Exhibit K

Land Use

Wagon Trail Solar Project
December 2023

Prepared for

NEXTera® ENERGY RESOURCES

Prepared by

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Acronyms and Abbreviations

Applicant	Wagon Trail Energy Center, LLC c/o NextEra Energy Resources, LLC
ASC	Application for Site Certificate
BPA	Bonneville Power Administration
Council	Oregon Energy Facility Siting Council
EFU	Exclusive Farm Use
Facility	Wagon Trail Solar Project
FEMA	Federal Emergency Management Agency
goals	statewide land use planning goals
kV	kilovolt
LCDC	Land Conservation and Development Commission
MCCP or Comprehensive Plan	Morrow County Comprehensive Plan
MCZO	Morrow County Zoning Ordinance
NextEra	NextEra Energy Resources, LLC
NRCS	Natural Resources Conservation Service
O&M	operations and maintenance
OAR	Oregon Administrative Rule
ODFW	Oregon Department of Fish and Wildlife
ODOE	Oregon Department of Energy
ODOT	Oregon Department of Transportation
ORS	Oregon Revised Statute
OWRD	Oregon Water Resources Department
ROW	right-of-way
RPS	Renewable Portfolio Standard
TIA	Traffic Impact Analysis
UEC	Umatilla Electric Cooperative
Wheatridge Facilities	Wheatridge Renewable Energy Facilities I, II, III, and East
WREF	Wheatridge Renewable Energy Facility

1.0 Introduction

Wagon Trail Energy Center, LLC c/o NextEra Energy Resources, LLC (Applicant), proposes to construct and operate the Wagon Trail Solar Project (Facility), a solar energy generation facility and related or supporting facilities in Morrow County, Oregon. This Exhibit K was prepared to meet the submittal requirements in Oregon Administrative Rule (OAR) 345-021-0010(1)(k).

To issue a site certificate, the Oregon Energy Facility Siting Council (Council) must find that the Facility complies with the Statewide Land Use Planning Goals (Goals) adopted by the Land Conservation and Development Commission (LCDC). See OAR 345-022-0030(1). The Applicant has elected to seek a Council determination of compliance under Oregon Revised Statute (ORS) 469.504(1)(b). Under this election, a finding of compliance is required when the Council determines the following:

> *ORS 469.504(1)(b)(A) The facility complies with applicable substantive criteria from the affected local government's acknowledged comprehensive plan and land use regulations that are required by the statewide planning goals and in effect on the date the application is submitted, and with any Land Conservation and Development Commission administrative rules and goals and any land use statutes that apply directly to the facility under ORS 197.646;*
>
> *ORS 469.504(1)(b)(B) For an energy facility or a related or supporting facility that must be evaluated against the applicable substantive criteria pursuant to subsection (5) of this section, that the proposed facility does not comply with one or more of the applicable substantive criteria but does otherwise comply with the applicable statewide planning goals, or that an exception to any applicable statewide planning goal is justified under subsection (2) of this section; or*
>
> *ORS 469.504(1)(b)(C) For a facility that the council elects to evaluate against the statewide planning goals pursuant to subsection (5) of this section, that the proposed facility complies with all applicable statewide planning goals or that an exception to any applicable statewide planning goal is justified under subsection (2) of this section.*

Exhibit K demonstrates the Facility's compliance with the applicable substantive criteria from the Morrow County Zoning Ordinance (MCZO) (Morrow County 2018) and the Morrow County Comprehensive Plan (MCCP or Comprehensive Plan) (Morrow County 2013). In addition, Exhibit K demonstrates the Facility's compliance with the LCDC administrative rules and goals and any land use statutes directly applicable to the Facility. Exhibit K also demonstrates that a "reasons" exception to Statewide Planning Goal 3, Agricultural Lands, is justified under ORS 469.504(2). Finally, Exhibit K provides evidence upon which the Council may find that the Facility meets OAR 345-022-0030.

2.0 Land Use Analysis Area and Map

OAR 345-021-0010(1)(k)(A) Include a map showing the comprehensive plan designations and land use zones in the analysis area.

In accordance with OAR 345-001-0010(59)(c), the analysis area for land use is defined in the Project Order as "the area within and extending one-half mile from the site boundary" (Figure K-1; ODOE 2021). Approximately 19,844 acres are located within the land use analysis area, of which approximately 7,450 acres are within the site boundary. Figure K-2 shows the Morrow County land use zones within the analysis area. All land within the site boundary (except for state and county road rights-of-way [ROW]) is on private land in Morrow County zoned Exclusive Farm Use (EFU). All land within the analysis area is on private land in Morrow County zoned EFU except for the northern-most portion of the analysis area (approximately 693 acres) located in the southern portion of the U.S. Department of Defense–owned tax lot 2N25000000200 (the Boardman Bombing Range), which is a 15,500-acre parcel zoned Public (PUB).

As shown on Figure K-3, the Wheatridge Renewable Energy Facility(WREF) III, approved by Oregon Department of Energy (ODOE) and currently under construction, is adjacent to the Facility and is owned by a subsidiary of the same parent company, NextEra Energy Resources, LLC (NextEra). The Facility will overlap with portions of the Wheatridge Renewable Energy Facilities[1] (Wheatridge Facilities; see Exhibit C, Figure C-2). As noted in Exhibit B, the Facility will either utilize the existing Wheatridge Facilities operations and maintenance (O&M) building or construct a new O&M building. As explained further in this Exhibit, the Applicant believes there are benefits to siting the Facility close to other energy facilities. Figure C-3, Exhibit C, shows various energy facilities within 10 miles of the Facility. Consolidating renewable energy project locations allows for efficient use of transmission and other infrastructure while consolidating land use impacts to a specific area as opposed to spreading these impacts out across a broader patchwork of facilities, which would require the installation of additional related and supporting facilities. The Facility will utilize the existing Blue Ridge Substation and the existing 230-kilovolt (kV) Umatilla Electric Cooperative (UEC) transmission line, a key part of a planned "green energy corridor" that will connect Morrow County wind and solar projects to the Northwest energy grid (Plaven 2017).

3.0 Overview of Facility, Land Uses, and Farmland Characteristics

3.1 Facility Overview

The Facility, including individual components and related or supporting facilities, is described in detail in Exhibit B of this Application for Site Certificate (ASC). As discussed in Exhibit B, the Applicant is requesting to permit a range of photovoltaic and associated or supporting facility

[1] Wheatridge Renewable Energy Facility I, II, III, and East

technology within a site boundary that provides for micrositing flexibility in anticipation of perpetual technological advances and offering maximum efficiency in use of space, providing development flexibility for potential customer's varying market requirements. As discussed in Exhibit C, the Applicant requests micrositing flexibility within a 7,450-acre site boundary, which represents the limits of the area that may be temporarily or permanently disturbed during construction of the Facility.

For purposes of analysis, the Applicant considered a solar array that will occupy approximately 3,641 acres within 16 fenced areas within the site boundary, using the example solar technology described in Exhibit B. The total impact footprint within the site boundary is assumed to be 3,684 acres, which includes the fenced solar array areas plus the footprint of other infrastructure outside the fence such as access roads and battery energy storage units. This entire fenced area is considered permanently disturbed; all temporary disturbance areas are outside the fenced solar array. This layout represents the worst-case or maximum impact scenario for purposes of analyzing land use impacts. More details can be found throughout Exhibit C.

This exhibit analyzes potential land use impacts within the analysis area. For purposes of land use compliance analysis, the Facility's solar arrays, collector lines, collector substations (north and south substations), access roads, and associated or supporting facilities are considered a "photovoltaic solar power generation facility" under OAR 660-033-0130(38)(f). As the Facility's 0.6-mile-long 230-kV transmission line will connect the Facility's southern collector substation to the Northwest grid via the existing Blue Ridge Substation, it is considered an associated transmission line necessary for public service subject to the provisions under ORS 215.274 and its implementing regulations under OAR 660-033-0130(16)(B). See Sections 5.2.2.3, 5.4.1, and 5.4.2 for more information on the Facility's compliance with these provisions.

3.2 Overview of Existing Land Uses

The zoning designations, underlying land uses, and soil classifications within the Facility site boundary and analysis area are relevant for purposes of analyzing the Facility's compliance with applicable substantive criteria and directly applicable state land use regulations. Zoning is discussed in Section 2.0. Existing land uses are discussed in this section while soil classifications are discussed in Section 3.3.

The Facility site boundary encompasses a total of nine land tracts[2], seven of which include operating agricultural uses. The tract boundaries are shown in Figure K-3.

- Tract 1 is composed of two tax lots owned by Petty John, Kerry D Trustee, et al.
- Tract 2 is composed of nine tax lots owned by Kilkenny Land Company, LLC.
- Tract 3 is composed of three tax lots owned by Lindsay, Lawrence D & Corrine Ann.

[2] Per OAR 660-033-0020(14) "Tract" means one or more contiguous lots or parcels under the same ownership. As mapped in Figure K-3, there are nine tracts located within the site boundary. See Figure K-3 for delineation of tracts in the Facility site boundary.

- Tract 4 is composed of one tax lot owned by Martin, Gabriel E.
- Tract 5 is composed of two tax lots owned by Martin, Thomas & Martin, Shirley.
- Tract 6 is composed of one tax lot owned by Munkers, Sheila H et al.
- Tract 7 is composed of fifteen tax lots owned by North Lex Power and Land LLC.
- Tract 8 is composed of three tax lots owned by RJK Family, LLC.
- Tract 9 is composed of one tax lot owned by Wheatridge Wind Land Holdings, LLC.

The Kilkenny Land Company, LLC and RJK Family, LLC are owned and managed by Kelly Hale, who serves as President for both LLCs and Russell R. Kilkenny, who serves as Vice President and attorney for both LLCs. RJK Family and Kilkenny Land Company own 6,000 acres of agricultural land within Morrow County. Approximately 1,440 acres of their land are located within the Facility site boundary (associated with Tracts 2 and 8). Gabriel and Shirley Martin own approximately 1,000 acres within the Facility site boundary (associated with Tracts 4 and 5), and Sheila Munkers owns approximately 200 acres within the site boundary (associated with Tract 6). The five tracts owned by the Kilkenny Land Company, Martins, Munkers, and RJK Family are dry land farmed by the same tenant farmer: Corey Miller.

Chris Rauch owns and operates North Lex Power and Land, LLC which owns 6,355 acres of land in Morrow County (plus additional farmland in Umatilla County), with approximately 2,500 within the site boundary (associated with Tract 7), all of which is dedicated to dryland farming. Lawrence and Corrine Lindsay own approximately 2,200 acres of dryland farmland within the site boundary (associated with Tract 3) and own other farmland in Morrow County.

As noted above, Tract 1 is composed of two tax lots owned by Petty John, Kerry D Trustee et al. and include a total of 637 acres of dry land farmland. However, only 4 acres of this tract are located within the site boundary and no solar panels are sited on this tract.

Tract 9 is an approximately 5 acres parcel owned by Wheatridge Wind Land Holdings, LLC and the existing Blue Ridge Substation is located on this parcel. As shown on Figure K-4, the majority of the site boundary (89 percent; 6,609 acres) and analysis area (66 percent; 7,977 acres) is composed of cultivated land, primarily dryland wheat. These cultivated lands are a mix of fallow fields and fields in small grain production. The remainder of the site boundary is primarily composed of various grassland habitats and some developed area (e.g. roads, home sites, structures, substation and solar arrays, inactive gravel quarry). Despite the presence of place of use water rights, there are currently no irrigated agricultural lands within the site boundary and approximately 240 acres of irrigated agricultural land located within the analysis area, outside of and south of the site boundary (see Figure K-4). More information regarding water rights located within the site boundary is discussed in Section 3.3.1. Exhibit P and Figure P-5 provide more detail on the surveyed habitats and ground cover within the site boundary.

3.3 Farmland Characteristics

To support the responses to the applicable substantive criteria under OAR 660-033-0130(38) (see Section 5.4.3), this section describes the factors that influence whether the land within the site boundary and analysis area meets the definition of arable land under OAR 660-033-0130(38)(a) and/or meets the definition of high-value farmland under ORS 195.300(10). These factors include:

- Whether the land is within a place of use for a permit, certificate, or decree for the use of water for irrigation issued by the Oregon Water Resources Department (OWRD) or is within the boundaries of an irrigation district (as defined under ORS 540.505);
- Whether the land in a tract is predominantly composed of soils that are irrigated or not irrigated and classified by the Natural Resources Conservation Service (NRCS) as prime, unique, Class I or Class II (for high-value soils) or as cultivated land and arable soils (for arable land); and
- Whether the land is located within the Columbia Valley American Viticulture Area, as described in 27 Code of Federal Regulations 9.74 and meets the elevation, aspect, and slope criteria listed under ORS 195.300(10)(f).

The following subsections investigate each of these factors as they apply to the site boundary and analysis area.

3.3.1 Existing Water Rights

As discussed in Section 3.2 and as shown on Figure K-4, there are currently no irrigated agricultural lands within the site boundary. In addition, none of the land within the site boundary and analysis area are included within the boundaries of an irrigation district. However, there are approximately 240 acres of irrigated agricultural land located within the analysis area, south of the site boundary.

Although there are no irrigated agricultural lands within the site boundary, there are two groundwater place of use water rights within the site boundary shown on Figure K-4. Both the site boundary and analysis area are located in either the Butter Creek Critical Groundwater Area (CGWA) or Ella Butte Groundwater Restricted Study Area (GRSA), where OWRD restricts the use of ground water to address the decreasing groundwater supply from the underlying basalt aquifers. Both restricted groundwater areas limit the amount of water available under the various water rights within these designated areas. Therefore, the groundwater rights in the site boundary and analysis area must be considered in context with these two groundwater restricted areas. More details regarding the two place of use water rights located in the site boundary are provided below.

- Certificate 62326 (Permit G-5092): This water right certificate is associated with a well on tax parcel 1N26E000001301 (Tract 7), located along the eastern edge of the site boundary, north of OR-207. Based on its priority date of June 24, 1970 relative to the priority dates of other water rights in the same area, this is a very junior water right. This well is sourced from the Columbia River Basalt Aquifer and is located in the Butter Creek CGWA. Established in 1986, the Butter Creek CGWA promotes optimum use of the limited

groundwater supply in the basalt groundwater reservoir in an effort to stabilize groundwater levels. No new applications for appropriation of water from the basalt groundwater reservoir within the Butter Creek CGWA are allowed. Within the Butter Creek CGWA, OWRD establishes and administers a "sustainable annual yield" for each subarea, which refers to the total amount of groundwater that all authorized groundwater right holders may pump in that subarea in any given year. Water right holders must request an "allocation" of this total amount on an annual basis. OWRD then allocates available water to requesting water right holders based on the seniority of their water rights. According to Joshua Hackett, hydrologist with the OWRD, "Certificate 62326 was last allocated water in 1992 (270 acre feet). It is the most junior water right in the Pine City subarea, so it is highly unlikely it would be allocated water if a request [for an annual allocation] were made. Allocation requests by senior water right holders typically exceed the sustainable annual yield by 1,000 acre feet or more" (personal communication, Joshua Hackett, OWRD, December 6, 2018). Therefore, it is unlikely this water right would be used for irrigated agricultural uses in the future.

- Certificate 42329 (Permit G-4353): This water right certificate includes a well and authorized places of use on tax parcels 02N25E000000400 and 0500 (Tract 2), located along the northern edge of the site boundary, just south of the Boardman Bombing Range. Based on its priority date of October 7, 1968 relative to other water rights in the same area, this is a junior water right. The well that serves as the authorized point of appropriation for the water right is characterized by the OWRD as an "unused well" (OWRD 2021). The authorized place of use under the certificate is located in the Ella Butte GRSA, where new groundwater use is limited to statutorily exempt uses only, which include domestic use (up to 15,000 gallons per day), stock-watering, limited commercial or industrial use (up to 5,000 gallons per day), etc. (OWRD 2021). Accordingly, no large-scale irrigation is permitted. An OWRD groundwater open file report determined that "water level data and aquifer test analysis indicate that an effective hydraulic barrier exists in the Ella Butte area… Development of this ground water resource has resulted in water level declines" (Zwart 1988). It is unlikely, given these conditions, that new appropriations of groundwater beyond the limited exempt uses noted above would be allowed in the Ella Butte GRSA. If existing groundwater rights were to be curtailed in the Ella Butte GRSA, other more senior water rights (some with priority dates in the late 1800s and early 1900s) would take precedence over Certificate 42329 (with a 1968 priority date).

In addition to the two water rights with authorized places of use located within the site boundary, there are three water rights with authorized places of use located within the analysis area but outside the site boundary (see Figure K-4):

- Certificate 38711 (Permit G-2831): This water right certificate includes a well and authorized places of use on tax parcel 02N25E000000400, 01N25E000000200, and 01N25E000000100 (Tract ID:2), located west of the site boundary. Based on its priority date of January 7, 1965 relative to other water rights in the same area, this is a junior water

right. The well that serves as the authorized point of appropriation for the water right is characterized by the OWRD as a "livestock well" (OWRD 2021). The certificate is located in the Ella Butte Groundwater Limited Area, where new groundwater use is limited to statutorily exempt uses only, which include domestic use (up to 15,000 gallons per day), stock-watering, limited commercial or industrial use (up to 5,000 gallons per day), etc. (OWRD 2021). It is unlikely that new appropriations of groundwater beyond the limited exempt uses noted above would be allowed in the Ella Butte area. If existing groundwater rights were to be curtailed in the Ella Butte area, other more senior water rights would take precedence over Certificate 38711 (with a 1965 priority date).

- Certificate 43515 (Permit G-3792): This water right certificate is associated with two wells on tax parcel 01N26E000000600, located northeast of the site boundary. Based on its priority dates of July 19, 1967 and March 7, 1968 relative to other water rights in the same area, this is a junior water right. The well that serves as the authorized point of appropriation for the water right is located in the Butter Creek CGWA. In 2021, this water right was allocated 500 acre-feet of water despite the certificate holders' request of 1,000 acre-feet of allocation. As noted above, no new applications for appropriation of water from the basalt groundwater reservoir within the Butter Creek CGWA are allowed.
- Permit G-16929: This water right permit is associated with four wells located on tax parcel 01S25E100000100, located south of the site boundary. Based on its priority date of September 17, 1998 relative to other water rights in the same area, this is a junior water right. The authorized place of use under the permit is located outside any area designated as a critical groundwater area or a limited groundwater area.

Alternate means of irrigation from the Columbia, Umatilla, and Butter Creek surface water resources are unlikely for the site boundary due to the distance from the site boundary to these water resources and the associated costs of pumping water. As shown on aerial imagery, irrigated farmland in Morrow County generally congregates around Columbia, Umatilla, and Butter Creek surface water resources. For these reasons, obtaining water for irrigation for areas within the site boundary, including areas that previously were irrigated solely with groundwater from basalt groundwater reservoirs (25 years ago) that have experienced significant declines in groundwater levels, is improbable.

3.3.2 Soil Classifications

According to the Natural Resources Conservation Service (NRCS) web-based soil survey (NRCS 2018), there are 17 major soil types in the analysis area (see Exhibit I, Figure I-1). The NRCS database includes the physical and chemical properties of the soils in the analysis area and the soil map unit distribution. The NRCS assigns land capability classifications to each soil unit to show, in a general way, the suitability of soils for most kinds of field crops. Soils are grouped according to their limitations for field crops, the risk of damage if they are used for crops, and the way they respond to management (NRCS 2019). Soil classifications can depend on whether the soils are irrigated. The definition of "irrigated" in OAR 660-033-0020(9) means:

> *watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is "irrigated" if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for irrigation from a water or irrigation district or other provider. For the purposes of this division, an area or tract within a water or irrigation district that was once irrigated shall continue to be considered "irrigated" even if the irrigation water was removed or transferred to another tract.*

Per this definition, an area or tract is "irrigated" if it is:

- Currently watered;
- Has established rights to use water for irrigation;
- Receives water for irrigation from a water or irrigation district or other provider; or
- Is located within a water or irrigation district and currently or historically was irrigated.

As discussed in Section 3.3.1, there are no farmlands receiving irrigation water within the site boundary, and there are approximately 240 acres of irrigated agricultural land located within the analysis area, south of the site boundary. However, as shown on Figure K-4, there are two groundwater place of use water rights within the site boundary. Figure K-5 shows NRCS soil capability classes within the analysis area and site boundary. In accordance with the definition of "irrigated" in OAR 660-033-0020(9), Figure K-5 shows irrigated NRCS soil capability classes for soils within established place of use water rights and non-irrigated NRCS soil capability classes for soils not currently being irrigated and outside any water right.

The NRCS provides the following descriptions for each soil class associated with the soils in the analysis area (NRCS 2019):

- Class 1 soils have few limitations that restrict their use.
- Class 2 soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices.
- Class 3 soils have severe limitations that reduce the choice of plants or that require special conservation practices, or both.
- Class 4 soils have very severe limitations that reduce the choice of plants or that require very careful management, or both.
- Class 6 soils have severe limitations that make them generally unsuitable for cultivation and that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.
- Class 7 soils have very severe limitations that make them unsuitable for cultivation and that restrict their use mainly to grazing, forestland, or wildlife habitat.

In addition to the irrigated and non-irrigated soil capability classifications, the NRCS assigns farmland classifications to map units as prime farmland, prime farmland if irrigated, farmland of statewide importance, farmland of local importance, or unique farmland. Farmland classifications identify the location and extent of the soils that are best suited to food, feed, fiber, forage, and

oilseed crops (NRCS 2019). Soils in the site boundary are classified by the NRCS as either prime farmland if irrigated, farmland of statewide importance, or not prime farmland. See Table K-1.

