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VIA HAND DELIVERY AND E-MAIL

Planning Commission
c/o John Roberts (johnr@co.wasco.or.us)
Wasco County
2705 East 2nd Street
The Dalles, OR 97058

RECEIVED INTO RECORD
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DATE BY

Re: Comments on Proposed Commercial Energy Ordinance

Dear Commissioners:

Developing a commercial-scale wind energy facility requires a balancing of a variety of factors, including, but not necessarily limited to, transmission capabilities, site conditions (like natural and cultural resources), land availability, and wind data. Local land use codes and comprehensive plans must be sufficiently flexible to allow for the balancing of development factors while at the same time, ensuring responsible development.

With this context in mind, please consider the following comments and suggested revisions to Wasco County Land Use and Development Ordinance ("LUDO") Chapter 19. These comments are intended to supplement my earlier comments previously included in the record.

LUDO 19.030(C)(19), Public Utility Coordination

This provision needs to be struck. It is overly broad (pertaining to the entire energy facility (not just transmission or collector lines) and places too much discretion with local utilities. Rather, I would suggest the language be replaced with the following:

"All transmission lines or associated transmission lines shall will comply with the National Electric Safety Code."

The NESC already provides standards for installation, operation and maintenance of electrical and communication conductors. Local utilities can comment on a project-by-project basis if a project presents a concern that is not already addressed under the NESC.



LUDO 19.030(D)(1)(a)(6), Shadow Flicker

This provision needs to be struck. The evidence on shadow flicker does not support claims of health concern from modern turbines. In regards to blade glint, all manufacturers of major wind turbine blades coat their blades with a low reflectivity treatment, which prevents reflective glint from the surface of the blade. See the enclosed report entitled "Wind Turbine and Health, a Rapid Review of the Evidence, Australian Government, National Health and Medical Research Council, July 2010."

As drafted, this provision would require an applicant to evaluate shadow flicker impacts on any existing dwelling on non-participating landowner properties, regardless of the distance from the project site. This provision is burdensome and provides no reasonable nexus to the perceived concern. Consequently, notwithstanding the evidence to the contrary, if the County wants to address shadow flicker, I would suggest the following language:

"Applicant shall demonstrate that the wind turbines, taking into account mitigation measures, will have no significant adverse impact of shadow flicker on an existing dwelling of a non-participating landowner within 1,320 feet from a turbine, measured from the centerline of the turbine to the centerline of the dwelling, upon the non-participating landowner's request."

This language corresponds with the rural dwelling setback and provides greater specificity for developers on when this issue must be addressed in the permitting process.

LUDO 19.030(D)(1)(c), Setbacks

I strongly encourage the County to consider adopting setbacks that the state Energy Facility Siting Council has already found to be sufficiently protective, as follows:

Non-project boundaries: 110 percent from the turbine to non-project boundary property lines.

Roadways: 110 percent from the turbine to edge of any dedicated road right-of-way.

Non-Resource Zone Boundaries: 3,520 feet from the property line of properties zoned for non-resource use and the urban growth boundary or urban reserve area of any incorporated city.

The County has provided no evidence into the record that justifies the reasonableness for increasing the setbacks, as proposed. Specifically, for non-resource zones and city limits/UGBs, the current standard is 3,520 feet. There appears to be no reasoning in the record that explains



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why increasing this setback to one mile is warranted. At a minimum, if the County retains the current language, it needs to give a developer some flexibility by allowing the developer to pursue a waiver from the subject non-resource zone property owner or a resolution from the city for the UGB/urban reserve areas.

Thank you for your consideration of these comments.

Very truly yours,

Elaine R. Albrich

Enclosure

cc: Brian Walsh