



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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[www.lcd.state.or.us](http://www.lcd.state.or.us)

## NOTICE OF ADOPTED AMENDMENT

December 27, 2007

TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Sherman County Plan Amendment  
DLCD File Number 002-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 11, 2008**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Doug White, DLCD Community Services Specialist  
Jon Jinings, DLCD Regional Representative  
Georgia Macnab, Sherman County

<paa> ya

PROP 2

# DLCD

## Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD  
**WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION**  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person  electronic  mailed

DATE STAMP

**DEPT OF**

**DEC 24 2007**

**LAND CONSERVATION AND DEVELOPMENT**

For DLCD Use Only

Jurisdiction: **Sherman County**

Local file number: **2007-07**

Date of Adoption: **12/19/2007**

Date Mailed: **12-20-07**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: **9/19/2007**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment                | <input type="checkbox"/> Zoning Map Amendment             |
| <input type="checkbox"/> New Land Use Regulation                      | <input type="checkbox"/> Other:                           |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

This was an Exception to the statewide planning goal 3 required in the process of reviewing a CUP for a 105 MW Wind Farm in the county. Approximately 38 acres of agricultural land will be removed from production.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_

Zone Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_

Location: \_\_\_\_\_ Acres Involved: \_\_\_\_\_

Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_

Applicable statewide planning goals:

- |                          |                          |                                     |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |
|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                 | <b>2</b>                 | <b>3</b>                            | <b>4</b>                 | <b>5</b>                 | <b>6</b>                 | <b>7</b>                 | <b>8</b>                 | <b>9</b>                 | <b>10</b>                | <b>11</b>                | <b>12</b>                | <b>13</b>                | <b>14</b>                | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?  Yes  No

If no, do the statewide planning goals apply?  Yes  No

If no, did Emergency Circumstances require immediate adoption?  Yes  No

**DLCD # 002-07 (16415)**

**DLCD File No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

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Local Contact: **Georgia L. Macnab**

Phone: **(541) 565-3601** Extension:

Address: **PO Box 381**

Fax Number: **541-565-3078**

City: **Moro**

Zip: **97039-**

E-mail Address: **georgiamac@embarqmail.com**

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### **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:  

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**
2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: [webservice.lcd.state.or.us](http://webservice.lcd.state.or.us). To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing [mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us).
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to [mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

IN THE COUNTY OF THE STATE OF OREGON  
IN AND FOR THE COUNTY OF SHERMAN COUNTY

IN THE MATTER OF THE COMPREHENSIVE PLAN)  
AMENDMENT TO TAKE AN EXCEPTION TO THE ) **ORDINANCE** 40-2007  
STATEWIDE PLANNING GOAL THREE )  
AND DECLARING AN EMERGENCY )

The County Court of Sherman County ordains as follows:

**SECTION 1 – SHORT TITLE.**

This ordinance shall be referred to as the Comprehensive Plan Amendment of 2007.

**SECTION 2 – PURPOSE.**


The purpose of this Ordinance is to take an Exception to the Statewide Planning Goal 3 for the Hay Canyon Wind Farm.

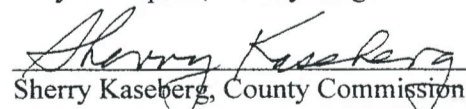
**SECTION 3 – ADOPTION.**

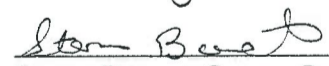
The County adopts the following as part of its Goal 3 Exception Statement required for the amendment of the County Comprehensive Plan.


- A. The project is owned by PPM Energy, Inc.
- B. This site is located seven miles southeast of Wasco, Oregon and near highway 206 and Baseline Road, and more specifically described as Tax Lots 4900 and 6300 in Township 1 North, Range 18 East and Tax Lots 700, 800, 900, 1000, 1700, 1900, 2000, 2100, and 3100 in Township 1 South, Range 18 East, Sherman County, Oregon (the "Project Site").
- C. The Findings of Fact, attached as Exhibit "A" are hereby adopted by reference and made a part of the Sherman County Comprehensive Plan.
- D. In as much as the health, safety, general welfare and economic well being of the citizens of Sherman County is the prime concern of the county court, and the ability to rapidly mobilize the county's resources to develop the burgeoning wind energy industry in the County is necessary, an emergency is hereby deemed to exist. Therefore, this ordinance shall be in full force and effect upon its approval by the County Court.

Approved by the County Court this 19<sup>th</sup> day of December, 2007.