Table K-1. Soil Classifications in the Site Boundary

Soil Type ID/Soil Unit	NRCS Farmland Classification	NRCS Irrigated Soil Capability Class	NRCS Non-Irrigated Soil Capability Class	Acreage within Site Boundary
22 Kimberly fine sandy loam	Prime farmland if irrigated	Class 2	Class 3	103.98
78 Xeric Torriorthents	Farmland of statewide importance	Class 3	Class 6	221.01
13D Gravden very gravelly loam	Not prime farmland	Class 7	Class 7	0.32
13E Gravden very gravelly loam	Not prime farmland	Class 7	Class 7	117.08
28E Lickskillet very stony loam	Not prime farmland	Class 7	Class 7	87.96
29F Lickskillet-Rock outcrop complex	Not prime farmland	Class 7	Class 7	0.31
45B Ritzville silt loam	Prime farmland if irrigated	Class 2	Class 3	3,138.09
45C Ritzville silt loam	Farmland of statewide importance	Class 3	Class 3	195.57
47E Ritzville silt loam	Farmland of statewide importance	Class 6	Class 6	35.52
70B Warden very fine sandy loam	Prime farmland if irrigated	Class 2	Class 4	90.44
71A Warden silt loam	Prime farmland if irrigated	Class 1	Class 4	516.12
71B Warden silt loam	Prime farmland if irrigated	Class 2	Class 4	998.32
71C Warden silt loam	Farmland of statewide importance	Class 3	Class 4	23.89
71D Warden silt loam	Farmland of statewide importance	Class 6	Class 4	19.89
75B Willis silt loam	Prime farmland if irrigated	Class 3	Class 3	1,207.12
75C Willis silt loam	Farmland of statewide importance	Class 3	Class 3	689.02
75D Willis silt loam	Farmland of statewide importance	Class 6	Class 4	4.84

Arable lands are defined under OAR 660-033-0130(38) as "land in a tract that is predominantly cultivated, or if not cultivated, predominantly comprised of arable soils." NRCS soil capability classes 1 through 4 are generally considered arable soils (Helms 1992) whereas NRCS soil classes 5 through 8 are generally considered nonarable soils. Figure K-6 shows a composite of arable soils and cultivated lands within the site boundary and analysis area. As can be seen in Figure K-6, each tract in the site boundary is composed of predominately arable soils or cultivated lands and therefore are considered arable lands. Table K-3 (see Section 3.3.3) provides a breakdown of total acreage of arable and non-arable lands within the analysis area, tracts, site boundary, and permanent disturbance footprint.

3.3.3 High-Value Farmland Analysis

Certain lands within the EFU zone are considered high-value farmland. High-value farmland is defined under ORS 195.300(10), and the provisions of this statute potentially applicable to the analysis area are summarized below:

- ORS 195.300(10)(a) relies on land in the EFU zone meeting the description of high-value farmland under ORS 215.710 which describes land in a tract composed predominantly of soils, that at the time the siting approval, are irrigated and classified as prime, unique, Class 1, or Class 2 or not irrigated and classified as prime, unique, Class 1, or Class 2.
- ORS 195.300(10)(c) relies on the land in the EFU zone being located within a place of use water right, an irrigation district, or a diking district.
- ORS 195.300(10)(f) relies on the land in the EFU zone being located within the boundaries of the Columbia Valley American Viticulture Area (see 27 Code of Federal Regulations Part 9, Subpart C - Approved American Viticultural Areas [AVA], Section 9.74 Columbia Valley)—and meeting certain elevation (below 3,000 feet), slope (between zero and 15 percent), and aspect (between 67.5 and 292.5 degrees) criteria.

Per the predominance test in Table K-2, the Facility tracts do not meet the definition of high-value farmland under ORS 195.300(10)(a) and ORS 215.710 as none of the tracts are composed of over 50 percent high value soils. However, portions of the Facility site boundary do meet the definition of high-value farmland under ORS 195.300(10)(c) (i.e., place of use water rights) and under ORS 195.300(10)(f) (i.e. location in the Columbia Valley AVA).

Table K-2. Tract Analysis Predominance Test of High-Value

Tract	Owner	Water Right	Total Tract Acreage	Acreage of High Value Soils (NRCS Soils Class 1, 2, Prime, or Unique)			
				Irrigated[1] Portions of Tract	Non-Irrigated Portions of Tract	Total	Percent of Tract Area
1	Petty John, Kerry D Trustee Et al		637.56	0.00	0.00	0.00	0
2	Kilkenny Land Company LLC	Cert:38711 OR * IR, Cert:42329 OR * IR, Cert:61848 CF * IR, Cert:61849 CF * IS	4413.79	1030.16	0.00	1030.16	23
3	Lindsay, Lawrence D & Corrine Ann		2201.86	0.00	1.80	1.80	0
4	Martin, Gabriel E		474.89	0.00	0.00	0.00	0
5	Martin, Thomas & Martin, Shirley		937.58	0.00	1.42	1.42	0
6	Munkers, Sheila H etal		476.17	0.00	3.74	3.74	1
7	North Lex Power and Land LLC	Cert:57734 CF * IR, Cert:62326 OR * IR	6438.23	252.61	0.00	252.61	4
8	RJK Family, LLC	Cert:56513 (T 5904 RR) * IR	1157.09	5.33	0.00	5.33	0
9	Wheatridge Wind Land Holdings, LLC		4.98	0.00	0.00	0.00	0

1. According to the definition of "irrigated" in OAR 660-033-0020(9)

Based on the definition under ORS 195.300(10)(c), approximately 699 acres (9 percent) of land within the site boundary would qualify as high-value farmland based on it being located within a place of use water right. Further, approximately 2,908 acres (39 percent) of the site boundary qualifies as high-value farmland based on being located in the Columbia Valley AVA and meeting the criteria under ORS 195.300(10)(f). However, as the lands that qualify as high-value farmland under ORS 195.300(10)(c) and (f) overlap in some areas within the site boundary and analysis area (see Figure K-7), a composite of the two categories was calculated for a net total of 3,350 acres of high-value farmland within the site boundary.

Most of the site boundary, 7,211 acres or 97 percent, comprises arable lands that include areas of high-value farmland. Non-arable lands in the site boundary comprise 239 acres. Non-arable lands are typically associated with drainages, ravines and areas with slopes. However, as each tract is predominately cultivated and/or comprised of arable soils, all the land within each tract is considered arable land. Table K-3 provides a breakdown by acreage of the applicable ORS 195.300(10) high value farmland classifications, associated definitions, and additional farmland definitions in OAR 660-033-0130(38).

Table K-3. High Value Farmland Classifications and Arable Lands

High Value Farmland Classification	Analysis Area		Tracts		Site Boundary		Estimated Permanent Disturbance within Site Boundary	
	Acres	%	Acres	%	Acres	%	Acres	%
High-value land Per ORS 195.300(10)(a) (i.e., Class 1 or 2 soils)	178.94	1	0	0	0	0	0	0
High-value land Per ORS 195.300(10)(c) (i.e., within place of use water right or irrigation district)	2,437.65	12	9809.66	59	698.92	9	376.08	10
High-value land Per ORS 195.300(10)(f) (i.e., within AVA and meets slope, elevation, aspect criteria.	7,372.01	37	16653.97	99	2,908.40	39	1328.56	36
High-value lands/high-value soils (merged all 3 HVFs)[1]	9,005.56	45	16642.98	99	3,350.04	45	1580.44	43
Arable [2]	18,665.80	94	-	-	7,210.88	97	3683.60	100
Nonarable	1,177.61	6	-	-	238.62	3	1.28	0

1. High-value farmland (HVF) designations per ORS 195.300(10)(a), (c), and (f).
2. Arable includes Class I-IV soils, cultivated land regardless of soil class, and high-value lands and soils.
3. Includes components outside fenced solar area such as access roads, transmission line, battery energy storage system, meteorological stations, collector substation, and O&M building.

4.0 Local Land Use Approval

OAR 345-021-0010 (1)(k)(B) If the applicant elects to obtain local land use approvals:

(i) Identify the affected local government(s) from which land use approvals will be sought.
(ii) Describe the land use approvals required in order to satisfy the Council's land use standard.
(iii) Describe the status of the applicant's application for each land use approval.
(iv) Provide an estimate of time for issuance of local land use approvals.

The Applicant has elected to address the Council's Land Use standard by obtaining a land use determination from the Council pursuant to ORS 469.504(1)(b) (see Section 5.0 for more information). Therefore, these standards do not apply.

5.0 Council Determination on Land Use

The Applicant has elected to address the Council's Land Use standard by obtaining a land use determination from the Council pursuant to ORS 469.504(1)(b). The Council's rules state that an applicant seeking the Council's land use approval must identify the "applicable substantive [land use] criteria" of the relevant local governments and must describe how the facility complies with those criteria, as well as any LCDC rules, goals, or land use statutes that apply directly to the facility under ORS 197.646(3). If an applicant cannot demonstrate compliance with one or more of the applicable substantive criteria, they must describe how the facility complies with the Statewide Planning Goals adopted by the LCDC, or alternatively, warrants a goal exception (OAR 345-021-0010(1)(k)). This exhibit demonstrates how the Facility, as proposed, complies with the applicable substantive criteria, and where it does not comply, demonstrates the Facility, as proposed, justifies a goal exception.

5.1 Identification of Applicable Substantive Criteria

OAR 345-021-0010 (1)(k)(C) If the applicant elects to obtain a Council determination on land use:

(i) Identify the affected local government(s).

The Facility will be located entirely within the EFU zone of Morrow County. Therefore, as noted in previous sections, only Morrow County criteria are addressed. Sections 5.2 and 5.3 provide an assessment of compliance with the applicable local substantive criteria for commercial solar energy generation in Morrow County.

(ii) Identify the applicable substantive criteria from the affected local government's acknowledged comprehensive plan and land use regulations that are required by the

statewide planning goals and that are in effect on the date the application is submitted and describe how the proposed facility complies with those criteria.

The applicable substantive criteria of the MCZO and MCCP are addressed in Sections 5.2 and 5.3, respectively. The Morrow County Board of Commissioners issued a letter on January 20, 2021—in response to the NOI—to outline the local applicable standards. The Board of Commissioners released a second letter on June 23, 2021—in response to the Amended NOI—to confirm the same local standards remain applicable. The substantive criteria are:

- **Morrow County Zoning Ordinance (Morrow County 2018):**
    - MCZO 1.050 Zoning Permit
    - MCZO 3.010 Exclusive Farm Use, EFU
    - MCZO 4.010 Access
    - MCZO 4.020 Sight Distance
    - MCZO 4.035 Permit Requirements
    - MCZO 4.040 Off-Street Vehicle Parking
    - MCZO 4.070 Sight Limitations
    - MCZO 4.165 Site Plan Review
    - MCZO 6.015 Requirements Under a State Energy Facility Site Certificate
    - MCZO 6.020 General Criteria
    - MCZO 6.025 Resource Zone Standards for Approval
    - MCZO 6.030. General Conditions
    - MCZO 6.040 Permit Improvements
    - MCZO 6.050 Standards Governing Conditional Uses
- **Morrow County Comprehensive Plan (Morrow County 2013):**
    - Goal 3 Agricultural Lands Element – Policies 1 and 4
    - Goal 9 Economic Element – Policies 2A, 3A, 5A and 7B
    - Goal 11 Public Facilities and Service Element – General, Fire Protection
    - Goal 13 Energy Conservation Element – Policies 2, 3 and 9

5.2 Compliance with the Applicable Substantive Criteria from the Morrow County Zoning Ordinance

5.2.1 Article 1, Section 1.050 Zoning Permit

Prior to the construction, reconstruction, alteration, or change of use of any structure larger than 100 square feet or use for which a zoning permit is required, a zoning permit for such construction, reconstruction, alteration, or change of use or uses shall be obtained from the Planning Director or authorized agent thereof. A zoning permit shall become void after 1 year unless the development action has commenced. A 12-month extension may be granted when submitted to the Planning department prior to the expiration of the approval period.

Response: The Facility, as proposed, exceeds 100 square feet, and therefore is subject to MCZO Section 1.050. A zoning permit will be sought from Morrow County prior to construction.

5.2.2 Article 3. Use Zones

5.2.2.1 Section 3.010. EFU Zone; B. Uses Permitted Outright

In the EFU zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this ordinance:

24. Utility facility service lines subject to Subsection D.9.

Response: Utility facility service lines are permitted outright in the EFU zone. However, the Facility will not contain utility facility service lines subject to MCZO 3.010, Subsection D.9. Underground solar collector lines that connect the Facility to the existing Blue Ridge Substation are considered part of the Facility, which is a conditional use in the EFU zone. Per the definition provided under MCZO Section 3.010, Subsection K.3.e., photovoltaic solar power generation facilities include the photovoltaic modules, racking, collection system, inverters, and the substation expansion. Therefore, Facility collector lines are not separately permitted outright in the EFU zone.

25. Utility facilities necessary for public service, including associated transmission lines as defined in Article 1 and wetland waste treatment systems, but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height as provided in Subsection D.10.

Response: The 230-kV transmission line is less than 200 feet in height and meets the MCZO Article 1 definition for "associated transmission line," which includes "transmission lines constructed to connect an energy facility to the first point of junction with either a power distribution system or an interconnected primary transmission system or both or to the Northwest Power Grid" (Morrow County 2018). Therefore, the Facility's proposed transmission line is permitted outright in the EFU zone, subject to the standards under MCZO 3.010, Subsection D.10. See Section 5.2.2.3 for a discussion of the 230-kV transmission line's compliance with MCZO Section 3.010, Subsection D.10.b.

5.2.2.2 Section 3.010. EFU Zone; C. Conditional Uses

The following uses are permitted subject to county review, any specific standards for the use set forth in Section D, Article 6, the general standards for the zone, and any other applicable standards and review process in the ordinance:

24. Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale subject to Subsection K.3.

Response: The Facility is considered a "photovoltaic solar power generation facility" per the definition provided under MCZO Section 3.010, Subsection K.3.e, discussed in Section 5.2.2.4 of this exhibit. Photovoltaic solar power generation facilities include the photovoltaic modules, racking, collection system, inverters, and the substation expansion. Therefore, the Facility is considered a conditionally allowed use within the EFU zone, provided it meets the applicable standards under MCZO Section 3.010 K.3, MCZO Article 6, the applicable general standards for the zone (MCZO Section 3.010 L through N), and any other applicable standards. Note that per MCZO Section 3.010 C.22, "commercial utility facilities for the purpose of generating power for public use by sale" does not include "photovoltaic solar power generation facilities," and therefore photovoltaic solar power generation facilities are not subject to the standards listed under MCZO Section 3.010 D.10.

As discussed further in Section 5.4.1.2, the proposed 230-kV transmission line meets the definition of "associated transmission line" under Article 1 of the MCZO and ORS 469.300 because it is necessary to connect the energy facility to the Northwest power grid. Therefore, the Applicant analyzes the 230-kV transmission line under MCZO Section 3.010.D.10.b and ORS 215.274 rather than treating the 230-kV transmission line as an accessory use to the larger commercial power generation facility under MCZO Section 3.010.C.24. See Section 5.2.2.3 for a discussion of the 230-kV transmission line's compliance with MCZO Section 3.010.D.10.b and Section 5.4.1.2 for a discussion of the transmission line's compliance with ORS 215.274.

5.2.2.3 Section 3.010. EFU Zone; D. Use Standards

10. A utility facility that is necessary for public service.

a. A utility facility is necessary for public service if the facility must be sited in the exclusive farm use zone in order to provide the service.

Response: MCZO 3.010.D.10(a) mirrors the provisions under ORS 215.275. However, the proposed 230-kV transmission line meets the definition for an "associated transmission line" per MCZO Article 1, ORS 469.300 and 215.274 and is therefore subject to ORS 215.274. Per MCZO Article 1, ORS 469.300 and 215.274, "associated transmission lines" means transmission lines constructed "to connect an energy facility to the first point of junction with either a power distribution system or an interconnected primary transmission system or both or to the Northwest Power Grid." The proposed approximately 0.6-mile-long 230-kV transmission line will connect the Facility's southern collector substation to the transmission system at the existing Blue Ridge Substation, thereby connecting the proposed energy facility to the Northwest power grid. As such, the 230-kV

transmission line is an "associated transmission line" under ORS 469.300 and is subject to ORS 215.274 and MCZO 3.010.D.10(b).

> *b. An associated transmission line is necessary for public service upon demonstration that the associated transmission line meets either the following requirements of Subsection (1) or Subsection (2) of this Subsection.*

Response: As discussed above, the proposed 230-kV transmission line is necessary to connect the energy facility to the Northwest power grid. Therefore, the transmission line meets the definition of "associated transmission line" under Article 1 of the MCZO. The criteria under Subsection b mirrors the provisions of ORS 215.274.

As discussed below, the entire proposed 230-kV transmission line route does not meet the requirements of Subsection (1) but does meet the requirements under Subsection (2).

> *(1) An applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements:*
>
> *(a) The associated transmission line is not located on high-value farmland, as defined in ORS 195.300, or on arable land;*

Response: The proposed associated transmission line will be located on portions of high-value farmland as defined by ORS 195.300, or on arable land. As a result, the route does not meet this requirement.

> *(b) The associated transmission line is co-located with an existing transmission line;*

Response: The associated transmission line will not be co-located with an existing transmission line. Therefore, the route does not meet this requirement.

> *(c) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or*

Response: The associated transmission line will not parallel an existing transmission line corridor, therefore the route does not meet this requirement.

> *(d) The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground.*

Response: The associated transmission line will be an approximately 0.6-mile-long 230-kV overhead line running east along Strawberry East Road, connecting the southern proposed collector substation to the existing Blue Ridge Substation (Exhibit C, Figure C-2.3). However, because portions of the transmission line may be sited adjacent to existing ROW rather than within existing ROW, it does not meet this requirement for the entire route.

> *(2) After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to Subsections D.10.b(3) and (4), two or more of the following criteria:*

(a) Technical and engineering feasibility;

Response: The Applicant evaluated the technical and engineering feasibility of alternative transmission routes to minimize potential impacts to arable land and high-value farmland. The existing Blue Ridge Substation is a fixed corridor end point for all alternative transmission line routes. The Applicant considered locating the proposed southern Facility substation immediately adjacent to the Blue Ridge Substation, thus eliminating the need for an associated transmission line. However, the Blue Ridge Substation is site constrained due to existing energy facilities in the immediate vicinity, including WREF III solar arrays located immediately east of the substation, a WREFI wind turbine and associated access road located north of the substation, and an existing high-voltage UEC line extending west of the substation. Figure C-3 demonstrates the Blue Ridge Substation is surrounded by project infrastructure associated with WREF I and WREF III. Figure K-3 shows the footprint of the WREF III solar facility relative to the Blue Ridge Substation (located on Tract 9). These site constraints coupled with the minimum acreage needed to accommodate the proposed southern substation (5 acres) as well as the co-located BESS area (25 acres) made co-locating the southern Facility substation and BESS immediately adjacent to the Blue Ridge Substation technically infeasible. Locating the BESS area near the southern substation allows for efficiency and avoids increased impacts to farmland resulting from longer collection lines that would be necessary to link the facility components. The proposed location of the southern Facility substation and BESS is sited as close to the Blue Ridge Substation as feasible (0.6 miles or less) given the existing infrastructure constraints in the area. Furthermore, the location of the southern Facility substation allows for the 0.6-mile 230-kV overhead line to follow the southern boundary of Strawberry East Road (which has a distribution line along the north side of the road) which further minimizes potential impacts to EFU lands as it avoids a route that would cross agricultural fields potentially disrupting access or agricultural operations that would occur during the operational period of the Facility. Figure C-3 also shows in service and proposed transmission lines in the vicinity of the Facility site boundary. No feasible alternative route exists that can connect the Facility's southern substation to the Blue Ridge Substation, or other surrounding transmission lines, without crossing high-value or arable land due to the extent of these lands located in the area between the Facility and the Blue Ridge Substation (see Figures K-6 and K-7).

The proposed 230-kV overhead transmission line corridor represents the straightest route and the shortest length between the Facility's southern collector substation and the Blue Ridge Substation and has the least impacts as it avoids sensitive habitat and minimizes impacts to high-value farmland and arable land by being located parallel to Strawberry East Road. There is no feasible alternative that can avoid high-value farmland or arable land and transmit energy from the Facility to the Blue Ridge Substation. Therefore, it meets the technical and engineering feasibility criterion.

(b) The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

Response: There are no urban or non-resource lands available to locate the transmission line where it could serve its purpose of conveying energy from the solar arrays (on EFU land) to the electrical grid system. As shown on Figure K-2, all land within and adjacent to the site boundary is zoned EFU by Morrow County with the exception of the U.S. Department of Defense–owned tax lot 200 (the Boardman Bombing Range), which is zoned Public (PUB). Figures K-6 and K-7 show the high-value farmland and arable land located within and surrounding the site boundary. As shown on the figures, high-value farmland occurs on a patchy basis throughout the site boundary and analysis area and arable land is prevalent throughout the site boundary and analysis area. Therefore, the associated transmission line must cross high-value farmland and/or arable land as there is no feasible alternative to completely avoid these lands and still connect the Facility to the Blue Ridge Substation. The transmission line route was sited so that it could have a reasonably direct route to the grid system interconnection point, thereby minimizing impacts. Only small portions of the transmission line route cross through high-value farmland classified as such solely on the land meeting the criteria under ORS 195.300(10)(f) (Figure K-7). The transmission line route does not cross high-value farmland based on soil classification or place of use water rights (ORS 195.300(10)(a) and (c)). Therefore, the associated transmission line must cross high-value farmland and arable land to achieve a reasonably direct route, and that the alternative route is therefore "locationally dependent" and satisfies this criterion.

(c) Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;

Response: As noted above, the approximately 0.6-mile-long 230-kV transmission line will run east along Strawberry East Road, connecting the southern proposed collector substation to the existing Blue Ridge Substation. The transmission line may be located adjacent to the existing Strawberry East Road ROW or within the ROW, depending on the space available within the ROW of the rural roadway and potential plans for future road widening. Strawberry East Road is not classified in the Morrow County Transportation System Plan (TSP), but the TSP establishes a minimum 60-foot ROW for most classifications of county roadways (Morrow County 2012). The Morrow County Public Works Department's Renewable Energy Development Policy establishes that transmission lines will need to be able to be placed within a ROW in such a manner as not to create a traffic hazard, which includes maintaining a minimum of 15 feet of clear zone from the edge of pavement (Morrow County 2010). Furthermore, Strawberry East Road has a distribution line along the north side of the ROW which may further constrain the feasibility of siting the Facility's associated transmission line within the road ROW. Although the Facility transmission line has been sited adjacent to and is utilizing existing linear ROWs to the greatest extent practicable, for the reasons explained above, there is lack of available existing ROW for the entire 0.6-mile-long transmission line and therefore, this criterion is met.

(d) Public health and safety; or

Response: The Applicant is minimizing health and safety risks from exposure to magnetic fields or shock by limiting the length of the transmission line for the Facility and locating the transmission

line away from populated areas, specifically rural residences in the area. However, the rationale for route selection was not based on health and safety risks and does not meet this criterion.

(e) Other requirements of state or federal agencies.

Response: As documented through the site certificate process, the Facility complies with other requirements of state and federal agencies. However, the siting of the associated transmission line was not determined by specific requirements from state or federal agencies, and as such the associated transmission line route selection does not meet this criterion.

