4 changes using methodologies reviewed and accepted by the Oregon Department of Fish and Wildlife (ODFW) (see Exhibits P and Q). The Amended Carty Solar Farm has been designed to avoid adverse effects to state or federal special status species or to wildlife species of concern identified and mapped by ODFW.

*i. The project owner shall sign and record in the deed records for the county a document binding the project owner and the project owner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices as defined in ORS 30.930(2) and (4).*

**Response:** Site Certificate Condition 6.28 requires the Certificate Holder, prior to construction, to record in the real property records of Morrow County a Covenant Not to Sue with regard to generally accepted farming practices on adjacent farmland consistent with MCZO 3.010(K)(3)(i). In compliance with this condition, the Certificate Holder will sign and record with the subject tract's deed a document prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming practices as defined in ORS 30.930(2) and (4). Thus, the requirements under MCZO Section 3.010(K)(3)(i) will be satisfied.

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

**Response:** The Council previously imposed several conditions of compliance requiring the Certificate Holder to maintain a bond or letter of credit in amount and form satisfactory to the Council to restore the Facility site following cessation of operation (see conditions under Section 15.0 of the Third Amended Site Certificate [Council 2022]). As such, retirement of the Carty Solar Farm with proposed RFA 4 changes will be the responsibility of the Certificate Holder pursuant to

Council rules and the conditions of the Site Certificate, per the Council's Retirement and Financial Assurance standard, OAR 345-022-0050 (see Exhibit X). Therefore, the requirements under MCZO Section 3.010(K)(3)(j) will be satisfied.

#### **6.2.4 Section 3.010. EFU Zone; M. Yards**

*In an EFU Zone, the minimum yard setback requirements shall be as follows:*

- 1. The front yard setback from the property line shall be 20 feet for property fronting on a local minor collector or marginal access street ROW, 30 feet from a property line fronting on a major collector ROW, and 80 feet from an arterial ROW unless other provisions for combining accesses are provided and approved by the County.*
- 2. Each side yard shall be a minimum of 20 feet except that on corner lots or parcels the side yard on the street side shall be a minimum of 30 feet.*
- 3. Rear yards shall be a minimum of 25 feet.*
- 4. Stream Setback. All sewage disposal installations such as outhouses, septic tank and drainfield systems shall be set back from the high-water line or mark along all streams and lakes a minimum of 100 feet, measured at right angles to the high-water line or mark. All structures, buildings, or similar permanent fixtures shall be set back from the high-water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.*

Response: Site Certificate Condition 6.22(b) mirrors the requirements of MCZO 3.010(M)(1-4). Consistent with this condition, the Certificate Holder will document consistency with the applicable setbacks based on final design, as confirmed and submitted to Morrow County as part of the zoning permit. Therefore, the Council may find the requirements under MCZO Section 3.010(M) will be satisfied.

#### **6.2.5 Section 3.010. EFU Zone; N. Transportation Impacts**

- 1. 1. 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)*

Response: As described in Exhibit U, the Certificate Holder expects there will be up to 12 personnel for operations and maintenance of the Carty Solar Farm with proposed RFA 4 changes, generating approximately 12 two-way car equivalent trips per day. During construction, it is currently

estimated that the Carty Solar Farm with proposed RFA 4 changes will result in a peak construction trip count of 433 trips per day (includes both passenger car equivalent and truck trips).

Site Certificate Conditions 6.17 and 6.27 require a traffic impact analysis (TIA) if peak construction traffic is anticipated to exceed 400 passenger car equivalent (PCE) per day. Prior to the start of construction, when staging and workforce assumptions are better known, the Certificate Holder will confirm expected PCE trips during peak construction and prepare a TIA (per Site Certificate Conditions 6.17 and 6.27; Council 2022) for submittal to ODOE and the Morrow County Planning Department. The TIA will also be used to inform consultation with the Morrow County Sheriff's Office. Consistent with Conditions 6.17 and 6.27, the Certificate Holder will also prepare a Construction Traffic Management Plan, which will include: measures or other recommendations to minimize traffic impacts on Tower Road; staggering shift start times or other measures that significantly reduce the total number of construction worker vehicle trips through the westbound I-84/Tower Road ramp terminal; and installation of temporary traffic controls during peak construction to prioritize westbound left-turning vehicles at the westbound Tower Road ramp terminal during the weekday a.m. peak hour. The Construction Traffic Management Plan will be submitted concurrently with the TIA (Condition 6.17 and 6.27). Therefore, the Council may find that the requirements under MCZO Section 3.010(N) will be satisfied.

#### **6.2.6 Section 3.070. General Industrial Zone, MG; A. Uses Permitted Outright**

*The General Industrial Zone is intended to provide, protect and recognize areas well suited for medium and heavy industrial development and uses free from conflict with commercial, residential and other incompatible land uses. This district is intended to be applied generally only to those areas which have available excellent highway, rail or other transportation.*

*In an M-G Zone, the following uses and their accessory uses are permitted outright; except as limited by subsection C of this section. A Zoning Permit is required and projects larger than 100 acres are subject to Site Development Review (Article 4 Supplementary Provisions Section 4.170 Site Development Review).*

*15. Utility, transmission and communications towers less than 200 feet in height.*

Response: The Certificate Holder is proposing to introduce PV solar power generation into areas formerly used for PGE's BCP, which is within the MG zone. The proposed PV solar power generation facility in this location is referred throughout this exhibit as the Northern Solar Area. The Carty Solar Farm with proposed RFA 4 changes will connect to the grid via a proposed collector substation and existing transmission line infrastructure, which used to serve the BCP. The collector substation is proposed adjacent to an existing electrical transmission dead-end structure for a 500-kV transmission line, which used to serve the BCP. The new substation will connect to the existing dead-end structure, which is 100 feet tall, via new lines that will be approximately 300 feet in length. On the existing dead-end structure old switch components and operators will be replaced with new equipment, but there will be no modifications made to the structure. Once connected to the existing dead-end structure the energy will be conveyed through the existing BCP 500-kV

transmission line to the existing Grassland Switchyard. The proposed transmission infrastructure, which includes the 300 feet of 500-kV lines between the proposed collector substation and the existing dead-end structure, is less than 200 feet in height and is therefore a use permitted outright in the MG zone. However, although the MG zone was placed on the BCP site by Morrow County in recognition of the site being committed to use as a power plant, the Morrow County Zoning Ordinance does not include a generation facility, including a PV solar power generation facility, as a permitted outright or conditional use in the MG zone. Therefore, the Certificate Holder needs to demonstrate how establishment of the proposed solar components in the MG zone complies with the Statewide Land Use Planning Goals. This analysis is addressed under Section 9.0 of this exhibit.

### **6.2.7 Section 3.070. General Industrial Zone, MG; C. Use Limitations**

*In an M-G Zone, the following limitations and standards shall apply to all permitted uses:*

- 1. No use permitted under the provisions of this section that requires a lot area exceeding two (2) acres shall be permitted to locate adjacent to an existing residential lot in a duly platted subdivision, or a lot in a residential zone, except as approved by the Commission.*
- 2. No use permitted under the provisions of this section that is expected to generate more than 20 auto-truck trips during the busiest hour of the day to and from the subject property shall be permitted to locate on a lot adjacent to or across the street from a residential lot in a duly platted subdivision, or a lot in a residential zone.*

Response: There are no residentially zoned lands or residential uses adjacent to the Northern Solar Area. Therefore, these standards do not apply.

### **6.2.8 Section 3.070. General Industrial Zone, MG; D. Dimension Requirements**

*The following Dimensional requirements apply to all buildings and structures constructed, placed or otherwise established in the MG zone.*

- 1. Lot size and frontage: A minimum lot size has not been determined for this zone although the lot must be of a size necessary to accommodate the proposed use, however, it is anticipated that most, if not all uses will be sited on lots of at least two acres. The determination of lot size will be driven by the carrying capacity of the land given the proposed use. Minimum lot frontage shall be 300 feet on an arterial or collector; 200 feet on a local street.*

Response: The Carty Solar Farm with proposed RFA 4 changes where proposed on MG-zoned land is located on lots that are large enough to accommodate the proposed use. These lots used to accommodate the BCP and are all owned by the Certificate Holder. The Carty Solar Farm with proposed RFA 4 changes will be accessed via Tower Road, which is privately owned for approximately 5,000 feet where it extends onto PGE property, well over the minimum amount of frontage required under this standard. Therefore, the Council may find that the requirements under MCZO 3.070(D)(1) will be satisfied.

*2. Setbacks: No specific side or rear yard setbacks are identified within this zone, but may be dictated by provisions of the Building Code or other siting requirements. The minimum setback between a structure and the right-of-way of an arterial shall be 50 feet. The minimum setback of a structure from the right-of-way of a collector shall be 30 feet, and from all lower class streets the minimum setback shall be 20 feet. There shall be no setback requirement where a property abuts a railroad siding or spur if the siding or spur will be utilized by the permitted use.*

*3. Stream Setback: All sewage disposal installations such as outhouses, septic tank and drainfield systems shall be set back from the high-water line or mark along all streams and lakes a minimum of 100 feet, measured at right angles to the high-water line or mark. All structures, buildings, or similar permanent fixtures shall be set back from the high-water line or mark along all streams or lakes a minimum of 10 feet measured at right angles to the high-water line or mark.*

Response: Condition 6.22.a of the Third Amended Site Certificate requires compliance with the setbacks in MCZO Section 3.070(D)(2) and MCZO Section 3.070(D)(3) (Council 2022). However, Tower Road is a private roadway for approximately 2.27 miles extending north from PGE-owned property and the MCZO Section 3.070(D)(2) provision does not require setbacks along the private portion of Tower Road. In addition, as indicated in Condition 6.22, the setbacks do not apply to transmission lines (Council 2022). The proposed O&M building where toilets will be connected to the existing Facility sanitary sewer system is not located within 100 feet of streams or lakes as confirmed by the 2023 wetland and waters delineation (see Exhibit J, Attachment J-1). Therefore, the Council may find that the requirements under MCZO 3.070(D)(2) and MCZO Section 3.070(D)(3) will be satisfied.

*4. Uses adjacent to residential uses. A sight-obscuring fence shall be installed to buffer uses permitted in the General Commercial Zone from residential uses. Additional landscaping or buffering such as diking, screening, landscaping or an evergreen hedge may be required as deemed necessary to preserve the values of nearby properties or to protect the aesthetic character of the neighborhood or vicinity.*

Response: The provisions of MCZO Section 3.070(D)(4) are intended to refer to buffering uses “permitted in the General Industrial Zone.” There are no residential uses within proximity of the Northern Solar Area. Therefore, the Council may find that the provisions of MCZO Section 3.070(D)(4) do not apply.

### **6.2.9 Section 3.070. General Industrial Zone, MG; E. Transportation Impacts**

*1. 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 B trucks, recreational vehicles and buses B 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)*

Response: The requirements of this provision mirror those of MCZO Section 3.010(N), discussed in Section 6.2.5 of this exhibit. As described in Exhibit U, which estimates potential traffic associated with the Carty Solar Farm with proposed RFA 4 changes, more than 400 passenger car equivalents per day are currently estimated during the peak of construction. The Certificate Holder expects there will be up to 12 personnel for operations and maintenance, generating approximately 12 two-way vehicle trips per day.

Site Certificate Conditions 6.17 and 6.27 require a Traffic Impact Assessment (TIA) if peak construction traffic is anticipated to exceed 400 passenger car equivalents per day. Prior to the start of construction, when staging and workforce assumptions are better known, the Certificate Holder will confirm expected passenger car equivalents during peak construction and prepare a TIA (per Site Certificate Conditions 6.17 and 6.27; Council 2022) for submittal to ODOE and the Morrow County Planning Department. The TIA will also be used to inform consultation with the Morrow County Sheriff's Office. Consistent with Conditions 6.17 and 6.27, the Certificate Holder will also prepare a Construction Traffic Management Plan, which will include: measures or other recommendations to minimize traffic impacts on Tower Road; staggering shift start times or other measures that significantly reduce the total number of construction worker vehicle trips through the westbound I-84/Tower Road ramp terminal; and installation of temporary traffic controls during peak construction to prioritize westbound left-turning vehicles at the westbound Tower Road ramp terminal during the weekday a.m. peak hour. The Construction Traffic Management Plan will be submitted concurrently with the TIA (Condition 6.17 and 6.27). Therefore, the Council may find that the requirements under MCZO Section 3.070(E) will be satisfied.

## **6.3 Article 4. Supplementary Provisions**

### **6.3.1 Section 4.040 Off-Street Vehicle Parking Requirements**

*Because vehicle parking facilities can occupy large amounts of land, they must be planned and designed carefully to use the land efficiently while maintaining the visual character of the community. At the time of construction, reconstruction, or enlargement of a structure, or at the time a use is changed in any zone, off-street parking space shall be provided as follows unless greater requirements are otherwise established. When the requirements are based on the number of employees, the number counted shall be those working on the premises during the largest shift at peak season. Fractional space requirements shall be counted as a whole space. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pathway or landscape area. The County may allow credit for "on-street parking", as provided in Section 4.050. For uses not specified in Table 4.040-1, parking*

requirements shall be determined by the use in Table 4.040-1 found to be most similar in terms of parking needs.

**MINIMUM PARKING REQUIREMENTS**

| <b>USE</b>                                                                                  | <b>MINIMUM VEHICLE PARKING REQUIREMENTS</b>         |
|---------------------------------------------------------------------------------------------|-----------------------------------------------------|
| <i>F. Industrial</i>                                                                        |                                                     |
| <i>1. Storage warehouse, manufacturing establishment, rail or trucking freight terminal</i> | <i>One space per employee on the largest shift.</i> |

Response: As described in Exhibit U of RFA 4, the Certificate Holder proposes minimal parking at the new O&M building and expects there will be up to 12 personnel for daily operations and maintenance activities. There is not a listed use for the Facility in MCZO Table 4.040-1 and the most similar use and category in the table are “Industrial” and “Storage warehouse, manufacturing establishment, rail or trucking freight terminal.” The “storage warehouse, manufacturing establishment, rail or trucking freight terminal” category requires a minimum of one space per employee on the largest shift. The Certificate Holder will provide 12 standard parking spaces and one Americans with Disabilities Act (ADA) parking space at the proposed O&M building.

The Certificate Holder proposes modifying Site Certificate Condition 5.3 to require submittal of a final parking lot plan for the O&M building. The proposed revisions are as follows to incorporate the proposed amendments in RFA 4:

- 5.3 *Before beginning construction of Unit 1 and before beginning construction of the Carty Solar O&M building, the certificate holder shall submit a final parking lot plan to Morrow County for approval as part of the certificate holder’s building permit application for the energy facility. This parking lot plan shall comply with Section 4.040 and 4.060 of the Morrow County Zoning Ordinance (MCZO) and with Americans with Disabilities Act (ADA) requirements. For Unit 1, this plan shall provide a minimum of 22 parking spaces and one ADA-accessible space, or the minimum number of parking spaces required by MCZO Section 4.040 based on the number of employees on the largest shift, whichever is greater. For the Carty Solar O&M building the minimum number of parking spaces required is based on MCZO Section 4.040 and the number of employees on the largest shift. The certificate holder shall construct on-site parking in conformance with the approved parking lot plans.*

*[Final Order IV.E.4.2] [MCZO Section 4.040-4.060] [AMD2, AMD4]*

### **6.3.2 Section 4.050 Off-Street Parking and Loading**

*Buildings or structures to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading berths in sufficient number and size to handle adequately the needs of the particular use. Off-street parking areas used to fulfill the requirements of this Ordinance shall not be used for loading and unloading operations except during periods of the day when not required to care for parking needs.*

Response: The Carty Solar Farm with proposed RFA 4 changes will not receive or distribute materials or merchandise; therefore, no off-street loading berths are required under this section.

### **6.3.3 Section 4.165 Site Plan Review**

*Site Plan Review is a nondiscretionary 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.*

Response: Figure 2 in the RFA 4’s Division 27 document (Request for Amendment 4 for the Carty Generating Station) shows the permanent and temporary disturbance proposed to accommodate the proposed uses. Therefore, the Council may find that the requirements under MCZO Section 4.165(D)(1) will be satisfied.

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

Response: As discussed in this exhibit, the Carty Solar Farm with proposed RFA 4 changes complies with all substantive criteria, with three exceptions. The Carty Solar Farm with proposed RFA 4 changes will occupy more than 12 acres of high-value farmland and more than 20 acres of arable land in the EFU zone. Therefore, in Section 10.0 of this exhibit, PGE is requesting an exception to Statewide Planning Goal 3. In addition, the Carty Solar Farm with proposed RFA 4 changes does not comply with MCZO Section 3.070, because a generation facility is not among the outright and conditionally permitted uses for the MG zoning district. Therefore, in Section 9.0 of this exhibit, the Certificate Holder identifies the applicable Statewide Land Use Planning Goals and describes compliance with those goals. As a result, the Council may find that the requirements under MCZO Section 4.165(D)(2) will be satisfied.

*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.*

Response: RFA 4 does not propose the creation or reconfiguration of existing lots. Site Certificate Condition 6.22 requires compliance with the setbacks of the MG and EFU zones (Council 2022). Compliance with other applicable standards of the MG and EFU zones is addressed in this exhibit. Therefore, the Council may find that the requirements under MCZO Section 4.165(D)(3) will be satisfied.

*4. Development in flood plains shall comply with Section 3.100 Flood Hazard Overlay Zone of the Ordinance.*

Response: The development proposed in this RFA is not within a floodplain. Therefore, the Council may find that the flood hazard overlay zone requirements per MCZO Section 4.165(D)(4) and MCZO Section 3.100 will not apply.

*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.*

Response: Morrow County Comprehensive Plan, Natural Hazards Element states: “A natural hazard occurs when a natural hazard impacts people or property and creates adverse conditions within a community.” The Natural Hazards Element, and the Morrow County Natural Hazard Mitigation Plan updated in 2016, identify eight natural hazards of concern within some or all of Morrow County: drought; earthquake; flood; landslide; volcano; wildfire; windstorm; and winter storm.

The Natural Hazard Element indicates that only some natural hazards, “such as flooding and landslide hazard areas,” can be mitigated through development standards, whereas “for other, more widespread or random hazards such as drought, wildfire, winter storm, or windstorms, effective mitigation must come in the form of public awareness, preparedness and participation.”

As indicated in response to MCZO 4.165(D)(4), the development proposed in this RFA is not within a floodplain. Exhibit H of this RFA addresses geologic and soil stability, and Exhibit I addresses soil conditions. Moreover, conditions of the Site Certificate address natural hazards. Condition 6.8 of the

requires the certificate holder to “design, engineer and construct the facility to avoid dangers to human safety presented by non-seismic hazards,” including “settlement, landslides, flooding and erosion” (Council 2022). Condition 6.7 requires the certificate holder to “design, engineer and construct the facility to avoid danger to human safety presented by seismic hazards affecting the area that are expected to result from all maximum probable seismic events” (Council 2022). Other conditions, 6.10 and 6.11, require notification to the Oregon Department of Energy, Department of Geology and Mineral Industries, and the State Building Codes Division if previously unknown conditions are identified at the energy facility site (Council 2022). The Certificate Holder proposes to implement actions included in RFA 4 in compliance with these Site Certificate Conditions. Therefore, this provision is met.

*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.*

Response: The Certificate Holder expects there will be up to 12 personnel for daily operations and maintenance activities at the Carty Solar Farm with proposed RFA 4 changes. Compliance with MCZO Sections 4.040 and 4.050 is described above in Section 6.3.1 and Section 6.3.2, respectively. Therefore, this provision is met.

*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.*

Response: The Carty Solar Farm with proposed RFA 4 changes does not involve or require the development of new county transportation facilities or new access to existing county transportation facilities. The primary transportation route for RFA 4 consists of Interstate 84 (I-84), Interstate 82 (I-82), and Tower Road (Exhibit U, Figure U-1). It is assumed that Tower Road is of sufficient quality to accommodate the construction and operational traffic, and that no road upgrades will be required. Construction workers and operational staff will travel south on Tower Road for approximately 10 miles until reaching the Facility entrance near the existing Carty Generating Station Unit 1 building. Tower Road is a private roadway for approximately 2.27 miles extending north from the Facility. New access roads are only needed within the perimeter fence for each of the two solar areas. Therefore, this provision is met.

*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.*

Response: Development and operation of the Carty Solar Farm with proposed RFA 4 changes are not expected to require the removal of any trees 8 inches or more in diameter except in the Southern Solar Area. There are scattered juniper trees over 8 inches in diameter in the Southern Solar Area that will have to be removed because there is not a practicable way to site solar modules

to fully maximize the buildable area while leaving the trees in place. Therefore, this provision is met.