  
\_\_\_\_\_  
Gary Thompson, County Judge

  
\_\_\_\_\_  
Sherry Kaseberg, County Commissioner

  
\_\_\_\_\_  
Steven Burnett, County Commissioner

ATT:   
Carol Thompson, Deputy Clerk

**EXHIBIT "A"**

IN THE MATTER OF A GOAL 3 EXCEPTION  
FOR HAY CANYON WIND FARM, PPM  
ENERGY

SHERMAN COUNTY PLANNING  
COMMISSION FINDINGS AND DECISION

**SECTION 1. PROCEDURAL FINDINGS**

- 1.1 Pacific Wind Development LLC ("Applicant"), a wholly-owned subsidiary of PPM Energy, Inc., filed a conditional use permit ("CUP") to allow the construction and operation of up to a 105 megawatt ("MW") wind energy generation facility in Sherman County, Oregon ("County") (known as the Hay Canyon Wind Farm and hereafter referenced as "Hay Canyon" or the "Project").
- 1.2 Hay Canyon is proposed for property located seven miles southeast of Wasco, Oregon and near highway 206 and Baseline Road, and more specifically described as Tax Lots 4900 and 6300 in Township 1 North, Range 18 East and Tax Lots 700, 800, 900, 1000, 1700, 1900, 2000, 2100, and 3100 in Township 1 South, Range 18 East, Sherman County, Oregon (the "Project Site").
- 1.3 The Project Site is zoned Exclusive Farm Use ("EFU"). Hay Canyon would occupy approximately 34 total acres, including new roads. Accordingly, Applicant is concurrently requesting a Goal 3 exception under OAR 660-033-0130(22), which requires a Goal 3 exception for a project if the project precludes more than 20 acres from use for a commercial agricultural enterprise.
- 1.4 The application for the Goal 3 exception was deemed complete, and the Planning Staff subsequently issued a Staff Report dated September 10, 2007, recommending approval of the Goal 3 exception by the County Court through adoption of an exception statement in the Comprehensive Plan. Notice of the Planning Commission hearing was advertised in The Dalles Chronicle on August 29, 2007, and mailed to surrounding property owners prior to that date. The Planning Commission held a public hearing on September 17, 2007. The record was held open for additional written evidence and arguments until September 24, 2007, and additional rebuttal evidence and arguments until October 1, 2007. The applicant submitted additional nonevidentiary arguments pursuant to applicable statute by October 8, 2007.
- 1.5 Approval of a Goal 3 exception by adopting a goal exception statement and amending the County Comprehensive Plan requires findings under ORS 197.732(2)(c), demonstrating the following:
  - A. Reasons that justify why the state policy embodied in the applicable goal should not apply.
  - B. Areas that do not require a new exception cannot reasonably accommodate the use.
  - C. The long term environmental, economic, social, and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception from other than the proposed site.

- D. The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

## SECTION 2. GOAL 3 FINDINGS

- 2.1 If a “commercial utility facility for the purpose of generating power for public use by sale” exceeds 12 acres of high value farmland and 20 acres of non-high value farmland, a Goal 3 exception is required under OAR 660-033-0130(22). The Project (including the wind turbines, meteorological towers, operations and maintenance (O&M) building, and underground electrical collector line network) and access roads is a commercial utility facility for purposes of OAR 660-033-0130(22). As such, it will preclude 34 acres of non-high value farmland from use as a commercial agricultural enterprise.
- 2.2 There are four factors under OAR 660-004-0020(2) that must be addressed in granting a reasons exception. In general, however, the purpose underlying Goal 3 is “[t]o preserve and maintain agricultural lands.” Goal 3 also states that in meeting this purpose, counties may authorize non-farm uses “that will not have significant adverse effects on accepted farm or forest practices.” Applicant has demonstrated that the Project will preserve and maintain agricultural lands and will have no significant adverse impact on farm practices (impacts on forest practices is irrelevant given the location of the Project Site). Wind-powered projects coexist well with existing farm practices. Relatively small portions of farmland are taken out of use, and in return, the landowners get financial support to help them maintain their agricultural practices. This reduces pressure to subdivide or convert land to non-agricultural uses. Because the portion of farmland taken by wind projects is relatively small, the wind projects have no significant adverse impacts on the commercial value of the underlying farm practices. The Project will have no off-site impacts on adjacent farm lands and will not alter the property tax values of the surrounding farmland. For this and the following reasons, Applicant demonstrated that there is a reason to justify the Goal 3 exception.
- 2.2.1 There are sufficient reasons justifying why the state policy embodied in Goal 3 should not apply. Applicant selected the Project Site because it offers an optimal wind energy resource to produce the desired energy production. Extensive evaluation of wind resources in various areas within the County indicates that the Project Site has among the best wind resources for the development of wind energy generating facilities. This conclusion is further supported by the successful operation of the nearby Klondike I and II projects. Both Applicant and other energy development companies collected substantial information about wind energy resources in the vicinity, and Applicant determined that the Project Site possesses among the most optimal, accessible wind energy resources in the area.

