

**WASCO COUNTY COMMERCIAL ENERGY ADVISORY GROUP
NON-RESOURCE ZONED PROPERTY QUESTIONS
14 JUNE 2010**

I. Should “Related or Supporting Facilities to a Commercial Energy Project” (related facilities) be allowed in non-resource zones? Non-resource zones include residential, commercial & industrial.

A. Prior Discussion – The group previously discussed this and generally agreed we should allow for related facilities to a “Commercial Energy Project” (energy project) in non-resource zones.

B. Issues to Resolve

1. Definitions – We need to define this term.

a. “Related or Supporting Facilities” - The following proposed definition comes from ORS 469.300 and OAR 345-001-0010 (Definitions for the Regulation of Energy Facilities by EFSC)

“Related or supporting facilities” means any structure, proposed by the applicant, to be constructed or substantially modified in connection with the construction of an energy facility, including associated transmission lines, reservoirs, storage facilities, intake structures, road and rail access, pipelines, barge basins, office or public buildings, and commercial and industrial structures. A related or supporting facility is considered “in connection with the construction of the energy facility” if it would not be built or substantially modified but for construction or operation of the energy facility.

“Related or supporting facilities” does not include geothermal or underground gas storage reservoirs, production, injection or monitoring wells or wellhead equipment or pumps or any structure existing prior to construction of the energy facility, unless such structure must be significantly modified solely to serve the energy facility.

b. “Associated Transmission Lines” - If the definition above is accepted we should also include the following:

“Associated transmission lines” means new transmission lines constructed to connect an energy facility to the first point of junction of such transmission line or lines with either a power distribution system or an interconnected primary transmission system or both or to the Northwest Power Grid.

- c. Other Related Facilities - In addition to the EFSC definitions above, the following have been proposed to be included as related facilities:

-Power Collector Lines – This should be taken care of by the definition of “Associated Transmission Lines”.

-Substations – This could be added to clarify it is associated with the “Associated Transmission Lines” where the power is stepped up to run along the power grid.

-Transmission Lines – Transmission lines, outside of “Associated Transmission Lines” are defined as a separate “energy facility”, have a separate set of standards and are treated differently by EFSC. These should remain separate because they will be categorized differently in the ordinance with different review criteria. Subject to Section 2.030 of the Land use and Development Ordinance we can still take an energy facility application and a transmission line application through a consolidated process.

-Permanent Meteorological Towers – These are included in the non-commercial side. It is reasonable to add this here but if we do we need to distinguish them from those allowed under the non-commercial side which are not defined as “temporary”.

-Data Collection & Operating Systems – This seems reasonable to include

-Construction Staging & Laydown Areas – This seems reasonable to include.

-Batch Plant & Gravel Pits – Including these would contradict Oregon State Land Use Goal #5, the Wasco County Comprehensive Plan and the Wasco County Land Use and Development Ordinance. Gravel pits are only allowed if listed on an inventory in the comprehensive plan and reviewed through the appropriate process as established in the land use and development ordinance.

2. Standards – In addition to meeting all of the other applicable standards established for an energy project, related facilities will need to meet the following standards.

If the energy facility or system will entirely or partially be sited in a non-resource zone it will be required to meet either 1. Related or Supporting Facilities, or 2. Community Interest Test below (if we decide to include this).

1. Related or Supporting Facilities (Reasonable Alternatives Analysis)

If all of the primary energy facility is to be sited on resource zoned properties and part or all of the related or supporting facilities are proposed to be sited on non-

resource zoned properties, they shall be allowed upon a showing that such related or supporting facilities are necessary for siting the energy facility. To demonstrate that 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 criteria:

- a. Technical and engineering feasibility of siting the commercial energy facility as a whole;
- b. Availability of existing rights-of ways and public roads and proximity to transmission lines and interconnections;
- c. Environmental impacts associated with avoiding non-resource zoned land; and
- d. Protection of farm and forest resources (Listed in the general standards below)

II. Should “Commercial Energy Projects” be allowed in non-resource zones?

- A. Prior Discussion – The group generally agreed we should allow for energy projects in non-resource zones because the way we have defined commercial and non-commercial, a small scale project that is technically commercial could be sited in a way that has not negative consequences. Also, in communities such as Wamic, Pine Hollow, Pine Grove and Tygh Valley small scale commercial projects could be sited which have very positive benefits to these communities.

Based on the standards that will be created it is not likely a large scale project would ever be sited on higher density non-resource zoned properties. However, because a commercial energy project would be an allowed use in these zones the perception may be that a large scale project could occur creating concern by non-resource zoning property owners. Without any sort of clarification or gate keeper criteria this would likely generate opposition. To allow for the positive benefits of small scale commercial projects and minimize the concern of non-resource zoned property owners one of the options below or some other option should be included.

B. Energy Demand/Production and Size of Devices

	*Home Capacity Based on Wind Industry	Wind Tower Height Based on Current Technology	**Solar Square Footage Based on Current Technology
10 Kilowatts	1 Home	30 – 120 foot tall tower	1,000 square feet or .023 acres
100 Kilowatts	N/A	N/A	10,000 square feet or .23 acres
200 Kilowatts	N/A	N/A	20,000 square feet or .46 acres
400 Kilowatts	N/A	N/A	40,000 square feet or .91 acres
600 kilowatts	200 Homes	242 foot tall tower	60,000 square feet or 1.37 acres
1.5 Megawatts	500 Homes	390 foot tall tower	150,000 square feet or 3.44 acres
3 Megawatts	1,000 Homes	492 foot tall tower	300,000 square feet or 6.88 acres

*Numbers based on peak capacity. They typically produce around 30% of the stated capacity.

