File Number:_____

CONDITIONAL USE PERMIT FOR AN ENERGY FACILITY

DETAILED SPECIFIC WRITTEN REQUEST

DETAILED STRUCTURAL INFORMATION

Proposed Improvements				
	Length	**Width**	**Height**	**Square Footage**
Roads/Access ways				
Fences/Gates				
Lighting				
Structures				
Buildings				
Other				
Existing Improvements				
Dwelling				
Garage				
Other				

REQUIREMENTS FOR ALL ENERGY FACILITIES

1. Protected Areas. An energy facility may not be sited in the areas listed in part a though b.

- **a.** National parks, national monuments, national wildlife refuges, BLM Outstanding Natural Areas, BLM Areas of Critical Environmental Concern, Federal Research Natural Areas, U.S. Forest Service Special Interest Areas, Wilderness areas under the Federal Wilderness Act and areas recommended for designation as wilderness areas pursuant to section 603 of the Federal Land Policy Management Act of 1976, Federally designated Wild and Scenic Rivers or any rivers recommended for designation by the National Park Service.
- **b.** State of Oregon parks, waysides, refuges, wildlife management areas, and natural area preserves, scenic waterways and adjacent lands designated pursuant to ORS 309.845, wild fish streams designated by the Oregon Department of Fish and Wildlife, and experimental areas established by the Rangeland Resources Programs, School of Agricultural, OSU.
- **c.** Areas which the comprehensive plan designates as not suitable for a given type and size of energy facility, because the area contains significant open space, mineral resources, fish and wildlife habitat, scenic views and sites, waterbodies, wilderness, cultural, geologic, historic, botanical, research, or recreational resources that cannot be protected from the adverse consequences of the facility.

Is the facility proposed in any of the areas listed in a – c above? ☐ NO ☐ YES

If yes, an exception may be allowed consistent with Section 19.040(A)(4). Information has been submitted proving how the proposal complies with the exception criteria? ☐ NO ☐ YES ☐ N/A

2. Conditionally Protected Areas. An energy facility or commercial energy facility in an area which the comprehensive plan designates as conditionally suitable for the scale and type of facility proposed shall comply with the conditions provided for the facility in the comprehensive plan.

The Wasco County Comprehensive Plan does not currently designate any areas conditionally suitable for energy development. Therefore no specific location is limited by this criterion.

3. Other Permits: Permits or approval from other agencies may be required. Check all other local, state and federal agencies that will require permits or approvals and indicate where you are at in their process. Submit copies of any applications you have already made.

- ❑ Oregon Department of Environmental Quality (Air, Water, or Noise)_____
  _____
- ❑ Oregon Department of Energy_____
  _____
- ❑ Oregon Department of State Lands/Army Corps of Engineers (Dredging/Filling)_____
  _____
- ❑ Oregon Department of Fish & Wildlife (Consultation is required)_____
  _____
- ❑ Oregon Department of Foresty_____
  _____
- ❑ Oregon Department of Transportation_____
  _____
- ❑ Oregon State Parks (Scenic Waterways Program)_____

_____

❑ Oregon Water Resources Department_____

_____

❑ Wasco County Road Department_____

_____

❑ Soil & Water Conservation District_____

_____

❑ Aviation (Oregon Department of Aviation of Federal Aviation Administration)_____

_____

❑ Other_____

_____

WIND ENERGY REQUIREMENTS

All Wind Energy Related Structures

1. Public Access. Public access to a wind measurement device or Wind Energy Conversion System (WECS) shall be limited using one or a combination of the following methods:
- **a.** Removal of tower climbing fixtures to 12 feet from the ground,
- **b.** Installation of a locking, anti-climb device on the tower, or
- **c.** Installation of a protective fence at lease six feet tall with a locking gate

A site plan and written description is included explaining how public access will be limited? ☐ NO ☐ YES

2. Notice. The following signs shall be clearly visible on or near the facility as applicable.

- **a.** "No Trespassing" signs shall be attached to any perimeter fence.
- **b.** "Danger" signs shall be posted at the height of five feet on WECS towers and accessory structures.
- **c.** A sign shall be posted on the tower showing an emergency telephone number.
- **d.** The manual electrical and/or overspeed shutdown disconnect switch(es) shall be clearly labeled.

A site plan and written description is included explaining how applicable notice will be provided? ☐ NO ☐ YES

3. Guy Wires. Any necessary guy wires shall be sheathed in a bright orange or yellow covering from three to eight feet above the ground.

Are guy wires proposed? ☐ NO ☐ YES

If yes, a site plan/elevation drawing and written description is included explaining they will meet the criteria above? ☐ NO ☐ YES

Wind Measurement Device(s) Only

1. Yard Setbacks: The furthest horizontal extension of a wind measurement device (including guy wires) shall not extend into yards required in the underlying zones or be closer than twelve feet to any major structure, or right-of-way or easement for above-ground telephone, electrical transmission and distribution lines.