This reason is consistent with OAR 660-004-0022(3)(a), allowing the siting of rural industrial development, such as an energy project, on resource land outside an urban growth boundary when “[t]he use is significantly dependent upon a unique resource located on agricultural or forest land.” In addition, area farmers are willing to enter into land leases to allow the project to be built and control properties of a sufficient size and appropriate configuration to accommodate the Project. The agricultural value of the Project Site is generally marginal, and the Project will not displace highly productive agricultural activity. The Project Site is also located to take advantage of BPA’s upgraded Klondike Schoolhouse substation and new 230kV transmission line which are being built by BPA as general system upgrades. BPA’s facilities are also being built on EFU land. The new BPA substation and transmission line will be the only transmission

facilities in the County with the capacity to carry the Project's power, and the only point of interconnection to the energy grid available to this Project. The proposed collector lines, substation, staging areas and operation and maintenance facility proposed in this application are all necessary to operate the Project, and must be located on the Project Site. The collector lines between the turbines will be built next to access roads to minimize EFU land disturbance.

Applicant is proposing the Project to maximize the benefits of the Project Site and available wind resources while also considering impacts to the land and surrounding property. An exception in this instance is justified given the very minor incremental impact. Accordingly, Applicant demonstrates that there is a reason to justify the exception on Goal 3 resource lands.

- 2.2.2 Areas not requiring a new goal exception cannot accommodate the use. The only non-EFU land in the area is located in the communities of Moro, Wasco, Rufus and Biggs Junction. None of these locations has the necessary wind resource, adequate parcels of land, or proximate transmission system necessary to build the Project. The amended facility must be sited on EFU land in order to provide the service. The topography and remote location of the Project Site will minimize visual impacts to the surrounding community, unlike the impacts that would be experienced in the more populated communities. Further, the agricultural value of the Project Site is generally marginal, and the Project will not displace residential or commercial lands in the areas of non-EFU land.
- 2.2.3 The long-term environmental, economic, social, and energy consequences of the Goal 3 exception for the Project Site does not result in adverse impacts that are significantly more adverse than would typically result from the same proposal being located in other areas requiring a goal exception.

*Environmental.* Applicant provided discussion of the Project's environmental consequences in Exhibits H and I of the application. These exhibits demonstrate that the proposed facility will not cause significant adverse environmental consequences. The facility will, by and large, avoid impacts to such resources altogether. The Project will mitigate for any unforeseen impacts to wildlife habitat based on habitat categorization, as is required under ODFW policy and for any unforeseen impacts to intact segments of the Oregon Trail. Based on this information, it is unlikely that the Project will result in any unmitigated adverse impact to soils, wetlands, protected areas, water resources, threatened and endangered species, scenic resources, historic and cultural and archaeological resources, or public services.

*Socioeconomic.* The Project's socioeconomic consequences will not be adverse because the additional income generated by siting the turbines will improve the local tax base and landowners' income where the turbines are located. The Project will not have significant adverse impacts on scenic, cultural, historical, archeological, or recreational resources. Although some farming will be displaced within the Project Site, the Project is compatible with area farming, as is true with the Klondike I and II projects in the vicinity of the Project Site. Furthermore, the minimal loss of farm income based on the limited amount of the land the Project proposes to withdraw from farm production will be more than offset by revenue to local farms from wind turbine leases. Additionally, a number of temporary construction jobs may be filled with local personnel. The County's tax base will increase significantly by revenues generated from the Project and approximately 6 to 10 permanent operations and maintenance jobs will be added to the community.

*Energy.* The turbines will create energy generating capacity of up to 105 MW. The energy output will be connected to the BPA Schoolhouse-John Day 230 kV line, which has adequate capacity to handle to new energy production. The energy produced by the Project will be clean energy that will help the region meet increasing energy demands. The Project will use existing electric energy capacity from the Wasco Electric Cooperative to operate the maintenance building, which will have not impact on the County's energy resources.