*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.*

Response: There are no inventoried historic buildings or sites within the Amended Site Boundary. The Significant Resources Overlay Zone applies to certain inventoried resources: aggregate and mineral sites; sensitive bird nesting sites; riparian vegetation/wetlands; big game range; and wildlife habitat zone.

There are no inventoried “Goal 5 significant” aggregate and mineral sites within the Amended Site Boundary, as shown on the Morrow County Comprehensive Plan Map of Aggregate and Mineral Resources, adopted September 4, 2013 (Morrow County 2013).

“Sensitive bird nesting sites” are limited to “bald and golden eagle nest sites and communal roost sites,” pursuant to MCZO 3.200(C)(2)(a). The closest identified nest is a bald eagle nest 0.5 miles west of the Southern Solar Area along the southern shoreline of Carty Reservoir. There are no nests within the Amended Site Boundary inventoried on Morrow County’s 1986 Significant Resource Overlay Map.

Requirements for protection of riparian vegetation and wetlands in MCZO 3.200(C)(3) limit road construction in riparian zones, and require setbacks of dwellings and non-water-dependent structures “from the high water level of a stream or water body.” RFA 4 does not propose any road construction in riparian areas, nor will any dwellings or structures be located within the required 100- foot minimum setback from any stream or water body.

The Carty Solar Farm with proposed RFA 4 changes is not within “big game range” as mapped by either ODFW or Morrow County; therefore, the restrictions of MCZO 3.200(C)(4) for protection of big game range do not apply. Although MCZO 3.200(C)(5) also lists “wildlife habitat zone,” there are no use or development restrictions identified.

Exhibits P and Q specifically address impacts to and mitigation for fish and wildlife habitat and threatened and endangered species in accordance with the Council’s standards. Therefore, this provision is met.

*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.*

Response: Exhibit O in this RFA 4 describes water uses, quantities, and sources and Exhibit W describes the proposed disposition of water. Water used for construction will be sourced from the Carty Reservoir under the Certificate Holder’s existing water right and obtained by a third-party contractor through a limited water use license. Site Certificate Condition 2.14 will continue to apply, which requires evidence prior to construction that a limited water use license has been obtained from the Oregon Water Resources Department by the Certificate Holder’s third-party contractor.

Carty Reservoir is sufficient for all non-potable water needs during construction of the Carty Solar Farm with proposed RFA 4 changes. Potable water for use during construction will be obtained from a temporary tie-in with the existing Facility potable water system or provided by bottled water or water coolers.

Water for solar panel washing during operations will also be obtained from the Carty Reservoir under the Certificate Holder's existing water right. The potable water within the O&M building will be obtained from the Facility's existing potable water system.

Water use for dust control and concrete production will result in water loss primarily through evaporation and infiltration. The disposition of construction water through evaporation and infiltration is allowed under the terms and conditions of the Facility's Water Pollution Control Facilities (WPCF) Permit (100189) and subsequent Addendums 1 and 2 to the permit. The WPCF permit is explained in Exhibit W of this RFA 4.

Minimal water loss will occur during operations. During periodic washing of solar panels (approximately twice per year), wash water will evaporate or infiltrate into the ground allowed under the terms and conditions of the Facility's WPCF permit described above and in Exhibit W.

Therefore, this provision is met.

*11. The applicant shall determine if previous Code Enforcement violations have been cleared as applicable.*

Response: The Certificate Holder does not know of any Code Enforcement violations. Therefore, this provision does not apply.

*12. The applicant shall determine the method of disposal for solid waste, with staff providing information to the applicant about recycling opportunities.*

Response: Exhibit W of RFA 4 addresses disposal of solid waste and recycling. During construction, all waste will be disposed of following the Construction Waste Management Plan (Site Certificate Condition 6.3). Standard construction waste bins will be kept on-site to keep construction debris until it is hauled off-site. Separate containers for small quantities of hazardous materials, such as oily rags or contained soil from minor spills, will be provided according to the Hazardous Materials Management and Monitoring Plan (Site Certificate Condition 10.37). As noted earlier, materials will be recycled as feasible.

During operations, solid waste generated by the operation of the solar modules, BESS, and associated infrastructure will be collected by the maintenance crews and transported to off-site to facilities such as Finley Buttes Landfill that handle the disposal or recycling of these items. Wastes generated at the proposed O&M building will be collected in appropriate waste or recycling containers, to be removed by a licensed waste hauler under contract to the Certificate Holder. All operational waste will be handled according to the Operations Waste Management Plan (Site Certificate Condition 10.22) which will be consistent with Morrow County Solid Waste Management Ordinance (Site Certificate Condition 6.24).

*13. The applicant shall obtain the necessary access permit through the Public Works Department as required by Morrow County Resolution R-29-2000.*

Response: The Certificate Holder does not anticipate needing new access to county roads. Access to is proposed via Tower Road, an existing county road. Tower Road is a private roadway for approximately 2.27 miles extending north from PGE-owned property. If access is needed, Condition 4.5 requires that the certificate holder obtain the permit (Council 2022).

## **6.4 Article 6. Conditional Uses**

The Amended Carty Solar Farm, as a “photovoltaic solar power generation facility,” is a listed conditional use in the EFU zone pursuant to MCZO 3.010(C)(24) and therefore is subject to Article 6 of the MCZO.

### **6.4.1 Section 6.015. Requirements Under a State Energy Facility Site Certificate**

*If a holder of a Site Certificate issued by the Oregon Energy Facility Siting Council requests a conditional use permit for an energy facility as outlined under ORS 469.401(3) and pays the requisite fee, the Planning Director shall issue such conditional use permit. The conditional use permit shall incorporate only the standards and conditions in Morrow County’s land use and other ordinances as contained in the site certificate. Issuance of the Conditional Use Permit shall be done promptly, not taking more than four weeks once it has been determined that a valid Site Certificate has been issued, the applicant has submitted a complete application and the fee has been received.*

Response: Condition 4.6 (requirement to obtain all local permits) applies. Therefore, the Council may find that the Carty Solar Farm with proposed RFA 4 changes will be consistent with MCZO Section 6.015.

### **6.4.2 Section 6.020. General Criteria**

*In judging whether or not a conditional use proposal shall be approved or denied, the Commission shall weigh the proposal’s appropriateness and desirability, or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met or can be met by observance of conditions.*

*A. The proposal will be consistent with the Comprehensive Plan and the objectives of the Zoning Ordinance and other applicable policies and regulations of the County.*

Response: Compliance with applicable zoning regulations is addressed in Section 6.0; consistency with applicable provisions of the Comprehensive Plan is addressed in Section 7.0. The design, construction and operation of the Carty Solar Farm with proposed RFA 4 changes will comply with the land use conditions of the Site Certificate, including Condition 4.6 (requirement to obtain all

local permits), Condition 6.22 (compliance with setbacks), and Condition 6.23 (limitations on signage)(Council 2022). Therefore, this provision is met.

*B. If located within the Urban Growth Boundary of a city, that said city has had an opportunity to review and comment on the subject proposal.*

Response: The Carty Solar Farm with proposed RFA 4 changes is not located within the urban growth boundary of a city; therefore, this criterion is not applicable.

*C. The proposal will not exceed carrying capacities of natural resources or public facilities.*

Response: Exhibits I (Soils), J (Wetlands), P (Fish and Wildlife Habitat), Q (Threatened and Endangered Species), and S (Cultural Resources) of this RFA 4 demonstrate that the carrying capacities of natural resources will not be exceeded. Exhibit U (Public Services) demonstrates that the carrying capacity of public services and facilities will not be exceeded.

### **6.4.3 Section 6.025. Resource Zone Standards for Approval**

*A. In the Exclusive Farm Use zone a conditional use may be approved only when the County finds that the use will not:*

- 1. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or*
- 2. Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.*

Response: There is no forest use within the analysis area or Amended Site Boundary as shown on Figure K-2. As shown on Figure K-4, the closest cultivated agricultural land is approximately 1 mile west of the western edge of the Northern Solar Area and is separated by uncultivated land associated with the CGS Unit 1 and the drainage along the western edge of the Facility. The nearest cultivated land to the Southern Solar Area is located approximately 1.7 miles west of the western edge of the Southern Solar Area and is separated from the Facility by uncultivated land and the Carty Reservoir. The cultivated land to the west is owned and actively farmed by Threemile Canyon Farms, LLC, which has approximately 35,000 acres under cultivation, all using center pivot irrigation. Construction and operation of solar panels and associated equipment will not alter or reduce the area under cultivation by Threemile Canyon Farms, LLC, will not necessitate relocating any access routes or farm infrastructure, and will not result in changes to the practices for planting, irrigating, fertilizing, or harvesting the circles. Therefore, the Council may find that the Carty Solar Farm with proposed RFA 4 changes will be consistent with MCZO Section 6.025.

### **6.4.4 Section 6.030. General Conditions**

*In addition to the standards and conditions set forth in a specific zone, this article, and other applicable regulations; in permitting a new conditional use or the alteration of an existing conditional use, the Commission may impose conditions which it finds necessary to avoid a*

*detrimental impact and to otherwise protect the best interests of the surrounding area or the County as a whole. These conditions may include the following:*

- A. Limiting the manner in which the use is conducted including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.*

Response: Exhibit Y of RFA 4 addresses compliance with applicable noise regulations of ODEQ. The nearest noise sensitive receptor<sup>4</sup> as regulated under ODEQ's noise regulations in OAR 340-035-0035 (Noise Control Regulations for Industry and Commerce) is located approximately 2.5 miles from the Amended Carty Solar Farm. Land immediately surrounding the Carty Solar Farm with proposed RFA 4 changes is either in conservation easement, cultivated for farming, or part of the Boardman Bombing Range. Although sound originating from construction sites is exempt from state noise regulations per OAR 340-035-0035(5)(g), construction noise will be short-term and not impact any surrounding uses. The Certificate Holder modeled noise sources from operation to demonstrate sound levels are well below applicable ODEQ statistical noise limits.

The PV solar and BESS components will not include equipment that will create noticeable vibration, emit air pollution, or create odor.

The Naval Weapons Systems Training Facility (NWSTF) Boardman is a U.S. Navy aviation training and testing site located more than 1 mile east of the Carty Solar Farm with proposed RFA 4 changes and will therefore not create any physical obstruction to use of the training facility. As part of RFA 1, the U.S. Navy and PGE discussed the potential for glare from the Carty Solar Farm to impact flight paths to the NWSTF Boardman. Following that discussion, PGE filed a Notice of Proposed Construction (Form 7460-1) with the Federal Aviation Administration (FAA) on July 13, 2016, and the FAA subsequently issued a determination of no hazard. In support of the Carty Solar Farm with proposed RFA 4 changes, the U.S. Navy and PGE discussed the potential for increased glare from the additional solar modules. The U.S. Navy concluded that no additional glare and glint analysis is required (Kimberly Peacher, U.S. Navy NW Training Range Complex, pers. comm., e-mail message, October 23, 2023).

- B. Establishing a special yard or other open space or lot area or dimension.*

Response: This RFA 4 for the Carty Solar Farm with proposed RFA 4 changes does not propose the creation or reconfiguration of any lots. Condition 6.22 requires compliance with the yard and setback requirements of the MG zone and the EFU zone (Council 2022).

- C. Limiting the height, size or location of a building or other structure.*

Response: The components, structures, and systems proposed with RFA 4 are the same in height and general location as what the Council has previously approved for the Facility. The location of

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<sup>4</sup> "Noise sensitive property" is defined by OAR 340-035-0015(38) as "real property normally used for sleeping, or normally used as schools, churches, hospitals, or public libraries. Property used in industrial or agricultural activities is not Noise Sensitive Property unless it meets the above criteria in more than an incidental manner."

the Southern Solar Area is generally the same as the Carty Solar Farm approved with RFA 1. The Northern Solar Area—including the BESS, collector substation, and O&M building—are in an area previously used by the BCP. The maximum heights of the PV solar modules, inverters, and transformers will be similar to what was approved for the Carty Solar Farm with RFA 1. The collector substation and O&M building will be similar to the existing substations and buildings already present at the Facility.

By far, the tallest component proposed is the aboveground segment of the collection system, proposed to extend for approximately 2 miles along the eastern and northern shores of the Carty Reservoir. This segment of the collection system is proposed on wood support poles at a height of up to approximately 70 feet above ground. This same location of aboveground line, pole design, and height was approved with RFA 1.

*D. Designating the size, number, location and nature of vehicle access points.*

*1. Where access to a county road is needed, a permit from Morrow County Public Works department is required. Where access to a state highway is needed, a permit from ODOT is required.*

**Response:** The Carty Solar Farm with proposed RFA 4 changes does not include new vehicle access to a county road or a state highway needed to construct, operate, and retire the facilities. Access is proposed via Tower Road. Tower Road is a private roadway for approximately 2.27 miles extending north from PGE-owned property. If access is needed, Condition 4.5 requires that the Certificate Holder obtain the permit (Council 2022).

*2. In addition to the other standards and conditions set forth in this section, a Traffic Impact Analysis (TIA) will be required for all projects generating more than 400 passenger car equivalent trips per day. 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)*

**Response:** The requirements of this provision mirror those of MCZO Section 3.010(N) and Section 3.070(E)(1), discussed earlier in this exhibit. As described in Exhibit U, which estimates potential traffic associated with the Amended Carty Solar Farm, more than 400 passenger car equivalents per day are currently estimated during the peak of construction, and therefore a TIA is required. The Certificate Holder expects there will be up to 12 personnel, generating approximately 12 two-way vehicle trips per day.

Site Certificate Condition 6.17 requires a TIA if peak construction traffic is anticipated to exceed 400 passenger car equivalents per day. Prior to the start of construction, when staging and workforce assumptions are better known, the Certificate Holder will confirm expected passenger car equivalents during peak construction and prepare a TIA (per Site Certificate Condition 6.27; Council 2022) for submittal to ODOE and the Morrow County Planning Department. The TIA will also be used to inform consultation with the Morrow County Sheriff's Office. Consistent with

Condition 6.27, the Certificate Holder will also prepare a Construction Traffic Management Plan, which will include: measures or other recommendations to minimize traffic impacts on Tower Road; staggering shift start times or other measures that significantly reduce the total number of construction worker vehicle trips through the westbound I-84/Tower Road ramp terminal; and installation of temporary traffic controls during peak construction to prioritize westbound left-turning vehicles at the westbound Tower Road ramp terminal during the weekday a.m. peak hour. The Construction Traffic Management Plan will be submitted concurrently with the TIA (Condition 6.17 and 6.27). Therefore, the Council may find that the requirements under MCZO Section 3.070(E) will be satisfied.

*E. Increasing the amount of street dedication, roadway width or improvements within the street right-of-way.*

*1. It is the responsibility of the landowner to provide appropriate access for emergency vehicles at the time of development. (MC-C-8-98)*

Response: The Carty Solar Farm with proposed RFA 4 changes does not include new access or street dedication. Access is proposed via Tower Road, an existing county road. Tower Road is a private roadway for approximately 2.27 miles extending north from PGE-owned property.

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

Response: The proposed O&M building will include a designated parking area adjacent to the structure. The O&M building area is proposed to be approximately 20,000 square feet (0.5 acres). The O&M building will include additional area for parking, maneuvering, and buffer. The Certificate Holder expects there will be up to 12 personnel for daily operations and maintenance activities and will provide 12 standard parking spaces and one Americans with Disabilities Act (ADA) parking space at the proposed O&M building in compliance with MCZO Section 4.040.

*G. Limiting or otherwise designating the number, size, location, height, and lighting of signs.*

Response: The Carty Solar Farm with proposed RFA 4 changes will comply with Condition 6.23, which limits signage associated with the Facility (Council 2022).

*H. Limiting the location and intensity of outdoor lighting and requiring its shielding.*

Response: The Carty Solar Farm with proposed RFA 4 changes will comply with Condition 6.14, which limits exterior nighttime lighting at the Facility (Council 2022).

*I. Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance.*

Response: The facilities proposed in this RFA are not in close proximity to uses requiring protection by diking, screening, or landscaping. The Carty Solar Farm with proposed RFA 4 changes is surrounded by undeveloped and uncultivated land to the north, east, and south. The land to the east and south is within a conservation easement, which restricts development. The land immediately to

the west of both the Northern Solar Area and Southern Solar Area is either already part of the overall Facility or is undeveloped.

*J. Designating the size, height, location and materials for a fence*

Response: The Carty Solar Farm with proposed RFA 4 changes includes perimeter fencing around the Northern Solar Area, Southern Solar Area, BESS, and collector substation. The perimeter fencing around Northern Solar Area, Southern Solar Area, and BESS will be chain-link, up to 8 feet in height, with an additional 1 foot of razor or barb wire. The collector substation perimeter fence will be chain-link, up to 11 feet in height, with an additional 1 foot of razor or barb wire.

The Certificate Holder proposes the addition of BESS to existing Site Certificate Condition 7.2, which requires fencing around specific Facility components (Council 2022).

Condition 7.2 is proposed to be modified as follows:

7.2     *To protect the public from electrical hazards, the certificate holder must enclose the facility switchyard or substations **and BESS** with appropriate fencing and locked gates.*

*[Final Order IV.E.4.2] [MCZO Section 4.040-4.060] [AMD2, **AMD4**]*

*K. Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.*

Response: Protection of these resources in accordance with Council standards is addressed in Exhibits I (Soils), J (Wetlands), P (Fish and Wildlife Habitat), Q (Threatened and Endangered Plants and Animals), and W (Generation of Solid Waste and Wastewater) of this RFA 4. In addition, the Site Certificate includes extensive conditions for protection of natural resources, including 40 conditions in Section 10 (Protection of Natural Resources) of the Site Certificate (Council 2022).

*L. Other conditions necessary to permit the development of the County in conformity with the intent and purpose of this Ordinance and the policies of the Comprehensive Plan.*

Response: The provisions under MCZO 6.030 describe conditions that may be imposed “to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the County as a whole.” The Carty Solar Farm with proposed RFA 4 changes, as proposed, has been designed to avoid detrimental impacts. In addition, the Certificate Holder and Facility must comply with the conditions in the Site Certificate.

#### **6.4.5 Section 6.040. Permit and Improvements Assurance**

*The Commission may require an applicant to furnish the County with a performance bond or such other form of assurance that the Commission deems necessary to guarantee development in accordance with the standards established and the conditions attached in granting a conditional use permit.*

Response: The Council previously imposed several conditions of compliance requiring the Certificate Holder to maintain a bond or letter of credit in amount and form satisfactory to the Council to restore the Facility site following cessation of operation (see conditions under Section

15.0 of the Site Certificate). As such, retirement of the Carty Solar Farm with proposed RFA 4 changes will be the responsibility of the Certificate Holder pursuant to Council rules and the conditions of the Site Certificate, per the Council's Retirement and Financial Assurance standard, OAR 345-022-0050 (see Exhibit X).

#### **6.4.6 Section 6.050. Standards Governing Conditional Uses**

*A conditional use shall comply with the standards of the zone in which it is located and with the standards set forth in this subsection.*

*O. Radio, television tower, utility station or substation:*

*1. In a residential zone, all equipment storage on the site may be required to be within an enclosed building.*

Response: This provision, MCZO 6.050(O)(1), does not apply because the Carty Solar Farm with proposed RFA 4 changes is not located in a residential zone.

*2. The use may be required to be fenced and provided with landscaping.*

Response: Although the ordinance does not contain a substantive standard for imposing the fencing or landscaping requirement, this RFA proposes to include security fencing around the perimeter of the Northern Solar Area, Southern Solar Area, BESS, and collector substation. The perimeter fencing around Northern Solar Area, Southern Solar Area, and BESS will be chain-link, up to 8 feet in height, with an additional 1 foot of razor or barb wire. The collector substation perimeter fence will be chain-link, up to 11 feet in height, with an additional 1 foot of razor or barb wire.

*3. The minimum lot size for a public utility facility may be waived on finding that the waiver will not result in noise or other detrimental effects to adjacent property.*

Response: The provision is not applicable to RFA 4 as a new lot is not proposed or required.

*4. Transmission towers, hoses, overhead wires, plumbing stations, and similar gear shall be so located, designed and installed as to minimize their conflict with scenic values.*

Response: The Carty Solar Farm with proposed RFA 4 changes does not include transmission towers or plumbing stations. The majority of the proposed 34.5-kV collector lines will be buried to a minimum of 3 feet below ground. The approximately 2-mile-long segment of overhead 34.5-kV collector line will be mounted on wooden poles approximately 70 feet in height. The new substation will step up the energy from 34.5-kV to 500-kV and then interconnect with the existing transmission system remaining from the BCP. The new substation will connect to the existing dead-end structure, which is 100 feet tall, via new lines that will be approximately 300 feet in length. The 300-foot-long, 500-kV interconnection between the collector substation and existing dead-end structure is technically a transmission line, but no new transmission towers will be constructed.