> *(3) As pertains to Subsection (2), the applicant shall demonstrate how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.*

Response: The Applicant has designed the 230-kV transmission line to minimize, to the greatest degree practicable, impacts to EFU land. The transmission line pole structures will permanently impact less than 0.01 acre, thereby removing very little land from agricultural production. In addition, the transmission line is sited to minimize disturbing agricultural practices by being sited adjacent to existing linear ROWs wherever possible. The amount of new transmission line corridor has been minimized to the greatest extent practicable by following the shortest practicable route between substations. Landowners and farm operators will be compensated for the loss of land for agricultural production, as necessary. In addition, when construction is completed, lands temporarily affected by construction will be restored to their original condition. Therefore, because permanent impacts of the 230-kV transmission line are minimal, and the transmission line has been sited in consideration of farming practices, it will not force a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.

> *(4) The county may consider costs associated with any of the factors listed in Subsection (2), but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.*

Response: Land costs were not a significant consideration in determining the location of the transmission line segment. The location of the transmission line is dependent on providing a connection for the energy generated by the energy facility to the electrical energy grid interconnection point (Blue Ridge Substation).

No alternative location exists, regardless of cost, to locate the 230-kV transmission line exclusively on non-EFU land. However, the majority of the transmission line route is currently located adjacent to existing ROWs, thereby limiting impacts to EFU land used for agricultural purposes.

5.2.2.4 Section 3.010. EFU Zone; K. Commercial Facilities for Generating Power[3]

3. Photovoltaic Solar Power Generation Facility. A proposal to site a photovoltaic solar power generation facility shall be subject to the following definitions and provisions:

a. "Arable land" means land in a tract that is predominantly cultivated or, if not currently cultivated, predominantly comprised of arable soils.

b. "Arable soils" means soils that are suitable for cultivation as determined by the governing body or its designate based on substantial evidence in the record of a local land use application, but "arable soils" does not include high-value farmland soils described at ORS 195.300(10) unless otherwise stated.

c. "Nonarable land" means land in a tract that is predominantly not cultivated and predominantly comprised of nonarable soils.

d. "Nonarable soils" means soils that are not suitable for cultivation. Soils with an NRCS agricultural capability class V–VIII and no history of irrigation shall be considered nonarable in all cases. The governing body or its designate may determine other soils, including soils with a past history of irrigation, to be nonarable based on substantial evidence in the record of a local land use application.

Response: Figure K-3 shows the tracts located in and adjacent to the site boundary. As described in Section 3.3, the site boundary comprises both high-value farmlands (3,350 acres) and arable lands (7,211 acres) and a small amount of non-arable lands (239 acres).

e. "Photovoltaic solar power generation facility" includes, but is not limited to, an assembly of equipment that converts sunlight into electricity and then stores, transfers, or both, that electricity. This includes photovoltaic modules, mounting and solar tracking equipment, foundations, inverters, wiring, storage devices and other components. Photovoltaic solar power generation facilities also include electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, all necessary grid integration equipment, new or expanded private roads constructed to serve the photovoltaic solar power generation facility, office, operation and maintenance buildings, staging areas and all other necessary appurtenances. For purposes of applying the acreage standards of this Section, a photovoltaic solar power generation facility includes all existing and proposed facilities on a single tract, as well as any existing and proposed facilities determined to be under common ownership on lands with fewer than 1320 feet of separation from the tract on which the new facility is proposed to be sited. Projects connected to the same parent company or individuals shall be considered to be in common ownership, regardless of the operating business structure. A photovoltaic solar power generation facility does not include a net metering project established consistent with ORS 757.300 and OAR chapter

[3] MCZO 3.010.K.3 parallels the requirements under OAR 660-033-0130(38) for siting a photovoltaic solar power generation facility on EFU land.

860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.

Response: As described earlier in the response to MCZO 3.010.C, the Facility meets the definition of "photovoltaic solar power generation facility." As shown on Figure K-3, the WREF III, approved by ODOE and currently under construction, is adjacent to the Facility and is owned by a subsidiary of the same parent company, NextEra. The Facility is within 1,320 feet of WREF III. However, as further discussed below, the Facility by itself meets the acreage threshold for a Goal 3 exception. Therefore, this analysis does not include an acreage analysis from WREF III.

As discussed in Section 2.0, the Applicant believes there are benefits to siting the Facility in close-proximity to other energy facilities. The Facility will be sited to utilize an existing substation, point of interconnection, ROWs, and the 230-kV UEC transmission line, a key part of a planned "green energy corridor" that connects Morrow County wind and solar projects to the Northwest energy grid (Plaven 2017). As noted in Exhibit B, the Facility may also utilize the existing Wheatridge Facilities O&M building.

f. For high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:

Response: As outlined in Table K-2, approximately 3,350 acres within the site boundary meet the definition of high-value farmland under ORS 195.300(10)(a)(c) and (f), primarily based on location within the Columbia Valley AVA. As the total area of high-value farmland within the site boundary that would be precluded from use as a commercial agricultural enterprise is more than 12 acres, a goal exception will be needed. However, because the Facility falls under the Council's jurisdiction, it is the Council's statutes and rules that govern the goal exception process (i.e., ORS 469.504(2) and OAR 345-022-0030(4), rather than ORS 197.732). See Section 5.5 for the statewide planning goal exception justification.

(1) The proposed photovoltaic solar power generation facility will not create unnecessary negative impacts on agricultural operations conducted on any portion of the subject property not occupied by project components. Negative impacts could include, but are not limited to, the unnecessary construction of roads dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing photovoltaic solar power generation facility project components on lands in a manner that could disrupt common and accepted farming practices;

Response: The Facility will not create unnecessary negative impacts on the landowner's current and future agricultural operations conducted on the portions of the subject tracts not occupied by the Facility for the reasons described in this section. The solar arrays are generally oriented adjacent and parallel to existing roads (see Exhibit C, Figure C-2), and have been sited to maximize efficiency while also consolidating the solar arrays to areas that do not constrain the current and

future dryland wheat farming activities on the remainder of the tract or on neighboring tracts. The Applicant shall design and construct the Facility using the minimum land area necessary for safe construction and operation. The Facility will utilize existing access roads to the extent practicable. There are a total of seven tracts with operating agricultural uses (dry land wheat) in the Facility site boundary where solar arrays would be sited. However, five of the tracts owned by the Kilkenny Land Company, Martins, Munkers, and RJK Family are farmed by the same tenant farmer: Corey Miller. A questionnaire (Attachment K-3) was sent to the two main landowners that operate agricultural uses on their tracts (Lindsays, and North Lex Power and Land/Rauch) and the tenant farmer (Corey Miller) who farms the remaining 5 tracts in the site boundary. This represents 98.9 percent of the land within the Facility site boundary. The questionnaire was intended to discuss facility layout, farming practices and better understand how the facility, including any layout, would not create unnecessary negative impacts. The Facility will not create unnecessary negative impacts on agricultural operations conducted on any portion of the subject property not occupied by Facility components because:

- The Applicant will sign and record in the deed records of Morrow County a document prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming practices as defined in ORS 30.930(2) and (4).
- The Facility will not limit or impact current or future farm activities on the surrounding land and will not diminish the opportunity for neighboring parcels to expand, purchase, or lease any vacant land available for agricultural uses.
- The Applicant will implement a Noxious Weed Control Plan during construction and operation that will reduce the risk of weed infestation in cultivated land and the associated cost to the farmer for weed control (see Attachment P-5 to Exhibit P for weed prevention and control measures).
- Construction of the Facility could adversely affect soil quality by erosion or compaction. Some farmland would be temporarily disturbed and unavailable for farming during construction. To avoid or reduce adverse impacts to soil quality, the Applicant will implement dust control and erosion control measures during construction and operation of the Facility (see Exhibit I). To the extent practicable, the Applicant proposes to reduce impact to soils by using areas that are already disturbed and limiting the area of new disturbance.
- Post-construction, the Facility will not result in increased traffic impacts, air emissions, or dust from ongoing agricultural use, in consideration of drought conditions that could become longer and more severe due to climate change (Parks 2021). Common and accepted farming practices may need to change in response to changing conditions, and accessory uses, such as temporary long-term leases, may become more reliable sources of income.
- Interviews with the landowners of Tracts2, 7, and 8 (Kilkenny Land Company/RJK Family and North Lex Power and Land; tracts associated with the WREF III, see Figure K-3), who also own other lands in the vicinity of the site boundary, did not identify or anticipate any

adverse impact, or any increase in the cost of farming practices, in the vicinity of the solar arrays. The Applicant has a long history of working with the landowner through coordination on the adjacent Wheatridge projects and maintains ongoing open lines communication with landowners.

- As indicated in response to the questionnaire (Attachment K-3), all landowners/the tenant farmer indicated that they would continue to farm elsewhere in Morrow County during construction and operations of the Facility. The landowners/tenant farmer also specified a minimum clearance needed to allow continued farm use and specified that the Applicant work with the farmers to make sure that land not being used for solar is accessible for farming. Corey Miller, the tenant farmer for tracts 2, 4, 5, 6 and 8 also indicated the Applicant has a track-record for coordinating on project layout to allow certain setbacks and clearance distances necessary to allow equipment access and ensure efficient use of the land.

Ultimately, construction, operation, and maintenance of the solar array and associated equipment will not change existing land use practices on lands surrounding the solar siting area.

> *(2) The presence of a photovoltaic solar power generation facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;*

Response: Exhibit I addresses soil erosion. Construction will be performed under a National Pollutant Discharge Elimination System 1200-C permit, including an Oregon Department of Environmental Quality Erosion and Sediment Control Plan, which will also include erosion and sediment control best management practices. After completing construction in an area, the Applicant will monitor the area and coordinate with the landowner, who understands the specifics about the land, to evaluate whether construction-related impacts to soils are being adequately addressed by the mitigation procedures described in the Erosion and Sediment Control Plan and the Reclamation and Revegetation Plan. Once the Facility's commercial operations end, compacted soils within the site boundary will be restored during decommissioning. Soil compaction reduction plan measures will be developed and incorporated into the Decommissioning Plan. In addition, compliance with the final Reclamation and Revegetation Plan ensure that agricultural soils temporarily disturbed during Facility construction will be protected and restored.

> *(3) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other*

appropriate practices. The approved plan shall be attached to the decision as a condition of approval;

Response: Construction of the Facility will limit the extent of grading to specific areas within the site boundary, and therefore will not result in unnecessary soil compaction that reduces the productivity of soil for crop production.

The portions of the site boundary that will be graded are expected to result in a balanced cut-and-fill quantity of earthwork to maintain the existing conditions to the extent practicable for the protection of the equipment and facilities. Within the solar array areas, grading will be limited to the roads, inverter, and energy storage footprints. No soil compaction will occur outside of the site boundary. By limiting the extent of grading to specific areas within the site boundary, construction activities will not result in unnecessary soil compaction that reduces the productivity of soils for crop production. Once the Facility's commercial operations end, compacted soils will be restored during decommissioning. Soil compaction reduction plan measures will be developed and incorporated into the Decommissioning Plan. In addition, compliance with the final Reclamation and Revegetation Plan ensure that agricultural soils temporarily disturbed during Facility construction will be protected and restored. The Applicant will obtain Council and County approval of these plans prior to start of construction.

(4) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weed species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval;

Response: Before beginning construction, the Applicant shall prepare a Noxious Weed Control Plan that is consistent with Morrow County weed control requirements and that is prepared in coordination with the Morrow County and the Oregon Department of Fish and Wildlife (ODFW), and which will be approved by ODOE.

(5) The project is not located on high-value farmland soils unless it can be demonstrated that:

(a) Non high-value farmland soils are not available on the subject tract;

(b) Siting the project on non high-value farmland soils present on the subject tract would significantly reduce the project's ability to operate successfully; or

(c) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of non high-value farmland soils; and

Response: As described in Section 3, the area within the site boundary primarily comprises arable land, and approximately 43 percent of the site boundary includes high-value farmland. It is not possible to site the solar arrays completely avoiding the high-value farmland due to the patchy and

irregular nature of the Columbia Valley AVA on the tracts (see Figure K-7). As the Facility will preclude more than 12 acres of high-value farmland from use as a commercial agricultural enterprise, an exception is being requested pursuant to ORS 469.504(1)(b) and OAR 345-022-0030(4) (see Section 5.5).

> *(6) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:*
>
> *(a) If fewer than 48 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area, no further action is necessary.*
>
> *(b) When at least 48 acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities within the study area, the local government or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland or acquire water rights, or will reduce the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.*

Response: As mentioned earlier in this Exhibit, the approved WREF III is adjacent to the Facility and overlaps with a small portion of the site boundary (Figure K-8). The 1-mile study area established under this provision is shown in Figure K-8, and approximately 121 acres of the WREF III is located within this study area. Therefore, over 48 acres of photovoltaic solar power generation has been constructed or received approval within the 1-mile study area. As noted in the response to MCZO 3.010 K.3.f.(1) provided above, construction, operation, and maintenance of the solar array and associated equipment will not change existing land use practices on lands surrounding the solar siting area and will not diminished opportunities for farmers on adjacent properties to expand, purchase, or lease farmland or acquire water rights. Furthermore, the Applicant finds benefits to siting the Facility close to other existing or approved renewable energy facilities. Consolidating renewable energy project locations allows for efficient use of transmission infrastructure while consolidating land use impacts to a specific area as opposed to spreading land use impacts out across a broader patchwork of facilities. The Facility will be sited to utilize an existing substation, point of interconnection, ROWs, and the 230-kV UEC transmission line, a key part of a planned "green energy corridor" that will connect Morrow County wind and solar projects to the Northwest energy grid (Plaven 2017). The green corridor project was envisioned by Morrow County to consolidate renewable energy development to one area, thus protecting other agricultural lands from being impacted by development and additional lengthy transmission lines. Therefore, the Facility is supporting this green corridor strategy by locating near the WREF III and utilizing the

existing UEC transmission line. As noted in Exhibit B, the Facility may also utilize the existing Wheatridge Facilities O&M building.

> *g. For arable lands, a photovoltaic solar power generation facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:*
>
> > *(1) The project is not located on high-value farmland soils or arable soils unless it can be demonstrated that:*
> >
> > > *(a) Nonarable soils are not available on the subject tract;*
> >
> > > *(b) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or*
> >
> > > *(c) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of nonarable soils;*

Response: As outlined in Table K-2, approximately 7,211 acres within the site boundary qualify as arable land and approximately 3,684 acres are anticipated to be impacted by the Facility. As described in Section 3, the area within the site boundary primarily comprises arable land and 43 percent of the site boundary includes high-value farmland (consisting mostly of high-value farmland solely classified as such due to its location in the Columbia AVA and meeting the criteria of slope, aspect, and elevation). It is not possible to site the solar arrays completely avoiding arable lands or high-value farmland due to the extent of arable lands and high-value farmland that make up the area within the site boundary (see Figures K-6 and K-7). As the total area of arable lands within the site boundary that would be precluded from use as a commercial agricultural enterprise is more than 20 acres, a goal exception will be needed. However, because the Facility falls under the Council's jurisdiction, it is the Council's statutes and rules that govern the goal exception process (i.e., ORS 469.504(2) and OAR 345-022-0030(4), rather than ORS 197.732). See Section 5.5 for the statewide planning goal exception justification.

> > *(2) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10) unless an exception is taken pursuant to 197.732 and OAR chapter 660, division 4;*

Response: As the total area of high-value farmland within the site boundary that would be precluded from use as a commercial agricultural enterprise is more than 12 acres, a goal exception will be needed. However, because the Facility falls under the Council's jurisdiction, it is the Council's statutes and rules that govern the goal exception process (i.e., ORS 469.504(2) and OAR 345-022-0030(4), rather than ORS 197.732). See Section 5.5 for the statewide planning goal exception justification.

> > *(3) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:*

(a) If fewer than 80 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area no further action is necessary.

(b) When at least 80 acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities, within the study area the local government or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area; and

Response: As mentioned earlier in this exhibit, the approved WREF III is adjacent to the Facility and overlaps with a small portion of the site boundary (Figure K-3). Therefore, over 80 acres of photovoltaic solar power generation has been constructed or received approval within the 1-mile study area. As noted in the response to MCZO 3.010 K.3.f.(1) provided above, construction, operation, and maintenance of the solar array and associated equipment will not change existing land use practices on lands surrounding the solar siting area and will not diminished opportunities for farmers on adjacent properties to expand, purchase, or lease farmland or acquire water rights. Furthermore, the Applicant finds benefits to siting the Facility close to other existing or approved renewable energy facilities. Consolidating renewable energy project locations allows for efficient use of transmission infrastructure while consolidating land use impacts to a specific area as opposed to spreading land use impacts out across a broader patchwork of facilities. The Facility will be sited to utilize an existing substation, point of interconnection, ROWs, and the 230-kV UEC transmission line, a key part of a planned "green energy corridor" that will connect Morrow County wind and solar projects to the Northwest energy grid (Plaven 2017). The green corridor project was envisioned by Morrow County to consolidate renewable energy development to one area thus protecting other agricultural lands from being impacted by development and additional lengthy transmission lines. Therefore, the Facility is supporting this green corridor strategy by locating near the WREF III and utilizing the existing UEC transmission line. As noted in Exhibit B, the Facility may also utilize the existing Wheatridge Facilities O&M building.

(4) The requirements of Subsections K.3.f(1), (2), (3), and (4) are satisfied.

Response: The requirements of Subsections K.3.f(1), (2), (3), and (4) are discussed above. Therefore, this criterion is satisfied.

h. For nonarable lands, a photovoltaic solar power generation facility shall not preclude more than 320 acres from use as a commercial agricultural enterprise unless an exception

is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:

Response: The Facility does not preclude more than 320 acres of non-arable land from use as a commercial agricultural enterprise, and is therefore compliant with MCZO Section 3.010 K.3.h.

(1) The project is not located on high-value farmland soils or arable soils unless it can be demonstrated that:

(a) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or

(b) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract as compared to other possible sites also located on the subject tract, including sites that are comprised of nonarable soils;

Response: See response to MCZO 3.010.K.g(1).

(2) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10);

Response: See response to MCZO 3.010.K.g(2).

(3) No more than 20 acres of the project will be sited on arable soils unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4;

Response: As outlined in Table K-2, approximately 7,083.56 acres within the site boundary qualifies as arable land. It is not possible to site the solar arrays completely avoiding arable lands due to the extent of arable lands that make up the area within the site boundary (see Figure K-6). As the total area of arable lands within the site boundary that would be precluded from use as a commercial agricultural enterprise is more than 20 acres, a goal exception will be needed. However, because the Facility falls under the Council's jurisdiction, it is the Council's statutes and rules that govern the goal exception process (i.e., ORS 469.504(2) and OAR 345-022-0030(4), rather than ORS 197.732). See Section 5.5 for the statewide planning goal exception justification.

(4) The requirements of Subsection K.3.f(4) are satisfied;

Response: See response to MCZO 3.010.K.f(4).

(5) If a photovoltaic solar power generation facility is proposed to be developed on lands that contain a Goal 5 resource protected under the county's comprehensive plan, and the plan does not address conflicts between energy facility development and the resource, the applicant and the county, together with any state or federal agency responsible for protecting the resource or habitat supporting the resource, will cooperatively develop a specific resource management plan to mitigate potential development conflicts. If there is no program present to protect the listed Goal 5 resource(s) present in the local comprehensive plan or implementing ordinances and the applicant and the appropriate resource management agency(ies) cannot

successfully agree on a cooperative resource management plan, the county is responsible for determining appropriate mitigation measures; and

Response: There are no Goal 5 resources in the Facility site boundary.

(6) If a proposed photovoltaic solar power generation facility is located on lands where the potential exists for adverse effects to state or federal special status species (threatened, endangered, candidate, or sensitive), or to wildlife species of concern identified and mapped by the Oregon Department of Fish and Wildlife (including big game winter range and migration corridors, golden eagle and prairie falcon nest sites, and pigeon springs), the applicant shall conduct a site-specific assessment of the subject property in consultation with all appropriate state, federal, and tribal wildlife management agencies. A professional biologist shall conduct the site-specific assessment by using methodologies accepted by the appropriate wildlife management agency and shall determine whether adverse effects to special status species or wildlife species of concern are anticipated. Based on the results of the biologist's report, the site shall be designed to avoid adverse effects to state or federal special status species or to wildlife species of concern as described above. If the applicant's site-specific assessment shows that adverse effects cannot be avoided, the applicant and the appropriate wildlife management agency will cooperatively develop an agreement for project-specific mitigation to offset the potential adverse effects of the facility. Where the applicant and the resource management agency cannot agree on what mitigation will be carried out, the county is responsible for determining appropriate mitigation, if any, required for the facility.

(7) The provisions of Subsection K.3.h(6) are repealed on January 1, 2022.

Response: Professional biologists conducted site-specific assessment using methodologies reviewed and accepted by ODFW. Based on these surveys, it was determined there will be no adverse effects to special status species or Category 1 wildlife habitats. Exhibit Q provides information about state-listed threatened endangered plant and wildlife species that may be affected by the Facility as required by OAR 345-022-0070. Exhibit P provides information about the fish and wildlife habitats and species, other than the species addressed in Exhibit Q, that could be affected by the Facility. These exhibits also outline the agency consultation that has occurred at various stages of Facility development and measures to avoid, reduce, and mitigate impacts, as necessary.

i. The project owner shall sign and record in the deed records for the county a document binding the project owner and the project owner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices as defined in ORS 30.930(2) and (4).

Response: The Applicant will sign and record with the subject tract's deed a document prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming practices as defined in ORS 30.930(2) and (4).

j. Nothing in this Section shall prevent the county from requiring a bond or other security from a developer or otherwise imposing on a developer the responsibility for retiring the photovoltaic solar power generation facility.

Response: Retirement of the Facility will be the responsibility of the Applicant pursuant to Council rules and the conditions of the Site Certificate, per the Council's Retirement and Financial Assurance standard, OAR 345-022-0050 (see Exhibit X).

5.2.2.5 Section 3.010. EFU Zone; M. Yards

In an EFU Zone, the minimum yard setback requirements shall be as follows:

1. The front yard setback from the property line shall be 20 feet for property fronting on a local minor collector or marginal access street ROW, 30 feet from a property line fronting on a major collector ROW, and 80 feet from an arterial ROW unless other provisions for combining accesses are provided and approved by the County.

2. Each side yard shall be a minimum of 20 feet except that on corner lots or parcels the side yard on the street side shall be a minimum of 30 feet.

