

**WASCO COUNTY ENERGY ORDINANCE UPDATE  
OVERVIEW OF ORDINANCE CHANGES  
PLALEG-09-06-0003**

Additional documentation of this project is located at [http://co.wasco.or.us/planning/Energy\\_updates\\_Main.html](http://co.wasco.or.us/planning/Energy_updates_Main.html)

Chapter, Zone or Section	Description of Proposed Amendments
Wasco County Land Use and Development Ordinance	
Chapter 1 - Introductory Provisions	Section 1.090 - Amended, added and deleted definitions related to energy, utility facilities and transmission.
Chapter 2 – Development Approval Procedures	Section 2.050 - Amends what uses require a pre-application conference. Section 2.060 – Creates consistency with state law regarding completeness of an application.
Chapter 3 Zones	<p>Reformatting. The uses allowed in each zone are currently broken into two categories (Permitted uses and Conditional Uses). Permitted Uses actually fall within 3 categories (Allowed Without any Review, Allowed Subject to Ministerial Review, and Allowed Subject to Discretionary Review). Each zone is now broken into four categories of review uses and the uses are listed in the appropriate section including the new energy, utility and transmission uses.</p> <p>New and Updated Energy Related Uses in each zone:</p> <ul style="list-style-type: none"> <li>-non-commercial energy development (Small wind turbines, solar panels, etc..) either without review, subject to discretionary review or as a conditional use depending on the size of the property and size of the energy development</li> <li>-small scale commercial energy development subject to the same standards as non-commercial energy development. These are the same size as non-commercial energy developments but may exceed net metering thresholds and actually produce all of their power and sell the excess to a utility.</li> <li>-Commercial scale energy development (large wind turbines and solar systems). These are only allowed in Agricultural and Forest zones.</li> <li>-Major and Minor Utility Facilities (All zones but Agricultural and Forest). These are uses related to electricity, sewer and water at the local level. This is to create consistency because each zone treats these differently.</li> </ul>

	<p>New Non Energy Related Uses:</p> <ul style="list-style-type: none"> <li>-Some additional uses have been included but are either consistent with state changes or designed to create consistency with other zones. See individual zones for specific information.</li> </ul>
Chapter 4 – Supplementary Provisions	Section 4.070 - Amended to clarify which energy related uses were exempt from building height requirements.
Chapter 15 – Administration and Enforcement	This entire Chapter was superseded by the Wasco County Code Compliance Ordinance adopted in 2009. The majority of this Chapter is therefore being removed.
Chapter 19 – Energy Ordinances	<p>The existing ordinances are out of date and do not reflect changes in technology. The entire Chapter is being stricken and replaced. Each zone (Chapter 3 above) now includes energy related uses which refer to Chapter 19. It is this chapter which defines what scale of use is allowed on what size of property, by what process and by what standards.</p> <p>-There are 3 categories of uses</p> <ol style="list-style-type: none"> <li>1. Non-Commercial Energy Facilities: These are small uses meant to be accessory to a residence or farm and provide only a portion of the power needed. These are allowed in all zones and the review process and requirements increase as the size of the use increases.</li> <li>2. Small Scale Commercial Energy Facilities: These are limited to the same size as non-commercial energy facilities but are technically commercial because they produce more energy than they consume. These are allowed in all zones.</li> <li>3. Large Scale Commercial Energy Facilities: These are big facilities meant to produce energy that is transmitted to other areas for consumption along the utility grid. These are only allowed in Agricultural and Forest Zones.</li> </ol>
Wasco County Comprehensive Plan	
Reformatting	The entire Comprehensive Plan has been reformatted based on Oregon’s Land Use Goals.

	This removes a lot of duplication and will make the Comprehensive Plan easier to search and amend.
Non-Energy Amendments	<p>Prior Amendments: Because the Comprehensive Plan has only been recently put into a digital format there are numerous amendments that were not included. These have all been included.</p> <p>Out of Date or Incorrect Information: Staff took the opportunity to make non-substantive changes to language in the comprehensive plan that is not consistent with state law, incorrect or out of date.</p>
Energy Related Amendments	Chapter 16 - Energy Conservation: The entire chapter is being amended to update and modernize policies, findings and inventories that were created in 1983.

## FREQUENTLY ASKED QUESTIONS

I received notice of the changes. How do I find out what is going on?

### Brief Description of Amendments:

#### Comprehensive Plan

1. Amend policy and inventory language related to energy production, consumption and conservation.
2. Include prior acknowledged updates that were never added.
3. Modernize language that is not compliant with state law, incorrect, or out of date.
4. Reformat entire Comp Plan
  - Create Oregon Land Use Goal related chapters
  - Remove Duplication

#### Wasco County Land Use and Development Ordinance (WCLUDO)

1. Amend language related to where and how commercial and non-commercial energy development is allowed.
2. Modernize language that is not compliant with state law, incorrect, or out of date.
3. Reformat all zones and add similar uses to create as much consistency between the zones as possible.