## 7.0 Compliance with the Applicable Substantive Criteria from the Morrow County Comprehensive Plan

In 1986, Morrow County adopted a comprehensive plan to address the sustainable management of resources within the county that might be threatened by population growth and development. The MCCP (Morrow County 2013) has several “Goals” or “Elements” relating to different resources within the county. This section demonstrates compliance with the MCCP Elements applicable to the Carty Solar Farm with proposed RFA 4 changes.

### 7.1 Agricultural Lands Element

*Agricultural 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 non-compatible nonagricultural development, and to maintain a high level of livability in the County.*

Response: The site for the Carty Solar Farm with proposed RFA 4 changes was selected in part because it is not cultivated, is not known to have been cultivated in the past, has no irrigation water rights, and is isolated from cultivated farmland by Carty Reservoir and conservation lands protected under conservation easement. The location, moreover, facilitates interconnection to existing transmission infrastructure including the Grassland to Slatt 500-kV transmission line, avoiding the need for a new high-voltage transmission line to connect the Amended Carty Solar Farm to the grid. As with the Amended Carty Solar Farm itself, the 34.5-kV collection system and 300-foot-long, 500-kV transmission line connection do not impact any cultivated farmland. The Northern Solar Area occurs almost entirely on industrial zoned land formerly occupied by the BCP, therefore will not impact any cultivated farmland. A small portion (approximately 8 acres) of the Northern Solar Area’s eastern, southern, and western edges fall within EFU land, but these areas are also not cultivated.

*Agricultural Policy 4: It shall be the policy of the County to develop and implement comprehensive and definitive criteria for the evaluation of all non-farm developments to ensure that all objectives and policies set forth herein are complied with to the maximum level possible.*

Response: Section 6.0 of this exhibit demonstrates compliance with the criteria under the MCZO for siting the Carty Solar Farm with proposed RFA 4 changes on land zoned EFU.

### 7.2 Economic Element

*Economic Policy 2A: It shall be the policy of Morrow County, Oregon, to maximize the utilization of the local work force as job opportunities increase.*

Response: As discussed in Exhibit U to this RFA 4, the Certificate Holder will not know for certain the size of the labor force or the overall timeline for construction until it enters into contracts for

the development. However, a substantial portion of the labor force needed during construction is expected to come from communities within driving distance of the site. PGE anticipates that approximately 30 percent of the construction workforce will be local residents within 70 miles (1-hour duration) commuting distance. The Certificate Holder expects that the Carty Solar Farm with proposed RFA 4 changes will require up to 12 personnel for daily maintenance activities during operations. The O&M staff will be hired locally, to the extent that skilled workers are available.

*Economic Policy 3A: It shall be the policy of Morrow County, Oregon, to encourage local producers to new markets for local products and to seek out new products that are in demand in the market place and that can be produced locally.*

Response: The Carty Solar Farm with proposed RFA 4 changes will provide a renewable source of electric power, diversifying Morrow County's economic mix without removing any land from another productive economic use or adversely affecting the economic productivity of surrounding lands.

*Economic Policy 5A: It shall be the policy of Morrow County, Oregon, to utilize appropriate mechanisms in implementing regulations to reduce undesirable impacts from industrial and commercial developments, including the establishment of buffer zones or other mitigation measures if determined to be necessary.*

Response: Site Certificate Condition 6.22 incorporates the setback requirements of the Morrow County EFU and MG zones (Council 2022). The Statewide Planning Goal 3 exception in Section 10.0 of this exhibit addresses how elements of the Carty Solar Farm with proposed RFA 4 changes located on land zoned EFU are compatible with surrounding land uses.

*Economic Policy 6C: It shall be the policy of Morrow County, Oregon, to require that development plans be based on the best economic information available, comply with applicable environmental standards, and take into account the effects of the development on the existing economy and available resources, including transportation and work force.*

Response: The layout for the Southern Solar Area maximizes the buildable area southeast of Carty Reservoir. The Northern Solar Area will utilize land formerly used as a coal-fired power plant to provide a new source of clean, renewable energy. The Carty Solar Farm with proposed RFA 4 changes will be isolated from cultivated land, ensuring that its development will not adversely affect existing agricultural operations in Morrow County. The Carty Solar Farm with proposed RFA 4 changes will utilize existing transportation facilities, as well as the existing transmission infrastructure.

### **7.3 Energy Conservation Element**

*Energy Conservation Policy 3: It shall be the policy of Morrow County, Oregon, to encourage development of solar and wind resources.*

Response: This RFA 4 proposes a PV solar facility with 200 MW of generation capacity consistent with this policy.

*Energy Conservation Policy 9: The County will encourage the development of alternative energy sources in County industries and businesses.*

Response: Consistent with this policy, RFA 4 proposes an alternative energy source, which includes a PV solar facility with 200 MW of renewable energy generation capacity and BESS with the capability of storing up to 200 MW. The Northern Solar Area will repurpose the former site of the BCP and convert the site from a coal-fired power plant to an emission-free alternative renewable energy generation facility.

Compliance with Council standards, as well as conditions of the Site Certificate, will ensure that the project will be protective of the environment and natural resources, including soil, water, fish and wildlife habitat, native plants, and scenic resources.

## **8.0 Directly Applicable Administrative Rules and Statutes**

### **8.1 Oregon Administrative Rules**

#### **8.1.1 Surrounding Lands, Farm Operations and Farm Practices OAR 660-033-0130(5)(c)**

*OAR 660-033-0130 Minimum Standards Applicable to the Schedule of Permitted and Conditional Uses*

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

*(a) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and*

*(b) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.*

*(c) For purposes of subsection (a) and (b), a determination of forcing a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use or a determination of whether the use will significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use requires:*

*(A) Identification and description of the surrounding lands, the farm and forest operations on those lands, and the accepted farm practices on each farm operation and the accepted forest practices on each forest operation;*

*(B) An assessment of the individual impacts to each farm and forest practice, and whether the proposed use is likely to have an important influence or effect on any of those practices; and*

*(C) An assessment of whether all identified impacts of the proposed use when considered together could have a significant impact to any farm or forest operation in the surrounding area in a manner that is likely to have an important influence or effect on that operation.*

*(D) For purposes of this subsection, examples of potential impacts for consideration may include but are not limited to traffic, water availability and delivery, introduction of weeds or pests, damage to crops or livestock, litter, trespass, reduction in crop yields, or flooding.*

*(E) For purposes of subsection (a) and (b), potential impacts to farm and forest practices or the cost of farm and forest practices, impacts relating to the construction or installation of the proposed use shall be deemed part of the use itself for the purpose of conducting a review under subsections (a) and (b).*

*(F) In the consideration of potentially mitigating conditions of approval under ORS 215.296(2), the governing body may not impose such a condition upon the owner of the affected farm or forest land or on such land itself, nor compel said owner to accept payment to compensate for the significant changes or significant increases in costs described in subsection (a) and (b).*

#### **8.1.1.1      *Surrounding Lands, Farm Operations and Farm Practices [OAR 660-033-0130(5)(c)(A)]***

**Response:** For the purposes of evaluating OAR 660-033-0130(5)(c), “surrounding lands” are equivalent to the land use analysis area, meaning the parcels (or portions of parcels) within Morrow County and immediately adjacent to the Amended Site Boundary and within 0.5 miles of this boundary (referred to herein as “surrounding lands” and shown on Figure K-1 as the “Analysis Area”). No forest practices or forest operations exist within the surrounding lands; therefore, compliance with OAR 660-033-0130(5) includes an evaluation of only farm operations and farming practices. “Accepted farming practices” is defined by ORS 215.203(2)(c) as “a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money and customarily utilized in conjunction with farm use.”

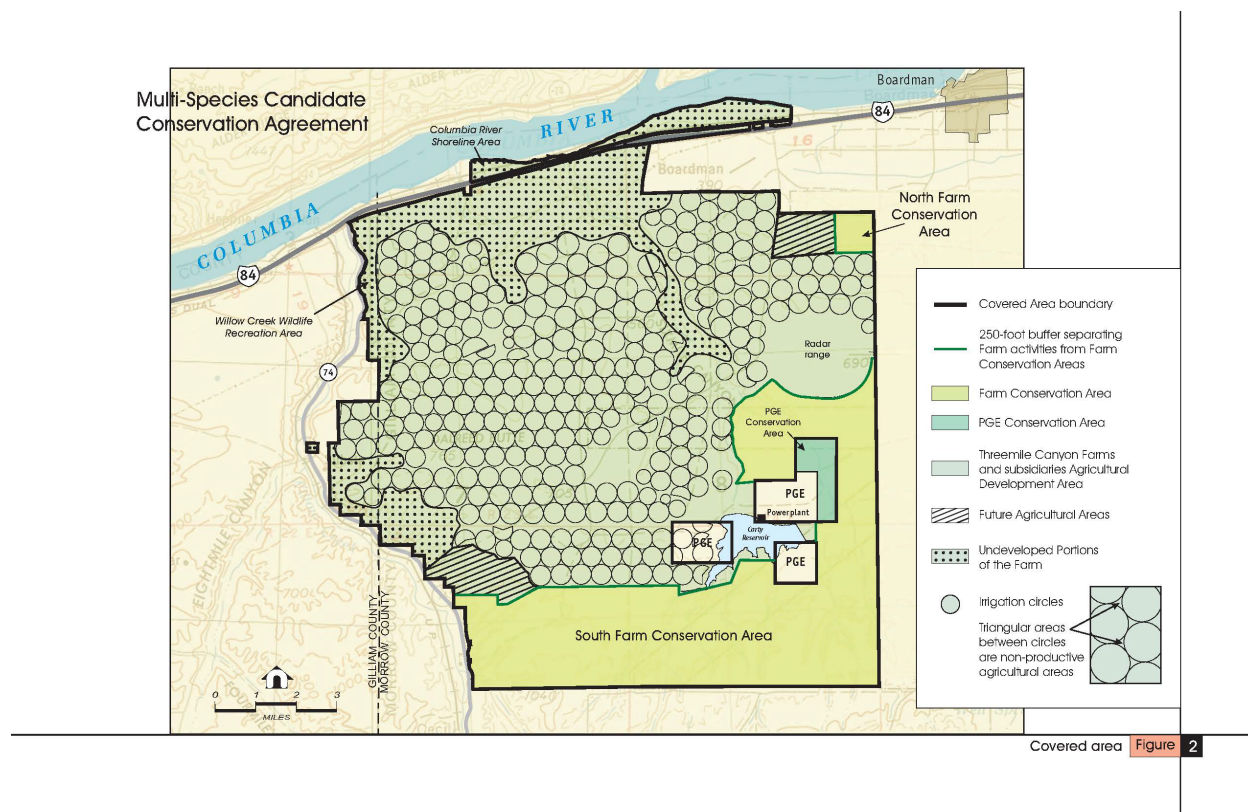
Determination of farming practices within the surrounding lands was informed by the Certificate Holder’s familiarity with the site and aerial imagery (Figure K-9, Table K-7; Google Earth 2026). As described below, the surrounding lands consist of a combination of cultivated croplands, as identified during habitat field surveys (see Exhibit P for further information on habitat survey extent and results) and non-cultivated lands, some of which are part of the Carty Generating Station. In areas that were not obviously managed for crop cultivation or contained structures, the Certificate Holder has identified that land as “non-cultivated land.”<sup>5</sup> Cultivated lands are shown on Figure K-9. The accepted farm practices within the surrounding lands primarily consist of irrigated

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<sup>5</sup> Non-cultivated lands include grasslands, waters, wetlands, riparian land, grasslands, shrubland, and shrub-steppe habitat.

crop cultivation and non-productive agricultural areas. The legend on Graphic 1 below from the Boardman Multi-Species Candidate Conservation Agreement with Assurances (MSCCAA; USFWS and ODFW 2004) shows that the areas between the irrigated crop cultivation (crop circles) are non-productive agricultural areas, which are not used by Threemile Canyon Farms, other than to access the irrigated crop cultivation areas.

Parcels within the surrounding lands to the north, east, and south of the Amended Site Boundary are completely non-cultivated land. Figure K-10 shows much of this non-cultivated land is within a conservation area, which was established under the MSCCAA and implemented through the MSCCAA Management Plan.



**Graph 1. Historical Land Uses as shown in the 2004 Boardman MSCCAA<sup>6</sup>**

A list of landowners within surrounding lands and a description of the accepted farming practices occurring on these lands (as well as other existing land uses) is provided in Table K-7 below.

<sup>6</sup> Figure 2 in USFWS and ODFW 2004.

**Table K-7. Farm Practices and Other Land Uses within Surrounding Lands**

| <b>Owner</b>                                                                                                                                             | <b>Map and Tax Lot</b> | <b>Acreage within Surrounding Lands<sup>1</sup></b> | <b>Farm Practices and Other Land Uses within Surrounding Lands</b> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-----------------------------------------------------|--------------------------------------------------------------------|
| Threemile Canyon Farms, LLC                                                                                                                              | 02N24E000000100        | 354.47                                              | Irrigated crop cultivation, non-productive agricultural areas      |
|                                                                                                                                                          | 02N24E000000101        | 362.70                                              | Irrigated crop cultivation, non-productive agricultural areas      |
|                                                                                                                                                          | 02N24E000000107        | 2,064.48                                            | Conservation area                                                  |
|                                                                                                                                                          | 03N24E000000100        | 535.12                                              | Irrigated crop cultivation, non-productive agricultural areas      |
|                                                                                                                                                          | 03N24E000000112        | 320.54                                              | Conservation area                                                  |
|                                                                                                                                                          | 03N24E000000123        | 138.93                                              | Non-cultivated lands                                               |
| Portland General Electric                                                                                                                                | 03N24E000000101        | 36.89                                               | Non-cultivated lands                                               |
|                                                                                                                                                          | 03N24E000000113        | 298.78                                              | Non-cultivated lands                                               |
|                                                                                                                                                          | 03N24E000000121        | 2.35                                                | Carty Generating Station                                           |
| Portland General Electric Company, et al.                                                                                                                | 02N24E000000105        | 8.11                                                | Non-cultivated lands                                               |
|                                                                                                                                                          | 03N24E000000104        | 9.47                                                | Non-cultivated land                                                |
|                                                                                                                                                          | 03N24E000000115        | 86.80                                               | Non-cultivated land                                                |
|                                                                                                                                                          | 03N24E000000116        | 8.46                                                | Non-cultivated land                                                |
|                                                                                                                                                          | 03N24E000000117        | 0.76                                                | Carty Generating Station                                           |
| <b>Total Acreage within Surrounding Lands<sup>1</sup></b>                                                                                                |                        | <b>4,227.86</b>                                     | –                                                                  |
| 1. Intersecting and within the Surrounding Lands 0.5-mile buffer area only. Parcels that are entirely within the Amended Site Boundary are not included. |                        |                                                     |                                                                    |

### *8.1.1.2 Potential Impacts to Farm Practices During Facility Construction and Operation [OAR 660-033-0130(5)(c)(B),(D)&(E)]*

The following paragraphs address the potential impacts listed in OAR 660-033-0130(5)(c)(D) that may result from construction and operation of the Facility (as required by OAR 660-033-0130(5)(c)(E)).

As provided by OAR 660-033-0130(5)(c)(D), typical interference or potential adverse impacts to the accepted farming practices in the surrounding area that may occur during Facility construction include traffic, water availability and delivery, introduction of weeds or pests, damage to crops or livestock, litter and trespass, reduction in crop yields, or flooding. Below is an evaluation of whether these potential impacts rise to the level of significant. This evaluation demonstrates that the Carty Solar Farm with proposed RFA 4 changes will be made compatible with other adjacent uses through the implementation of BMPs and mitigation measures and will not result in significant impacts to farming practices on surrounding lands.

### **Traffic and Adjacent Access**

As discussed in Section 6.2 of this exhibit, traffic is anticipated to increase during construction due to the number of trucks and workers needed for construction. As described in Exhibit U, traffic increases resulting from construction within the Amended Site Boundary are expected to be inconsequential on I-82 and I-84 but will result in some impacts to state and county roads, especially during the summer and early fall when county road traffic volumes increase due to crop harvest in the area. The Certificate Holder will coordinate with ODOT and the Morrow County Road Department on any potential road closures, impacts, and permits needed for construction or movement of equipment and materials. The Certificate Holder will implement all traffic-related Site Certificate Conditions, including developing a Construction Traffic Management Plan that includes traffic impact mitigation actions, in compliance with Site Certificate Conditions 6.17 and 6.27, and conducting a Traffic Impact Analysis (TIA), if required, in compliance with Site Certificate Condition 6.27. The Construction Traffic Management Plan and results of the TIA, if conducted, will be submitted to the County prior to the start of construction, and the Construction Traffic Management Plan will be implemented during construction. Other applicable Site Certificate Conditions address oversize/overweight delivery timing, parking, road wear and repair, and signage. Adherence to these Site Certificate Conditions and implementation of the Construction Traffic Management Plan will minimize traffic impacts in the vicinity of the Amended Site Boundary during construction and prevent interference with agricultural activities such as crop harvest and transport.

Traffic will be significantly less during operation than during construction. It is estimated that up to 12 permanent employees will be hired to operate and maintain the Facility. Operational trips include employees traveling to work in their personal vehicles, as well as specialized personnel required for periodic inspections of Facility components who may travel in light-duty trucks. The occasional delivery truck may also access the site during operations. Due to the small number of permanent employees, there will not be significant increases in traffic in the surrounding lands.

### **Water Availability and Delivery**

As shown on Figure K-9, there are two water rights within surrounding lands. Water right Cert:76712 OR\*IR is an irrigation water right held by Threemile Canyon Farms and appears to be used for crop irrigation. Water right Cert:86057 OR\*PW is a power development water right held by the Certificate Holder and is used to support power generation at the Carty Generating Station. Irrigated crop production within the surrounding lands analysis area will continue in accordance with the irrigation water right. The Certificate Holder will continue using water allocated through the power development water right at the Carty Generating Station. The Carty Solar Farm with proposed RFA 4 changes will not affect water availability or delivery within the surrounding lands.

As described in Exhibit O, all non-potable water used for construction activities (dust abatement and road compaction, concrete, washing concrete trucks, and fire prevention) will be obtained from Carty Reservoir, located within the Amended Site Boundary. Water used for construction will be sourced from Carty Reservoir under the Certificate Holder's existing water right and obtained by a

third-party contractor through a limited water use license.<sup>7</sup> The Oregon Water Resources Department issued PGE Permit S-54925 for the use of up to 3,736 acre-feet per year from Carty Reservoir for industrial/manufacturing uses; this category allows use of water for construction purposes. This existing water right is sufficient for all non-potable water needs during construction, as outlined in Exhibit O.

Potable water for use during construction will be obtained from a temporary tie-in with the existing Facility potable water system or provided by bottled water or water coolers. Potable water for the existing Facility potable water system is obtained from an existing well located approximately 170 feet south of the Facility's existing Unit 1 generation building and within the Amended Site Boundary.

Operations water use will be minimal, consist of general daily use (handwashing, drinking, toilets), and be obtained from the existing well as described above. The Carty Solar Farm with proposed RFA 4 changes will use an existing water right during operations and will not require a change in water rights or the acquisition of additional water rights. Existing water rights will not be negatively affected, and sufficient water will be available for the intended uses.

If water is needed during operations for industrial uses, such as solar panel washing up to twice per year, it will come from Carty Reservoir under the Certificate Holder's existing water right, which is sufficient to support solar panel washing. Therefore, no adverse impacts to water use and supply are anticipated during construction or operations.

### **Weeds**

The Certificate Holder has developed a Draft VSMP (Exhibit I, Attachment I-2). This plan provides the steps the Certificate Holder will take to prevent, minimize, and control the establishment and spread of noxious weed species during both construction and operation. Noxious weed monitoring will occur prior to construction, during construction, and during operation. The Certificate Holder will consult with the appropriate weed control authorities in the County and obtain approval of the final VSMP prior to construction. As a result, noxious weeds will be prevented from impacting farming operations within the surrounding lands.

### **Damage to Crops or Livestock**

No damage to crops or livestock within the surrounding lands is anticipated. The Carty Solar Farm with proposed RFA 4 changes will be constructed within the solar areas in the Amended Site Boundary. Construction and operation will not impede ongoing agricultural operations or prevent crops from growing within the surrounding lands. Traffic concerns are addressed below. Crops will

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<sup>7</sup> Water necessary for construction would be obtained by a third-party contractor through a limited water use license to be applied for prior to starting construction. The proposed source of water for the limited water use license would be Carty Reservoir storage under PGE Certificate 86056. (Revised Request for Amendment 1 to the Site Certificate, Exhibit O, Appendix O-1 [February 2018] and Request for Amendment 3, p. 51 [June 2022]).

continue to receive sunlight, water, and nutrients needed to grow and thrive during construction and operation. There are no livestock operations or livestock grazing within the analysis area.

