



FRIENDS OF THE COLUMBIA GORGE

**Friends of the Columbia Gorge
Recommended revisions to LUDO Chapter 19
(PLALEG-09-06-0003)**

January 17, 2012

Recommendations for new language are **underlined**.

Recommended deletions are identified by **~~strikethrough~~**.

Citations refer to the specific Draft LUDO section and the page number in Staff Report Attachment A (“Att. A”).

Purposes.

Draft LUDO § 19.010, Att. A at 19-7.

Friends recommends the following revisions:

- Encourage renewable energy development that is appropriately sited to avoid and minimize adverse impacts to the community and environment.”

**BOCC to serve as Special Advisory Group to EFSEC – Public Comment accepted.
Draft LUDO § 19.030(A)(1)(c), Att. A at 19-24–19-25.**

Friends recommends retaining the language proposed by the Planning Commission.

////

////

////

**County Decision Options: Tentative Approval and Final Approval.
Draft LUDO § 19.030(A)(2), Att. A at 19-25:**

Friends preferred option: Removal tentative approval process and provide a single decision.

In the alternative, Friends recommends the following revisions:

2. County Decision Options - As part of the application materials the applicant shall indicate if they are requesting final or tentative approval. Both tentative and final approval are subject to conditional use review and appeal procedures.

**Modifications to Permits.
Draft LUDO § 19.030(A)(2), Att. A at 19-26.**

Friends recommends the following revisions:

3. Modifications - ~~Energy facility requirements shall be facility specific, but can be modified as long as the facility does not exceed the boundaries of the Wasco County conditional use permit where the original facility was constructed.~~

An amendment to the conditional use permit shall be required if the proposed facility changes would:

- a. Require an expansion of the established facility boundaries;
- b. Increase the number of towers; or
- c. Increase generator output by more than 25 percent relative to the generation capacity authorized by the initial permit due to the repowering or upgrading of power generation capacity.
- d. Relocate any wind turbine tower by more than 50 feet; or
- e. Change the height of any wind turbine tower by more than 10 feet.

~~No amendment would be required if an expansion of power-generating capacity is due to technology upgrades installed within the existing boundaries of the established energy facility. Notification by the permit holder to the Planning Department of changes not requiring an amendment are encouraged, but not required.~~

////

////

////

**Non-Resource Zone Standards for Related and Supporting Facilities.
Draft LUDO § 19.030(B), Att. A at 19-26–19-27:**

Friends recommends not allowing related and supporting facilities in non-resource zones. In the alternative, Friends recommends the following revisions:

3. Related or Supporting Facilities (Reasonable Alternatives Analysis) - Related or supporting facilities to a commercial power generating facility ~~shall~~ may be allowed in non-resource zones subject to Conditional Use Review upon a showing that such related or supporting facilities are necessary for siting the commercial power generating facility. Any related or supporting facilities will must be consistent in size, scale, and impact as other existing or allowed uses in the non-resource zone. Related or Supporting Facilities shall be reviewed as part of the Commercial Power Generating Facility and not subject to a separate Conditional Use Review. To demonstrate the related or supporting facilities are necessary within the meaning of this section, an applicant must show that reasonable alternatives have been considered and that the related or supporting facilities must be sited in a non-resource zone after considering the following factors:
 - a. ~~The related or supporting facilities will be consistent in size scale and impact as other existing or allowed uses in the non-resource zone;~~

**Visual Resources.
Draft LUDO § 19.030(C)(4), Att. A at 19-27–19-29:**

Friends recommends the following revisions:

Draft LUDO § 19.030(c)(4)(b), Att. A at 19-27:

- b. Except where the following uses are regulated by federal, state, or local laws, including but not limited to Columbia River Gorge National Scenic Area Act and implementing land use ordinances, ~~the~~ following may be approve in a protected area identified in subsection (a) above if other alternative routes or sites have been studied and been determined to have greater impacts.

Draft LUDO § 19.030(c)(4)(d), Att. A at 19-28–19-29:

- d. To approve an energy facility located outside the areas listed below, Wasco County must find that ~~the~~ design, construction and operation of the energy facility, taking into account mitigation, will ~~are~~ not likely to result in significant adverse impact to scenic resources and values of the areas identified in subsection (a) above. Methods to mitigate adverse visual impacts could include but are not limited to:

Natural Resource/Wildlife Protection.
Draft LUDO § 19.030(C)(5), Att. A at 19-29–19-30.

Friends recommends the following revisions:

Taking into account mitigation, siting, design, construction, and operation, ~~the energy facility has been designed and will be constructed and operated without the facility will not cause~~ significant adverse impact to important or significant natural resources identified in the Wasco County Comprehensive Plan, Wasco County Land Use and Development Ordinance or by any jurisdictional wildlife or natural resource agency ~~resource management plan adopted and in effect on the date the application is submitted~~. The permit holder agrees to implement all permit conditions, including siting, monitoring and mitigation actions that Wasco County determines appropriate after consultation with the Oregon Department of Fish and Wildlife, Oregon Natural Heritage Program, United State Fish and Wildlife Service, or other jurisdictional wildlife or natural resource agency. Measures to reduce significant impacts may include, but are not limited to the following:

- a. Providing information pertaining to the energy facility’s potential impacts and measures to avoid impacts on:
 - (1) Wildlife (all potential species of reasonable concern);
 - (2) Wildlife Habitat;
 - (3) Endangered Plants; and
 - (4) Wetlands & Other Water Resources.

- b. Conducting biologically appropriate baseline surveys in the areas affected by the proposed energy facility to determine natural resources present, ~~and~~ patterns of habitat use, predict likely impacts, and identify measures to avoid and mitigate identified impacts.

- m. Developing a plan for post-construction monitoring of the facility site using appropriate survey protocols to measure the impact of the project on identified natural resources in the area. If impacts occur in excess of those identified in pre-construction estimates, the County shall have authority to require modifications to the project permit, including but not limited to requiring that problematic turbines be shut down during key migratory periods and requiring additional mitigation.

////

////

Radar-triggered aviation safety lighting.
Draft LUDO § 19.030(D)(1)(a)(3), Att. A at 19-34.

Friends recommends the following revisions:

Draft LUDO § 19.030(D)(1)(a)(3), Att. A at 19-34:

Lighting - Lighting of towers is only allowed if required by the Oregon Department of Aviation of Federal Aviation Administration. If lighting is required by Oregon Department of Aviation or Federal Aviation Administration the applicant shall seek approval of radar triggered lighting. ~~and radar triggered lighting is on the list of approved lighting, it shall required.~~

Setbacks from dwelling and non-resource zones.
Draft LUDO § 19.030(D)(1)(c), Att. A at 19-35–19-36.

Friends recommends the following revisions:

Dwellings in resource zones: 1.5 miles with a waiver process.

Non-resource zones: 1.5 miles.