3. Rear yards shall be a minimum of 25 feet.

Response: Bombing Range Road is a major collector, Strawberry East Road is not classified, and Highway 207 is a minor arterial road (Morrow County 2012, Figure 3-1). Therefore, the required front yard setback is between 20 and 80 feet from roads. The solar arrays will meet the minimum setbacks for front yard, side yard, and rear yard distances. The Applicant will document consistency with the applicable setback based on final design, as confirmed and submitted to Morrow County as part of the zoning permit.

4. Stream Setback. All sewage disposal installations such as outhouses, septic tank and drainfield systems shall be set back from the high-water line or mark along all streams and lakes a minimum of 100 feet, measured at right angles to the high-water line or mark. All structures, buildings, or similar permanent fixtures shall be set back from the high-water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.

Response: The Applicant will document consistency with the applicable setback based on final design, as confirmed and submitted to Morrow County as part of the zoning permit.

5.2.2.6 Section 3.010. EFU Zone; N. Transportation Impacts

1. Traffic Impact Analysis (TIA). In addition to the other standards and conditions set forth in this section, a TIA will be required for all projects generating more than 400 passenger car equivalent trips per day. Heavy vehicles – trucks, recreational vehicles and buses – will be defined as 2.2 passenger car equivalents. A TIA will include: trips generated by the project, trip distribution for the project, identification of intersections for which the project adds 30 or more peak hour passenger car equivalent trips, and level of service assessment, impacts of the

project, and, mitigation of the impacts. If the corridor is a State Highway, use ODOT standards. (MC-C-8-98)

Response: The Facility, as proposed, will require increased automobile trips during construction, but it is not expected the proposed use will exceed 134 trips per day (67 roundtrips) because the timing of construction of the solar facilities will be staggered. Traffic is not expected to be impacted during the long-term operation of the Facility because there will be three operations employees. Therefore, a TIA is not required.

5.2.3 Article 4. Supplementary Provisions

5.2.3.1 Section 4.010. Access

Intent and Purpose: The intent of this ordinance is to manage access to land development while preserving the flow of traffic in terms of safety, capacity, functional classification, and level of service. Major roadways, including highways, arterials, and collectors serve as the primary network for moving people and goods. These transportation corridors also provide access to businesses and homes and have served as the focus for commercial and residential development. If access points are not properly designed, these roadways will be unable to accommodate the needs of development and retain their primary transportation function. This ordinance balances the right of reasonable access to private property with the right of the citizens of Morrow County and the State of Oregon to safe and efficient travel. This ordinance shall apply to all public roadways under the jurisdiction of Morrow County and to application for development for any property that abuts these roadways. This ordinance is adopted to implement the land access and access management policies of Morrow County as set forth in the Transportation System Plan. Access shall be provided based upon the requirements below:

A. Minimum Lot Frontage Requirement. Every lot shall abut a street, other than an alley, for at least 50 feet, except on cul-de-sacs where the frontage may be reduced to 30 feet.

Response: There will be no changes to any lots as part of the Facility. The lots that the Facility will be located on or abut a street for at least 50 feet.

B. Access Permit Requirement. Where access to or construction on a county road is needed, an access permit or right-of-way permit from Morrow County Public Works department is required subject to the requirements in this Ordinance. Where access to a state highway is needed, an access permit from ODOT is required as part of the land use application. Where access is needed to a road managed by the Forest Service or other entity, an access permit or other authorization from the appropriate entity shall be required as part of the land use application.

Response: Access (Approach) permits, per the requirements stated under MCZO Section 4.010 B, will be obtained for the Facility.

C. Emergency Vehicle Access. It is the responsibility of the landowner to provide appropriate access for emergency vehicles at the time of development. A dead-end private street exceeding

one hundred-fifty (150) feet in length shall have an adequate turn around facility approved by the appropriate Fire Marshal or, if the Fire Marshal fails to review the private street, approval by the Building Official or his designee.

Response: Emergency vehicle access will be provided from accesses off of County and Oregon Department of Transportation (ODOT) roads and designed to applicable standards to internal site Facility roads. Facility roads will be sufficiently sized for emergency vehicle access and reviewed by the Fire Marshal or if the Fire Marshal fails to review, the Building Official prior to construction of each phase. ..

D. Easements and Legal Access: All lots must have access onto a public right of way. This may be provided via direct frontage onto an existing public road, a private roadway, or an easement. Minimum easement requirements to provide legal access shall be as follows: 1. 1000' or less, a minimum easement width of 20' 2. More than 1000', a minimum easement width of 40' 3. Parcels where 3 or more lots share an access (current or potential), a minimum easement of 60'.

Response: As shown on Figure C-2 in Exhibit C, the lots that the Facility will be located on will have access to public ROW.

E. Access Spacing Requirements for Development Accessing State Highways. Applications for development with access onto state highways shall be provided to ODOT for review, to ensure consistency with adopted ODOT Access Management Standards shown in Table 4.010-1. These standards apply only to unsignalized access points. Where a right of access exists, a property shall be allowed to have access onto a state highway at less than adopted access spacing requirements only if all the following conditions are met:

1. The property does not have reasonable access via an alternative to the state highway;

2.There are no other possible access options along the parcel's highway frontage; and

3. The access spacing standards cannot be accomplished.

When a proposed access onto a state highway does not meet the access spacing standards in Table 4.010-1, a deviation from standard will be considered by the ODOT Region Manager, subject to requirements in OAR 734-051-0135.

TABLE 4.010-1
ACCESS MANAGEMENT STANDARDS FOR MORROW COUNTY
NON-INTERSTATE HIGHWAYS

		Access Spacing Standards for Public or Private Unsignalized Access (ft) for Posted Speed Indicated (mph)				
Highway	Classification	>55	50	40 & 45	30 & 35	<25
US 730, OR 74	Regional	990	830	750	600	450
OR 206, OR 207	District	700	550	500	400	400

REFERENCE: OREGON ADMINISTRATIVE RULES SECTION 734-051 (2004)

Response: As shown on Figure C-2 in Exhibit C, access to ODOT ROW will meet the access spacing standards in *Table 4.010-1*.

F. Access within the Influence Area of an Interchange Access within the influence area of existing or proposed state highway interchanges is regulated by standards in OAR 734-051, which are included as Appendix F of the 2005 Morrow County Transportation System Plan Update. These standards do not retroactively apply to interchanges existing prior to adoption of the 1999 Oregon Highway Plan, except or until any redevelopment, change of use, or highway construction, reconstruction or modernization project affecting these existing interchanges occurs. It is the goal at that time to meet the appropriate spacing standards, if possible, but, at the very least, to improve the current conditions by moving in the direction of the spacing standard.

Response: There are no interchanges or an Influence Area of an Interchange Access in the analysis area. Therefore, this standard does not apply.

G. Signalized Intersection Spacing on State Facilities. New traffic signals proposed for state facilities, whether the intersecting facility is a public or private road, shall meet the requirements for installation of a traffic signal on a state highway in OAR 734-020-0400. New traffic signals on state facilities must be approved by the State Traffic Engineer. For approval of a new traffic signal on a County facility as part of a condition of development approval, the applicant shall be required to show, through analysis prepared by a qualified professional engineer registered in the State of Oregon, that the signal is warranted to improve traffic operations, address safety deficiencies, or a combination, based upon traffic signal warrants in the current version of the Manual on Uniform Traffic Control Devices.

Response: No new traffic signals are proposed for state facilities. Therefore, this standard does not apply.

H. Access Spacing Requirements for Development Accessing County Facilities. All developments shall have legal access to a County or public road. Except for interim access as provided in Section 4.010 H [Interim Access], access onto any County road in the unincorporated or incorporated urban area shall be permitted only upon issuance of an access permit upon demonstration of compliance with the provisions of the County road standards and the

standards of Section 4.010. For County roadways designated as major collector or arterial in the Transportation System Plan, the standards in Table 4.010-2 apply for intersections created by a new public roadway, new private roadway or new private driveway. For County roadways designated as minor collectors or local access roads, intersections created by a new public roadway, new private roadway or new private driveway shall meet minimum County traffic safety and operational requirements, including sight distance, as determined by the County Engineer.

TABLE 4.010-2
ACCESS MANAGEMENT STANDARDS FOR MORROW COUNTY ROADWAYS

	Access Spacing Standards for Public or Private Access (ft)		
Classification	Public Roadway	Private Roadway	Private Driveway[a]
Arterial	600	600	300
Collector	300	300	100
Local	200	200	Access to each lot

a. For most roadways, at-grade crossings are appropriate. Also, allowed moves and spacing requirements may be more restrictive than those shown to optimize capacity and safety. Any access to a state highway requires a permit from the district office of ODOT and is subject to the access spacing standards in Table 4.010-1 in this section.

No use will be permitted to have direct access to a street or road except as specified below, or as provided in Section 4.010.H (Interim Access). Access spacing shall be measured from existing or approved accesses on either side of a street or road. Measurements shall be made from easement or right-of-way line to easement or right-of-way line. (See following access diagram where R/W = Right-of-Way; P.I. = Point-of-Intersection where P.I. shall be located based upon a 90 degree angle of intersection between ultimate right-of-way lines, and 'C' and 'D' = each side of adjacent accesses to private property.

1. All minimum distances stated in the following sections shall be governed by sight distance requirements according to this Ordinance and applicable County Road Standards.

2. All minimum distances stated in the following sections shall be measured to the nearest easement line of the access or edge of travel lane of the access on both sides of the road.

3. The minimum curb radius shown in the diagram below (i.e., distance from Point "A" to Point "B") shall be 15 feet. In areas zoned for industrial uses, the minimum curb radius shall be 30 feet. At intersections between facilities classified as major collector, arterial or highway, any new or modified intersection shall be designed to accommodate a WB-50 Semitrailer Design Vehicle. If either route is designated by the County as a truck route, the intersection shall be designed to accommodate a WB-65 Interstate Semitrailer Design Vehicle. The curb alignment shall be designed so that the

design vehicle can complete a right turn without entering a lane used by opposing traffic.

4. All minimum distances between accesses shall be measured from existing or approved accesses on both sides of the road.

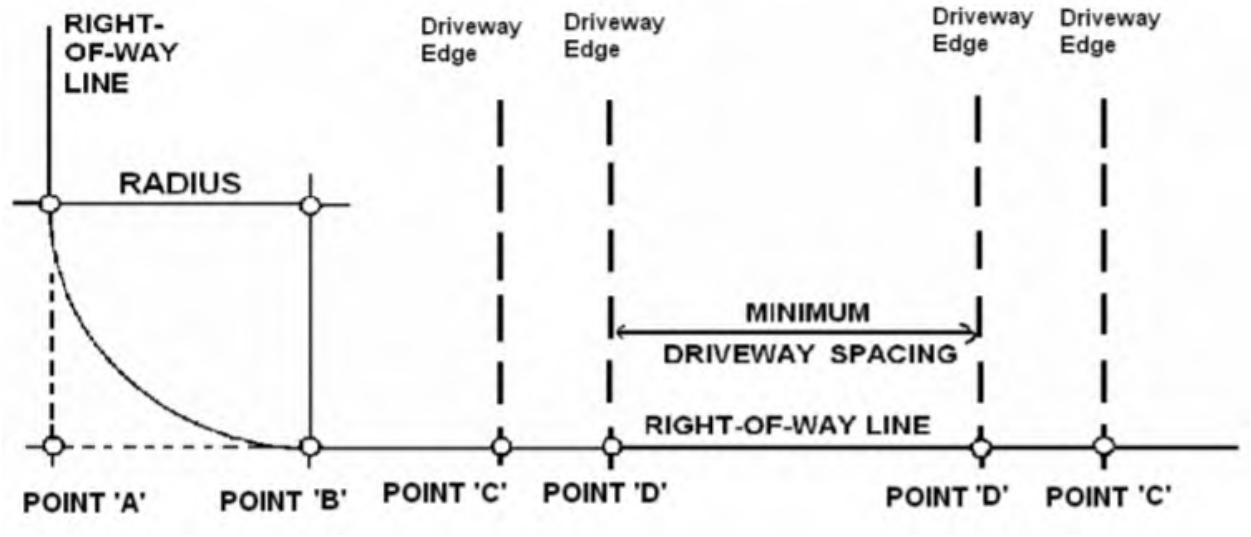
5. Minimum spacing between driveways shall be measured from Point "D" to Point "D" as shown below (i.e., the edges of adjacent driveways closest to each other).

6. In all instances, access points near an intersection with a Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. Additionally, access shall be located beyond the back of any left turn refuge either existing on the affected road or required to accommodate the proposed development. This requirement may result in an access spacing greater than one hundred (100) feet in the case of a collector, or 300 feet in the case of an arterial.

7. Access onto local roads will not be permitted within ten (10) feet of Point "B" as shown below. If no radius exists, access will not be permitted within twenty-five (25) feet of Point "A".

8. Access onto collector roads will not be permitted within fifty (50) feet of Point "B" as shown below. If no radius exists, access will not be permitted within sixty-five (65) feet of Point "A". Where a common or shared access is available it shall be used, provided that such use will not result in operational or safety problems. Minimum spacing between driveways shall be one-hundred (100) feet.

9. Direct access to an arterial will be permitted provided that Point 'C' of such access is more than three hundred (300) feet from any intersection Point 'A' or other access to that minor arterial.



Response: As shown on Figure C-2 in Exhibit C, the lots that the Facility will be located on will have access to a public ROW that meet access management standards.

I. Interim Access onto County Facilities. No development with sole access onto a County arterial or major collector shall be denied based only on an inability to provide an access that meets applicable access spacing standards. In such an event, the use may be issued an interim access permit which shall expire when access as required under this Ordinance becomes available. An interim access permit may be granted based upon the following:

1. The site is situated such that adequate access cannot otherwise be provided in accord with the access spacing requirements of this Code.

2. The interim access shall meet minimum County traffic safety and operational requirements, including sight distance.

3. Alternate access shall not be deemed adequate and connections to alternate access shall not be required if the resulting route of access would require a trip in excess of one (1) block or five-hundred (500) feet out of direction (whichever is less).

4. The property owner signs a consent to participate agreement for the formation of a Local Improvement District or similar financing mechanism for the primary purpose of constructing a public road or right-of-way providing access to the arterial or collector road; such access shall meet the minimum applicable County standard.

5. The property owner records an agreement to participate in any project that would consolidate access points where such project would not result in new or more severe traffic operation or safety problems.

6. The property owner records an agreement to abandon use of the existing private access way when an adequate alternative access becomes available.

Response: It is not anticipated that the Facility will require interim access onto County facilities. However, the Facility will meet Morrow County access standards.

5.2.3.2 Section 4.020. Sight Distance

Response: Adequate sight distance, per the requirements stated under MCZO Section 4.020.A, will be maintained at facility approaches as part of the zoning permit.

5.2.3.3 Section 4.035. Permit Requirements For Land Use Development

Except where otherwise noted, all proposed projects should meet the following Plot Plan Requirements as described in Table 4.035-1 below. A common threshold for a TIA (traffic impact analysis) applying to all types of development is 400 daily trips (e.g., 40 houses). Trip generation should be estimated using the current edition of Trip Generation by the Institute of Transportation Engineers, other similar published resources, or actual driveway counts of similar land uses. The County Planning Commission, County Planning Director or County Public Works Director or designee may require a TIA for any level of development. TIA requirements are described in the Appendix.

Response: The Facility will require increased automobile trips during construction, but the expected proposed use will not exceed 134 trips per day (67 roundtrips). Traffic will not be impacted during the long-term operation of the Facility.

5.2.3.4 Section 4.040. Off-Street Vehicle Parking Requirements

Because vehicle parking facilities can occupy large amounts of land, they must be planned and designed carefully to use the land efficiently while maintaining the visual character of the community. At the time of construction, reconstruction, or enlargement of a structure, or at the time a use is changed in any zone, off-street parking space shall be provided as follows unless greater requirements are otherwise established. When the requirements are based on the number of employees, the number counted shall be those working on the premises during the largest shift at peak season. Fractional space requirements shall be counted as a whole space. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pathway or landscape area. The County may allow credit for "on-street parking", as provided in Section 4.050. For uses not specified in Table 4.040-1, parking requirements shall be determined by the use in Table 4.040-1 found to be most similar in terms of parking needs.

Response: Minimum vehicle parking requirements for various types of land uses are listed under MCZO 4.040, and criteria for off-street parking and loading areas for uses that receive and distribute materials and merchandise by trucks are provided in MCZO 4.050. A photovoltaic solar power generation facility (or any power generating facility) is not a use listed or described in Table 4.040-1, the MCZO indicates that parking requirements shall be determined by the use listed in the table found to be most similar in terms of parking needs. As none of the uses in Table 4.040-1 are similar to the proposed Facility's parking requirements (described below), the Applicant will coordinate with Morrow County prior to issuance of the Zoning Permit and Site Plan Review to ensure the parking provided at the O&M facility meets the code requirements under MCZO Section 4.040.

There will be very little ongoing maintenance required for the solar generation facilities. The majority of the solar generation facilities are operated and maintained remotely. However, periodic visits from O&M personnel are required for vegetation control, equipment inspections, and potential panel washing. O&M staff will utilize pickups for these visits. A permanent, fenced, graveled parking and storage area for employees, visitors, and equipment will be located adjacent to the O&M building. As there will be only periodic visits from O&M personnel within the fenced solar arrays, parking will be accommodated within the solar array site access areas.

5.2.3.5 Section 4.070. Sign Limitations and Regulations

In addition to sign limitations and regulations set forth in a specific zone, the following limitations and regulations shall apply to any sign hereafter erected, moved or structurally altered within the jurisdiction of the County.

Response: Signage may be included at the site access roads and will comply with Morrow County requirements under MCZO Section 4.070, as documented through the zoning and building permit process.

5.2.3.6 Section 4.165 Site Plan Review

Site Plan Review is a nondiscretionary or "ministerial" review conducted without a public hearing by the County Planning Director or designee. Site Plan Review is for less complex developments and land uses that do not require site development or conditional use review and approval through a public hearing.

A. Purpose. The purpose of Site Plan Review (ministerial review) is based on clear and objective standards and ensures compliance with the basic development standards of the land use district, such as building setbacks, lot coverage, maximum building height, and similar provisions. Site Plan review also addresses conformity to floodplain regulations, consistency with the Transportation System Plan, and other standards identified below.

B. Pre-application review. Prior to filing its application for site plan review, the applicant shall confer with the County Planning Director or designee, who shall identify and explain the relevant review procedures and standards.

C. Applicability. Site Plan Review shall be required for all land use actions requiring a Zoning Permit as defined in Section 1.050 of this Ordinance. The approval shall lapse, and a new application shall be required, if a building permit has not been issued within one year of Site Review approval, or if development of the site is in violation of the approved plan or other applicable codes.

D. Review Criteria.

1. The lot area shall be adequate to meet the needs of the establishment.

Response: The Facility will be located on leased land and will not require new lots or parcels. The Applicant has leased an adequate area of land to meet the needs of the Facility.

2. The proposed land use is permitted by the underlying land use district.

Response: The area within the site boundary is entirely within Morrow County's designated EFU zone. As described in response to MCZO 3.010.C(24) above, the Facility meets the definition of a photovoltaic solar power generation facility, and is therefore permitted as a conditional use in Morrow County's EFU zone.

3. The land use, building/yard setback, lot area, lot dimension, density, lot coverage, building height and other applicable standards of the underlying land use district and any sub-district(s) are met.

Response: The Applicant identified and demonstrated compliance with the applicable standards of the Morrow County EFU zone, as described above in responses to MCZO 3.010(C), (D), (K), (M), and (N). Therefore, the Facility, as proposed, complies with this provision.

4. Development in flood plains shall comply with Section 3.100 Flood Hazard Overlay Zone of the Ordinance.

Response: Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps show that almost all of the site boundary is located in Zone X. The Morrow County Flood Hazard Overlay Zone does not regulate FEMA flood Zone X. FEMA maps show there is an area within FEMA Zone A in the center of the site boundary, but no activities associated with the solar generation facilities will occur in this area. The solar generation facilities are being sited to avoid floodplains. No portion of the area that will be developed is located within Morrow County's Flood Hazard Overlay Zone; therefore, this criterion does not apply to the Facility.

5. Development in hazard areas identified in the Morrow County Comprehensive Plan shall safely accommodate and not exacerbate the hazard and shall not create new hazards.

Response: The only hazard areas identified in the applicable substantive policies of the MCCP are those areas within Morrow County's Flood Hazard Overlay Zone. As described above in the response to MCZO 4.165(D)(4), the site boundary is almost entirely within a moderate to low-risk flood area, as defined by FEMA Flood Insurance Rate Maps, and no portion of the area within the solar array areas will be located within Morrow County's Flood Hazard Overlay Zone. As such, the Facility, as proposed, will not exacerbate or create new flood hazards. This criterion is met.

6. Off-street parking and loading-unloading facilities shall be provided as required in Section 4.040 and 4.050 of the Morrow County Zoning Ordinance. Safe and convenient pedestrian access to off-street parking areas also shall be provided as applicable.

Response: Minimum vehicle parking requirements for various types of land uses are listed under MCZO 4.040, and criteria for off-street parking and loading areas for uses that receive and distribute materials and merchandise by trucks are provided in MCZO 4.050. A photovoltaic solar power generation facility is not a use listed or described in these Morrow County ordinances, nor will it receive and distribute materials and merchandise by trucks during operation.

7. County transportation facilities shall be located, designed and constructed in accordance with the design and access standards in the Morrow County Transportation System Plan.

Response: The Applicant will follow the Morrow County transportation standards such as entering into Road Use Agreements with Morrow County which include a pre-construction assessment of road surfaces.

8. Site planning, including the siting of structures, roadways and utility easements, shall provide, wherever practicable, for the protection of trees eight inch caliper or greater measured four feet from ground level, with the exception of noxious or invasive species, such as Russian olive trees.

Response: The area within the site boundary consists mostly of cultivated winter wheat, with patches of mixed grassland with scattered shrubs (see Exhibit P).

9. Development shall comply with Section 3.200 Significant Resources Overlay Zone or 3.300 Historic Buildings and Sites protecting inventoried significant natural and historic resources.

Response: The area within the site boundary is not located within the Significant Resources Overlay Zone, and no significant resource sites, as designated on the MCCP Goal 5 resource map, are located within the site boundary. Therefore, the provisions of MCZO 3.200 do not apply to the construction and operation of the solar generation facilities. In addition, 3.300 applies to the alteration or demolition of any structure listed in the MCCP inventory of significant historic resources. No structures listed in the MCCP inventory of significant historic resources are located within the site boundary (see Exhibit S). Therefore, this provision is met.