Due to the above factors, the Council may conclude that development of the Carty Solar Farm with proposed RFA 4 changes will not result in damage to crops or livestock within the surrounding lands.

### **Litter and Trespass**

Waste generated from construction will be minimized through detailed estimation of materials needs and through efficient construction practices (see Exhibit W). Construction will not require the use of specialized structures, systems, or equipment for waste management or disposal. Standard construction waste bins will be kept on site to keep construction debris until it is hauled off site. Separate containers for small quantities of hazardous materials, such as oily rags or contained soil from minor spills, will be provided according to the contractor's spill prevention, control, and countermeasures plan. Most waste will be removed from the site and reused, recycled, or disposed of at the nearby Columbia Ridge and Finley Buttes Landfills if necessary. The public landfill nearest to the Carty Solar Farm with proposed RFA 4 changes is the Finley Buttes Landfill. Prior to the start of construction, the Certificate Holder will confirm that these landfills have adequate capacity.

Some repair or replacement of electrical, solar, or battery equipment is expected over the life of the Carty Solar Farm with proposed RFA 4 changes. Damaged equipment will be removed and disposed of at the Columbia Ridge or Finley Buttes Landfills or other approved disposal facilities. Waste from the O&M building and other solid waste generated on site, as described in Exhibit W, will be collected and recycled as feasible. Non-recyclable waste will be collected and transported to a local landfill. Disposal of materials for routine maintenance and housekeeping, such as lubrication oils and cleaning supplies, will be managed according to the pertinent regulations.

The incorporated communities near the Facility will continue to provide solid waste management services to their respective incorporated areas. Solid waste disposal will be provided through a private contract with local commercial haulers.

As necessary, the Certificate Holder relies on assistance from the nearest Morrow County Sheriff's Office, located in Heppner, Oregon. The Certificate Holder has confirmed with the Morrow County Sheriff's Office that they can provide services without impacting their current customer service base (Exhibit U, Attachment U-1). Additional law enforcement services are available through the Oregon State Police and the Boardman Police Department. The number of temporary construction workers and additional permanent-resident employees is not anticipated to place significant new demands on law enforcement agencies in the area. The Carty Solar Farm with proposed RFA 4 changes is not open to the public, nor do customers visit the site as part of daily operations. The Carty Solar Farm with proposed RFA 4 changes will incorporate security measures such as locked doors and gates, lighting, and signage. As a result, the Council may find that development will not result in significant impacts to farm practices from litter or trespass.

### **Reduction in Crop Yields**

There is no anticipated reduction in crop yields within the surrounding lands. The Carty Solar Farm with proposed RFA 4 changes will be constructed on currently non-cultivated land within the solar areas, therefore not damaging crops or reducing crop yields on surrounding lands. Generation of airborne dust during construction will be mitigated through application of water on access roads and other areas of ground disturbance, as well as other best management practices to reduce soil erosion and dust as outlined in the Erosion and Sediment Control Plan (ESCP) (Exhibit I, Attachment I-1). As discussed above, the Certificate Holder is developing a Construction Traffic Management Plan in accordance with Site Certificate Conditions 6.17 and 6.27 and will conduct a Traffic Impact Analysis (TIA) if needed. The Construction Traffic Management Plan and results of the TIA, if conducted, will be submitted to the County prior to the start of construction. Traffic will be mitigated in a manner to allow farming activities to continue with minimal disruption to farm management schedules. Water availability is discussed above. The spread of noxious weeds will be prevented through methods set forth in the Draft VSMP (Exhibit I, Attachment I-2). As a result, the Council may conclude that development Carty Solar Farm with proposed RFA 4 changes will not result in a reduction of crop yields within the surrounding lands.

### **Flooding**

Figure H-4 in Exhibit H provides a map of FEMA flood plains (FEMA 2026). All permanent Carty Solar Farm with proposed RFA 4 changes structures will avoid floodplains. However, 1.56 acres of permanent impacts, and 0.21 acres of temporary impacts to floodplains would occur from a solar fenceline along a southeastern drainage of the reservoir.

The Certificate Holder will monitor construction stormwater impacts in accordance with an NPDES 1200-C construction stormwater permit issued by the ODEQ, and an ESCP, which will be finalized prior to construction (see Exhibit I, Attachment I-1). The ESCP will describe BMPs for erosion and sediment control, spill prevention and response procedures, proper disposal procedures, regular maintenance for vehicles and equipment, and employee training on spill prevention. As discussed above, nominal amounts of water will be needed for domestic purposes (hand washing, drinking, toilets) during operation. Solar panels may require periodic washing to minimize the effects of dust and dirt accumulation on energy production. No water used on the site will be discharged into wetlands, streams, and other waterways. The Certificate Holder retains a Water Pollution Control Facility (WPCF) Permit for current operations at the Carty Generating Station in accordance with Site Certificate Condition 10.28. This WPCF permit and Addendum 1 authorize construction wastewater and solar panel wash water disposal through evaporation and seepage.

Due to the dry conditions at the Facility and the relatively low rates of water use and application, it is expected that any excess water used during construction and operation will be lost within or near the Amended Site Boundary, primarily through evaporation and infiltration. As a result, the Council may conclude that development Carty Solar Farm with proposed RFA 4 changes will not result in flooding within the surrounding lands.

### **Summary of Potential Impacts to Individual Farm Practices**

As described in Table K-7, farm practices within the surrounding lands include irrigated crop cultivation and non-productive agricultural areas. None of the impacts discussed above rise to a threshold of significant due to either a lack of impact or the implementation of mitigation measures to prevent more than minimal impact. The potential impacts either do not impact the farm operations within the surrounding lands or are mitigated such that the impacts remain minimal.

#### ***8.1.1.3 Cumulative Impacts to Farm Operations [OAR 660-033-0130(5)(c)(C)]***

As described above in the *Potential Impacts to Farm Practices During Facility Construction and Operation* section, none of the impacts have risen to a level significant enough to have an important influence or effect on farm operations, residences, or businesses. Collectively, prevention, mitigation and monitoring efforts discussed above and in Exhibits I, J, P, O, U, and W will alleviate potential impacts from traffic, water availability and delivery, weeds and pests, damage to crops or livestock, litter and trespassing, reduction in crop yields, flooding, and dust and erosion. There are no unique farm practices within the surrounding lands requiring special site conditions that would be at risk due to the Carty Solar Farm with proposed RFA 4 changes.

#### ***8.1.1.4 Limitations to Conditions [OAR 660-033-0130(5)(c)(F)]***

OAR 660-033-0130(5)(c)(F) is directed to the governing body and does not require findings from the Certificate Holder.

### ***8.1.2 OAR 660-033-0130(38)***

Response: OAR 660-033-0130(38) establishes standards specific to siting of a “photovoltaic solar power generation facility” as defined in OAR 660-033-0130(38)(e). These standards are implemented at the Morrow County level through MCZO Section 3.010(K)(3), which is addressed in Section 6.2.4 of this exhibit.

## **8.2 Oregon Revised Statutes**

### ***8.2.1 ORS 215.296 Standards for approval of certain uses in exclusive farm use zones***

*ORS 215.296 Standards for approval of certain uses in exclusive farm use zones; violation of standards; complaint; penalties; exceptions to standards.*

*(1) A use allowed under ORS 215.213 (2) or (11) or 215.283 (2) or (4) may be approved only where the local governing body or its designee finds that the use will not:*

*(a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or*

*(b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.*

Response: The criteria of ORS 215.296(1) are identical to OAR 660-033-130(5) and the resource zone conditional use standards of MCZO Section 6.025(A) and are addressed under the Morrow County standards in Section 6.4.3 of this exhibit.

## **9.0 Statewide Land Use Goals Compliance**

The Carty Solar Farm with proposed RFA 4 changes does not comply with MCZO Section 3.010(K)(3)(f) as the total area of high-value farmland and arable land that will be precluded from use as a commercial agricultural enterprise is more than 12 acres and 20 acres respectively, thus requiring a Goal 3 exception. In addition, the PV solar energy generation in the Northern Solar Area does not comply with MCZO Section 3.070 because it is not an outright or conditionally permitted use in the MG zoning district. Because the Carty Solar Farm with proposed RFA 4 changes does not comply with all applicable local land use criteria, the Council must determine, under ORS 469.504(1)(b)(B), whether the proposed facility otherwise complies with the applicable Statewide Land Use Planning Goals.

The applicable Statewide Land Use Planning Goals to use for a determination under ORS 469.504(1)(b)(B) include: Goal 3 (Agricultural Lands), Goal 5 (Natural Resources), Goal 6 (Air, Water and Land Resource Quality), Goal 7 (Areas Subject to Natural Hazards), Goal 8 (Recreational Needs), Goal 9 (Economic Development), Goal 10 (Housing), Goal 11 (Public Facilities and Services), Goal 12 (Transportation), Goal 13 (Energy Conservation), and Goal 14 (Urbanization). Goals 1 and 2 do not apply because they are process-oriented goals that do not apply to individual proposals, and Goal 4 does not apply because it pertains to forest lands. Goals 15-19 apply to the Willamette River Greenway and ocean and coastal resources, which are not applicable to the site of the Carty Solar Farm with proposed RFA 4 changes in eastern Oregon.

The following section provides a discussion of conformance with the applicable Statewide Land Use Planning Goals. The Certificate Holder provides a goal compliance response specific to the Northern and Southern solar areas, which are primarily located within MG and EFU zones respectively.<sup>8</sup>

### **9.1.1 Goal 3, Agricultural Lands**

*“To preserve and maintain agricultural lands.”*

Goal Compliance: This Goal is designed for the protection of agricultural lands. Goal 3 provides that “[a]gricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state’s agricultural land use policy expressed in ORS 215.243 and 215.700.”

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<sup>8</sup> Only a small portion (approximately 8 acres) of the Northern Solar Area is located within the EFU zone.

- **Southern Solar Area:** The southern portion of the Carty Solar Farm with proposed RFA 4 changes preserves and maintains agricultural lands by avoiding direct impacts to and maintaining substantial separation from cultivated lands that have irrigation or potential for irrigation. None of the land within the Southern Solar Area is currently cultivated or shows evidence of commercial cultivation any time in the past. The land that will be occupied by the solar facility is not within any irrigation circles, does not have water rights for irrigation, and is not currently capable of commercial cultivation. The southern portion of the Carty Solar Farm with proposed RFA 4 changes is located on agricultural lands as defined in the M CCP. The proposed use—solar energy generation—is consistent with M CCP Goal 3, Policy 1, as it is a compatible nonagricultural use in the EFU zone without air or water emissions that could impact surrounding agricultural uses.
- **Northern Solar Area:** The northern portion of the Carty Solar Farm with proposed RFA 4 changes preserves and maintains agricultural lands by utilizing industrial zoned land previously used for the BCP operations— reusing the former coal plant areas for solar energy generation. Aside from small portions of EFU-zoned land (8 acres total) along its eastern, southern, and western edges, the Northern Solar Area is primarily located on industrial land as defined in the M CCP. The MG zone was placed on and around the BCP in express recognition that the land was committed to a non-resource use as an electric power generation facility. For reasons that are not clear, however, the MG zone placed on the site does not recognize power generation as a permitted or conditional use. The Certificate Holder demonstrates in this exhibit how the Carty Solar Farm with proposed RFA 4 changes complies with Morrow County’s substantive criteria for development in the MG zone. The area within CGS zoned MG continues to be suited for further development and use by energy and utility facilities, consistent with its proximity to existing generation and transmission facilities, as well as surrounding vacant and uncultivated uses.

Although the energy facility will exceed the acreage limits of OAR 660-033-0130(38) (assuming the site is “high-value farmland”), an analysis of compliance with Statewide Planning Goal 3 and its implementing regulations is provided in Section 10.0 this exhibit.

### ***9.1.2 Goal 5, Open Spaces, Scenic, Historic and Natural Resources***

*“To protect natural resources and conserve scenic and historic areas and open spaces.”*

**Goal Compliance:** Goal 5 requires local governments to adopt programs that will protect natural resources and conserve scenic, historic, and open space resources. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability.

As part of designing the layout for the Carty Solar Farm with proposed RFA 4 changes to avoid, minimize, and mitigate for impacts to potential Goal 5 resources, the Certificate Holder has conducted surveys for: wetlands and waters (Exhibit J); fish and wildlife and their habitats (Exhibit P); threatened and endangered species (Exhibit Q); scenic resources (Exhibit R); cultural resources

(Exhibit S); and recreational opportunities (Exhibit T). As demonstrated in this RFA 4, the Carty Solar Farm with proposed RFA 4 changes will not significantly impact potential Goal 5 resources.

- Southern Solar Area: There are no Morrow County Goal 5 designated resources in the Southern Solar Area. The Southern Solar Area protects and conserves natural resources, scenic resources, cultural resources, and open spaces through avoidance, minimization, and mitigation measures. The Southern Solar Area is located entirely on private land, none of which is designated as open space, recreational opportunity, or as a scenic resource, and will be built primarily non-cultivated farmland adjacent to approved energy facilities. No cultural resources, wetlands, waters, or special status fish or wildlife species have been identified within the Southern Solar Area. The impacts to wildlife habitat will be mitigated as specified in the Certificate Holder's Habitat Mitigation Plan (Exhibit P, Attachment P-4).
- Northern Solar Area: There are no Morrow County Goal 5 designated resources in the Northern Solar Area. The Northern Solar Area protects and conserves natural resources, scenic resources, cultural resources, and open spaces through avoidance, minimization, and mitigation measures. The Northern Solar Area is located entirely on private land, none of which is designated as open space recreational opportunity, or as a scenic resource, and will be built on the site of the former BCP adjacent to approved energy facilities. No cultural resources, wetlands, waters, or special status fish or wildlife species have been identified within the Northern Solar Area. The impacts to wildlife habitat will be mitigated as specified in the Certificate Holder's Habitat Mitigation Plan (Exhibit P, Attachment P-4).

Therefore, the Southern Solar Area and Northern Solar Area comply with Goal 5.

### **9.1.3 Goal 6, Air, Water and Land Resources**

*"To maintain and improve the quality of the air, water and land resources of the state."*

**Goal Compliance:** Goal 6 instructs local governments to consider protection of air, water and land resources from pollution and pollutants when developing comprehensive plans. The pollutants addressed in Goal 6 include solid waste, water waste, noise and thermal pollution, air pollution, and industry-related contaminants.

The Carty Solar Farm with proposed RFA 4 changes will not result in air or water emissions while generating renewable energy. The nearest noise sensitive receptor (NSR)<sup>9</sup> as regulated under the ODEQ's noise regulations in OAR 340-035-0035 (Noise Control Regulations for Industry and Commerce) is located approximately 2.5 miles from the Carty Solar Farm with proposed RFA 4 changes. Although sound originating from construction sites is exempt from state noise regulations per OAR 340-035-0035(5)(g), construction noise will be short-term and not impact any surrounding uses. The Certificate Holder modeled noise sources from operation of the Carty Solar

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<sup>9</sup> "Noise sensitive property" is defined by OAR 340-035-0015(38) as "real property normally used for sleeping, or normally used as schools, churches, hospitals, or public libraries. Property used in industrial or agricultural activities is not Noise Sensitive Property unless it meets the above criteria in more than an incidental manner."

Farm with proposed RFA 4 changes to demonstrate sound levels are well below applicable ODEQ statistical noise limits.

During construction, all waste will be disposed of following the Construction Waste Management Plan (Site Certificate Condition 6.3). Standard construction waste bins will be kept on-site to keep construction debris until it is hauled off-site. Separate containers for small quantities of hazardous materials, such as oily rags or contained soil from minor spills, will be provided consistent with the Hazardous Materials Management and Monitoring Plan (Site Certificate 10.37). As noted earlier, materials will be recycled as feasible. During operations, solid waste generated by the operation of the solar modules, BESS, and associated infrastructure will be collected by the maintenance crews and transported to off-site to facilities such as Finley Buttes Landfill that handle the disposal or recycling of these items. Wastes generated at the proposed O&M building will be collected in appropriate waste or recycling containers, to be removed by a licensed waste hauler under contract to the Certificate Holder. All operational waste will be handled according to the Operations Waste Management Plan (Site Certificate Condition 10.22) which will be consistent with Morrow County Solid Waste Management Ordinance (Site Certificate Condition 6.24).

Construction water that is used for dust control and concrete production will be allowed to evaporate and infiltrate. This disposition of construction water is allowed under the terms and conditions of the Facility's WPCF Permit. Minimal water loss will occur during operations of the Carty Solar Farm with proposed RFA 4 changes. During periodic washing of solar panels (approximately twice per year), wash water will evaporate or infiltrate into the ground allowed under the Facility's WPCF permit.

- Southern Solar Area: The Southern Solar Area will result in negligible impacts to air, water and land resources by utilizing undeveloped, uncultivated land. Operation of the Southern Solar Area will not result in air or water emissions while generating renewable energy. The nearest NSR to the Southern Solar Area is approximately 2.5 miles south. The Certificate Holder modeled noise sources from operation of the Southern Solar Area to demonstrate sound levels are well below applicable ODEQ statistical noise limits. Solid waste generated during construction and operation of the Southern Solar Area will be disposed of in compliance with Site Certificate Conditions 6.3, 6.4, and 10.22. Wastewater generated during construction and operation of the Southern Solar Area will be allowed to evaporate and infiltrate under the terms and conditions of the Facility's WPCF Permit.
- Northern Solar Area: The Northern Solar Area will result in negligible impacts to air, water and land resources by reusing the area formerly utilized by the BCP. Operation of the Northern Solar Area will not result in air or water emissions while generating renewable energy. The nearest NSR to the Northern Solar Area is more than 3 miles away. The Certificate Holder modeled noise sources from operation of the Northern Solar Area to demonstrate sound levels are well below applicable ODEQ statistical noise limits. Solid waste generated during construction and operation of the Northern Solar Area will be disposed of in compliance with Site Certificate Conditions 6.3, 6.4, and 10.22. Wastewater

generated during construction and operation of the Northern Solar Area will be allowed to evaporate and infiltrate under the terms and conditions of the Facility's WPCF Permit.

Therefore, the Southern Solar Area and Northern Solar Area comply with Goal 6.

#### **9.1.4 Goal 7, Areas Subject to Natural Disasters and Hazards**

*"To protect people and property from natural hazards."*

Goal Compliance: Goal 7 requires local comprehensive plans to address Oregon's natural hazards.

Exhibit H (Geologic and Soil Stability) in this RFA 4 analyzes potential seismic and non-seismic hazards, disaster resilience, and climate change. The risk of seismic hazards to human safety at the Carty Solar Farm with proposed RFA 4 changes is low. The Certificate Holder reviewed regional geologic information and performed a site-specific desktop analysis of potential seismic, geologic, and soils hazards. In addition, several previous geotechnical investigations have been conducted within areas of the Amended Site Boundary that confirm low seismic risk. In addition, a site-specific geotechnical investigation will be conducted, allowing the Certificate Holder to design, engineer, and construct the Carty Solar Farm with proposed RFA 4 changes to the most current standards at the time of construction (Condition 6.6, Council 2022). The site-specific geotechnical investigation and design will comply with the following conditions from the Site Certificate: Conditions 5.4, 6.7, 6.8, 6.10, 6.11 (Council 2022). Exhibit H reflects input from DOGAMI and demonstrates that the Certificate Holder can design, engineer, and construct the Carty Solar Farm with proposed RFA 4 changes to avoid dangers to human safety. Pertinent design codes related to geology, seismicity, and near-surface soils are contained in OSSC Chapter 16, Section 1613 (Earthquake Loads) (State of Oregon 2022). The Carty Solar Farm with proposed RFA 4 changes will be designed to meet or exceed the minimum standards required by these design codes.