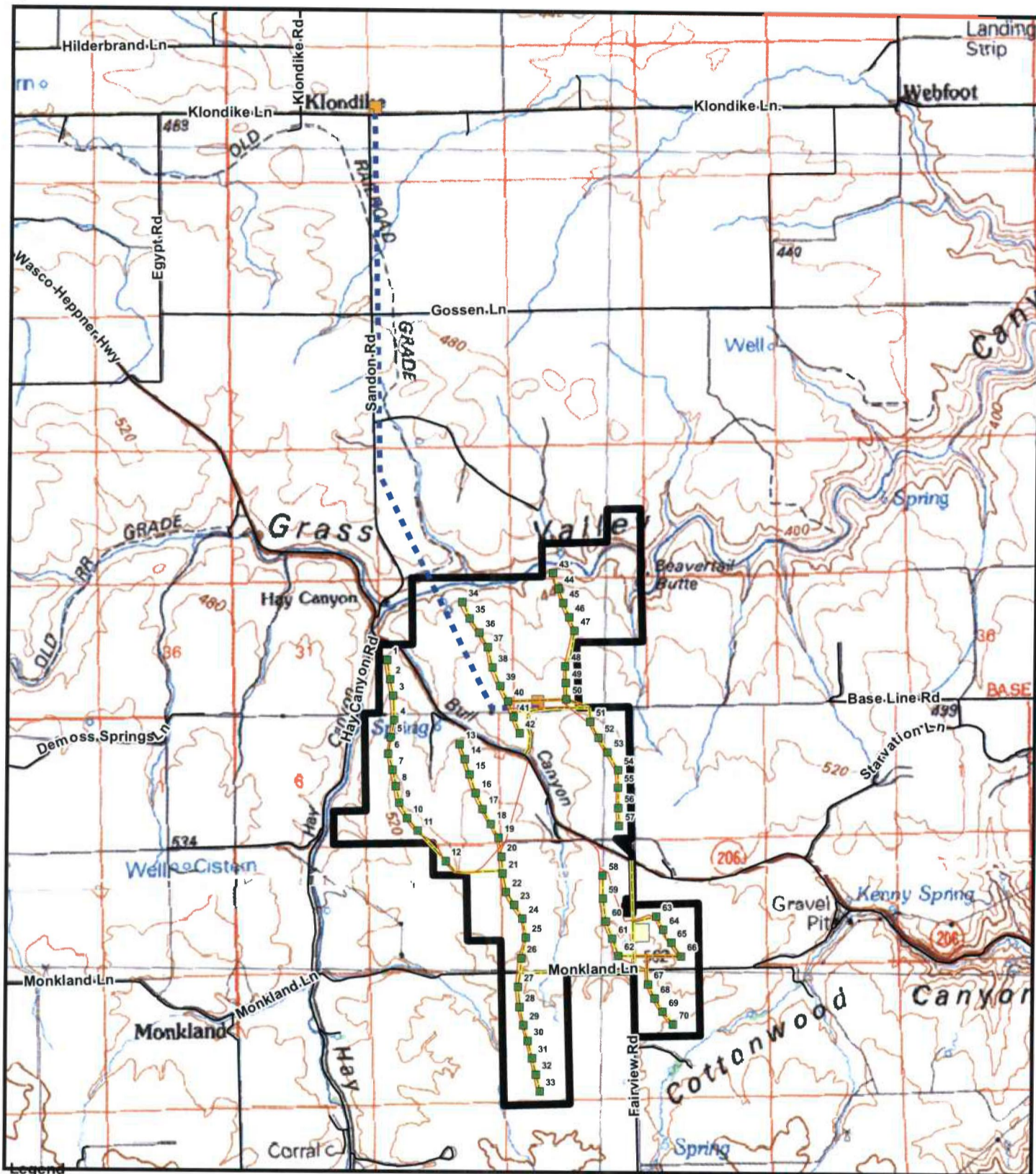
2.2.4 The Project is compatible with other adjacent uses. The Project Site and adjacent property is used for wheat farming. The general vicinity is zoned EFU. As set forth in Section 2, the Project will not significantly alter the farming land use pattern or practices in the area, nor will it significantly increase farming costs. For these reasons, the Project is consistent with other existing adjacent uses.

2.3 There are compelling reasons that justify siting the Project at the Project Site, including the unavailability of other areas that do not require a new exception and that could otherwise reasonably accommodate the use, and that doing so will not create any significant adverse economic, social, environmental or energy consequences. The Project will be compatible with adjacent land uses and facilitates the ongoing agricultural activities currently performed on this EFU land. A Goal 3 exception for the energy generating facility and all related or supporting facilities to the extent such an exception is necessary for the Project is appropriate.

### **SECTION 3. DECISION**

Based upon the forgoing Findings of Fact, the Planning Commission recommends that the County Court allow the Goal 3 Exception by adopting an exception statement and amending the Comprehensive Plan.





■ Proposed Turbines	■ Substation
- - - Proposed Overhead 34.5-kV Collector Line	□ Site Boundary
- - - Proposed Underground 34.5-kV Collector Line	
- - - Proposed Access Roads	
- - - Proposed Crane Path	
- - - Proposed 230-kV Transmission Line	
- - - Klondike.GISEDITOR.Roads	
■ 10-Acre Staging Area	

N

0 0.5 1 1.5

Miles

**Figure 2**  
**Project Facilities Map**  
**Grass Valley Wind Project**

**PPM Energy**  
A ScottishPower Company

The Data: \\smy301\GIS\Data\mxd\CP-WA\Klondike\MapDocs\mxd\Project Facilities Map - Grass Valley.gpx 2 - Project Facilities.mxd Date: 2007-10-10 10:42

Sherman County  
Community Development & Planning  
P.O. Box 381  
Micro, OR 97039



Plan Amendment Specialist  
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