10. The applicant shall determine if compliance is required with Oregon Water Resources Department water quantity and/or Oregon Department of Environmental Quality water quality designations.

Response: See Exhibit O for Facility compliance with OWRD water quantity and/or Oregon Department of Environmental Quality water quality designations. As identified in Exhibit E, the Applicant may obtain an On-site Sewage Disposal Construction-Installation Permit for the sewage disposal system to be installed at the O&M building (or existing Wheatridge Facility O&M building). The Applicant does not anticipate requiring any other quality-related permits from the Oregon Department of Environmental Quality.

11. The applicant shall determine if previous Code Enforcement violations have been cleared as applicable.

Response: The Applicant does not know of any Code Enforcement violations associated with the tracts. Therefore, this provision does not apply.

12. The applicant shall determine the method of disposal for solid waste, with staff providing information to the applicant about recycling opportunities.

Response: Solid waste, disposal, and recycling are addressed in Exhibits G, U, and V of this ASC.

13. The applicant shall obtain the necessary access permit through the Public Works Department as required by Morrow County Resolution R-29-2000.

Response: The Applicant will obtain necessary local permits, including access permits through the Morrow County Public Works Department, prior to construction.

5.2.4 Article 6. Conditional Uses

5.2.4.1 Section 6.015. Requirements Under a State Energy Facility Site Certificate

If a holder of a Site Certificate issued by the Oregon Energy Facility Siting Council requests a conditional use permit for an energy facility as outlined under ORS 469.401(3) and pays the requisite fee, the Planning Director shall issue such conditional use permit. The conditional use permit shall incorporate only the standards and conditions in Morrow County's land use and other

ordinances as contained in the site certificate. Issuance of the Conditional Use Permit shall be done promptly, not taking more than four weeks once it has been determined that a valid Site Certificate has been issued, the applicant has submitted a complete application and the fee has been received.

Response: The Applicant has elected to obtain a land use determination from the Council pursuant to ORS 469.504(1)(b). This exhibit demonstrates how the Facility, as proposed, complies with the applicable substantive criteria of the MCCP and MCZO, and where it does not comply, demonstrates the Facility, as proposed, justifies a goal exception.

5.2.4.2 Section 6.020. General Criteria

In judging whether or not a conditional use proposal shall be approved or denied, the Commission shall weigh the proposal's appropriateness and desirability, or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met or can be met by observance of conditions.

A. The proposal will be consistent with the Comprehensive Plan and the objectives of the Zoning Ordinance and other applicable policies and regulations of the County.

Response: The Applicant demonstrates in the responses to the applicable substantive criteria of the MCCP (see Section 5.3) and MCZO (see Section 5.2) that the Facility is consistent with the MCCP, MCZO, and other applicable policies and regulations of Morrow County. Therefore, this provision is met.

B. If located within the Urban Growth Boundary of a city, that said city has had an opportunity to review and comment on the subject proposal.

Response: The Facility is not located within the urban growth boundary of a city; therefore, this criterion is not applicable.

C. The proposal will not exceed carrying capacities of natural resources or public facilities.

Response: Exhibits I, J, P, Q, S, and U of this ASC demonstrate that the carrying capacities of natural resources or public facilities would not be exceeded.

5.2.4.3 Section 6.025. Resource Zone Standards for Approval

A. In the Exclusive Farm Use zone a conditional use may be approved only when the County finds that the use will not:

1. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or

2. Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

Response: The Facility will not make it more difficult for the existing farms in the area (including the tract landowners) to continue operation, as further described under the response to MCZO Section 3.010 K.3.f. The impact of the Facility will not force a significant change in accepted farm practices or significantly increase the cost of farm practices, for the following reasons:

- Facility components and temporary construction areas will be within the solar array permanent disturbance area to minimize disturbance to farming operations.
- Most of the land within the site boundary currently available for agricultural use will be returned to its current status after Facility decommissioning.
- Even if the land within the site boundary were assumed to be permanently lost to farm use due to siting of permanent Facility improvements, the amount of loss would be a de minimis percentage of the total farm use land in Morrow County—less than 1 percent of the 1,126,101 acres of land in farms (USDA 2017). Therefore, the inability to use the land for farm purposes is not significant.
- The Applicant will implement a Noxious Weed Control Plan consistent with the Morrow County Weed Control Ordinance, which will reduce the risk of weed infestation in cultivated land and the associated cost to the landowner for weed control.
- The Applicant will sign and record in the deed records for the county a document binding the Facility owner and the Facility owner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices as defined in ORS 30.930(2) and (4).
- Construction and operation of the Facility could cause changes in routes of access to fields, and changes in the pattern of cultivation, seeding, fertilizing and harvesting near the solar array areas. To minimize this, the Applicant, in consultation with the landowners, will design Facility components to minimize obstacles to farming in cultivated fields (components around which the farmer would have to plow, plant and harvest).
- Construction of the Facility could adversely affect soil quality by erosion or compaction. Some farmland would be temporarily disturbed and unavailable for farming during construction. To avoid or reduce adverse impacts to soil quality, the Applicant will implement dust control and erosion-control measures during construction and operation of the Facility (see Exhibit I). To the extent practicable, the Applicant proposes to reduce impacts to soils by using areas already impacted by existing roads and previous development activities, thereby limiting the area of new disturbance.
- While some increase in traffic is anticipated during construction, Exhibit U demonstrates that the temporary increase in the level of traffic will not significantly impact level of service on local roads. Therefore, construction traffic will not interfere with harvest time activities such as tractor movement between fields or trucks delivering agricultural products to market. There will be no traffic impacts during Facility operation.

- The Facility will not affect the application of pesticides or fertilizers using aerial or ground-based methods.

The measures above are intended to avoid or minimize the impacts of the Facility on farming operations in the analysis area and to mitigate for necessary impacts. The Applicant will consult with area landowners during construction and operation of the Facility to determine further measures to reduce or avoid any adverse impacts to farm practices on surrounding lands and to avoid any increase in farming costs.

The Kilkenny Land Company, LLC and RJK Family, LLC own Tracts 2 and 8 (respectively) in the site boundary. The owners of these LLCs submitted letters to ODOE regarding the Facility's use of their lands (see Attachment K-1). In their letters, the landowners testify that the Applicant has successfully worked with them (and their tenant farmer) to minimize impacts on farm operations from WREF I, II, and III. The letters state that they are able to farm the adjacent lands around the existing renewable infrastructure and plan to farm their 4,000 acres not used by the Facility. Furthermore, the landowners anticipate that the Facility would have no impact to any of their neighbor's ability to expand, purchase, or lease any vacant land available for farming. These letters provide evidence that the Facility will not make it more difficult for the existing farms in the area (including the tract landowners) to continue operation.

As stated above in Section 5.2.2.4, a questionnaire (Attachment K-3) was sent to the two main landowners that operate agricultural uses on their tracts (Lindsays, and North Lex Power and Land/Rauch) and the tenant farmer who operates on the remaining 5 tracts in the site boundary. The questionnaire was intended to discuss facility layout, farming practices and better understand how the facility, including any layout, would not create unnecessary negative impacts. As indicated in response to the questionnaire (Attachment 3), all landowners/tenant farmer indicated that they would continue to farm elsewhere if the Facility is built. The landowners/tenant farmer also specified a minimum clearance needed to allow continued farm use and specified that the Applicant works with landowners to make sure that land not being used for solar is accessible for farming. Corey Miller, the tenant farmer for tracts 2, 4, 5, 6 and 8 also indicated the Applicant has a track-record for coordinating on project layout to allow certain setbacks and clearance distances necessary to allow equipment access and ensure efficient use of the land.

There are no lands in the analysis area in forest use; therefore, construction and maintenance of the Facility will not force a change to, or increase the cost of, forest practices on surrounding lands.

5.2.4.4 Section 6.030. General Conditions

In addition to the standards and conditions set forth in a specific zone, this article, and other applicable regulations; in permitting a new conditional use or the alteration of an existing conditional use, the Commission may impose conditions which it finds necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the County as a whole. These conditions may include the following:

A. Limiting the manner in which the use is conducted including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.

B. Establishing a special yard or other open space or lot area or dimension.

C. Limiting the height, size or location of a building or other structure.

D. Designating the size, number, location and nature of vehicle access points.

1. Where access to a county road is needed, a permit from Morrow County Public Works department is required. Where access to a state highway is needed, a permit from ODOT is required. 2. In addition to the other standards and conditions set forth in this section, a Traffic Impact Analysis (TIA) will be required for all projects generating more than 400 passenger car equivalent trips per day. A TIA will include: trips generated by the project, trip distribution for the project, identification of intersections for which the project adds 30 or more peak hour passenger car equivalent trips, and level of service assessment, impacts of the project, and mitigation of the impacts. If the corridor is a State Highway, use ODOT standards. (MC-C-8-98)

E. Increasing the amount of street dedication, roadway width or improvements within the street right-of-way.

1. It is the responsibility of the landowner to provide appropriate access for emergency vehicles at the time of development. (MC-C-8-98)

F. Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or loading area.

G. Limiting or otherwise designating the number, size, location, height, and lighting of signs.

H. Limiting the location and intensity of outdoor lighting and requiring its shielding.

I. Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance.

J. Designating the size, height, location and materials for a fence

K. Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.

L. Other conditions necessary to permit the development of the County in conformity with the intent and purpose of this Ordinance and the policies of the Comprehensive Plan.

Response: The provisions under MCZO 6.030 describe conditions that may be imposed "to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the County as a whole." The section is a list of discretionary conditions, and does not contain substantive standards. The Facility, as proposed, has been designed to avoid detrimental impacts as follows:

- The Facility has been designed to minimize environmental effects. The Facility will not cause air pollution or odors and does not include equipment that would cause vibration. The Facility is designed to comply with state noise standards, as described in Exhibit X of the ASC. Outdoor lighting at the Project substations and the O&M Building will be kept to the minimum required for safety, motion sensors will connect with switches to reduce lighting when an area is not in use, and lighting will be directed downward and inward to prevent off-site glare.
- The solar arrays will meet the minimum setbacks for front yard, side yard, and rear yard distances. The Applicant will document consistency with the applicable setback based on final design, as confirmed and submitted to Morrow County as part of the zoning permit. adhere to existing County setback requirements for the O&M facility and substations. The Project does not involve the subdivision of land so lot area and dimensional standards are not applicable. The Facility is located entirely on private land, none of which has been designated as open space; open space set-asides are inappropriate in this case.
- The Facility will require the development or improvement of access roads intersecting with county roads and state highways. The Applicant will work with the Morrow County Road Department to permit specific access locations and improvement requirements, as necessary, prior to making improvements at each county road access point. Similarly, the Applicant will work with ODOT for access roads that would intersect with a state highway.
- The Facility, as proposed, will require increased automobile trips during construction, but it is not expected the proposed use will exceed 134 trips per day (67 roundtrips) because the timing of construction of the solar facilities will be staggered. Traffic is not expected to be impacted during the long-term operation of the Facility because there will be three operations employees. Therefore, a TIA is not required.
- All Facility access roads will be constructed to accommodate heavy construction equipment, which will also make the roads suitable for emergency vehicles.
- Parking and loading areas associated with the O&M building and substations will be surfaced with gravel, and will be graded to incorporate appropriate stormwater drainage to prevent erosion and offsite impacts. These facilities will be located and designed to comply with Morrow County standards. No screening or landscaping is currently proposed, as is consistent with most residential and agricultural facilities in the area; however, the Applicant will work with Morrow County either during the Site Plan Review process or at the building permit issuance stage to determine whether landscaping or screening may be necessary.
- Signage may be included at the site access roads and will comply with Morrow County requirements under MCZO Section 4.070, as documented through the zoning and building permit process.

- Although the ordinance does not contain a substantive standard for imposing the fencing or landscaping requirement, this ASC proposes to include a fence around the perimeter of the solar array facilities. If the fencing proposed is six feet or higher, the Applicant will obtain a Zoning Permit from Morrow County to permit the structure.
- The area within the site boundary consists mostly of cultivated winter wheat, with patches of mixed grassland with scattered shrubs. Compliance with the final Reclamation and Revegetation Plan ensures agricultural soils temporarily disturbed during Facility construction will be protected and restored. The Applicant will obtain Council and County approval of these plans prior to start of construction.

In addition, this ASC, to which the Applicant must comply, will provide adequate conditions for the best interests and protection of the surrounding area and Morrow County as a whole.

5.2.4.5 Section 6.040. Permit and Improvements Assurance

The Commission may require an applicant to furnish the County with a performance bond or such other form of assurance that the Commission deems necessary to guarantee development in accordance with the standards established and the conditions attached in granting a conditional use permit.

Response: This provision does not establish approval standards. Financial assurance for facilities constructed and operated through this ASC will be in accordance with the Council's Retirement and Financial Assurance standard, OAR 345-022-0050 (see Exhibit X).

5.2.4.6 Section 6.050. Standards Governing Conditional Uses

A conditional use shall comply with the standards of the zone in which it is located and with the standards set forth in this subsection.

0. Radio, television tower, utility station or substation:

1. In a residential zone, all equipment storage on the site may be required to be within an enclosed building.

Response: This provision, MCZO 6.050.0.1, does not apply because the Facility is not located in a residential zone.

2. The use may be required to be fenced and provided with landscaping.

Response: This provision provides for a discretionary condition. Although the ordinance does not contain a substantive standard for imposing the fencing or landscaping requirement, this ASC proposes to include a fence around the perimeter of the solar array facilities. If the fencing proposed is 6 feet or higher, the Applicant will obtain a Zoning Permit from Morrow County to permit the structure.

3. The minimum lot size for a public utility facility may be waived on finding that the waiver will not result in noise or other detrimental effects to adjacent property.

Response: The lot size is not applicable to this ASC as a new lot will not be required.

> *4. Transmission towers, hoses, overhead wires, plumbing stations, and similar gear shall be so located, designed and installed as to minimize their conflict with scenic values.*

Response: The maximum height of the collector line poles will be approximately 70 to 180 feet above grade depending on design and terrain, and the maximum height of the panels (at full tilt) will be about 16 feet. Exhibit R reviews scenic and aesthetic values in consideration of this ASC.

5.3 Compliance with the Applicable Substantive Criteria from the Morrow County Comprehensive Plan

In 1986, Morrow County adopted a comprehensive plan to address the sustainable management of resources within the county that might be threatened by population growth and development. The MCCP (Morrow County 2013) has several "Goals" or "Elements" relating to different resources within the county. This section demonstrates compliance with the MCCP Elements applicable to the Facility.

5.3.1 Goal 3: Agricultural Lands Element

> *Policy 1: It shall be the policy of Morrow County, Oregon, to preserve agricultural lands, to protect agriculture as its main economic enterprise, to balance economic and environmental conditions, to limit noncompatible nonagricultural development, and to maintain a high level of livability in the County.*

Response: The Facility is located on agricultural lands as defined in the MCCP. The proposed use—solar energy generation—is consistent with MCCP Goal 3, Policy 1, as it is a compatible nonagricultural use in the EFU zone. As discussed in Section 5.2.2, the Facility meets the applicable substantive criteria of the Morrow County EFU zone. Furthermore, by locating the Facility adjacent to WREF III, it consolidates land use impacts to agricultural lands to a specific area rather than spreading these impacts out across a broader area in the County EFU lands and it allows for efficient use of existing transmission infrastructure. The Facility will be sited to utilize an existing substation, O&M building, point of interconnection, and the 230-kV UEC transmission line, a key part of a planned "green energy corridor" that will connect Morrow County wind and solar projects to the Northwest energy grid (Plaven 2017).

MCZC Section 3.010.C.(24) conditionally permits photovoltaic solar power generation facilities on agricultural land subject to Section 3.010.K.3. As the Facility exceed the threshold allowed for photovoltaic solar energy facilities on high-value and arable farmland, an exception is being requested (see Section 5.5). An exception is warranted to allow a locationally dependent facility that will fulfill important state and county goals by providing renewable energy while minimizing impacts on local farming practices.

The Facility will occupy the land under a long-term lease, but will not permanently damage the soils within the site boundary, allowing the land to convert back to agricultural use after the Facility is

decommissioned. According to the Morrow County 2017 Census of Agriculture (USDA 2017), approximately 1,126,101 acres of land is considered to be "farms." The site boundary includes an area of only 7,450 acres, or approximately 1 percent of land on farms in Morrow County, and therefore a de minimis removal of land from agricultural use. Furthermore, the Facility will not remove any of the county's highly productive, irrigated agricultural lands from agricultural use as no irrigated agricultural lands are located within the site boundary. Rather, the site boundary comprises arable soils used for dryland wheat or cattle grazing. As discussed in Section 3.3.3, most of the high-value farmland within the analysis area (7,372 acres of 9,005 high-value farmland acres) meets the definition of the high-value farmland under ORS 195.300(10)(f)) which does not consider soil quality or irrigation water availability. The Facility will also be compatible with adjacent agricultural uses, as it will not limit or impact current or future farm activities on the surrounding land.

The carrying capacities of natural resources or public facilities will not be exceeded by the Facility; therefore, this ASC will not have a significant adverse impact on "livability" in Morrow County (see Exhibits I, J, P, Q, S, and U).

> *Policy 4: It shall be the policy of the County to develop and implement comprehensive and definitive criteria for the evaluation of all non-farm developments to ensure that all objectives and policies set forth herein are compiled with to the maximum level possible.*

Response: Morrow County has established comprehensive and definitive criteria in the MCZO for the evaluation of all non-farm developments within agricultural lands. As provided in previous sections of this ASC, the Facility will comply with these criteria to the maximum level possible.

5.3.2 Goal 9: Economic Element

> *Policy 2A: To maximize the utilization of the local work force as job opportunities increase.*

Response: The Facility will provide temporary employment opportunities during construction, as described in Exhibit U. Operation of the Facility will require three full-time employees. These permanent jobs will contribute to the local economy. In addition, development of the Facility will result in an increase in annual property tax revenue to Morrow County. Estimated tax revenues for an up to 500-megawatt solar project in Morrow County (over a 25-year operating life) would range from approximately $45.0 million to $95.3 million, which is significantly higher than the estimated $0.57 million that would be generated by the underlying agricultural lands over the same period without a solar project (Tetra Tech 2021). Construction of the Facility would also benefit the local economy in the short term by providing temporary construction-related employment. During construction, construction workers and their employers will purchase goods and supplies, stay in area hotels, and eat at local restaurants, all of these providing an economic benefit to the local and regional economy by supporting area businesses. The additional tax revenue generated by the existence of the Facility will increase each County's ability to provide roadways, police protection, fire protection and emergency response, and other services to its citizens.

Policy 3A: To encourage local producers to new markets for local products and to seek out new products that are in demand in the market place and that can be produced locally.

Response: The Facility will support Morrow County's Goal to diversify its existing industries and to promote economic growth and stability of the County by adding a new source of tax revenue while ensuring the existing agricultural industries in the surrounding area are not impacted. In addition, the Facility will supplement the landowners' farm income through the lease payments, stabilizing their farm uses by diversifying their income sources while not restricting their ability to farm the remaining portions of the parcel. For example, the owners of Tract 2 (Kilkenny Land Company, LLC) and Tract 8 (RJK Family, LLC) note the following in their letters in Attachment K-1: "Any loss of revenue from the removal of a maximum of 2,000 acres from our dryland wheat crops would be substantially exceeded by the Facility's lease payments as to our two LLCs. This increase in revenues could exceed 10 times the average revenue from our dry land crops within the Facility footprint … We will keep farming the adjacent lands around the renewable infrastructure and the other 4,000 acres not used by this facility."

Policy: 5A: To utilize appropriate mechanisms in implementing regulations to reduce undesirable impacts from industrial and commercial developments, including the establishment of buffer zones or other mitigation measures if determined to be necessary.

Response: MCZC Section 3.010.C.(24) conditionally permits photovoltaic solar power generation facilities on agricultural land subject to Subsection K.3. As provided in previous section of this exhibit, the Facility will comply with these criteria to the maximum level possible. Additionally, the Applicant will sign and record in the deed records for the county a document binding the Facility owner and the Facility owner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices, as required per MCZC Section 3.010 K.3.i.

Policy: 6C: To require that development plans be based on the best economic information available, comply with applicable environmental standards, and take into account the effects of the development on the existing economy and available resources, including transportation and work force.

Response: The Facility will monetize the available solar energy resources in Morrow County while minimizing its impacts to the environment (see Exhibits P and Q) and public services (see Exhibit U). The Facility is sited adjacent to WREF III, thus allowing for efficient use of transmission infrastructure, specifically, the 230-kV UEC transmission line, a key part of a planned "green energy corridor" that will connect Morrow County wind and solar projects to the Northwest energy grid (Plaven 2017).

Policy: 7B: To ensure implementing regulations require the use of best management practices to protect surface and groundwater supplies.

Response: Water required during construction will be for dust control, concrete, and soil compaction. Water required during operations may be required for panel washing, but will be as

minimal as possible. The use of water during construction and operations will be as efficient as practicable (see Exhibit O).

5.3.3 Goal 11: Public Facilities and Services Element

General

Policy F: All utility lines and facilities shall be located on or adjacent to existing public or private right-of-way or through generally unproductive lands to avoid dividing existing farm units.

Response: The Facility is co-located with Wheatridge Renewable Energy Facility I through III. The Facility will be sited to utilize an existing substation, point of interconnection, and ROWs. As noted in Exhibit B, the Facility may also utilize the existing Wheatridge Facilities O&M building. Siting the Facility close to existing or approved renewable energy development allows for efficient use of infrastructure, while minimizing impacts to surrounding agricultural lands.

Fire Protection

Policy A: Fire protection shall be considered a common problem by the cities, County and fire protection districts.

Response: Fire protection measures for the Facility include coordination with the Ione Rural Fire Protection District and the Heppner Volunteer Fire Department. Both agencies would be able to provide fire protection services for the Facility. Several fire prevention systems and procedures would be employed at the Facility, including requirements to conduct welding or metal cutting only in areas that are graveled or cleared of vegetation, and to keep emergency firefighting equipment on-site when potentially hazardous operations are taking place. On-site employees will also receive training on fire prevention and response. Additional fire protection measures are described in Exhibit U. Therefore, the Facility is consistent with this policy.

Policy B: All new subdivision design shall take into consideration the need for both an ingress and egress route for emergency vehicles and evacuation traffic.

Response: Facility roads will be sufficiently sized for emergency vehicle access as reviewed by the Fire Marshall. Vegetation will be cleared and maintained along perimeter roads to provide a vegetation clearance for fire safety. The Facility is consistent with this policy.