- Southern Solar Area: There are no faults mapped within the Southern Solar Area; however, a fault is mapped on the geologic map to the east (USGS 2023). There is no indication that this fault is active within recent time. Several undifferentiated, Class B faults are mapped within 25 miles. The Southern Solar Area will be constructed within a flat-lying portion of the Amended Site Boundary. It will avoid steep slopes and drainages that could experience landslides, runoff, and severe water erosion. The non-seismic assessment of the Southern Solar Area showed no indication of volcanic, flood, or shrinking and swelling soils. A draft ESCP has been developed to reduce the potential for soil erosion (Exhibit I, Attachment I-1). The ESCP includes structural and nonstructural BMPs. A previous geotechnical investigation within the Amended Site Boundary found that near-surface soils exhibit moderate risk collapsible soils. Soil properties will be evaluated by laboratory testing and analysis. Subsurface soil conditions, such as loess or collapsing soils, will be identified during the site-specific geotechnical investigation and will inform the final design. If collapsible soils are found, collapse potential will be mitigated by construction techniques.
- Northern Solar Area: There are no faults mapped within the Northern Solar Area; however, a fault is mapped on the geologic map to the east (USGS 2023). There is no indication that

this fault is active within recent time. Several undifferentiated, Class B faults are mapped within 25 miles. The Northern Solar Area will be constructed within a flat-lying portion of the Amended Site Boundary. It will avoid steep slopes and drainages that could experience landslides, runoff, and severe water erosion. The non-seismic assessment of the Northern Solar Area showed no indication of volcanic, flood, or shrinking and swelling soils. A draft ESCP has been developed to reduce the potential for soil erosion (Exhibit I, Attachment I-1). The ESCP includes structural and nonstructural BMPs. A previous geotechnical investigation within the Amended Site Boundary found that near-surface soils exhibit moderate risk collapsible soils. Soil properties will be evaluated by laboratory testing and analysis. Subsurface soil conditions, such as loess or collapsing soils, will be identified during the site-specific geotechnical investigation and will inform the final design. If collapsible soils are found, collapse potential will be mitigated by construction techniques.

Therefore, the Southern Solar Area and Northern Solar Area comply with Goal 7.

### **9.1.5 Goal 8, Recreation Needs**

*“To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.”*

**Goal Compliance:** Goal 8 requires local governments to plan for the recreation needs of their residents and visitors. The goal places priority on non-motorized forms of recreation, and recreation areas that serve high-density populations with limited transportation options and limited financial resources. It also places priority on recreation areas that are free or available at a low cost to the public.

Exhibit T (Recreational Opportunities) in this RFA 4 identifies recreational resources within 5 miles. Exhibit T assesses the potential for direct adverse impacts to these recreational opportunities as a result of the Carty Solar Farm with proposed RFA 4 changes. Further, the exhibit analyzes potential indirect noise, traffic, and visual impacts on the identified recreational opportunities. The nearest recreational opportunity is over 2 miles to the south. Exhibit T demonstrates that the Carty Solar Farm with proposed RFA 4 changes will have no significant, direct adverse impact on any important recreational opportunity within 5 miles. Nor will any indirect disturbance effects associated with traffic, noise, or visual aspects of the Carty Solar Farm with proposed RFA 4 changes lead to an indirect loss of any important or identified recreational opportunity.

- **Southern Solar Area:** The Southern Solar Area avoids significant, direct adverse impacts to recreational opportunities within 5 miles. The nearest recreational opportunities to the Southern Solar Area are the Oregon National Historic Trail (ONHT) and Wells Spring Interpretive Site along the ONHT, located 2.1 and 4.3 miles to the south, respectively. Exhibit T shows that there will not be any indirect disturbance effects associated with traffic, noise, or visual aspects of the Southern Solar Area that will lead to an indirect loss at the ONHT or Wells Spring Interpretive Site.

- Northern Solar Area: The Northern Solar Area avoids significant, direct adverse impacts to recreational opportunities within 5 miles. The nearest recreational opportunities to the Northern Solar Area are the ONHT and Wells Spring Interpretive Site along the ONHT. These recreational resources are located even further south from the Northern Solar Area than they are from the Southern Solar Area. Exhibit T shows that there will not be any indirect disturbance effects associated with traffic, noise, or visual aspects of the Northern Solar Area that will lead to an indirect loss at the ONHT or Wells Spring Interpretive Site.

Therefore, the Southern Solar Area and Northern Solar Area comply with Goal 8.

### **9.1.6 Goal 9, Economic Development**

*“To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.”*

Goal Compliance: Goal 9 provides certain guidelines for local governments to follow to stimulate orderly economic growth. In particular, the planning guidelines in the goal emphasize the use of "geographically appropriate" sites for major facilities and also the expansion and increased productivity of existing facilities.

The Carty Solar Farm with proposed RFA 4 changes will create a strong economic development presence in the region. Development will increase economic diversity within Morrow County and offer nonagricultural employment opportunities for local residents. The Carty Solar Farm with proposed RFA 4 changes will provide a number of employment opportunities during construction as well as permanent full-time staffing over the life of the Facility. This will also expand and diversify the County's economic base. The Carty Solar Farm with proposed RFA 4 changes is expected to operate for at least 25 years, providing a stable contribution to the County's economy. Finally, development of the Carty Solar Farm with proposed RFA 4 changes will result in an increase in annual property tax revenue to Morrow County, which will increase the County's ability to provide roadways, police protection, fire protection and emergency response, and other services to its citizens.

- Southern Solar Area: The Southern Solar Area will utilize Morrow County's renewable solar resource without detriment to other land or natural resources to provide economic growth and jobs within Morrow County. The predominant land use in the Southern Solar Area is open rangeland (e.g., shrub steppe and disturbed grasslands). As stated above, none of the land within the Southern Solar Area is currently cultivated or shows evidence of commercial cultivation any time in the past. The land that will be occupied by the Southern Solar Area does not have water rights for irrigation and is not currently capable of commercial cultivation. As such, existing economic use of the Southern Solar Area will not be significantly impacted by the expansion and increased productivity of the energy facilities approved with prior RFAs.
- Northern Solar Area: The Northern Solar Area will utilize Morrow County's renewable solar resource without detriment to other land or natural resources to provide economic growth

and jobs within Morrow County. In addition, the Northern Solar Area will provide a source of renewable energy by reusing land and existing transmission infrastructure previously utilized for coal plant operations. Commercial operation of the BCP ceased on October 15, 2020.

Therefore, the Southern Solar Area and Northern Solar Area comply with Goal 9.

### **9.1.7 Goal 10, Housing**

*"To provide for the housing needs of citizens of the state."*

Goal Compliance: Goal 10 guides cities to inventory their "buildable lands"; this refers to land inside an urban growth boundary that is suitable and available for residential use. Although the Carty Solar Farm with proposed RFA 4 changes is not within an urban growth boundary and Goal 10 therefore is not directly applicable, Exhibit U to this RFA 4 provides additional details about the potential impact on public services, including housing.

Exhibit U describes the temporary housing that could be required during the 24-month construction period assuming 70 percent of construction staff will not be existing residents and will migrate to the area during construction. Additionally, permanent housing for roughly 12 new households, including workers and their families (based on a household size of 3.0), may be required during operations. Based on the availability of housing options in the analysis area for Exhibit U (10 miles from the Amended Site Boundary, as shown on Figure U-1) and within a commutable distance from the Facility (70 miles) outside of the analysis area for Exhibit U, an adequate supply of housing is available to accommodate the construction and operations employees. For the maximum 36 new permanent residents expected because of operations, it is anticipated that adequate opportunities will be available to purchase housing or to construct new housing in the analysis area for Exhibit U, or within a commutable distance from the Facility outside of the analysis area for Exhibit U.

- Southern Solar Area: The Southern Solar Area meets Goal 10 by utilizing a regional workforce, as practicable, and thereby minimizing the amount of a transient workforce. Where this is not available, the Certificate Holder and its subcontractors will seek available rental housing in the surrounding communities. Based on the availability of housing options in the analysis area for Exhibit U and within a commutable distance from the Facility (70 miles) outside of the analysis area for Exhibit U, an adequate supply of housing is available to accommodate the construction and operations employees.
- Northern Solar Area: The Northern Solar Area also meets Goal 10 by utilizing a regional workforce, as practicable, and thereby minimizing the amount of a transient workforce. Where this is not available, the Certificate Holder and its subcontractors will seek available rental housing in the surrounding communities. Based on the availability of housing options in the analysis area for Exhibit U and within a commutable distance from the Facility (70 miles) outside of the analysis area for Exhibit U, an adequate supply of housing is available to accommodate the construction and operations employees.

Therefore, the Southern Solar Area and Northern Solar Area comply with Goal 10 to the extent if may apply.

### **9.1.8 Goal 11, Public Facilities and Services**

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

Goal Compliance: This Goal requires local governments to coordinate their land-use planning with an analysis of the availability of public facilities and services such as water, sewer, and roads. As the impact to public facilities and services (Goal 11) is the same for the Northern Solar Area and Southern Solar Area, the Certificate Holder structured this finding for the combined Carty Solar Farm with proposed RFA 4 changes.

Exhibit U provides an analysis of impacts of the Carty Solar Farm with proposed RFA 4 changes on public facilities and services. The exhibit demonstrates that the Carty Solar Farm with proposed RFA 4 changes will not result in a significant adverse impact on the ability of public and private entities to provide the following services: sewers and sewage treatment, water, stormwater drainage, solid waste management, housing, transportation and traffic safety, police protection, fire protection and emergency response, health care, and schools.

Sewer and Sewage Treatment – No adverse impacts to sewer services are expected as a result of construction, as the only sewage services required for construction will be related to portable toilet sewage disposal via private contractor. During operations, the Certificate Holder’s staff will use the sanitary facilities at the proposed O&M building, which will not connect to public sewage infrastructure. PGE will follow Site Certificate Conditions 6.2, 6.22, and 10.24 in the Third Amended Site Certificate related to portable toilets and sewage management (Council 2022).

Water - The Certificate Holder does not expect adverse impacts to water services, as non-potable water for construction will be sourced from the existing Carty Reservoir and potable water will mostly be sourced from the existing on-site Boeing well. No public sources of water will be used, and no new water rights will be required. The Certificate Holder will follow Site Certificate Condition 10.23 regarding water sourcing.

Stormwater Drainage – The Carty Solar Farm with proposed RFA 4 changes will not adversely impact public stormwater drainage facilities. Any construction-related stormwater will evaporate or infiltrate on site and no public stormwater facilities will be used. During construction, stormwater best management practices and monitoring will be implemented in accordance with the 1200-C National Pollution Discharge Elimination System (NPDES) Storm Water Discharge General Permit and draft ESCP (see Exhibit I, Attachment I-1) (Site Certificate Conditions 9.1, 9.2, and 9.4). During operation, the Certificate Holder will monitor the area until soils are stabilized and evaluate whether construction-related impacts to soils are being adequately addressed by the mitigation procedures described in the draft ESCP and the Draft VSMP (Site Certificate Condition 9.6).

**Solid Waste Management** - Construction and operation activities will not adversely impact solid waste management services. Solid waste will be disposed through contracts with local waste disposal providers (Site Certificate Condition 6.24) and recycling will be handled in accordance with ODEQ regulations (Site Certificate Condition 6.25). The Carty Solar Farm with proposed RFA 4 changes will implement a waste management plan during construction and operation, in accordance with Site Certificate Conditions 6.3. and 10.22. The Certificate Holder will contract with a private disposal service to transport any solid waste that is not recycled to an approved landfill.

**Housing** – The Certificate Holder does not expect adverse impacts to housing as a result of constructing or operating the Carty Solar Farm with proposed RFA 4 changes. Potential impacts on housing could result if there were an inadequate supply of housing in relation to the demand from the new temporary and permanent residents associated with the Carty Solar Farm with proposed RFA 4 changes; it is not yet known where the new temporary and permanent residents will settle and what type of housing they will select. However, based on the availability of housing options within a 70-mile commuting distance, adequate supply is available to accommodate the construction and operations employees.

**Traffic and Transportation** – The response to Goal 12 immediately below provides detailed information regarding the potential traffic and transportation related impacts. The primary transportation route for the Carty Solar Farm with proposed RFA 4 changes is serviced by the Oregon Department of Transportation's (ODOT) I-84 and I-82, and Morrow County's Tower Road. Vehicles traveling to the Carty Solar Farm with proposed RFA 4 changes will exit I-84 and travel south on Tower Road. During construction, increases in average annual daily traffic on I-84, I-82, and Tower Road just south of I-84 will be inconsequential. Roads within the primary transportation route are of sufficient quality to accommodate the temporary increase in construction traffic, and no road upgrades will be required outside of the Amended Site Boundary.

During operations, it is anticipated that 12 two-way vehicle trips per day will be associated with operations and maintenance staff. It is estimated that overall construction of the Carty Solar Farm with proposed RFA 4 changes will result in a peak construction trip count of 433 trips per day. Prior to the start of construction, when staging and workforce assumptions are better known, the Certificate Holder will confirm expected trip counts and prepare a TIA consistent with Site Certificate Condition 6.27 (Council 2022). The Certificate Holder will implement all traffic-related Site Certificate Conditions (6.17–6.21, 6.23, 6.27, 7.3, 9.2, and 10.8), including those related to oversize/overweight delivery timing, parking, road wear and repair, and signage (Council 2022). A Construction Traffic Management Plan will be developed prior to construction, in accordance with Site Certificate Conditions 6.17 and 6.27, that will include traffic minimization measures (Council 2022). In accordance with Site Certificate Condition 6.19, the Certificate Holder will ensure that any wear or damage to county roads as a result of the Carty Solar Farm with proposed RFA 4 changes is repaired, and that roads are restored to pre-construction condition or better (Council 2022).

Police and Fire Protection – The relatively small number of new temporary and permanent residents is not expected to create significant new demands on the police or fire protection services for the area. Any impacts to police and fire services will be intermittent and temporary during construction, as construction workers will remain on-site for 24 months. During construction and operation, the Certificate Holder will provide for on-site security and maintain good communications between on-site security personnel and the Morrow County Sheriff's Office, consistent with Condition 8.1. During operation, the Certificate Holder will ensure that appropriate law enforcement agency personnel have an up-to-date list of the names and telephone numbers of personnel available to respond on a 24-hour basis in case of an emergency on the site (Condition 8.1). The Certificate Holder will provide the Boardman Fire Rescue District with construction plans, schedules, and locations prior to the start of construction. The Certificate Holder will also implement a series of measures as described in Exhibit U to minimize fire and safety risks including those in compliance with Site Certificate Conditions 8.4, 8.5, 8.6, 8.7 and 8.8.

Health Care – The Certificate Holder does not expect construction or operation to have adverse impacts on local and regional emergency health service providers, hospitals, or health clinics, considering the relatively small number of personnel that will be added for construction and operation. Healthcare providers appear to have adequate capacity for potential patients associated with the Carty Solar Farm with proposed RFA 4 changes, and the need for healthcare services will be minimized through implementation of robust health and safety programs (Site Certificate Conditions 8.2 and 8.3; Council 2022). The Carty Solar Farm with proposed RFA 4 changes will also comply with all emergency planning and notification requirements of Emergency Planning and Community Right-to-Know Act (Site Certificate Condition 7.4) and will notify ODOE and Morrow County within 72 hours of any event that threatens public health and safety or the environment (Site Certificate Condition 7.8; Council 2022).

Schools – The Certificate Holder does not expect construction or operation to have adverse impacts on schools, considering the relatively small number of new students that will be enrolled. No schools are located within the Amended Site Boundary or will be directly affected by Facility construction or operations. Construction will be temporary. During operations, up to 12 new permanent households (assuming a household size of 3.0) may require school services, which should not adversely impact school operations.

For the reasons described above, the Carty Solar Farm with proposed RFA 4 changes will not require any new facilities or services from public service providers, nor will it interfere with any public service provider's ability to provide facilities and services. The Carty Solar Farm with proposed RFA 4 changes will not require public water, sewer, or stormwater drainage. The Carty Solar Farm with proposed RFA 4 changes will utilize existing service providers and facilities for solid waste disposal, transportation, police, fire, health care, and schools, and no significant impacts are anticipated to these service providers and facilities due to the limited duration of construction and low number of operations and maintenance staff.

Prior to the start of construction, when staging and workforce assumptions are better known, the Certificate Holder will confirm expected trip counts and prepare a TIA consistent with Site Certificate Condition 6.27 (Council 2022). The Certificate Holder will also prepare a Construction Traffic Management Plan in accordance with Site Certificate Conditions 6.17 and 6.27 that will include traffic minimization measures and will ensure that any wear or damage to county roads is repaired, and that roads are restored to pre-construction condition or better per Site Certificate Condition 6.19. Therefore, the Carty Solar Farm with proposed RFA 4 changes complies with Goal 11.

### **9.1.9 Goal 12, Transportation**

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

Goal Compliance: This Goal governs local government decisions regarding transportation facilities. Goal 12 requires cities, counties and the state to create a transportation system plan that takes into account all relevant modes of transportation. The resulting plan should support a variety of transportation modes so residents are not limited in the ways they can access the jobs, goods, or services available in different parts of their community. As the impact to transportation (Goal 12) is the same for the Northern Solar Area and Southern Solar Area, the Certificate Holder structured this finding for the combined Carty Solar Farm with proposed RFA 4 changes.

The primary transportation route for the Carty Solar Farm with proposed RFA 4 changes is serviced by ODOT’s I-84 and I-82, and Morrow County’s Tower Road. Vehicles traveling to the Carty Solar Farm with proposed RFA 4 changes will exit I-84 and travel south on Tower Road. The 2.27 miles of Tower Road north of the Carty Solar Farm with proposed RFA 4 changes and extending into PGE-owned property is a private road. It is assumed that roads within the primary transportation route are of sufficient quality to accommodate the temporary increase in construction traffic, and that no road upgrades will be required outside of the Amended Site Boundary. The primary transportation route utilizes a commutable distance assumption of 70 miles, or 1 hour of travel. Existing roads within the Facility will not require improvements for construction or operation of the Carty Solar Farm with proposed RFA 4 changes. New internal access roads are only necessary within the perimeter fences for both the Northern and Southern solar areas to provide access to solar components. Approximately 9.9 miles of new access roads are expected to be constructed within the solar perimeter fencing. All newly constructed roads within the solar areas will be graveled to meet load requirements for all equipment. These internal access roads are expected to be approximately 14 feet in width.

Construction and operation will temporarily increase the traffic volume within the primary transportation route. However, construction-related traffic typically occurs during off-peak hours. Construction workers generally start their days earlier than the surrounding residents and construction trucks typically use roads in the middle of the day during off-peak hours. Based on average annual daily traffic (AADT) estimates for the construction period, construction vehicles could cause a total increase of about 1.2 percent on I-82 and 1.3 percent on I-84. These increases are expected to be inconsequential. At Tower Road just south of I-84, it is estimated that average

construction traffic will result in a total AADT increase in traffic of 3.1 percent. This increase is expected to be inconsequential.

Based on the potential traffic estimates in Exhibit U, the Carty Solar Farm with proposed RFA 4 changes is not expected to have a significant impact on the adjacent roadway traffic operations upon buildout and normal daily operations. It is anticipated that 12 two-way vehicle trips per day will be required for maintenance personnel during operations. The Certificate Holder anticipates an average of 198 worker vehicle trips generated per day during construction, with a peak of 301 worker vehicle trips (assuming a carpooling factor of 1.25). During peak construction, the Certificate Holder expects a peak of 30 trucks per day or 60 truck trips per day by small and large trucks. Morrow County requires a passenger car equivalent (PCE) rate of 2.2 passenger cars per truck for the TIA calculation. These estimates result in a peak construction PCE of 433 trips per day. Thus, it is anticipated that the Carty Solar Farm with proposed RFA 4 changes will require a TIA. Prior to the start of construction, when staging and workforce assumptions are better known, the Certificate Holder will confirm expected trip counts and prepare a TIA consistent with Site Certificate Condition 6.27 (Council 2022).

The Certificate Holder will coordinate with ODOT and Morrow County on any potential road closures, impacts, and permits needed for construction or movement of equipment and materials. The Certificate Holder will implement all traffic-related Site Certificate Conditions (6.17–6.21, 6.23, 6.27, 7.3, 9.2, and 10.8), including those related to oversize/overweight delivery timing, parking, road wear and repair, and signage (Council 2022). A Construction Traffic Management Plan will be developed prior to construction, in accordance with Site Certificate Conditions 6.17 and 6.27, that will include traffic minimization measures at Tower Road, staggering shift start times to reduce vehicle trips through the westbound I-84/Tower Road ramp terminal, installation of temporary traffic controls during peak construction, and other mitigation measures, as applicable (Council 2022). In accordance with Site Certificate Condition 6.19, the Certificate Holder will ensure that any wear or damage to county roads as a result of the project is repaired, and that roads are restored to pre-construction condition or better (Council 2022).

For the reasons described above, the Carty Solar Farm with proposed RFA 4 changes will neither require the construction of any new public roads nor will it create any long-term conflicts with such facilities in the county. Therefore, the Carty Solar Farm with proposed RFA 4 changes complies with Goal 12.

### ***9.1.10 Goal 13, Energy Conservation***

*“To conserve energy.”*

Goal Compliance: Statewide Land Use Planning Goal 13 calls for land and uses developed on land to be managed and controlled so as to maximize the conservation of all forms of energy, based on sound economic principles. Furthermore, Goal 13’s Planning Guideline No. 5 encourages local land use plans to consider “as a major determinant the existing and potential capacity of the renewable

energy sources to yield useful energy output” and calls for land conservation and development actions to “whenever possible.... Utilize renewable energy sources.”<sup>10</sup>

The purpose of the Carty Solar Farm with proposed RFA 4 changes is to generate renewable power for use by Northwest industrial, municipal, commercial, and residential users. The Carty Solar Farm with proposed RFA 4 changes is needed to help ensure that the region has sufficient baseload capacity and to accommodate growth in the region.