A site plan showing the furthest horizontal extension and its proximity to yard setbacks, structures, rights of ways and easements has been included? ☐ NO ☐ YES

Up To Two Wind Energy Conversion System Towers (WECS') Only

1. Density: No more than two WECS' shall be on the same site and under the same ownership of management. List the number of proposed WECS'_____. If more than two skip to the next section.

2. Height:

a. Maximum Height: The highest point of the WECS shall not exceed 200 feet.

List the height of the proposed WECS'_____. If more than 200 feet skip to the next section.

b. Minimum Height. The lowest point in the sweep of a WECS blade shall be a minimum height above the tallest current or foreseeable obstruction within a horizontal, 500 foot radius of a WECS or a radius of 10 rotor diameters (for horizontal axis) and 5 WECS heights (for vertical axis), whichever is greater, as described in (a), (b), and (c) below. The radius shall be measured from the center point of the tower.

a. At least 30 feet for a horizontal axis WECS on a site without site-specific wind direction data or representative off-site data.

b. At least 30 feet above current or foreseeable obstructions within 45 degrees of the direction(s) of prevailing wind for a horizontal axis WECS on a site with site-specific wind direction data or representative off-site data.

c. At least six feet for a vertical axis WECS.

An elevation drawing and written description indicating how the proposal complies with the height requirements has been submitted? ☐ NO ☐ YES

3. Setbacks.

a. Property Line Setbacks. Unless an easement that complies with ORS 105.900 through .915 is submitted, the setback shall be measured from the center point of the tower or pedestal.

(1) A horizontal axis WECS shall be setback at least five rotor diameters.

(2) A vertical WECS shall be setback the total WECS height.

A site plan and written description or easement indicating how the proposal complies with 1or 2 above has been submitted? ☐ NO ☐ YES

b. Yard Setbacks: The furthest horizontal extension of a WECS or wind measurement device (including guy wires) shall not extend into yards required in the underlying zones or be closer than twelve feet to any major structure, or right-of-way or easement for above-ground telephone, electrical transmission and distribution lines.

A site plan showing the furthest horizontal extension and its proximity to yard setbacks, structures, rights of ways and easements has been included? ☐ NO ☐ YES

5. Visual Effects. Except when the applicant demonstrates that such measures will significantly interfere with wind access over the life of the WECS, a WECS shall be sited to reduce visual impacts using means including, but not limited to, the following:

a. Setting the WECS against a visual backdrop that, because of color, texture or topography, helps the WECS blend into its surrounding environment.

b. Using non-reflective materials and colors that blend into the background unless otherwise required by the Federal Aviation Administration or Oregon State Aeronautics Division.

c. No advertising shall be placed on the WECS. Advertising does not include the manufacturer's label or other signs required by law.

A site plan and written description indicating how the proposal complies with the visual effects requirement has been submitted? ☐ NO ☐ YES

WECS' Exceeding the Prior Section

1. Minimum Height.

a. A horizontal axis WECS shall be at least 30 feet above current or foreseeable obstructions within 45 degrees of the direction(s) of prevailing wind for a horizontal axis WECS on a site with site-specific wind direction data or representative off-site data. However, a WECS in a windfarm is not an obstruction to other WECS on-site.

b. At least six feet for a vertical axis WECS.

An elevation drawing and written description indicating how the proposal complies with the minimum height has been submitted? ☐ NO ☐ YES

2. Setbacks. WECS shall comply with the requirements below.

a. Property Line Setbacks. Unless an easement that complies with ORS 105.900 through .915 is submitted, the setback shall be measured from the center point of the tower or pedestal.

(1) A horizontal axis WECS shall be setback at least five rotor diameters.

(2) A vertical WECS shall be setback the total WECS height.

A site plan and written description or easement indicating how the proposal complies with 1or 2 above has been submitted? ☐ NO ☐ YES

b. Yard Setbacks: The furthest horizontal extension of a WECS or wind measurement device (including guy wires) shall not extend into yards required in the underlying zones or be closer than twelve feet to any major structure, or right-of-way or easement for above-ground telephone, electrical transmission and distribution lines.

A site plan showing the furthest horizontal extension and its proximity to yard setbacks, structures, rights of ways and easements has been included? ☐ NO ☐ YES

c. A WECS tower or pedestal shall be setback as described in (1) and (2) below from the edge of a public arterial right-of-way and property lines of downwind lots. An easement that complies with ORS 105.900 through .915 may be substituted for required setbacks. The setback shall be measured from the center point of the tower or pedestal.

(1) A horizontal axis WECS shall be setback at least five rotor diameters or 100 feet, whichever is greater.

(2) A vertical axis WECS shall be setback at least the total WECS height.