5.3.4 Goal 13: Energy Conservation Element

Policy 2: To conserve energy and develop and use renewable energy resources.

Response: Renewable energy sources include sunshine per Policy 15, under MCCP Goal 13. Therefore, solar energy is considered a renewable energy resource under the MCCP, and the Facility will utilize solar resources in Morrow County to generate electric power for public use. The Facility is consistent with this policy.

Policy 3: Encourage development of solar and wind resources.

Response: The Facility will utilize solar resources in Morrow County to generate electric power for public use. Therefore, the Facility as proposed is consistent with this policy.

Policy 9: The County will encourage the development of alternative energy sources in County industries and businesses.

Response: Solar energy is considered an alternative energy source because it is not fossil-based. The Facility will generate electric power from a solar energy source for public use, and therefore is developing an alternative energy source in Morrow County.

5.4 Directly Applicable Rules, Statutes, and Goals

OAR 345-021-0010 (1)(k)(C)(iii) Identify all Land Conservation and Development Commission administrative rules, statewide planning goals and land use statutes directly applicable to the facility under ORS 197.646(3) and describe how the proposed facility complies with those rules, goals and statutes.

Response: The administrative rules, statutes, and statewide planning goals directly applicable to the Facility are discussed below.

5.4.1 Oregon Revised Statutes

5.4.1.1 ORS 215.283 Uses permitted in exclusive farm use zones in nonmarginal lands counties

(2) The following nonfarm uses may be established, subject to the approval of the governing body or its designee in any area zoned for exclusive farm use subject to ORS 215.296 (Standards for approval of certain uses in exclusive farm use zones):

(g) Commercial utility facilities for the purpose of generating power for public use by sale. If the area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation facility may be established as a commercial utility facility as provided in ORS 215.447 (Photovoltaic solar power generation facilities on high-value farmland). A renewable energy facility as defined in ORS 215.446 (Renewable energy facility) may be established as a commercial utility facility.

Response: Pursuant to ORS 215.283(2)(g), "commercial utility facilities for the purpose of generating power for public use by sale" may be established in the EFU zone of nonmarginal lands counties (including Morrow County) "subject to the approval of the governing body or its designee in any area zoned for exclusive farm use subject to ORS 215.296." MCZO 3.010.C(24) states "photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale" as a conditional use in the EFU zone. The standards for a conditional use in the EFU zone are set forth in MCZO 6.025(A), and are identical to ORS 215.296(1) and to OAR 660-033-0130(5), which is addressed in Section 5.4.2.

ORS 215.283(1)(C) provides that "utility facilities necessary for public service" may be established in the EFU zone of nonmarginal lands counties (including Morrow County) pursuant to ORS 215.274 if the utility is an associated transmission line. A demonstration of compliance with ORS 215.274 is provided further below in Section 5.4.1.2.

5.4.1.2 ORS 215.274 Associated transmission lines for public service

ORS 215.274 Associated transmission lines necessary for public service; criteria; mitigating impact of facility.

(1) As used in this section, "associated transmission line" has the meaning given that term in ORS 469.300.

Response: The Facility's 230-kV transmission line meets the definition for an "associated transmission line" and is therefore subject to ORS 215.274. Per MCZO Article 1, ORS 469.300 and 215.274, "associated transmission lines" means transmission lines constructed "to connect an energy facility to the first point of junction with either a power distribution system or an interconnected primary transmission system or both or to the Northwest Power Grid." The 230-kV transmission line will connect the Facility's collector substation to the transmission system at the existing Blue Ridge Substation, thereby connecting the proposed energy facility to the Northwest power grid. As such, the 230-kV transmission line is an "associated transmission line" under ORS 469.300 and ORS 215.274.

(2) An associated transmission line is necessary for public service if an applicant for approval under ORS 215.213 (1)(c)(B) or 215.283 (1)(c)(B) demonstrates to the governing body of a county or its designee that the associated transmission line meets:

(a) At least one of the requirements listed in subsection (3) of this section; or

(b) The requirements described in subsection (4) of this section.

Response: The criteria under ORS 215.274 mirrors EFU zone use standards in MCZO Section 3.010.D(10) as well as the implementing provisions under OAR 660-033-0130(b). The Facility transmission line meets two or more of the requirements of subsection (4) as detailed in Section 5.2.2.3 of this exhibit where the same standards under ORS 215.274 are evaluated under MCZO Section 3.010.D(10).

(3) The governing body of a county or its designee shall approve an application under this section if an applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements:

(a) The associated transmission line is not located on high-value farmland, as defined in ORS 195.300, or on arable land;

(b) The associated transmission line is co-located with an existing transmission line;

(c) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or

(d) The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground.

Response: As detailed in Section 5.2.2.3 of this exhibit, the associated transmission line will be an approximately 0.6-mile-long 230-kV overhead line running east along Strawberry East Road, connecting the southern proposed collector substation to the existing Blue Ridge Substation (Exhibit C, Figure C-2). However, because portions of the transmission line may be adjacent to existing ROW rather than within existing ROW, it does not meet any of the identified factors for the entire route. However, the entire route meets more than one of the factors under subpart (4)(a), below, which mirrors the standards of MCZO 3.010.D.10.b.(2).

(4)(a) Except as provided in subsection (3) of this section, the governing body of a county or its designee shall approve an application under this section if, after an evaluation of reasonable alternatives, the applicant demonstrates that the entire route of the associated transmission line meets, subject to paragraphs (b) and (c) of this subsection, two or more of the following factors:

(A) Technical and engineering feasibility;

(B) The associated transmission line is locationally dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(C) Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;

(D) Public health and safety; or

(E) Other requirements of state or federal agencies.

Response: As discussed in Section 5.2.2.3 in response to the standards of MCZO 3.010.D.10.b.(2), which mirror ORS 215.274(4)(a), the applicant demonstrates that the entire route of the associated transmission line meets the criteria under ORS 215.274(4)(a)(A), (B), (C), (D) and (E). See Section 5.2.2.3 for the justification of the Facility meeting this standard.

(b) The applicant shall present findings to the governing body of the county or its designee on how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.

Response: The Applicant has designed the 230-kV transmission line to minimize, to the greatest degree practicable, impacts to EFU land. The transmission line pole structures will permanently impact less than 0.01 acre, thereby removing very little land from agricultural production. In addition, the transmission line is sited to minimize disturbing agricultural practices by being sited

adjacent to existing linear ROWs wherever possible. The amount of new transmission line corridor has been minimized to the greatest extent practicable by following the shortest practicable route between substations. Landowners and farm operators will be compensated for the loss of land for agricultural production, as necessary. In addition, when construction is completed, lands temporarily affected by construction will be restored to their original condition. Therefore, because permanent impacts of the 230-kV transmission line are minimal, and the transmission line has been sited in consideration of farming practices, it will not force a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.

(c) The governing body of a county or its designee may consider costs associated with any of the factors listed in paragraph (a) of this subsection, but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.

Response: Land costs were not a significant consideration in determining the location of the transmission line segment. The location of the transmission line is dependent on providing a connection for the energy generated by the energy facility to the electrical energy grid interconnection point (Blue Ridge Substation).

No alternative location exists, regardless of cost, to locate the 230-kV transmission line exclusively on non-EFU land. However, the majority of the transmission line route is currently located adjacent to existing ROWs, thereby limiting impacts to EFU land used for agricultural purposes.

5.4.1.3 ORS 215.296 Standards for approval of certain uses in exclusive farm use zones

ORS 215.296 Standards for approval of certain uses in exclusive farm use zones; violation of standards; complaint; penalties; exceptions to standards.

(1) A use allowed under ORS 215.213 (2) or (11) or 215.283 (2) or (4) may be approved only where the local governing body or its designee finds that the use will not:

(a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or

(b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

Response: The Facility is being permitted through the Council for a site certificate. See the response to MCZO 6.025(A) in Section 5.2.4.3 of this exhibit as the standards in this provision of the MCZO are identical to ORS 215.296(1) and to OAR 660-033-0130(5). The Applicant acknowledges the procedural standards set forth in ORS 215.296(2)-(10).

5.4.2 Oregon Administrative Rules

5.4.2.1 OAR 660-033-0120

OAR 660-033-0120 Uses Authorized on Agricultural Lands

Response: Per the table in OAR 660-033-0120, "Photovoltaic solar power generation facilities [are] commercial utility facilities for the purpose of generating power for public use by sale" and are permitted in high-value farmland and other agricultural land after the required review and approval by the relevant governing body. This use is subject to requirements of OAR 660-033-0130(5) and OAR 660-033-0130(38), which are addressed in Sections 5.4.2.2 and 5.4.2.3 below.

5.4.2.2 OAR 660-033-0130(5)

OAR 660-033-0130 Minimum Standards Applicable to the Schedule of Permitted and Conditional Uses

(5) Approval requires review by the governing body or its designate under ORS 215.296. Uses may be approved only where such uses:

(a) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(b) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

Response: See the response to MCZO 6.025(A) in Section 5.2.4.3 of this exhibit as the standards in this provisions of the MCZO are identical to ORS 215.296(1) and to OAR 660-033-0130(5).

5.4.2.3 OAR 660-033-0130(38)

OAR 660-033-0130 Minimum Standards Applicable to the Schedule of Permitted and Conditional Uses

(38) A proposal to site a photovoltaic solar power generation facility shall be subject to the following definitions and provisions:

(a) "Arable land" means land in a tract that is predominantly cultivated or, if not currently cultivated, predominantly comprised of arable soils.

(b) "Arable soils" means soils that are suitable for cultivation as determined by the governing body or its designate based on substantial evidence in the record of a local land use application, but "arable soils" does not include high-value farmland soils described at ORS 195.300(10) unless otherwise stated.

(c) "Dual-use development" means developing the same area of land for both a photovoltaic solar power generation facility and for farm use.

(d) "Nonarable land" means land in a tract that is predominantly not cultivated and predominantly comprised of nonarable soils.

(e) "Nonarable soils" means soils that are not suitable for cultivation. Soils with an NRCS agricultural capability class V–VIII and no history of irrigation shall be considered nonarable in all cases. The governing body or its designate may determine other soils, including soils with a past history of irrigation, to be nonarable based on substantial evidence in the record of a local land use application.

Response: The provisions under OAR 660-033-0130(38)(a), (b), (d) and (e) are discussed in Section 5.2.2.4 in response to MCZO Section 3.010.K.3. As described in Section 3.3, the site boundary primarily comprises both high-value and arable lands that are predominantly cultivated with dryland wheat. Although there will be no dual-use development that meets the definition above, development of the Facility will preserve the land it is sited on for future farm use by: reducing grading and disturbance of the land during construction to the extent practicable; maintaining vegetation on most of the land within the fenceline; and using pile driven posts rather than concrete bases to hold up the racking system that the panels are mounted on to the extent practicable. Therefore, along with minimizing the wind and soil erosion from continual farming, these efforts to preserve soil health are anticipated to preserve the farmland for future use and are a thereby a form of dual use as farmland is often left fallow as a farming technique.

(f) "Photovoltaic solar power generation facility" includes, but is not limited to, an assembly of equipment that converts sunlight into electricity and then stores, transfers, or both, that electricity. This includes photovoltaic modules, mounting and solar tracking equipment, foundations, inverters, wiring, storage devices and other components. Photovoltaic solar power generation facilities also include electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, all necessary grid integration equipment, new or expanded private roads constructed to serve the photovoltaic solar power generation facility, office, operation and maintenance buildings, staging areas and all other necessary appurtenances. For purposes of applying the acreage standards of this section, a photovoltaic solar power generation facility includes all existing and proposed facilities on a single tract, as well as any existing and proposed facilities determined to be under common ownership on lands with fewer than 1320 feet of separation from the tract on which the new facility is proposed to be sited. Projects connected to the same parent company or individuals shall be considered to be in common ownership, regardless of the operating business structure. A photovoltaic solar power generation facility does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.

Response: The provisions under OAR 660-033-0130(38)(f) are discussed in Section 5.2.2.4 in response to MCZO 3.010.K.3.e. The Facility meets the definition of "photovoltaic solar power generation facility." As shown on Figure K-3 and discussed in Section 5.2.2.4, the Facility is within

1,320 feet of WREF III. However, as discussed previously, the Facility by itself meets the acreage threshold for a Goal 3 exception. Therefore, the acreage threshold analysis does not include WREF III.

> *(g) For high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not use, occupy, or cover more than 12 acres unless:*
>
> > *(A) The provisions of paragraph (h)(H) are satisfied; or*
> >
> > *(B) A county adopts, and an applicant satisfies, land use provisions authorizing projects subject to a dual-use development plan. Land use provisions adopted by a county pursuant to this paragraph may not allow a project in excess of 20 acres. Land use provisions adopted by the county must require sufficient assurances that the farm use element of the dual-use development plan is established and maintained so long as the photovoltaic solar power generation facility is operational or components of the facility remain on site. The provisions of this subsection are repealed on January 1, 2022.*

Response: As discussed in Section 5.2.2.4 in response to MCZO 3.010.K.3.f, portions of the site boundary area meet the definition of high-value farmland under ORS §195.300(10)(f). The Applicant is not proposing dual use development (as defined under OAR 660-033-0130(38)(c)) within the site boundary and does not meet the requirements of paragraph (h)(H) (see analysis below). However, as further discussed in Section 5.2.2.4 in response to MCZO 3.010.K.3.f, the Applicant anticipates the Facility will safeguard soil health during construction and operation and therefore lead to farmland preservation.

As the total area of high-value farmland within the site boundary would use, occupy, or cover more than 12 acres, the Applicant seeks a goal exception. However, because the Facility falls under the Council's jurisdiction, it is the Council's statutes and rules that govern the goal exception process (i.e., ORS 469.504(2) and OAR 345-022-0030(4), rather than ORS 197.732). See Section 5.5 for the statewide planning goal exception justification.

> *(h) The following criteria must be satisfied in order to approve a photovoltaic solar power generation facility on high-value farmland described at ORS 195.300(10).*
>
> > *(A) The proposed photovoltaic solar power generation facility will not create unnecessary negative impacts on agricultural operations conducted on any portion of the subject property not occupied by project components. Negative impacts could include, but are not limited to, the unnecessary construction of roads dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing photovoltaic solar power generation facility project components on lands in a manner that could disrupt common and accepted farming practices;*

Response: The OAR 660-033-0130(38)(h)(A) provisions are discussed in Section 5.2.2.4 in response to MCZO 3.010.K.3.f.(1), which concludes that construction, operation, and maintenance of

the solar array and associated equipment will not change existing land use practices on lands surrounding the solar siting area.

> *(B) The presence of a photovoltaic solar power generation facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied. The approved plan shall be attached to the decision as a condition of approval;*

Response: The OAR 660-033-0130(38)(h)(B) provisions are discussed in Section 5.2.2.4 in response to MCZO 3.010.K.3.f.(2), which concludes that the presence of a photovoltaic solar power generation facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property.

> *(C) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval;*

Response: The OAR 660-033-0130(38)(h)(C) provisions are discussed in Section 5.2.2.4 in response to MCZO 3.010.K.3.f.(3), which concludes that construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production.

> *(D) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weed species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval;*

Response: The OAR 660-033-0130(38)(h)(D) provisions are discussed in Section 5.2.2.4 in response to MCZO 3.010.K.3.f.(4). As discussed in response to MCZO 3.010, the Applicant will implement a Noxious Weed Control Plan in coordination with Morrow County that will reduce the risk of weed infestation in cultivated land and the associated cost to the farmer for weed control.

> *(E) Except for electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, the project is not located on those high-value farmland soils listed in OAR 660-033-0020(8)(a);*

Response: OAR 660-033-0020(8)(a) defines high-value farmland as land in a tract composed predominately of soils that are: (A) Irrigated and classified prime, unique, Class 1 or 2; or (B) Not irrigated and classified prime, unique, Class 1 or 2. As described in Section 3, there are no irrigated

lands within the site boundary and there are no non-irrigated soils classified prime, unique, Class 1 or 2 by the NRCS. Therefore, the Facility complies with this provision.

> *(F) The project is not located on those high-value farmland soils listed in OAR 660-033-0020(8)(b)-(e) or arable soils unless it can be demonstrated that:*
>
> *(i) Non high-value farmland soils are not available on the subject tract;*
>
> *(ii) Siting the project on non high-value farmland soils present on the subject tract would significantly reduce the project's ability to operate successfully; or*
>
> *(iii) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of non high-value farmland soils; and*

Response: The OAR 660-033-0130(38)(h)(F) provisions are discussed in Section 5.2.2.4 in response to MCZO 3.010.K.3.f.(5).

> *(G) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:*
>
> *(i) If fewer than 48 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area, no further action is necessary.*
>
> *(ii) When at least 48 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities within the study area, the local government or its designate must find that the photovoltaic solar power generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar power generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.*

Response: The OAR 660-033-0130(38)(h)(G) provisions are discussed in Section 5.2.2.4 in response to MCZO 3.010.K.3.f.(6).

> *(H) A photovoltaic solar power generation facility may be sited on more than 12 acres of high-value farmland described in ORS 195.300(10)(f)(C) without taking an exception pursuant to ORS 197.732 and OAR chapter 660, division 4, provided the land:*

(i) Is not located within the boundaries of an irrigation district;

Response: As discussed in Section 3.3.1, the Facility site boundary is not located within the boundaries of an irrigation district.

(ii) Is not at the time of the facility's establishment, and was not at any time during the 20 years immediately preceding the facility's establishment, the place of use of a water right permit, certificate, decree, transfer order or ground water registration authorizing the use of water for the purpose of irrigation;

Response: As discussed in Section 3.3.1, the site boundary is not irrigated and does not contain water rights likely to be allocated due to its location in the Ella Butte and Butter Creek Classified Ground Water Areas (OWRD 2003).

(iii) Is located within the service area of an electric utility described in ORS 469A.052(2);

Response: The Facility is located within the UEC service area. The UEC is considered a small electric utility and therefore not described in ORS 469A.052(2). Therefore, the Facility does not meet this criterion.

(iv) Does not exceed the acreage the electric utility reasonably anticipates to be necessary to achieve the applicable renewable portfolio standard described in ORS 469A.052(3); and

Response: As the Facility does not meet criteria (iii) above, this provision is not applicable.

(v) Does not qualify as high-value farmland under any other provision of law; or

Response: As discussed in Section 3.3, the area within the site boundary contains high-value farmland and is primarily composed of arable soil and therefore qualifies as arable land. As the Facility will use more than 20 acres of arable land for a commercial solar energy facility, an exception is being requested pursuant to ORS 469.504(2) and OAR 345-022-0030(4) (see Section 5.5).

(i) For arable lands, a photovoltaic solar power generation facility shall not use, occupy, or cover more than 20 acres. The governing body or its designate must find that the following criteria are satisfied in order to approve a photovoltaic solar power generation facility on arable land:

Response: The OAR 660-033-0130(38)(i) provisions are discussed in Section 5.2.2.4 in response to MCZO 3.010.K.3.g. As discussed in Section 3.3, the area within the site boundary primarily comprises arable soil and therefore qualifies as arable land. As the Facility will use more than 20 acres of arable land for a commercial solar energy facility, an exception is being requested pursuant to ORS 469.504(2) and OAR 345-022-0030(4) (see Section 5.5).

(A) Except for electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, the project is not located on those high-value farmland soils listed in OAR 660-033-0020(8)(a);

Response: OAR 660-033-0020(8)(a) defines high-value farmland as land in a tract composed predominately of soils that are: (A) Irrigated and classified prime, unique, Class 1 or 2; or (B) Not irrigated and classified prime, unique, Class 1 or 2. As described in Section 3, there are no irrigated lands within the site boundary and there are no non-irrigated soils classified prime, unique, Class 1 or 2 by the NRCS. Therefore, the Facility complies with this provision.

(B) The project is not located on high-value farmland soils listed in OAR 660-033-0020(Definitions)(8)(b)-(e) or arable soils unless it can be demonstrated that:

(i) Nonarable soils are not available on the subject tract;

(b) Siting the project on non non-arable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or

(c) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of nonarable soils;

Response: Compliance standards are discussed in Section 5.2.2.4 in response to MCZO 3.010.K.3.g.(1), which mirrors OAR 660-033-0130(38)(i)(A).

(C) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10);

Response: As the total area of high-value farmland within the site boundary that would be precluded from use as a commercial agricultural enterprise is more than 12 acres, a goal exception will be needed. However, because the Facility falls under the Council's jurisdiction, it is the Council's statutes and rules that govern the goal exception process (i.e., ORS 469.504(2) and OAR 345-022-0030(4), rather than ORS 197.732). See Section 5.5 for the statewide planning goal exception justification.

(D) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:

(i) If fewer than 80 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area, no further action is necessary.

(ii) When at least 80 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities within the study area, the local government or its designate must find that the photovoltaic solar

power generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar power generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area; and

Response: Compliance standards are discussed in Section 5.2.2.4 in response to MCZO 3.010.K.3.g.(3), which mirrors OAR 660-033-0130(38)(i)(D).

(E) The requirements of OAR 660-033-0130(38)(h)(A), (B), (C) and (D) are satisfied.

Response: The requirements of OAR 660-033-0130(38)(f)(A), (B), (C), and (D) are discussed above and in Section 5.2.2.4 in response to MCZO 3.010.K.3.g.(4), which mirrors OAR 660-033-0130(38)(i)(E).

(j) For nonarable lands, a photovoltaic solar power generation facility shall not use, occupy, or cover more than 320 acres. The governing body or its designate must find that the following criteria are satisfied in order to approve a photovoltaic solar power generation facility on nonarable land:

Response: The Facility does not preclude more than 320 acres of non-arable land from use as a commercial agricultural enterprise, and is therefore compliant with this standard.

(A) Except for electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, the project is not located on those high-value farmland soils listed in OAR 660-033-0020(8)(a);

Response: OAR 660-033-0020(8)(a) defines high-value farmland as land in a tract composed predominately of soils that are: (A) Irrigated and classified prime, unique, Class 1 or 2; or (B) Not irrigated and classified prime, unique, Class 1 or 2. As described in Section 3, there are no irrigated lands within the site boundary and there are no non-irrigated soils classified prime, unique, Class 1 or 2 by the NRCS. Therefore, the Facility complies with this provision.