- Southern Solar Area: The Southern Solar Area will assist the state with its mandate to meet the Renewable Portfolio Standard (RPS) and new clean energy goal. By using the area adjacent to and formerly used by approved energy facilities and by using existing transmission line infrastructure, Certificate Holder is able to expand renewable energy production.
- Northern Solar Area: The Northern Solar Area will assist the state with its mandate to meet the RPS and new clean energy goal. By using the Northern Solar Area, the Certificate Holder can introduce renewable energy generation and energy storage to the location of a decommissioned coal-fired power plant, while also utilizing existing transmission infrastructure.

The Carty Solar Farm with proposed RFA 4 changes will utilize solar resources to generate and store renewable energy, which will improve grid reliability while still providing critical solar power to help achieve Oregon’s renewable energy goals. Therefore, the Southern Solar Area and Northern Solar Area comply with Goal 13.

#### **9.1.11 Goal 14, Urbanization**

*“To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.”*

Goal Compliance: Goal 14 requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an “urban growth boundary” (UGB) to “identify and separate urbanizable land from rural land.”

The development of the Carty Solar Farm with proposed RFA 4 changes will not encourage additional residential or commercial developments outside of the UGB, primarily because the development is designed to provide for regional electrical provision, not local service in the

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<sup>10</sup> The Certificate Holder is aware of caselaw suggesting that Goal 13 does not *require* counties to develop or facilitate the development of energy facilities. Because that issue is still under review and the Certificate Holder (among other interested parties) believes that Goal 13 is one of many reasons that may justify a statewide planning goal exception, the Certificate Holder has opted to address the Facility’s consistency with Goal 13 along with other statewide and county programs and policies that relate to the development of renewable energy. As discussed below, even if Goal 13 cannot be used to justify a Goal 3 exception, the record demonstrates that there are numerous reasons why the statewide policies embodied in Goal 3 should not apply.

surrounding rural area. In addition, the Carty Solar Farm with proposed RFA 4 changes is proposed in an area previously and currently used for energy development.

- Southern Solar Area: The Southern Solar Area is located outside of UGBs and is not proposed to be converted to urban uses. The Southern Solar Area preserves and maintains agricultural lands by avoiding cultivated, arable lands that have irrigation or potential for irrigation. None of the land within the Southern Solar Area is currently cultivated or has water rights for irrigation.
- Northern Solar Area: The Northern Solar Area is located outside of UGBs and is not proposed to be converted to urban uses. The Northern Solar Area is proposed in the area formerly used for the BCP.

Therefore, the Southern Solar Area and Northern Solar Area comply with Goal 14.

## 10.0 Exception to Statewide Planning Goal 3

As discussed in Sections 5.3 of this exhibit, the Carty Solar Farm with proposed RFA 4 changes will occupy more than 12 acres of high-value farmland and 20 acres of arable land, and therefore does not meet the acreage standards under MCZO 3.010(K)(3)(f) and OAR 660-033-0130(38)(g) and requires an exception to Statewide Planning Goal 3. The Council may take an exception to Goal 3 for an energy facility under the Council's jurisdiction if the controlling criteria listed under ORS 469.504(2)(c) and OAR 345-022-0030(4)(c) is met. Per the application requirements under OAR 345-021-0010(1)(k)(C)(v), the Certificate Holder provides the following evidence to support the Council's finding that an exception to Goal 3 is justified.

ORS 469.504(2)(c) provides that an exception may be taken if:

*(c) The following standards are met:*

*(A) Reasons justify why the state policy embodied in the applicable goal should not apply;*

*(B) The significant environmental, economic, social and energy consequences anticipated as a result of the proposed facility have been identified and adverse impacts will be mitigated in accordance with rules of the council applicable to the siting of the proposed facility; and*

*(C) The proposed facility is compatible with other adjacent uses or will be made compatible through measures designed to reduce adverse impacts.*

The justification for an exception to Goal 3 is demonstrated under ORS 469.504(2)(c) and OAR 345-022-0030(4)(c).

### 10.1 Demonstration that a "Reasons" Exception is Appropriate

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

**Response:** With RFA 4, the Certificate Holder is proposing approximately 200 MW of solar energy generation by expanding into areas formerly used for PGE's BCP and maximizing use of the buildable area southeast of Carty Reservoir. The Northern Solar Area is proposed at the location of the former BCP. The Southern Solar Area proposed with RFA 4 is meant to maximize the buildable area available for solar generation on land owned by PGE. The Certificate Holder's "reasons" justification is provided below.

- **Minimal Loss to Productive Agriculture**

While the areas proposed for the Carty Solar Farm with proposed RFA 4 changes contain high-value farmland (based on the ORS 195.300(10)(f) definition) and arable land (per the definition in OAR 660-033-0130(38)(a)), none of this area is currently cultivated, nor is there a known history of cultivation. As detailed in Section 5.3.1, the Carty Solar Farm with proposed RFA 4 changes does not contain irrigation infrastructure nor maintain irrigation water rights, which are typically necessary to cultivate land in Morrow County's climate.

Transferring water rights to the areas proposed for the Carty Solar Farm with proposed RFA 4 changes would require drying up land that is more suitable for farming than the land within the site. Irrigation could not occur unless the infrastructure necessary to bring irrigation water to the site were extended from existing irrigated lands. Given the distance of the closest irrigated lands to the site (1-2 miles), and the existence of the Carty Reservoir and uncultivated lands between the proposed site and these irrigated lands, irrigation infrastructure could not be readily and efficiently extended to the site (Figure K-4).

As discussed earlier in this exhibit, a significant portion (approximately 46 acres) of Tract 3 that is considered predominantly arable due to NRCS soil classifications (Table K-5) contains the BCP Ash Disposal Area where coal ash was disposed during operations of the BCP. Even if this BCP Ash Disposal Area had irrigation water rights, agriculture use would not be feasible and it should not be considered arable land in a practical sense due to its history of industrial waste. RFA 4 proposes to expand solar and best utilize property owned by PGE southeast of Carty Reservoir by adding solar panels to the capped BCP Ash Disposal Area (capped using Closure Turf™ technology) and portions of the BCP north of the Carty Reservoir. The racking system and associated concrete ballast foundations for the fixed tilt system are expected to be specifically designed to be compatible with the synthetic cap installed on the BCP Ash Disposal Area and to withstand wind, snow, and seismic loads anticipated at the site.

Furthermore, the areas proposed for the Carty Solar Farm with proposed RFA 4 changes are isolated from existing cultivated lands by a conservation easement on land immediately to the east and south, and the Carty Reservoir. Farm equipment would have to traverse either the conservation area, Carty Reservoir, CGS Unit 1, or former BCP areas in order to reach the areas proposed for the Carty Solar Farm with proposed RFA 4 changes for the purposes of planting, harvesting, and tending to any crops. The distance of the Carty Solar Farm with proposed RFA 4 changes from land currently under cultivation to the west (and the presence of Carty Reservoir in between) not only limits the potential to cultivate the site,

but also eliminates potential impacts to farming practices on those cultivated lands. The Carty Solar Farm with proposed RFA 4 changes will not affect infrastructure, including road access, to or within Threemile Canyon Farms, LLC and will not affect the ability to plant, irrigate, fertilize, or harvest the center pivot circles in question.

Tower Road, a well-maintained paved county road, will be used to access the Carty Solar Farm with proposed RFA 4 changes, and is primarily used for industrial/agricultural traffic. Traffic on this road associated with the potential up to 12 additional permanent staff for operations and maintenance of the Carty Solar Farm with proposed RFA 4 changes will create a negligible impact to other users of Tower Road in the long-term. It is estimated that construction will result in a peak construction trip count of 433 trips per day. Prior to the start of construction, when staging and workforce assumptions are better known, the Certificate Holder will confirm expected trip counts and prepare a traffic impact assessment (TIA) consistent with Site Certificate Conditions 6.17 and 6.27 (Council 2022). The Certificate Holder will implement all traffic-related Site Certificate Conditions (6.17–6.21, 6.23, 6.27, 7.3, 9.2, and 10.8), including those related to oversize/overweight delivery timing, parking, road wear and repair, and signage (Council 2022). A Construction Traffic Management Plan will be developed prior to construction, in accordance with Site Certificate Conditions 6.17 and 6.27, that will include traffic minimization measures (Council 2022). In accordance with Site Certificate Condition 6.19, the Certificate Holder will ensure that any wear or damage to county roads as a result of the Carty Solar Farm with proposed RFA 4 changes is repaired, and that roads are restored to pre-construction condition or better (Council 2022).

As explained in more detail under the evaluation of compliance with MCZO 3.010(K)(3) in Section 6.2.3 of this exhibit, the potential for construction-related impacts to soils (i.e., erosion, unnecessary compaction) and the unabated introduction or spread of noxious weeds will be minimized through implementation of the Certificate Holder's ESCP (Exhibit I, Attachment I-1) and Draft VSMP (Exhibit I, Attachment I-2).

- **Presence of Existing Energy Facility Infrastructure**

The use of EFU-zoned land for the Carty Solar Farm with proposed RFA 4 changes is advantageous due to the presence of existing energy facility infrastructure. Existing infrastructure, owned and operated by the Certificate Holder, to be utilized by the Carty Solar Farm with proposed RFA 4 changes includes an existing 500-kV transmission line. The collector substation is proposed adjacent to an existing electrical transmission dead-end structure for a 500-kV transmission line, which used to serve the BCP. The new substation will connect to the existing dead-end structure, which is 100 feet tall, via new lines that will be approximately 300 feet in length. On the existing dead-end structure old switch components and operators will be replaced with new equipment, but there will be no modifications made to the structure. Once connected to the existing dead-end structure, the energy will be conveyed through the existing BCP 500-kV transmission line to the existing Grassland Switchyard. From the Grassland Switchyard, electrical output from the Carty

Solar Farm with proposed RFA 4 changes will be routed to BPA's existing Slatt Substation through the existing 500-kV Grassland to Slatt transmission line (approximately 17 miles long). Utilizing the existing BCP 500-kV transmission line and Grassland to Slatt transmission line allows for efficient use of transmission infrastructure while consolidating land use impacts to a specific area as opposed to spreading these impacts out more broadly. Siting the Carty Solar Farm with proposed RFA 4 changes elsewhere would likely require more infrastructure such as transmission that would result in more land use impacts. In addition, because the Carty Generating Station is already staffed on a 24-hour basis, locating the Carty Solar Farm with proposed RFA 4 changes in close proximity to these existing facilities will enable personnel to respond quickly should any maintenance or operational issues arise.

- **Topography and Natural Resources**

The use of EFU-zoned land for Carty Solar Farm with proposed RFA 4 changes is advantageous because the area does not contain topography or structures that will create shading, and because the area receives some of the highest available solar energy resource in the state, as modeled by National Renewable Energy Laboratory (NREL).

- **Transportation Benefits**

The use of EFU-zoned land for the Carty Solar Farm with proposed RFA 4 changes is advantageous because of transportation-related advantages. The Carty Solar Farm with proposed RFA 4 changes is within 18 travel miles of the Port of Morrow, allowing for the delivery of materials via barge, if necessary, with minimal additional over land travel required once materials are off loaded at the Port. The site is accessed from a federal highway (I-84) by a well-maintained paved county road (Tower Road). Only a small portion of the traffic on Tower Road is associated with residential travel and the road is primarily already used for industrial/agricultural uses. Since the additional permanent staff for the Carty Solar Farm with proposed RFA 4 changes will be up to 12 staff, there is negligible impact to transportation during normal operations.

Therefore, the Council may find the proposed changes described in RFA 4 do not alter the basis for the prior finding that the Carty Solar Farm with proposed RFA 4 changes will satisfy the requirements under ORS 469.504(2)(c)(A).

## **10.2 Evidence that Environmental, Socioeconomic, and Energy Consequences Favor the Exception**

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

**Response:** This RFA 4 addresses the environmental, economic, social, and energy-related consequences anticipated as a result of the construction and operation of the Carty Solar Farm with

proposed RFA 4 changes. There are no significant adverse impacts that could not be mitigated, as discussed in the relevant exhibits of this RFA. Moreover, the impacts identified do not arise from the specific location of the energy facility on EFU land, which is the subject of this Goal 3 exception analysis.

**Environmental.** The potential impacts (if any) of the Carty Solar Farm with proposed RFA 4 changes on fish and wildlife (Exhibit P), threatened and endangered species (Exhibit Q), and wetlands/waters (Exhibit J), soils (Exhibit I), and water emissions (Exhibit O and W) have been evaluated in the respective exhibits of this RFA 4.

As determined through a wetlands and waters delineation, there are no wetlands, streams, or other waterbodies on the approximately 860-acre site.

The Carty Solar Farm with proposed RFA 4 changes has been sited to avoid impacts to Washington ground squirrel (*Urocitellus washingtoni*; state endangered) colonies that were located in 2023 surveys.

Development will impact habitats in categories 2, 3, 4, and 6 per ODFW's Habitat Mitigation Policy. Of these categories, impacts to Category 2, 3 and 4 habitats must be mitigated in accordance with the Fish and Wildlife Habitat standard and ODFW's Habitat Mitigation Policy, and will be mitigated as described in the Habitat Mitigation Plan (Exhibit P, Attachment P-4).

Operation of the Carty Solar Farm with proposed RFA 4 changes will not result in any emissions of air pollutants or unregulated discharge of water pollutants. Construction water that is used for dust control and concrete production will be allowed evaporate and infiltrate. This disposition of construction water is allowed under the terms and conditions of the Facility's WPCF Permit. Minimal water loss will occur during operations of the Carty Solar Farm with proposed RFA 4 changes. During periodic washing of solar panels (approximately twice per year), wash water will evaporate or infiltrate into the ground as allowed under the Facility's WPCF permit.

The potential for construction-related impacts to soils and the unabated introduction or spread of noxious weeds will be minimized through implementation of the Erosion and Sediment Control Plan (Exhibit I, Attachment I-1) and Draft VSMP (Exhibit I, Attachment I-2).

**Economic.** The Carty Solar Farm with proposed RFA 4 changes will benefit the Morrow County economy by increasing local area employment and adding to the local property tax base over the estimated 25-year life of the Facility. Development of the Carty Solar Farm with proposed RFA 4 changes will increase economic diversity within Morrow County and offer nonagricultural employment opportunities for local residents. The Carty Solar Farm with proposed RFA 4 changes will provide a number of employment opportunities during construction as well as permanent full-time staffing over the life of the Facility. In addition, construction could result in expenditures on local services (e.g., short-term property rental, hotel services, food service, and other commodities or service industries), and the Certificate Holder may utilize local vendors, if available, for services such as landscaping, panel washing, and other miscellaneous services during the operations phase. This will also expand and diversify the County's economic base.

The Carty Solar Farm with proposed RFA 4 changes is expected to operate for at least 25 years, providing a stable contribution to the county's economy. Development of the Carty Solar Farm with proposed RFA 4 changes will result in an increase in annual property tax revenue to Morrow County, which will increase the county's ability to provide public facilities and services to its citizens.

While existing area within the Amended Site Boundary contains high-value farmland and arable land, the land is not irrigated and does not possess a water right, is not used for crop production, and does not produce significant economic benefits.

**Social.** The Carty Solar Farm with proposed RFA 4 changes will not result in significant adverse social consequences as analyzed in the RFA 4 exhibits for protected areas (Exhibit L), scenic resources (Exhibit R), cultural resources (Exhibit S), recreational opportunities (Exhibit T), public facilities and services (Exhibit U), and noise (Exhibit Y). Social consequences are impacts on a community from a proposed energy facility, such as impacts from facility visibility, noise, traffic, or demand on providers of public services. Based on distance, the Carty Solar Farm with proposed RFA 4 changes will not result in significant adverse visual or noise impacts on any scenic resource, protected areas, or important recreational opportunity within the required analysis areas. The Certificate Holder will comply with existing Site Certificate Conditions for potential noise and visual impacts.

As determined through a cultural resources survey, there are no known historic, cultural, or archaeological resources on the area proposed for the Carty Solar Farm with proposed RFA 4 changes. All construction work on the site will be performed in accordance with the Certificate Holder's Inadvertent Discovery Procedure, in the event that cultural resources are discovered during construction.

The Carty Solar Farm with proposed RFA 4 changes will not require public water, sewer, or stormwater drainage. The Carty Solar Farm with proposed RFA 4 changes will utilize existing service providers and facilities for solid waste disposal, transportation, police, fire, health care, and schools, and no significant impacts are anticipated to these service providers and facilities due to the limited duration of construction and low number of operations and maintenance staff.

Prior to the start of construction, when staging and workforce assumptions are better known, the Certificate Holder will confirm expected trip counts and prepare a TIA consistent with Site Certificate Condition 6.27 (Council 2022). The Certificate Holder will also prepare a Construction Traffic Management Plan in accordance with Site Certificate Conditions 6.17 and 6.27, that will include traffic minimization measures, and will ensure that any wear or damage to county roads is repaired, and that roads are restored to pre-construction condition or better per Site Certificate Condition 6.19.

**Energy.** The Carty Solar Farm with proposed RFA 4 changes will provide 200 MW of renewable electric generating capacity with no associated air emissions and no fuel cost. The small area of the Northern Solar Area (i.e., approximately 8 acres) located on EFU-zoned land supports the overall solar energy generation in that area, which is replacing the BCP, a decommissioned coal-fired

power plant. The Carty Solar Farm with proposed RFA 4 changes will utilize existing transmission infrastructure remaining from the BCP to bring renewable energy to the grid. The energy consequences of constructing and operating the Carty Solar Farm with proposed RFA 4 changes are positive.

Therefore, the Council may find that the Carty Solar Farm with proposed RFA 4 changes will satisfy the requirements under ORS 469.504(2)(c)(B).

### 10.3 Compatibility with Adjacent Land Uses

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

Response: A detailed analysis of potential impacts from the Carty Solar Farm with proposed RFA 4 changes on surrounding lands is provided above in compliance with OAR 660-033-0130(5). The existing uses adjacent to the Carty Solar Farm with proposed RFA 4 changes are the Carty Reservoir; the former BCP; Carty Generating Station Unit 1; Threemile Canyon Farms; conservation easement; and NWSTF Boardman

- **Carty Reservoir:** The Carty Reservoir provides water for CGS. The Carty Solar Farm with proposed RFA 4 changes will be located directly adjacent to the Carty Reservoir. The Carty Solar Farm with proposed RFA 4 changes will not interfere with any of the reservoir infrastructure, nor will the operation of the Carty Reservoir affect the ongoing operation or maintenance of the proposed Facility. Water from the Carty Reservoir will be used for construction of the Carty Solar Farm with proposed RFA 4 changes and for washing solar modules during operation, under PGE's existing water right.
- **Former Boardman Coal Plant (BCP):** The BCP was a coal-fired power plant located on land zoned for General Industrial use on the north side of the Carty Reservoir. Commercial operation of the coal plant began in August 1980 and the plant ceased burning coal on October 15, 2020. Demolition of the plant was completed in December 2023. The Northern Solar Area, BESS, and proposed collector substation are proposed in areas formerly used by the BCP. Unlike the BCP, the Carty Solar Farm with proposed RFA 4 changes will produce no air emissions or significant noise.
- **Carty Generating Station Unit 1:** Carty Generating Station Unit 1 is a PGE-owned and operated combined cycle natural gas-fired generating facility that is just to the northwest of the Northern Solar Area and separated from the Southern Solar Area by the Carty Reservoir. The Carty Solar Farm with proposed RFA 4 changes will produce no air or water emissions or significant noise and will not affect the operations of the Carty Generating Station Unit 1. The operations of the Carty Generating Station Unit 1 will not affect the operations of the Carty Solar Farm with proposed RFA 4 changes. The uses are compatible as energy generation facilities and both utilize infrastructure remaining from the BCP.
- **Threemile Canyon Farms:** Threemile Canyon Farms, LLC cultivates extensive areas using center pivot irrigation. The nearest center pivot circles are approximately 1-2 miles west of

the western edge of the Carty Solar Farm with proposed RFA 4 changes and are separated from the Facility by uncultivated land and the Carty Reservoir. The Carty Solar Farm with proposed RFA 4 changes will not affect infrastructure, including road access, to or within Threemile Canyon Farms and will not affect the ability to plant, irrigate, fertilize or harvest the center pivot circles in question.