### Information:

-All of the information associated with this project is available on the Planning Department Website

[http://co.wasco.or.us/planning/Energy\\_updates\\_Main.html](http://co.wasco.or.us/planning/Energy_updates_Main.html)

-You may also come to the Planning Department to speak to a Planner or call Monday – Thursday 9:00 am – 4:00 PM.

2705 E. 2<sup>nd</sup> St. The Dalles  
541-506-2560

Hearings: There will be two Planning Commission hearings and one Board of County Commissioner's hearing. You have the choice to participate at any of these hearings. You may come and simply listen to the presentations or provide testimony about a particular issue you are interested in or have concerns about. The hearing dates times and locations are available on the website listed above.

Are these ordinances applicable to the National Scenic Area?

No. The ordinances proposed to be updated are for properties outside of the National Scenic Area.

Are new energy related uses being proposed?

No. While there is currently some inconsistency between the zones, just about every zone currently allows both non-commercial energy facilities and commercial energy facilities. The proposed amendments would eliminate large scale commercial energy facilities in all residential, commercial and industrial zones. The proposed amendments meant to encourage and streamline the process for renewable energy production while limiting impacts to neighbors

How close can the big wind turbines be sited next to my home?

Non-resource zones (Residential, Commercial, Industrial and F-F10): The current proposal is for all large scale commercial wind turbines to be sited no closer than one mile from any property zoned residential, commercial, industrial or the urban growth boundary of any city.

Resource zones (Agricultural and Forest): The current proposal is to require each wind turbine to setback from any non-project property boundary or any dwelling on the project property a minimum of 1.5 times the height of the tower or the distance necessary to meet Oregon Department of Environmental Quality Noise Standards. As part of the review process this issue as well any other potential impacts such as light flicker will be evaluated to ensure all residential use are protected.

Do I have to have to go through a review process for a couple of solar panels on my house?

Probably not. The specific review process and standards are triggered by the size of the solar panels or wind turbine and the size of the property. The following must comply with certain standards but do not require review and approval by the Planning Department unless a permit is required by the Building Codes Department:

- Solar panels mounted on a roof if they are less than 35 feet in height
- Solar panels mounted on ground structure that are less than 500 square feet in area.
- Wind turbines less than 35 feet in height.

See Section 19.020 in Chapter 19 for additional information.

What is the Difference between Large Scale Commercial and Small Scale Commercial?

The proposed amendments create a very clear distinction between commercial and non-commercial energy projects. If an energy facility produces more than it consumes and that excess energy is bought by a local utility than that falls within the definition of commercial regardless of how small it is. To ensure these were allowed in all zones and weren't obligated to go through the much more complicated and costly large scale commercial process the small scale commercial category was created. These uses are allowed in all zones but are limited to the same sizes as non-commercial projects which will ensure they are consistent with other uses in the zone.

I am concerned about the visual impact of large wind turbines.

The current interpretation of existing standards is that unless a turbine is being sited within a site protected by the Comprehensive Plan such as the Columbia River Gorge National Scenic area or Wild and Scenic River, there are not visual buffers. This approach as well as several others did not receive consensus from the group that developed the draft amendments. Therefore three options are being brought to the Planning Commission.

1. Same as is current interpretation. No visual analysis is required if turbines are located outside of Comprehensive Plan identified areas.
2. Establish specific visual buffers for all areas identified by Comprehensive Plan.
3. Use language similar to Oregon Department of Energy which requires a visual analysis such as the language below:

Wasco County must find that the design, construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to scenic resources and values identified as significant or important.

If you are concerned about this issue you are encouraged to attend the hearings and provide testimony.

How will energy projects be reviewed?

All large scale commercial energy projects will be Conditional Use Permit which will:

- Require pre-notice to all properties within 500'. Property owners can submit comments if they desire.
- Except for community owned projects all large scale commercial projects will be heard by the Planning Commission in public hearing format where those for and against the proposal can provide testimony.
- A decision is issued and an appeal period is allowed.

All non-commercial and small scale commercial will have three review options

- Ministerial – still have to meet standards but does not require review because size and scale is automatically compatible with zone.
- Subject to Standards – Not automatically compatible and requires some discretion on the part of staff to ensure compatibility. Notice to property owners who can appeal decision.
- Conditional Use Permit – Very likely incompatible unless conditions include to limit impact. Heard by staff and not Planning Commission.

What if an approved energy project is not complying with the approval such as noise impacts exceed what was approved?

This is a violation of the conditions of approval with the following process:

- Permit holder will be notified and given an amount of time to rectify the violation.
- If they fail to do this enforcement proceedings will be initiated.
- If this does not result in compliance the Planning Commission has the authority to revoke the permit.