(B) The project is not located on those high-value farmland soils listed in OAR 660-033-0020(8)(b)-(e) or arable soils unless it can be demonstrated that:

(i) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or

(ii) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract as compared to other possible sites also located on the subject tract, including sites that are comprised of nonarable soils;

Response: Compliance standards are discussed in Section 5.2.2.4 in response to MCZO 3.010.K.h(1), which mirrors OAR 660-033-0130(38)(j)(B).

> *(C) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10);*
>
> *(D) No more than 20 acres of the project will be sited on arable soils;*

Response: As discussed above, the Facility will occupy more than 12 acres of high-value farmland and 20 acres of arable land. Thus, the Facility requires an exception to Statewide Planning Goal 3 (see Section 5.5).

> *(E) The requirements of OAR 660-033-0130(38)(h)(D) are satisfied;*

Response: The requirements of OAR 660-033-0130(38)(h)(D) are discussed above.

> *(F) If a photovoltaic solar power generation facility is proposed to be developed on lands that contain a Goal 5 resource protected under the county's comprehensive plan, and the plan does not address conflicts between energy facility development and the resource, the applicant and the county, together with any state or federal agency responsible for protecting the resource or habitat supporting the resource, will cooperatively develop a specific resource management plan to mitigate potential development conflicts. If there is no program present to protect the listed Goal 5 resource(s) present in the local comprehensive plan or implementing ordinances and the applicant and the appropriate resource management agency(ies) cannot successfully agree on a cooperative resource management plan, the county is responsible for determining appropriate mitigation measures; and*

Response: There are no Goal 5 resources in the Facility site boundary.

> *(G) If a proposed photovoltaic solar power generation facility is located on lands where, after site specific consultation with an Oregon Department of Fish and Wildlife biologist, it is determined that the potential exists for adverse effects to state or federal special status species (threatened, endangered, candidate, or sensitive) or habitat or to big game winter range or migration corridors, golden eagle or prairie falcon nest sites or pigeon springs, the applicant shall conduct a site-specific assessment of the subject property in consultation with all appropriate state, federal, and tribal wildlife management agencies. A professional biologist shall conduct the site-specific assessment by using methodologies accepted by the appropriate wildlife management agency and shall determine whether adverse effects to special status species or wildlife habitats are anticipated. Based on the results of the biologist's report, the site shall be designed to avoid adverse effects to state or federal special status species or to wildlife habitats as described above. If the applicant's site-specific assessment shows that adverse effects cannot be avoided, the applicant and the appropriate wildlife management agency will*

cooperatively develop an agreement for project-specific mitigation to offset the potential adverse effects of the facility. Where the applicant and the resource management agency cannot agree on what mitigation will be carried out, the county is responsible for determining appropriate mitigation, if any, required for the facility.

Response: Professional biologists conducted site-specific assessment using methodologies reviewed and accepted by the ODFW. Based on these surveys, it was determined there will be no adverse effects to special status species or Category 1 wildlife habitats. Exhibit Q provides information about state-listed threatened endangered plant and wildlife species that may be affected by the Facility as required by OAR 345-022-0070. Exhibit P provides information about the fish and wildlife habitats and species, other than the species addressed in Exhibit Q, that could be affected by the Facility. These exhibits also outline the agency consultation that has occurred at various stages of Facility development and measures to avoid, reduce, and mitigate impacts, as necessary.

(k) An exception to the acreage and soil thresholds in subsections (g), (h), (i), and (j) of this section may be taken pursuant to ORS 197.732 and OAR chapter 660, division 4.

Response: As discussed above, the Facility will occupy more than 12 acres of high-value farmland and 20 acres of arable land. Thus, the Facility requires an exception to Statewide Planning Goal 3. For projects under Council jurisdiction, the standards for approving an exception are set forth in ORS 469.504(2)(c) and Council's rule (which mirrors the statute), OAR 345-022-0030(4). The justification for an exception to Statewide Planning Goal 3 is set forth in Section 5.5. The Applicant's demonstration of compliance with the remainder of OAR 660-033-0130(38)(g), (h), (i), and (j) is included above.

(l) The county governing body or its designate shall require as a condition of approval for a photovoltaic solar power generation facility, that the project owner sign and record in the deed records for the county a document binding the project owner and the project owner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices as defined in ORS 30.930(2) and (4).

Response: The Applicant understands that the Council will impose a condition to the site certificate requiring that, before beginning construction of the Facility, the certificate holder must record such a document in the deed records of Morrow County.

(m) Nothing in this section shall prevent a county from requiring a bond or other security from a developer or otherwise imposing on a developer the responsibility for retiring the photovoltaic solar power generation facility.

Response: Exhibit X provides information on retiring the Facility and restoring the site. The Applicant understands the implications of the bonding requirements outlined in this criterion.

5.4.3 Applicable Statewide Goals Compliance

The Applicant demonstrates below that the Facility complies with the Statewide Planning Goals applicable to the Facility, and accordingly requests that the Council exercise its authority to determine compliance with the Council's Division 22 Land Use Standard.

Goal 1, Citizen Involvement:

"To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

Goal Compliance: This Goal governs public participation in the land-use process. The Applicant does not propose any changes to the public-participation requirements of local or state law. The Council's application for site certificate rules provide sufficient notice and comment periods to satisfy Goal 1 as it applies to the Facility. The Applicant has complied and will comply with the Council's public-notice standards.

Goal 3 Agricultural Lands:

"To preserve and maintain agricultural lands."

Goal Compliance: This Goal is designed for the protection of agricultural lands. Goal 3 provides that "[a]gricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policy expressed in ORS 215.243 and 215.700." Oregon has adopted land use policies under ORS 215.243 to preserve and maintain agricultural lands, regulate allowed uses in the EFU zone under ORS 215.283, and implement the regulations of OAR Chapter 660, Division 33. An analysis of the Facility's compliance with Statewide Planning Goal 3 and its implementing regulations is provided in Sections 5.4.1 and 5.4.2.

As discussed in Sections 5.4.1 and Section 5.2.2, the Facility will occupy more than 12 acres of high-value farmland or 20 acres of arable land for the commercial solar energy facility. Thus, the Facility requires an exception to Statewide Planning Goal 3. For projects under Council jurisdiction, the standards for approving an exception are set forth in ORS 469.504(2)(c) and the Council's rule (which mirrors the statute), OAR 345-022-0030(4). The justification for an exception to Statewide Planning Goal 3 is set forth in Section 5.5.

Goal 5, Open Spaces, Scenic, Historic and Natural Resources:

"To conserve open space and protect natural and scenic resources."

Goal Compliance: The Facility will be built primarily on existing, cultivated farmlands and will be adjacent to WREF III. It will consist of a solar array and supporting connecting infrastructure, much of which will be buried underground. The Facility is located entirely on private land, none of which is designated as open space. The impacts of the Facility on natural resources such as habitat, scenic resources, and protected and historical areas are discussed in further detail in Exhibits Q, R, L, and S, respectively. There are no Goal 5 resources in the Facility site boundary. Therefore, the Facility complies with Goal 5.

***Goal 9, Economic Development**:*

"To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Goal Compliance: This Goal provides certain guidelines for local governments to follow to stimulate orderly economic growth. In particular, the planning guidelines in the Goal emphasize the use of "geographically appropriate" sites for major facilities and also the expansion and increased productivity of existing facilities. The Facility is sited adjacent to WREF III, thus allowing for efficient use of transmission infrastructure, specifically, the 230-kV UEC transmission line, a key part of a planned "green energy corridor" that will connect Morrow County wind and solar projects to the Northwest energy grid (Plaven 2017). The Facility will utilize Marrow County's solar resource without detriment to other wind or solar projects or land and natural resource uses to provide economic growth and jobs within Morrow County. The existing economic use of Facility land—agriculture—will not be significantly impacted by the Facility. The Facility will be an addition to the County economy rather than a replacement of one economic use with another. Additionally, the landowners' loss of available agricultural land will be compensated by lease payments to each landowner, which can provide a stable source of income over a period of many years for farmers and ranchers. See testimony to this point in the landowner letters in Attachment K-1. In addition, the Facility will benefit the local economy in the short term by providing temporary construction-related employment. During construction, construction workers and their employers will purchase goods and supplies, stay in area hotels, and eat at local restaurants, all of these providing an economic benefit to the local and regional economy by supporting area businesses. Development of the Facility will increase economic diversity within Morrow County and offer nonagricultural employment opportunities for local residents. Finally, development of the Facility will result in an increase in annual property tax revenue to Morrow County, which will increase the County's ability to provide roadways, police protection, fire protection and emergency response, and other services to its citizens. Therefore, the Facility complies with Goal 9.

***Goal 11, Public Facilities and Services**:*

"To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."

Goal Compliance: This Goal requires local governments to coordinate their land-use planning with an analysis of the availability of public facilities and services such as water, sewer, and roads. Exhibit U provides an analysis of impacts of the Facility on public facilities and services. The Facility will not require any new public facilities or services from the county. The Facility will not require public water or sewer facilities from the county. Impacts on public roads will be addressed in a Road Use Agreement, in compliance with all permit requirements. Finally, the Facility will not interfere with the County's ability to provide public services to its citizens. Therefore, the Facility complies with Goal 11.

***Goal 12, Transportation**:*

"To provide and encourage a safe, convenient and economic transportation system."

Goal Compliance: This Goal governs local government decisions regarding transportation facilities. The Facility will neither require the construction of any new public roads nor will it create any long-term conflicts with such facilities in the county. Construction of the Facility will involve certain short-term impacts on several roads in the county (see Exhibit U). Impacts on public roads will be addressed in a Road Use Agreement with the County, in compliance with all permit requirements. However, such short-term impacts are not addressed by Goal 12 or its implementation rules. Therefore, the Facility complies with Goal 12.

***Goal 13, Energy Conservation**:*

"To conserve energy."

Goal Compliance: Statewide Land Use Planning Goal 13 calls for land and uses developed on land to be managed and controlled so as to maximize the conservation of all forms of energy, based on sound economic principles. Furthermore, Goal 13's Planning Guideline No. 5 encourages local land use plans to consider "as a major determinant the existing and potential capacity of the renewable energy sources to yield useful energy output" and calls for land conservation and development actions to "whenever possible…. utilize renewable energy sources."[4]

In accordance with Goal 13, there are a number of state policies and statutory programs that together reflect a consistent state policy of supporting renewable energy development. In 2005, the State of Oregon published a Renewable Energy Action Plan (ODOE 2005). This plan called for significant, additional development of renewable resources, including solar energy. In 2007, the Oregon legislature passed Senate Bill 838 establishing Oregon's Renewable Portfolio Standard (RPS) for electricity, requiring that 25 percent of Oregon's electric load come from new renewable energy by 2025. On March 11, 2016, Governor Kate Brown signed Senate Bill 1547, which doubles the RPS from 25 percent to a requirement that 50 percent of Oregon's electric load must come from renewable energy by 2040. Also, the Oregon Legislature has enacted numerous tax credits and economic development incentives favoring renewable energy development. Then in 2021, Governor Kate Brown signed House Bills 2021, 2165, 2475, and 3141 to address the climate crisis by accelerating the clean energy transition in Oregon by moving to 100 percent clean electricity sources by 2040 (State of Oregon 2021). The Facility will assist the state with its mandate to meet the RPS and new clean energy goal.

According to the UEC website, the Oregon Governor's Office, the U.S. Navy, the Bonneville Power Administration (BPA), the U.S. Bureau of Land Management, Morrow County, Idaho Power

[4] The Applicant is aware of caselaw suggesting that Goal 13 does not *require* counties to develop or facilitate the development of energy facilities. Because that issue is still under review and the Applicant (among other interested parties) believes that Goal 13 is one of many reasons that may justify a statewide planning goal exception, the Applicant has opted to address the Facility's consistency with Goal 13 along with other statewide and county programs and policies that relate to the development of renewable energy. As discussed below, even if Goal 13 cannot be used to justify a Goal 3 exception, the record demonstrates that there are numerous reasons why the statewide policies embodied in Goal 3 should not apply.

Company, and a number of other state and local agencies have engaged in efforts that ultimately would support a green energy corridor (Northeast Oregon Now 2018). Such a corridor has the potential to deliver enough clean energy to power a city the size of Eugene and Salem combined. UEC has permitted a new overhead electric transmission line, a green energy corridor, through Morrow County, generally following Bombing Range Road. This transmission line is part of the community's collaborative development of a sustainable utility corridor that minimizes impacts to current and future agriculture usage in the area and consolidate the footprint of facilities that provide the public with utility services. The Facility, as proposed, will directly connect to this transmission line, which terminates adjacent to the Facility substation, thereby providing renewable energy while minimizing farmland impacts.

The MCCP's Goal 13 policies 11 through 16 mirror the planning and implementation guidelines stated under Statewide Planning Goal 13. However, MCCP's Goal 13 policies 1 through 11 go a step further by specifically calling for development of renewable energy in Morrow County. MCCP Goal 13 directs Morrow County to "develop and use renewable energy resources" under Policy 2, to "encourage development of solar and wind resources" under Policy 3, and states that the "County will encourage the development of alternative energy sources in County industries and businesses" under Policy 9. The Facility, as proposed, will utilize solar resources to generate renewable energy. Therefore, the Facility, as proposed, supports all three of these policies and is thus compliant with the MCCP's Goal 13 and well as Statewide Planning Goal 13.

5.5 Statewide Planning Goal Exceptions

> *OAR 345-021-0010 (1)(k)(C)(iv) If the proposed facility might not comply with all applicable substantive criteria, identify the applicable statewide planning goals and describe how the proposed facility complies with those goals.*

As discussed in Sections 5.2 and 5.4 of this exhibit, the Facility's solar generation facilities will preclude more than 12 acres of high-value farmland and more than 20 acres of arable land, and therefore the Facility does not meet the acreage standards under MCZO 3.010(K)(3)(f) and (g) and OAR 660-033-0130(38)(g) and (i) and requires an exception to Statewide Planning Goal 3. This exception is justified under ORS 469.504(2)(c) and OAR 345-022-0030(4)(c), which provide the controlling criteria for exceptions that are proposed for energy facilities under the jurisdiction of the Council. The Applicant demonstrates that an exception to Statewide Planning Goal 3 is justified for the Facility in this section.

> *OAR 345-021-0010 (1)(k)(C)(v) If the proposed facility might not comply with all applicable substantive criteria or applicable statewide planning goals, describe why an exception to any applicable statewide planning goal is justified, providing evidence to support all findings by the Council required under ORS 469.504(2).*

As discussed above, the Facility's solar generation facilities will preclude more than 12 acres of high-value farmland and more than 20 acres of arable land and therefore do not meet the acreage standards under MCZO 3.010(K)(3)(f) and (g) and OAR 660-033-0130(38)(g). Pursuant to OAR 660-033-0130(38)(f), siting of the Facility's solar generation facilities requires an exception to

Statewide Planning Goal 3. This exception is justified under ORS 469.504(1)(b), which provides the controlling criteria for exceptions that are proposed for energy facilities under the jurisdiction of the Council.

Per ORS 469.504, an exception may be taken on any of three grounds:

- That the land is "physically developed to the extent that the land is no longer available for uses allowed by the applicable goal;"
- That the land "is irrevocably committed … to uses not allowed by the applicable goal;" or
- That certain standards are met because the facility is compatible with existing adjacent uses and other relevant factors are met; or what is referred to as a "reasons" exception.

The site boundary is not "physically developed" or "irrevocably committed" within the meaning of the rule. Therefore, the Facility's justification for an exception to Statewide Planning Goal 3 is demonstrated under ORS 469.504(2)(c) and OAR 345-022-0030(4)(c). An exception is warranted to allow a locationally dependent facility that will fulfill important state and county goals, by providing renewable energy while minimizing impacts on local farming practices.

5.5.1 Demonstration that a "Reasons" Exception is Appropriate

ORS 469.504(2)(c)(A); OAR 345-022-0030(4)(c)(A) Reasons justify why the state policy embodied in the applicable goal should not apply;

The state policy embodied in Goal 3 is the preservation and maintenance of agricultural land for farm use. In support of Goal 3, Oregon has adopted land use policies under ORS 215.243 to preserve and maintain agricultural lands, regulate allowed uses in the EFU zone under ORS 215.283, and implement the regulations of OAR Chapter 660, Division 33. An analysis of the Facility's compliance with Statewide Planning Goal 3 and its implementing regulations is provided in Sections 5.4.1 and 5.4.2 of this exhibit. As discussed in Section 5.4.2, OAR 660-033-0120 allows certain non-agricultural uses on agricultural lands including photovoltaic solar power generation, subject to certain conditions. These conditions limit a photovoltaic solar power generation facility from using more than 12 acres of high-value farmland, more than 20 acres of arable land, and more than 320 acres of non-arable land. Therefore, it is the size of the solar generation facility and not the proposed use that requires an exception be taken. As discussed in Sections 5.2.2 and 5.4.2.3 of this exhibit, the Facility will not result in significant adverse impacts on accepted farm practices in the land use area. Moreover, as discussed in Section 5.3 of this exhibit, the Facility is consistent with the Agricultural policies in the MCCP, which implements the statewide planning goals.

The Facility responds to important state and county goals and priorities.

Oregon's Statewide Planning Goals express the state's policies on land use, which are implemented through the adopted comprehensive plan and the zoning ordinances of the local cities and counties. Statewide Planning Goal 13 encourages local land use plans to consider "as a major determinant the existing and potential capacity of the renewable energy sources to yield useful energy output" and

calls for land conservation and development actions to "whenever possible […] utilize renewable energy sources" (see Goal 13, planning guideline No. 5). The MCCP is consistent with the Statewide Planning Goals, and MCCP Goal 13: Energy Conservation Element has several policies that mirror the planning and implementation guidelines stated under Statewide Planning Goal 13. However, MCCP's Goal 13 policies 2, 3, and 9 go a step further than the State Planning Goal by specifically requiring and encouraging the development of renewable energy in the County. These policies are stated in the MCCP, Chapter 13 as follows:

- Policy 2: To conserve energy and develop and use renewable energy resources.
- Policy 3: Encourage development of solar and wind resources.
- Policy 9: The County will encourage the development of alternative energy sources in County industries and businesses.

Policy 2 is not framed as a suggestion, but rather states plainly that it is Morrow County's policy to develop and use renewable energy resources. This Facility, as proposed, responds to all three of these policies by developing Morrow County's renewable solar energy resource and thus meeting the County's need for renewable energy development.

In addition to responding to the County's need for development of renewable energy, the Facility's solar energy generation facilities respond to the RPS, which requires 50 percent of Oregon's electric load to be sourced from new renewable energy by 2040. In 2021, Governor Kate Brown signed House Bills 2021, 2165, 2475, and 3141 to address the climate crisis by accelerating the clean energy transition in Oregon by moving to 100 percent clean electricity sources by 2040 (State of Oregon 2021).The Facility will provide 500 megawatts of renewable solar generated energy, and thus assist the State of Oregon with its mandate to meet the RPS and new clean energy goal.

Besides the Facility being consistent with and implementing local and state energy policies above, the following reasons justify removing land from commercial agricultural use within the solar siting area temporarily (long-term lease), consistent with energy policies of importance within the county and across the state and region.

The Facility is locationally dependent.

Locational dependency refers to the unique proximity and interrelatedness of operations of the proposed solar facility and existing energy infrastructure. As described in more detail below, the Facility is locationally dependent because of its proximity to existing energy infrastructure, the regional grid for interconnection, and major transportation corridors.

- *Proximity to the existing energy infrastructure.* As shown on Figure K-3, WREF III, approved by ODOE and currently under construction, is adjacent to the Facility and is owned by a subsidiary of the same parent company, NextEra. The Facility will overlap with portions of the Wheatridge Renewable Energy Facilities[5] (see Exhibit C, Figure C-3). The Facility will utilize the existing Blue Ridge Substation to interconnect the Facility's southern substation

[5] Wheatridge Renewable Energy Facility I, II, III, and East

and southern solar array area to the regional transmission system. The Facility's southern substation is sited as close as feasible to the point of interconnection at the Blue Ridge Substation while providing adequate room for the proposed BESS area and existing infrastructure. As described above, locating the BESS area near the southern substation allows for efficiency and avoids increased farmland impacts resulting from longer collection lines that would be necessary to link the facility components. Figure C-2.3 shows the Blue Ridge Substation relative to the Facility's southern substation. Figure C-3 demonstrates the Blue Ridge Substation is surrounded by project infrastructure associated with WREF I and WREF III. The Applicant believes there are benefits to siting the Facility close to other energy facilities. Consolidating renewable energy project locations allows for efficient use of transmission infrastructure while consolidating land use impacts to a specific area as opposed to spreading these impacts out across a broader patchwork of facilities which would require more infrastructure such as transmission and result in more land use impacts.

Proximity to the regional grid for interconnection. The Facility will utilize the existing 230-kV UEC transmission line for both of its interconnection points. The northern substation (and in turn the northern solar array areas) will potentially interconnect with the existing UEC 230-kV transmission line or other planned transmission lines adjacent to the Facility, running north to south through the northern solar array areas. The southern substation (and in turn the southern solar array areas) will interconnect with the UEC transmission line via the existing Blue Ridge Substation, Therefore, the 230-kV UEC transmission line serves as the Facility's interconnection and is a key part of a planned "green energy corridor" that will connect Morrow County wind and solar projects to the Northwest energy grid (Plaven 2017). UEC, the Oregon Governor's Office, the Navy, BPA, the U.S. Bureau of Land Management, Morrow County, Idaho Power Company, and a number of other state and local agencies have engaged in efforts that ultimately support a green energy corridor (Northeast Oregon Now 2018). Such a corridor has the potential to deliver enough clean energy to power a city the size of Eugene and Salem combined. UEC permitted and constructed the new 230-kV overhead electric transmission line, generally following Bombing Range Road, to serve as this "green energy corridor" connecting energy projects in the south part of the county to the NW grid. The UEC transmission line, running approximately 20 miles south from the UEC Highway 730 Substation to the Blue Ridge Substation, is part of the community's collaborative development of a the green energy corridor that minimizes impacts to current and future agriculture usage in the area and consolidates the footprint of facilities that provide the public with utility services. Although the Facility includes an approximately 0.6-mile-long 230-kV overhead line to connect the southern proposed collector substation to the existing Blue Ridge Substation, the length of the line is minimal and is located parallel to Strawberry East Road, thereby providing renewable energy while minimizing farmland impacts.

- *Proximity to major transportation corridors.* Additionally, the site boundary is sited adjacent to Highway 207 and Bombing Range Road providing easy access for construction and

ongoing maintenance and operations, and thus no new roads need to be created that would impact agricultural operations.