- **The Nature Conservancy:** The Nature Conservancy (TNC) manages a conservation area immediately to the east and south of the Carty Solar Farm with proposed RFA 4 changes under the terms of an ODFW conservation easement, a sublease with Threemile Canyon Farms, LLC (i.e., underlying landowner), and a management plan approved by the U. S. Fish and Wildlife Service. TNC's management activities are designed to maintain and improve habitat of four species in particular: Washington ground squirrel, ferruginous hawk, loggerhead shrike, and sage sparrow. The Carty Solar Farm with proposed RFA 4 changes is not part of the land managed by TNC. The construction and operation of the Carty Solar Farm with proposed RFA 4 changes will not interfere with TNC's ability to manage vegetation or to control soil disturbance, hunting, or similar activities within the conservation areas for the benefit of the four identified species. The Certificate Holder's implementation of its Erosion and Sediment Control Plan (Exhibit I, Attachment I-1) and Draft VSMP (Exhibit I, Attachment I-2) will mitigate the potential for construction-related impacts to soils (i.e., erosion, unnecessary compaction) and the possible introduction of noxious weed species incompatible with TNC's conservation efforts.
- **Naval Weapons Systems Training Facility Boardman:** NWSTF Boardman, commonly referred to as the Boardman Bombing Range, is located more than a mile east of the Carty Solar Farm with proposed RFA 4 changes. NWSTF Boardman comprises more than 47,000 acres of land owned by the United States. Training activities conducted at NWSTF Boardman provide the U.S. Navy and Oregon National Guard personnel with a wide range of training opportunities, including conducting air combat maneuvers, conducting electronic combat training, and conducting bombing and missile exercises (nonexplosive), in addition to live-fire training activities against ground targets. The Carty Solar Farm with proposed RFA 4 changes is physically separated from NWSTF Boardman by uncultivated land. NWSTF Boardman activities will not affect the ability to construct, operate, or maintain a PV solar generating facility as proposed. The Carty Solar Farm with proposed RFA 4 changes will not create any physical obstruction to the use of NWSTF Boardman. As part of RFA 1, the U.S. Navy and PGE discussed the potential for glare from the Carty Solar Farm to impact flight paths to the NWSTF Boardman. Following that discussion, PGE filed a Notice of Proposed Construction (Form 7460-1) with the FAA on July 13, 2016, and the FAA subsequently issued a determination of no hazard. In support of the Carty Solar Farm with proposed RFA 4 changes, the U.S. Navy and PGE discussed the potential for increased glare from the additional solar modules. The U.S. Navy concluded that no additional glare and glint analysis is required for the Carty Solar Farm with proposed RFA 4 changes (Kimberly Peacher, U.S. Navy NW Training Range Complex, pers. comm., e-mail message, October 23, 2023).

## Summary

The proposed location of the Carty Solar Farm with proposed RFA 4 changes offers significant comparative advantages over other potential locations for energy generating facilities. Those advantages include but are not limited to: decades of prior use as energy facility site for the BCP; the ability to interconnect with existing transmission infrastructure within the site; the absence of any history of cultivation or irrigation rights; the isolation of the Carty Solar Farm with proposed RFA 4 changes from any incompatible uses; and the difficulty of obtaining or extending irrigation water to the site and of accessing the site for planting, harvesting and tending crops. The development of the Carty Solar Farm with proposed RFA 4 changes will provide renewable energy without lost productivity to resource lands. Therefore, the Council may find that the Carty Solar Farm with proposed RFA 4 changes will satisfy the requirements under ORS 469.504(2)(c)(C).

## 11.0 Federal Land Management Plans

### 11.1 Identification of Applicable Land Management Plans – OAR 345-021-0010 (1)(k)(D)(i)

*OAR 3450-021-0010 (1)(k)(D) If the proposed facility will be located on federal land:*

- (i) Identify the applicable land management plan adopted by the federal agency with jurisdiction over the federal land.*
- (ii) Explain any differences between state or local land use requirements and federal land management requirements.*
- (iii) Describe how the proposed facility complies with the applicable federal land management plan.*
- (iv) Describe any federal land use approvals required for the proposed facility and the status of application for each required federal land use approval.*
- (v) Provide an estimate of time for issuance of federal land use approvals.*
- (vi) If federal law or the land management plan conflicts with any applicable state or local land use requirements, explain the differences in the conflicting requirements, state whether the applicant requests Council waiver of the land use standard described under paragraph (B) or (C) of this subsection and explain the basis for a waiver.*

Response: The Carty Solar Farm with proposed RFA 4 changes will not be located on lands under federal land use jurisdiction.

## 12.0 Summary

The information provided in this exhibit demonstrates compliance with all applicable substantive criteria. Therefore, the Council may find that the Carty Solar Farm with proposed RFA 4 changes complies with the Statewide Land Use Planning Goals under OAR 345-022-0030(2)(b)(A) and the land use standard set forth in OAR 345-022-0030.

## 13.0 References

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State of Oregon. 2022. 2022 Oregon Structural Specialty Code (OSSC). Building Codes Division, State of Oregon. Salem, Oregon. <https://www.oregon.gov/bcd/codes-stand/Pages/adopted-codes.aspx>

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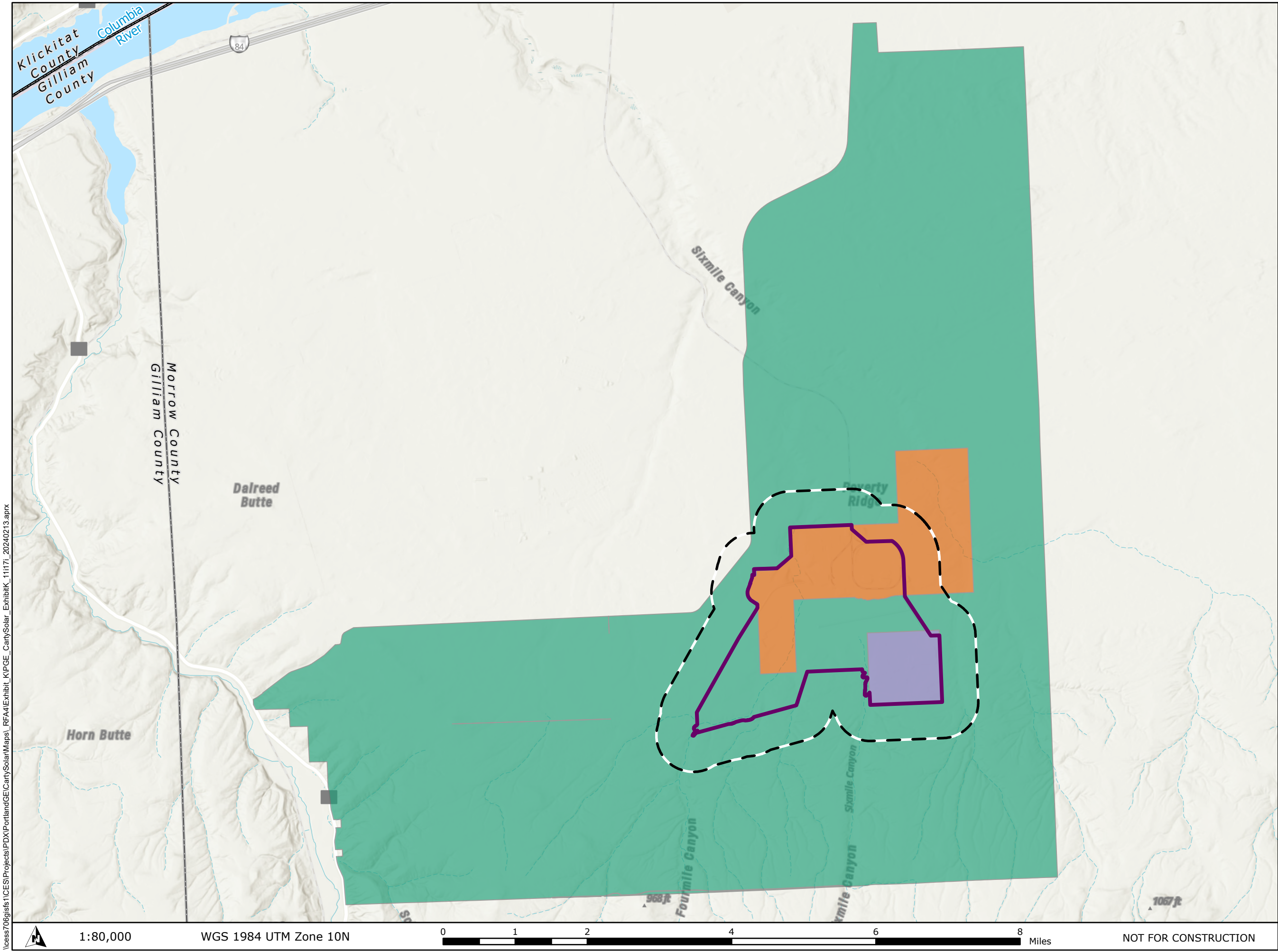
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# Figures

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# Carty Generating Station Request for Amendment 4

## Figure K-1 Land Use Analysis Area

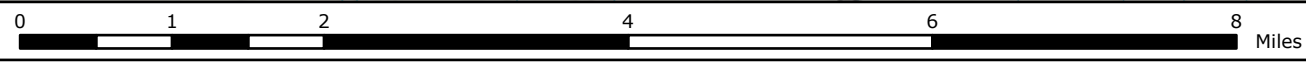
MORROW COUNTY, OR

- Amended Site Boundary
  - Analysis Area (0.5-mile Buffer)
  - County Boundary
  - State Boundary
- Tract Number, Owner Name
- 1, Threemile Canyon Farms, LLC
  - 2, Portland General Electric
  - 3, Portland General Electric



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WGS 1984 UTM Zone 10N



NOT FOR CONSTRUCTION

Carty  
Generating Station  
Request for  
Amendment 4

Figure K-2  
Zoning and  
Comprehensive Plan  
Designations

MORROW COUNTY, OR

- Amended Site Boundary
- Analysis Area (0.5-mile Buffer)
- Morrow County Zoning
  - Exclusive Farm Use (EFU)
  - General Industrial (MG)



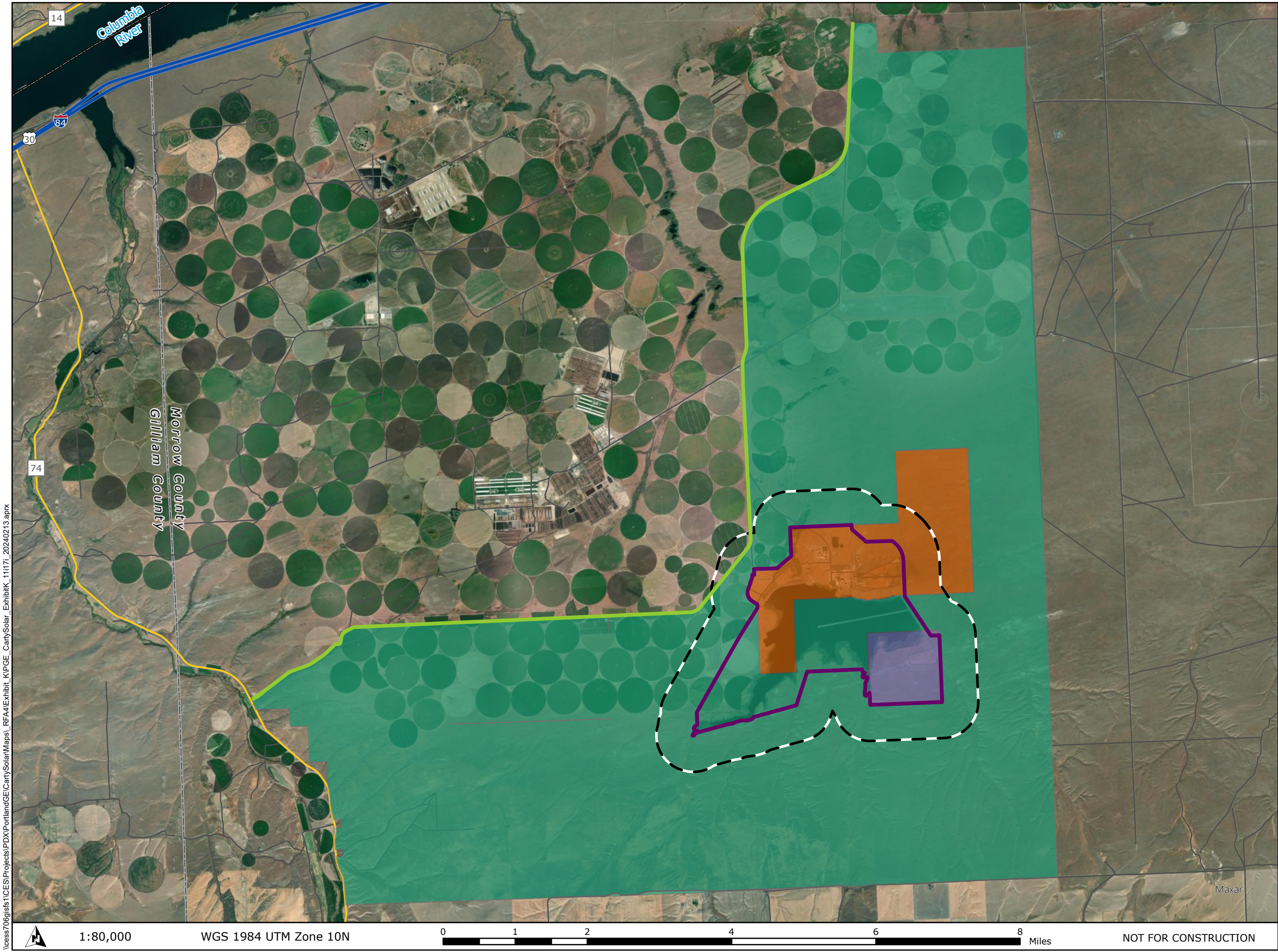
Reference Map



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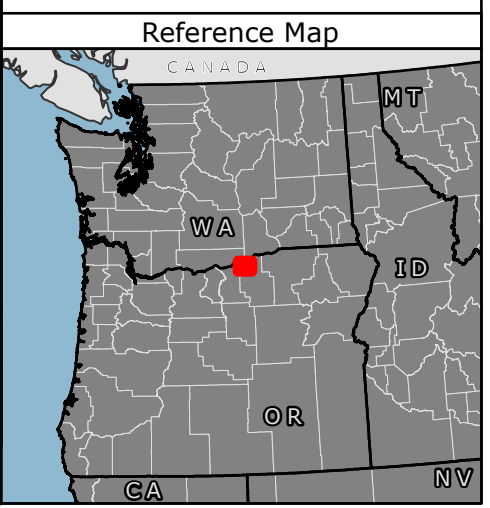


# Carty Generating Station Request for Amendment 4

**Figure K-3  
Tracts**

**MORROW COUNTY, OR**

- Amended Site Boundary
  - Analysis Area (0.5-mile Buffer)
  - County Boundary
  - State Boundary
  - Interstate Highway
  - US Highway
  - State Highway
  - Local Roads
  - Tower Road Right-of-Way
- Tract Number, Owner Name
- 1, Threemile Canyon Farms, LLC
  - 2, Portland General Electric
  - 3, Portland General Electric



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# Carty Generating Station Request for Amendment 4

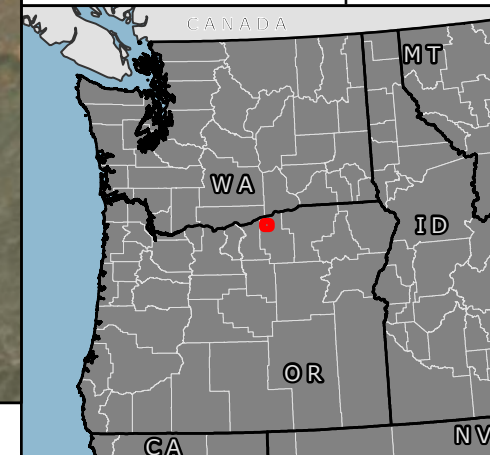
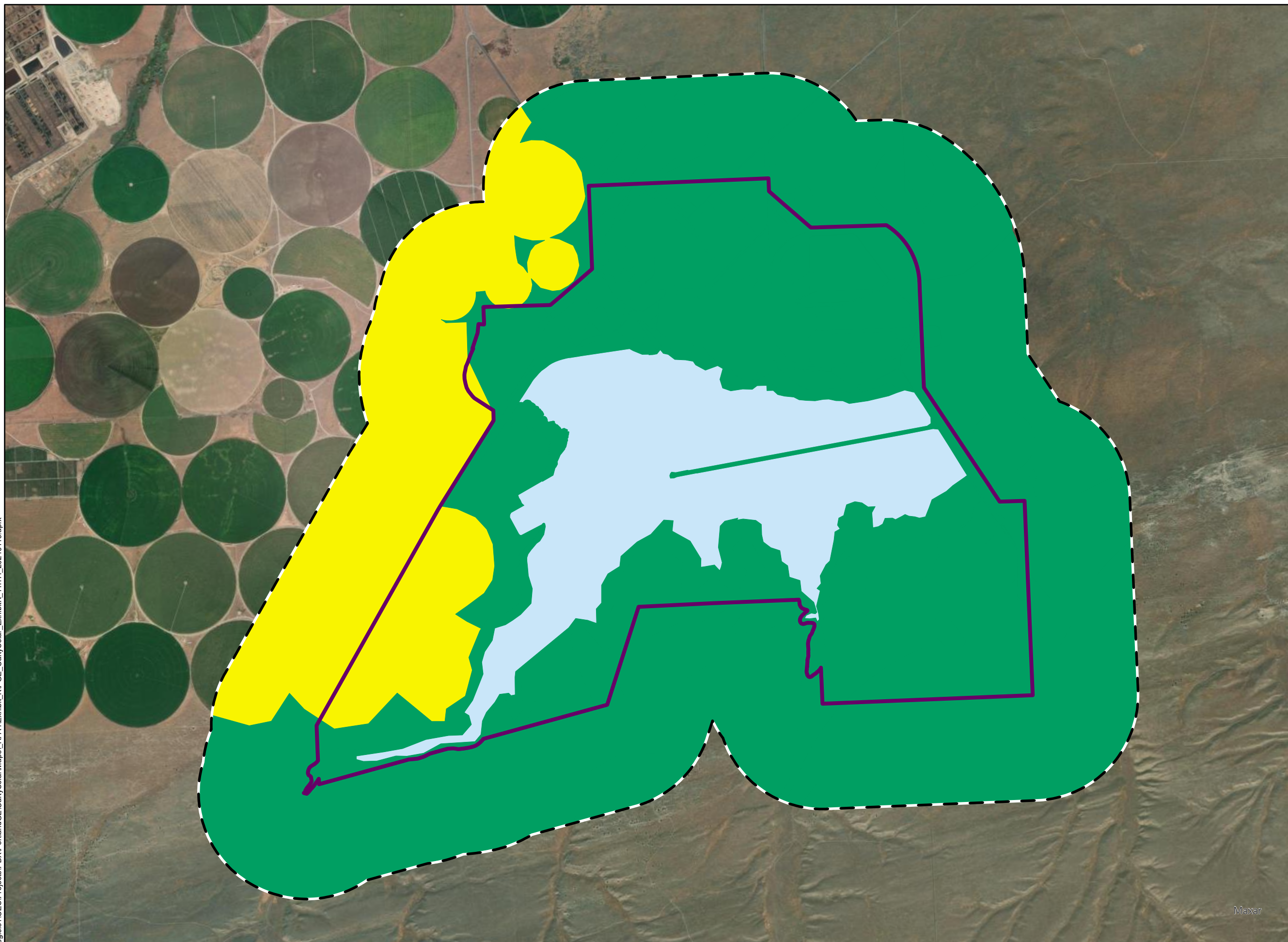
**Figure K-4  
Existing Land Use**

MORROW COUNTY, OR

-  Amended Site Boundary
-  Analysis Area (0.5-mile Buffer)
- Land Use
  -  Cultivated
  -  Non-cultivated
  -  Open Water



Reference Map



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# Carty Generating Station Request for Amendment 4