*Current cost is approximately \$70 per square foot of solar.

C. Options

1. Community Interest Test – The following had been previously proposed. “Related or Supporting Facilities” are not required to meet this test and the reasonable alternatives test above.

Non-resource zoned lands are designated for higher density uses which may be incompatible with an energy project depending on the scope, scale and location of the project. To ensure compatibility, if all or part of the primary energy facility is proposed to be located on non-resource zoned properties, it shall be allowed if the facility is in the community interest. To demonstrate that the energy facility is in the community interest, an applicant must meet the following criteria:

- a. The applicant is a community group within the meaning of this section, or is associated or partnered with a community group;

Community Group – Individuals who are elected or appointed to represent property owners within a defined geographic area where the energy project is proposed including but not limited to a homeowner’s association, fire district board, water district board, or irrigation district board. A community group could also be a majority (or 75%) of the property owners of the geographic area where the project will be located and those property owners within the notification area of the project pursuant to Section 2.080, Notice.

- b. The commercial energy facility will provide an identifiable benefit to property owners within the geographic area the community group represents; and (this could be power, money, or jobs if associated with a business)
- c. The community group shall notify all members within the geographic area of the community they represent and conduct a public meeting to solicit feedback regarding the proposed energy facility prior to submitting a land use application. The applicant shall then include the notification list, agenda, and minutes of the meeting as part of the application.

Pros: This allows those who could be impacted to weigh in on the project early on.

Cons: It could create the perception of unfairness. For example, a project in one location that had local support would be allowed to submit an application whereas a very similar project in a different location would not be able to submit an application because they did not receive local support.

- 2. Limit the the size of project by tying it to a maximum energy output. This could either be single size such as 1MW or tying it to a percentage of the EFSC review authority thresholds as defined in ORS 469.300. This would allow it to increase as EFSC increased the thresholds which trigger their review authority.

Energy Type	State Threshold	10% of Threshold	5% of Threshold	2.5% of Threshold	1% of Threshold
Wind	105 MW	10.5 MW	5.25 MW	2.625 MW	1.05 MW
Solar	105 MW	10.5 MW	5.25 MW	2.625 MW	1.05 MW
Geo-Thermal	38.85 MW	3.885 MW	1.94 MW	.97 MW	.3885 MW

Pros: Easy concept to understand and easy to administer. If this is also tied to current physical sizes of energy facilities it will make sense based on an impact basis as well.

Cons: Whatever we choose there will be winners and losers. If we choose too high a threshold we create the potential for conflict if a use is approved or we set them up for failure if ultimately the standards would not allow for the size of use to be approved. If we choose too low a threshold there could be very beneficial projects with little to no impact which could not even submit an application.

- 3. Limit the size of the project by putting a cap on the size, number, height or square footage of the devices without regard to output of energy. This would be difficult to do for every zone. The following is what is being proposed for the non-commercial side.

Towers - This shall include free standing (WECS & Meteorological) or roof mounted towers.

Tower Height	Property Size			
	<2 Acres	2 - <5 Acres	5 - <10 Acres	>=10 Acres
<35' in height	*Ministerial	*Ministerial	Ministerial	Ministerial
35' - < 50' in height	STS	STS	Ministerial	Ministerial
50' - < 100' in height	CUP	STS	STS	STS
100' - < 200' in height	CUP	CUP	STS	STS
>=200' in height	CUP	CUP	CUP	CUP

*The 4th tower sited on the property shall elevate the review from a Ministerial to an STS.

Solar Systems

System Size	Property Size				
	<2 Acres	2- <5 Acres	5 - <10 Acres	10 - < 40 Acres	> = 40 Acres
Roof Mounted < = 35' in height	Ministerial	Ministerial	Ministerial	Ministerial	Ministerial
*Roof Mounted >35' in height	STS	STS	STS	Ministerial	Ministerial
**Ground Array <500 sq. ft.	Ministerial	Ministerial	Ministerial	Ministerial	Ministerial
**Ground Array 500 - <1,500 sq. ft.	STS	STS	STS	STS	Ministerial
**Ground Array >=1,500 sq. ft.	CUP	CUP	CUP	CUP	STS

*Roof mounted systems exceeding 35' in height shall be allowed without a variance pursuant to either Chapter 6 or 7.

**Ground Arrays are limited to 35' in height. Ground Arrays exceeding 35' in height will be required to apply for a variance pursuant to either Chapter 6 or 7.

Pros: Easy concept to understand and easy to administer. If we choose correctly this will allow greater energy production in the future as technologies get more efficient but our standards will still limit the same physical size of the device which is what we are interested in.

Cons: Creating caps on size, square footage or number of towers could be difficult. The non-commercial projects are open ended at the upper limit but require more significant review. We would be doing the opposite of this. Would be base it on property acreage, zone, or just the size, square footage and number of the devices? This could get very complicated.