A site plan and written description or easement indicating how the proposal complies with 1or 2 above has been submitted? ☐ NO ☐ YES

d. A WECS shall be set back from lots in residential zones and significant visual resources identified in the comprehensive plan one quarter mile or as described in (1) and (2) below, whichever is less.

(1) At least 20 rotor diameters for a horizontal axis WECS.

(2) At least 10 WECS heights for a vertical axis WECS.

A site plan and written description indicating how the proposal complies with 1or 2 above has been submitted? ☐ NO ☐ YES

3. Visual Effects. Except when the applicant demonstrates that such measures will significantly interfere with wind access over the life of the WECS, a WECS shall be sited to reduce visual impacts using means including, but not limited to, the following:

a. Setting the WECS against a visual backdrop that, because of color, texture or topography, helps the WECS blend into its surrounding environment.
b. Using non-reflective materials and colors that blend into the background unless otherwise required by the Federal Aviation Administration or Oregon State Aeronautics Division.
c. No advertising shall be placed on the WECS. Advertising does not include the manufacturer's label or other signs required by law.

A site plan and written description indicating how the proposal complies with the visual effects requirement has been submitted? ☐ NO ☐ YES

4. Wind Resources. The site shall have site-specific data documenting wind speed and direction or off-site data from within the same topoclimatological zone as the proposed site.

Site specific data has been submitted? ☐ NO ☐ YES

5. Fish, Wildlife, and Plant Resources. The facility shall not have a significant adverse effect on endangered species or their critical habitats or on other significant habitats identified in the comprehensive plans.

Oregon Department of Fish and Wildlife have been consulted and their recommendations for limiting any adverse affect is included? ☐ NO ☐ YES

6. Bonding. An applicant who is not the owner of the proposed site shall post a bond or an alternative acceptable to the county which is sufficient to guarantee removal and disposal of the wind farm components and restoration of the land in case of noncompliance with the provisions of the ordinance.

Is the applicant also the owner? ☐ NO ☐ YES

If no a restoration plan including but not limited bonding and site restoration has been submitted? ☐ NO ☐ YES

TRANSMISSION FACILITY REQUIREMENTS

1. Use of Existing Routes. The development uses available developed or approved road and utility rights-of-way or easements that can accommodate the proposed facility. New routes are permitted if more adverse energy, environment, economic, and social consequences would result from using an existing route than development of other rights-of-way or easements.

A description has been included describing how the proposal meets criterion 1 above? ☐ NO ☐ YES

2. Visual Effects. The facility considers visual effects by means including but not limited to the following.

a. Avoiding ridgelines, scenic areas, unique or significant views and vistas, hilltops, or other high or visually prominent areas.
b. Building the facilities near the edge of contiguous timber areas or in swales, dips, and depressions that provide a backdrop for or obscure the facility to the extent these features are available between the ends of the facility.
c. Using materials and colors that blend with the background unless otherwise required by the Federal Aviation Administration or Oregon State Aeronautics Division.
d. Setting development back from the edge of public arterial rights-of-way, Class I and II streams, viewpoints, and other significant visual resources identified in the comprehensive plan and retaining or planting vegetation to obscure views of the development from those areas.

A description has been included describing how the proposal has considered visual effects? ☐ NO ☐ YES

3. In-Stream Towers. A transmission tower may be permitted in a Class I or II stream if it complies with (a) and (b) below.

a. Adjoining towers and conductors cannot safely and economically support the transmission line(s) that span the stream without an in-stream tower.

b. The transmission line cannot be safely and economically placed under the water or streambed.

Are any towers proposed to be located within a Class I or II stream? ☐ NO ☐ YES

If yes, a description is included showing how criteria a and b above are met? ☐ NO ☐ YES

HYDROELECTRIC REQUIREMENTS

1. Fish, Wildlife, and Plant Resources. The facility shall not have a significant adverse effect on endangered or threatened fish, wildlife, or plant species or their critical habitats or on other significant habitats identified in the comprehensive plan. Oregon Department of Fish and Wildlife have been consulted and their recommendations for limiting any adverse affect is included? ☐ NO ☐ YES

2. Visual Effects. The facility considers visual effects by means including, but not limited to, the following.

a. Using materials and colors that blend with the background.
b. Setting development back from the edge of public arterial rights-of-way, viewpoints, and other significant visual resources identified in the comprehensive plan, and setting accessory facilities back from Class I and II streams.
c. Retaining or planting vegetation to obscure views of the development from significant viewpoints identified in the comprehensive plan.

A description has been included describing how the proposal has considered visual effects? ☐ NO ☐ YES

3. Water Use. Use of water for the facility is not detrimental to the public interest or contrary to the achievement of an integrated, coordinated program for water management. A Water Resources Department or Water Policy Review Board decision to grant or approve use of the amount of water proposed for the use shall be conclusive proof that the facility complies with this standard, unless the approval has expired.

A Water Resources Department or Water Policy Review Board decision to grant approval has been submitted with the application? ☐ NO ☐ YES