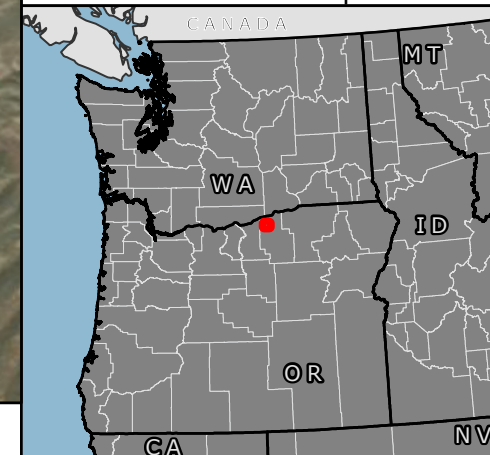
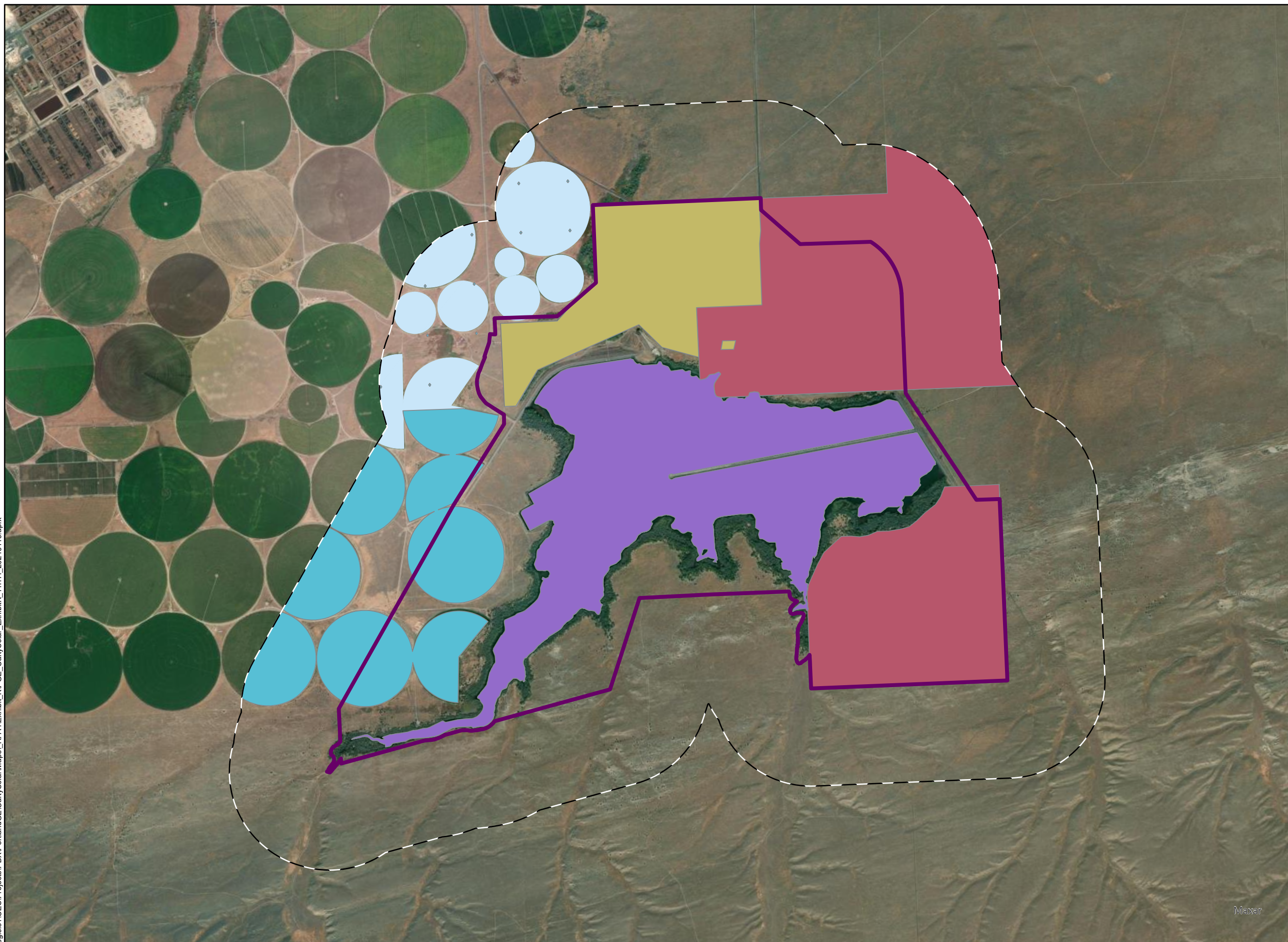
**Figure K-5  
Water Rights**

MORROW COUNTY, OR

-  Amended Site Boundary
-  Analysis Area (0.5-mile Buffer)
- Water Right Type
  -  Storage
  -  Industrial/Manufacturing Uses
  -  Irrigation
  -  Power Development
  -  Irrigation Mapped per Aerial Photo Interpretation



Reference Map



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# Carty Generating Station Request for Amendment 4

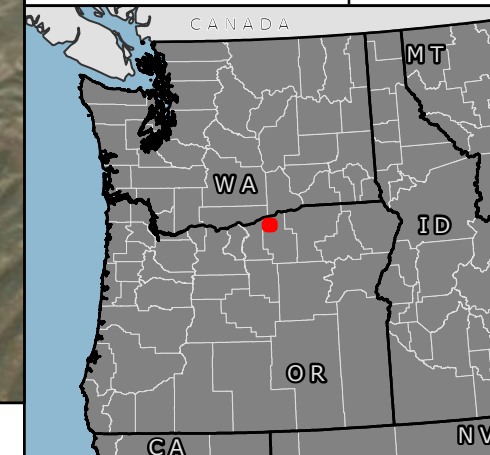
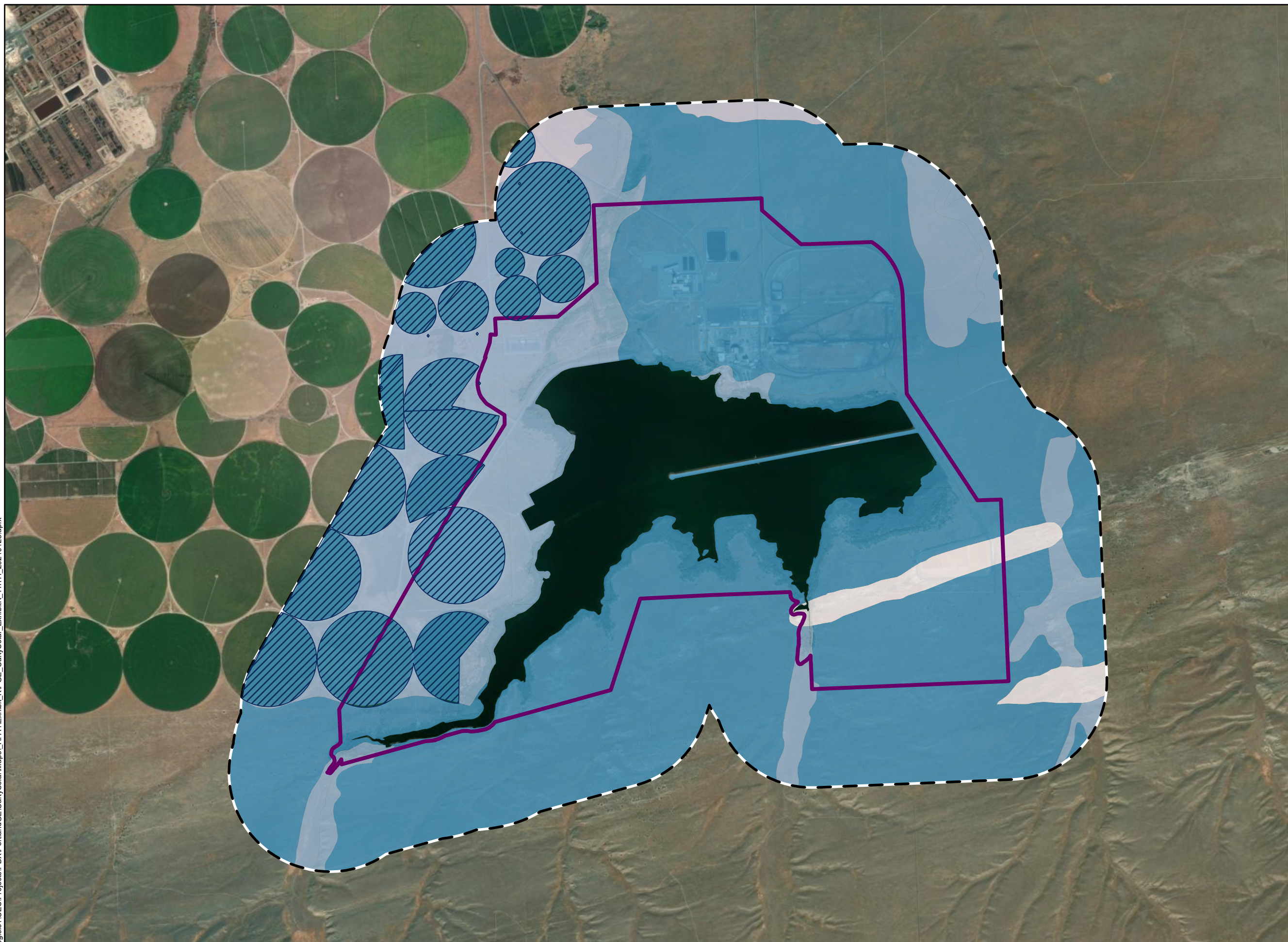
Figure K-6  
NRCS Soil Capability  
Classifications

MORROW COUNTY, OR

-  Amended Site Boundary
-  Analysis Area (0.5-mile Buffer)
-  HVF per Water Right Authorized Place of Use
- Soil Capability Class
  -  2
  -  4
  -  6
  -  7
  -  8



Reference Map



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NOT FOR CONSTRUCTION

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# Carty Generating Station Request for Amendment 4

**Figure K-7  
High Value Farmland**

MORROW COUNTY, OR

- Amended Site Boundary
- Analysis Area (0.5-mile Buffer)
- County Boundary
- State Boundary
- Tract Boundary
- HVF per Columbia Valley Viticulture Area
- HVF per Water Right Authorized Place of Use
- Morrow County Zoning (non-EFU)
  - General Industrial (MG)
  - Space Age Industrial (SAI)

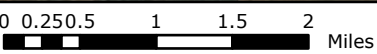


Reference Map



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**Carty  
Generating Station  
Request for  
Amendment 4**

**Figure K-8  
Arable and Non-Arable  
Land**

**MORROW COUNTY, OR**

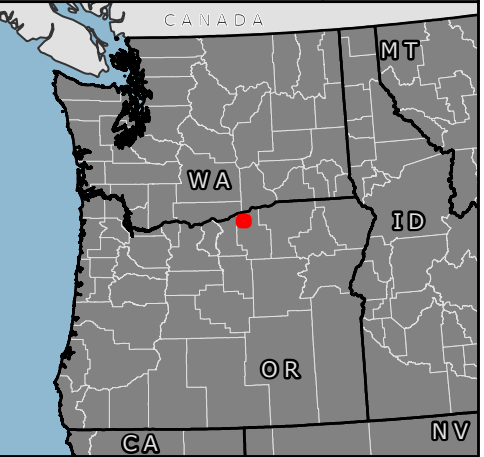
- Amended Site Boundary
- Analysis Area (0.5-mile Buffer)
- Arable Land
- Non-Arable Land
- Morrow County Zoning (non EFU)
  - General Industrial (MG)



**TETRA TECH**



**Reference Map**



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WGS 1984 UTM Zone 10N

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NOT FOR CONSTRUCTION

Carty  
Generating Station  
Request for  
Amendment 4

Figure K-9  
Surrounding Lands

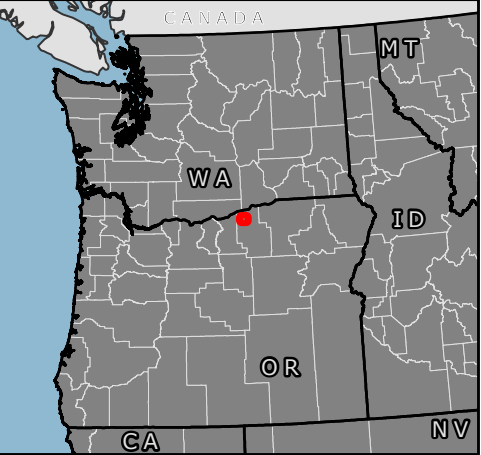
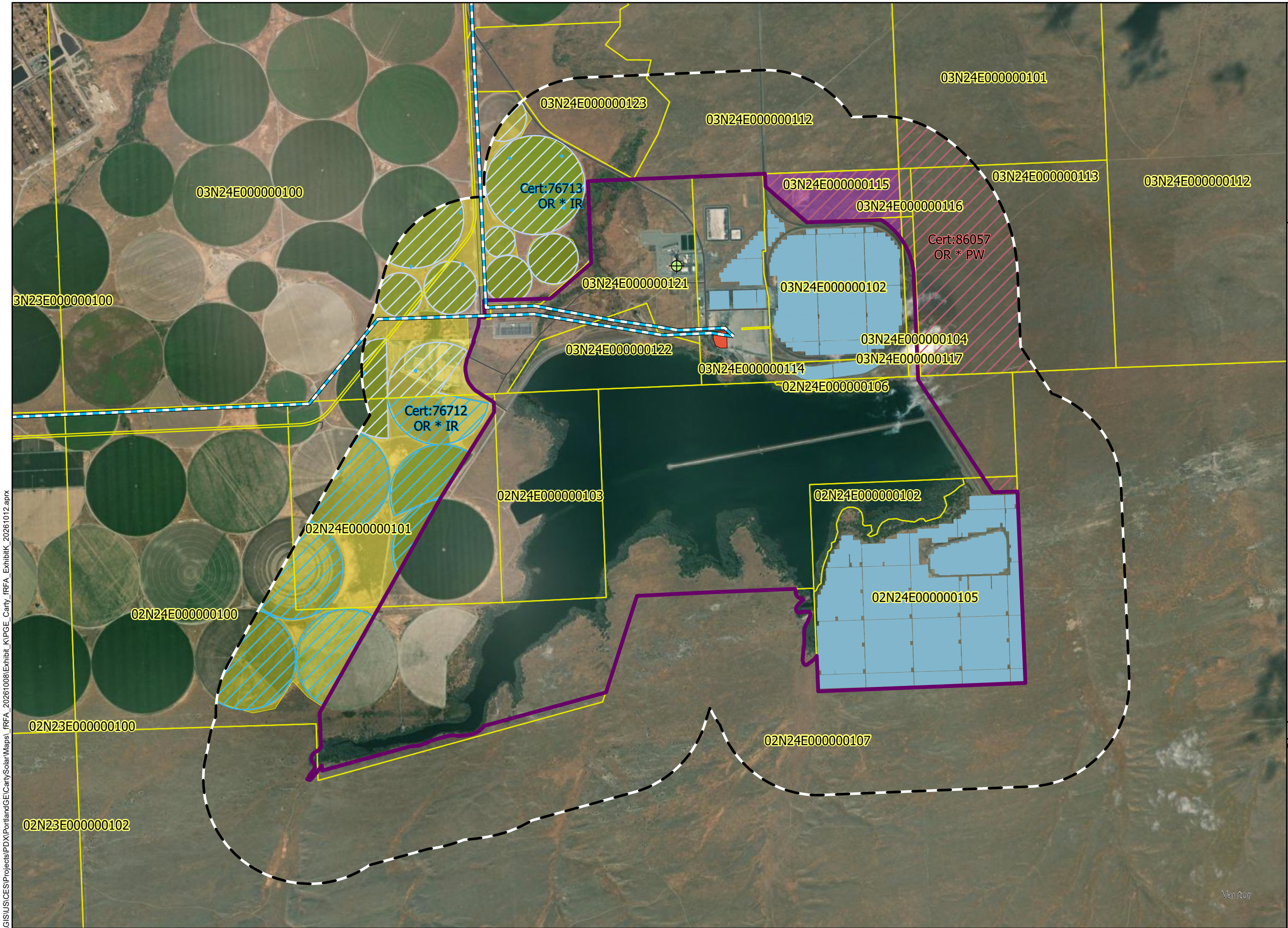
MORROW COUNTY, OR

- Amended Site Boundary
- Analysis Area (0.5-mile Buffer)
- Local Roads
- Collector Substation
- Natural Gas
- In Service Transmission Lines
- Solar Modules
- Tax Lot Boundary
- Morrow County Zoning
  - Non-EFU Zoned Area\*
- Land Use
  - Cultivated
- Water Right Type
  - Irrigation
  - Power Development
  - Irrigation Mapped per Aerial Photo Interpretation

\*Excluded from the Surrounding Lands analysis



Reference Map

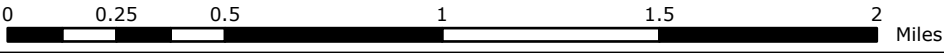


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WGS 1984 UTM Zone 10N



NOT FOR CONSTRUCTION

**Carty  
Generating Station  
Request for  
Amendment 4**

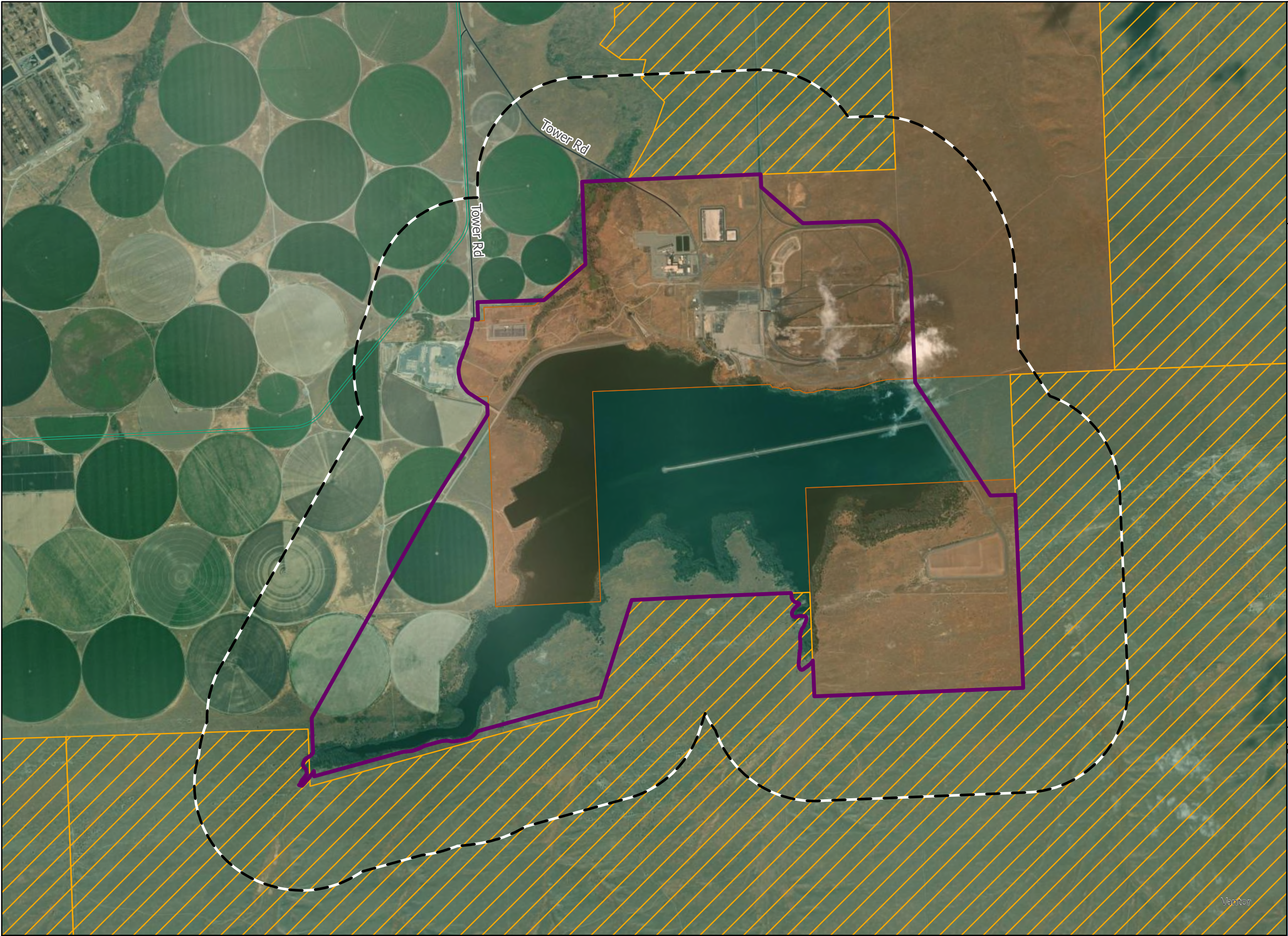
**Figure K-10  
Historic Land Uses**

MORROW COUNTY, OR

-  Amended Site Boundary
-  Analysis Area (0.5-mile Buffer)
-  Local Roads
-  Portland General Electric
-  Threemile Canyon Farms, LLC
-  Conservation Area



Reference Map



1:28,000

WGS 1984 UTM Zone 10N

0 0.25 0.5 1 1.5 2 Miles

NOT FOR CONSTRUCTION

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