Minimal Impacts to Agriculture

A proposed solar facility site may be unique and exceptional because it results in minimal impacts to agriculture. According to guidance from ODOE (ODOE 2021), potential direct and indirect impacts to agriculture can occur: a) at the site of the non-farm use (i.e., land to be used or occupied by the proposed solar facility) as well as the remaining farm operation located on the underlying tract on which the proposed facility site is located; b) on the surrounding agricultural area; and c) on farmland with water availability. The Applicant addresses these potential direct and indirect impacts below.

- *Potential direct and indirect impacts at the site of non-farm use are minimal:* The Applicant assessed the potential direct and indirect impacts to agricultural uses in the Facility site by surveying the two main landowners that operate agricultural uses on their tracts (Lindsays – Tract 3 and North Lex Power and Land/Rauch – Tract 7) and the tenant farmer (Corey Miller) who operates dry land wheat farming on Tracts 2, 4, 5, 6, and 8 (Attachment K-3)[6]. The Applicant also assessed the potential economic impacts of removing approximately 3,700 acres of arable land from agricultural production through an agricultural impact analysis prepared by ECONorthwest (Attachment K-4).

  Information on crop yields provided by the surveyed landowners/tenant farmer is consistent with the Morrow County average annual yield over the past 10 years, which was 39.8 bushels/acre. According to the surveyed landowners/tenant farmer, prices for wheat in recent years are also generally consistent with the statewide average values. Survey responses conveyed that farming operations on the Facility site currently provide employment for the landowners, one of which farms the land themselves. Three of the landowners (Hale/Kilkenny, Martin, and Munkers) lease their land to the same full-time tenant who operates the farm. One landowner (North Lex/Rauch) employs two full-time workers. Together, farming operations on the Facility site support approximately four FTE positions (Attachments K-3 and K-4). All landowners/farmers interviewed indicated that they would continue to farm elsewhere if the Facility is built. The tenant farmer on land owned by Hale/Kilkenny, Munkers, and Martin indicated he would be unable to continue farming the portion of the land leased to the Facility but would perform other work for the Facility similar to his ongoing operations and management support of the other NextEra facilities in the vicinity of Wagon Trail (e.g. weed control, snow removal, grading Facility roads, etc.).

  The potential direct impact of removing approximately 3,700 acres of arable land from agricultural production would result in the farmers no longer receiving the gross value of

[6] As indicated in Section 3.2, the owners of Tract 1 only have 4 acres of land within the site boundary and no solar panels are sited on this tract. Tract 9 is an approximately 5 acres parcel owned by Wheatridge Wind Land Holdings, LLC and the existing Blue Ridge Substation is located on this parcel and therefore is not farmed.

production from producing wheat, which is estimated to be an annual $487,000 for the 3,684 acres removed from production (based on a 10-year average of agricultural production in the Site Boundary). However, the landowners will be more than compensated for this annual production value loss through the lease payments from the Facility[7]. Another potential direct impact could be the loss of employment. However, as discussed above, the landowner/tenant farmer responses suggest that none of the four FTE positions are anticipated to be lost during Facility construction and operation. Therefore, there should be no direct economic impact to the farms or farm employment associated with the Facility footprint.

- The discussion of indirect economic impacts is included in the ECONorthwest Agricultural Impact Analysis (Attachment K-4). Indirect economic impacts to the local agricultural economy may occur due to the associated reduction in local spending on agricultural inputs for farming the 3,684 acres of dryland wheat. Landowners currently purchase fuel, seed, and fertilizer and chemicals from local suppliers. Using IMPLAN, ECONorthwest modeled the economic impacts to the local (Morrow County) economy of an estimated reduction in annual output of $487,000 in the grain sector.[8] Output means the value of goods and services produced. In this case, the removal of 3,684 acres of winter wheat would have an estimated reduction in annual output of $487,000 in the grain sector. Putting this into context, $487,000 is equivalent to only 1.4 percent of the Morrow County's average value of production of winter wheat and 0.2 percent of the State's average value of production of winter wheat. Thus, highlighting the small percent of the county and state's winter wheat production value the Facility's footprint would impact.

  Table K-4 shows the estimated local economic activity supported by current agricultural operations associated with the Facility footprint based on estimated annual output of $487,000 and employment information provided by the participating landowners (Attachments K-3 and K-4). These are annual economic impacts from the production of dryland wheat on the Facility site.

[7] See statements by landowners in Attachment K-1. Landowners estimate the increase in revenue from lease payments could exceed 10 times the average revenue from the dryland crops on their lands in the Facility site boundary.

[8] The IMPLAN model divides the economy into 546 sectors, including government, households, farms, and other industries, and models the linkages between the various sectors. Impacts are modeled here by assigning the estimated reduction in output to IMPLAN Sector 2 - Grain farming, which includes wheat, corn, dry beans, and dry peas.

Table K-4. Economic Impacts of Current Site Boundary Agricultural Activities

Impact	Employment (FTE)[1]	Labor Income[2]	Output[2]
Direct	4.0[3]	$182,010	$487,024
Indirect	**1.6**	**$123,471**	**$205,693**
Induced	0.2	$13,380	$56,761
Total	5.9	$318,862	$749,479

Source: IMPLAN 2022, ECONorthwest

1. Jobs are FTE for a period of one year (1 FTE = 2,080 hours).

2. Labor income and economic output are expressed in Year 2023 dollars.

3. Direct jobs associated with these acres of agricultural production would not likely be lost due to the construction of the Facility.

While all the estimated economic activity represented in Table K-4 arises from dryland wheat agricultural production associated with the 3,684 acres within the Facility footprint, the indirect impacts (bolded) most closely reflect economic activity in the agricultural sector in Morrow County supported by the agricultural production in the Facility footprint, which would be lost when the project is built. As discussed above, the direct impact represents the gross value of production that the farmers would no longer receive from producing wheat, and the associated employment and labor income of farmers and their employees, but the direct output will be more than compensated by Facility lease payments and no net job loss is anticipated.

Indirect impacts in this context represent economic activity supported by local expenditures on related goods and services such as seeds, fertilizer, and fuel. Indirect impacts are often referred to as "supply-chain" impacts because they involve interactions among businesses. Most of the 1.6 indirect jobs (1.3 FTE) supported by site-related expenditures are in IMPLAN Sector 19 – Support activities for agriculture and forestry, which was the second largest employer in Morrow County in 2021, with an estimated 816 workers. A potential reduction of 1.3 jobs represents approximately 0.2 percent of existing employment in this sector and about 0.06 percent of total agricultural jobs in Morrow County. The remaining indirect employment modeled by IMPLAN (0.3 FTE) is distributed across multiple IMPLAN sectors, including wholesale, other nondurable goods, and gasoline stores. Indirect jobs do not necessarily translate into individual positions. A reduction in demand could, for example, result in a reduction in hours worked or reduced overtime, without resulting in job loss.

As summarized above, the findings of the ECONorthwest Agricultural Impact Analysis demonstrate that removing 3,684 acres of arable winter wheat land from agricultural production would have minimal direct, indirect, and induced impacts to agricultural activities and the overall agricultural economy in Morrow County.

- *Minimal impacts on remaining farm operations:* There are a total of seven property owners with agricultural uses on land tracts located in the Facility site boundary that have solar arrays proposed (Tracts 2, 3, 4, 5, 6, 7, and 8). Of those seven tracts, three are currently leasing portions of their tracts to one or more of the existing Wheatridge Renewable Energy Facilities[9] As evidenced by the letters provided by the owners of Tracts 2 and 8 (see Attachment K-1), the leasing of these lands for non-agricultural use has not prevented the landowners from using the remainder of the lands in these tracts or any of their surrounding or nearby lands for agricultural use (see Figure K-3). Tract 2 is composed of nine tax lots owned by Kilkenny Land Company, LLC and Tract 8 is composed of three tax lots owned by RJK Family, LLC. The Kilkenny Land Company, LLC and RJK Family, LLC are owned and managed by Kelly Hale, who serves as President for both LLCs and Russell R. Kilkenny, who serves as Vice President and attorney for both LLCs. As Tract 2 and Tract 8 have the same landowners and are part of the same agricultural operations, the potential direct or indirect impacts to agriculture on Tracts 2 and 8 are analyzed together here:
    - Together, these two LLCs own a total of 6,000 acres of agriculturally zoned land in Morrow County, primarily used for dryland wheat farming. Only about 25 percent (1,440 acres) will be located within the Facility site boundary and less than 600 acres, or 10 percent of their total land holdings, is anticipated to be permanently impacted by the Facility.
    - As noted in the letters submitted by Ms. Hale and Mr. Kilkenny (see landowner letters in Attachment K-1), none of the lands in Tract 2 or Tract 8 are irrigated or have sufficient irrigation water rights associated with the tract parcels. Although parcels 02N25E000000400 and 0500 of Tract 2 have a water right (Certificate 42329/Permit G-4353), it is a junior water right and associated with an unused well. As explained in Section 3.3.1, the permit is located in the Ella Butte Groundwater Limited Area and is not viable for irrigation use as it is limited to statutory exempt uses only (i.e., domestic use, stock watering, or limited commercial or industrial use). Furthermore, it is unlikely, given these conditions, that new appropriations of groundwater beyond the limited exempt uses noted above would be allowed in the Ella Butte area and, if existing groundwater rights were to be curtailed in the Ella Butte area, other more senior water rights (some with priority dates in the late 1800s and early 1900s) would take precedence over Certificate 42329 (with a 1968 priority date). The landowners also confirm in their letters that based on past investigations; they do not anticipate any future opportunity to acquire irrigation water rights for their lands within the site boundary. Without irrigation, the underlying soils are not considered high-value farmland soils (Class 1 or 2 soils). The areas of Tract 2 and Tract 8 within the site boundary have either been utilized for the cultivation of dryland wheat or have been left fallow as they do not have the history or potential to support irrigated crops. According to the landowners (see

[9] Wheatridge Renewable Energy Facility I, II, and III

Attachment K-1), their lands within the site boundary are composed of low-quality soils and are left fallow every other year or every 3 years.

- As noted in the letters submitted by Ms. Hale and Mr. Kilkenny (see Attachment K-1), their lands within the site boundary are leased to a tenant farmer on a crop share lease. The tenant employs two full-time people and farms several thousand acres outside of the Tract 2 and Tract 8 lands. The landowners maintain that even if all their lands within the site boundary were removed from dryland wheat production, no loss of agricultural jobs would occur; rather, there would be a net increase in jobs due to the Facility creating jobs during construction. Furthermore, Ms. Hale and Mr. Kilkenny note that the Applicant has minimized impacts to farming operations on their lands associated with the Wheatridge Renewable Energy Facilities I (wind), II (wind), and III (solar) and they plan to continue farming their lands adjacent to the Facility and do not anticipate any impacts to their neighbor's ability to expand, purchase, or lease any adjacent or nearby vacant land available for farming.
- The landowners also maintain in their letter that any loss of revenue from the removal of their lands from dryland wheat production would be substantially exceeded by the Facility's lease payments to the LLCs. They estimate this increase in revenue could exceed 10 times the average revenue from the dryland crops on their lands in the Facility site boundary.
- In conclusion, the landowners of Tracts 2 and 8 maintain that the Facility will have minimal impact on their agricultural operations and to the agricultural resources of their land and the surrounding lands.

- *Lack of water availability for irrigation*: As discussed in Section 3.2 and as shown on Figure K-4, there are currently no irrigated agricultural lands within the site boundary, the site boundary is not located within the boundaries of an irrigation district, and, as discussed in Section 3.3.1, obtaining water for irrigation for areas within the site boundary including areas that previously were irrigated (25 years ago) is improbable. The two tracts (Tracts 2 and 7) in the site boundary that have appurtenant water rights have junior water rights that have not been used for crop irrigation in approximately 25 years. Furthermore, as noted in Section 3.3.1, it is highly unlikely that water rights appurtenant to land in Tract 7 would be allocated water if a request for annual allocation were made, due to its location within the Butter Creek Critical Ground Water Area (OWRD 2003). Similarly, the water right appurtenant to land in Tract 2 is located within the Ella Butte Groundwater Limited area, and if existing groundwater rights were to be curtailed in this area, other more senior water rights would take precedence. Meanwhile, new groundwater use is limited to statutorily exempt uses only (OWRD 2003). In dry regions such as Morrow County, irrigation water is critical to agricultural production. As noted in the MCCP's Agricultural Element, irrigation development has enabled Morrow County to become one of the largest potato-producing counties in the nation and has provided the impetus for processing plant construction, increased cattle feeding (potato culls), and increased prosperity in local agribusiness

(Morrow County 2013). None of the irrigated, highly productive agricultural lands are located within the site boundary. Rather, the site boundary comprises arable soils used for dryland wheat farming or cattle grazing. As discussed in Section 3.3.1, most of the high-value farmland within the site boundary (7,372 acres of 9,005 high-value farmland acres) meets the definition of the high-value farmland under ORS 195.300(10)(f)) which does not consider soil quality or irrigation water availability. Therefore, loss of the cultivated lands used for dryland wheat from the Facility is insignificant when considering the other available agricultural land in Morrow County, especially the irrigated land in the north end of the county that is irrigated by the Columbia and Umatilla rivers and provides much higher agricultural productivity to the County and State than the lands in the site boundary.

- *The Facility imposes minimal direct impacts to high-value agricultural soils and land due to lack of available irrigation water.* Section 3.3.1 provides details regarding the existing water rights within the site boundary and the Butter Creek CGWA. Section 3.3.3 provides an analysis of high-value farmland, as defined under ORS 195.300(10). While tracts within the site boundary have place of use water rights and meet the definition of "irrigated" under OAR 660-033-0020(9), irrigated agricultural activities under these water rights are currently not feasible. As none of the tracts within the site boundary are currently watered, receive water from a water or irrigation district, or are located within a water or irrigation district, the land within the tracts is not considered irrigated based on those conditions. Further, less than 50 percent of the total tract areas have Class 1, 2, Prime, and Unique soils (as detailed in Section 3.3.3 and Table K-2). Following DLCD guidance, the lands within the site boundary do not meet the definition of high-value farmland under ORS 195.300(10)(a) and ORS 215.710.

  None of the irrigated, highly productive agricultural lands in Morrow County are located within the site boundary. The land in the north end of Morrow County is irrigated by water from the Columbia and Umatilla rivers and provides much higher agricultural productivity to the county and state than the lands within the site boundary. The value of agricultural land and the amount of agricultural output increases exponentially when irrigation water is secured and applied. For example, according to the 2017 report by the Governor's Advisory Committee on Energy and Agriculture in the Umatilla Basin 2017, dryland wheat grown without irrigation produces agricultural output valued at approximately $100 per acre. However, adding one AF of water to irrigate the land increases that value to $500 per acre. A second AF of irrigation water allows a farmer to grow hay and some vegetables valued at $1,500 per acre. A third AF of water allows production of potatoes, onions, and carrots, which increases value to $5,000 per acre or more after adding processing and international shipment value (Advisory Committee on Energy and Agriculture in the Umatilla Basin 2017). Therefore, lands with irrigation rights adequate to irrigate crops have a higher agricultural value than lands with no irrigation water and the loss of the cultivated lands used for dryland wheat from the Facility is economically de minimis when considering the other available agricultural land in Morrow County.

In summary, the Facility is proposed on farmland with limited productivity, primarily due to the lack of water for irrigation. As the site boundary is not irrigated and is unlikely to acquire adequate groundwater or surface water rights to support irrigation, it imposes minimal direct impacts to high-value agricultural soils and avoids impacts to the highest value agricultural lands (i.e., lands with irrigated crops) in Morrow County.

- *Temporary land use conversion*: The renewable energy leases are temporary, and thus are only a temporary change to the land use that is not irrevocably committed to new urbanized use. Per the terms of the lease and consistent with a Retirement Plan approved by the landowners and applicable agencies (see Exhibit X), the land would be restored for future agricultural use. For these reasons, the solar facility will only be a temporary removal of farmland. See Exhibit M for evidence that the Applicant has a reasonable likelihood of obtaining a bond or letter of credit in the amount estimated to be required to restore the site. Additionally, as described earlier, the Facility is a farmland supportive use that will safeguard soil health by protecting soils from wind and soil erosion and minimizing construction impacts and vegetation under solar panels.

Overall, the farmland used for the Facility will not remove highly productive irrigated agricultural land from agricultural use, will have minimal impact on existing agricultural uses within and adjacent to the site boundary, and will be a de minimis percentage of the total farm use land in Morrow County. Further, as summarized above, the findings of the ECONorthwest Agricultural Impact Analysis demonstrate that removing 3,684 acres of arable winter wheat land from agricultural production would have minimal direct, indirect, and induced impacts to agricultural activities and the overall agricultural economy in Morrow County. Therefore, the Council may find that construction and operation of the Facility would result in minimal impacts to agriculture.

Local Economic Benefits

Solar energy generation promotes rural economic development by creating jobs and adding to the tax base. The Facility will provide additional benefits in the form of full-time jobs, construction jobs, compensation to landowners via commercial contracts including leases, taxes, and community service fees. Because most of Morrow County is EFU-zoned, these benefits will largely support EFU zoning uses, agricultural uses, such as community service fees potentially being used to improve public infrastructure such as roads used by large farming equipment. In addition, the stability of the lease payments will allow farmers to continue their agricultural operations on other areas of their land as discussed in the tract discussion above and as evidenced by the landowner letters in Attachment K-1. For example, the owners of Tract 2 (Kilkenny Land Company, LLC) and Tract 8 (RJK Family, LLC) note the following in their letters in Attachment K-1:

- "….even if all 2,000 acres came out of production, no loss of agricultural jobs due to the project would occur."
- "Any loss of revenue from the removal of a maximum of 2,000 acres from our dryland wheat crops would be substantially exceeded by the Facility's lease payments as to our two LLCs.

This increase in revenues could exceed 10 times the average revenue from our dry land crops within the Facility footprint."

- "We will keep farming the adjacent lands around the renewable infrastructure and the other 4,000 acres not used by this facility."

The Facility will generate significant economic benefits for Morrow County. Based on an assessment of tax benefits of an up to 500-megawatt solar project in Morrow County, the estimated tax revenues over the 25-year operating life of the Facility will range from approximately $45.0 million to $95.3 million. The estimates are significantly higher than the estimated tax revenues ($0.57 million) that would be generated by the Facility's underlying agricultural lands over the same period if there was not a solar project. In addition, construction and operation of the Facility will also generate local economic benefits through direct expenditures for materials and services in the local area, and new payroll income (Tetra Tech 2021). These estimated benefits are a significant gain compared to the current agricultural activities outlined in Table K-4, which indicates the removal of 3,684 acres of agricultural land would affect 1.6 indirect jobs and an annual indirect economic output of $205,693 and 0.2 induced jobs with $56,761 of induced economic output.

Although the Facility has not yet entered into a Strategic Investment Program (SIP) agreement with Morrow County, it anticipates doing so. The SIP is a state-administered program that offers a 15-year property tax exemption on a portion of large capital investments. Under the SIP the project pays property tax on the initial taxable portion of the assessed value. In addition, the project pays a community service fee equal to 25 percent of foregone tax (up to $2.5 million) and may also make additional payments as negotiated with the county. The amount of tax savings provided by the SIP depends on the terms of the agreement negotiated between the project and the affected local government, specifically the amount of additional payments, if any. Past examples of SIP agreements negotiated for renewable energy projects have included a minimum payment per megawatt (MW) that includes the required property tax and community service fee payments, as well as an additional payment to the local government. In these cases, the negotiated additional payment amount is the difference between the total per MW payment and the required property tax and community service fund payments. Property taxes paid on the taxable portion are distributed to the local taxing districts with property tax authority in the code area or areas where the project is located. The community service fee payment and any negotiated amounts are distributed based on agreements between the county and local taxing districts. The Facility is anticipated to enter into a SIP agreement with Morrow County, and during its negotiations with the County, the Applicant will discuss with the County whether some of the community service payments or other payments should be earmarked for agricultural stakeholders to ensure direct economic benefit reaches the agricultural economy of Morrow County.

Rural areas can have a surplus of renewable energy resources and an abundance of space, while urban areas may lack the sufficient space. New energy sources create more and varied power supply which can mean lower power prices and increased energy reliability. Therefore, the introduction of an additional energy source to a rural area can initiate a chain reaction that leads to economic activity that potentially makes neighboring urban areas attractive for industrial

investments that can boost employment and progress in the surrounding area. Moreover, Morrow County has indicated through the ASC process for Boardman Solar that "Morrow County would not want to see some 600 acres of industrial land consumed with a use that is allowed conditionally on farmland" (see Attachment K-2). Morrow County is predominantly composed of agricultural land with only 2.2 percent of the total County land area zoned for industrial uses.

Minimal Impacts to Other Environmental Resources

The Facility is sited to avoid any sensitive environmental features, including Washington ground squirrel habitat, FEMA 100-year floodplains, U.S. Fish and Wildlife Service-designated critical habitat, ODFW-designated big game winter ranges, and any National Hydrography Dataset or National Wetland Inventory-mapped wetlands or waters. The Facility's environmental consequences are discussed primarily in Exhibit I (Soils), Exhibit J (Wetlands), Exhibit L (Protected Areas), Exhibit P (Fish and Wildlife), Exhibit Q (Threatened and Endangered Species), Exhibit R (Scenic Resources), and Exhibit S (Cultural Resources). These exhibits demonstrate that the Facility will avoid impacts to such resources altogether. The Applicant will mitigate for any unforeseen impacts to wildlife habitat based on habitat categorization, as is required under ODFW policy (see Exhibit P). The Facility, as proposed, is not anticipated to have any significant adverse impacts to soils, wetlands, protected areas, water resources, threatened and endangered species, scenic and aesthetic resources, and historic, cultural, and archaeological resources.

5.5.2 Evidence that Environmental, Socioeconomic, and Energy Consequences Favor the Exception

ORS 469.504(2)(c)(B); OAR 345-022-0030(4)(c)(B) The significant environmental, economic, social and energy consequences anticipated as a result of the proposed facility have been identified and adverse impacts will be mitigated in accordance with rules of the Council applicable to the siting of the proposed facility;

This ASC addresses the environmental, economic, social, and energy-related consequences anticipated as a result of the construction and operation of the Facility's solar energy generation facilities.

- **Environmental.** The Facility's environmental consequences are discussed primarily in Exhibit I (Soils), Exhibit J (Wetlands), Exhibit L (Protected Areas), Exhibit P (Fish and Wildlife), Exhibit Q (Threatened and Endangered Species), Exhibit R (Scenic Resources), and Exhibit S (Historic, Cultural, and Archaeological Resources). These exhibits demonstrate that the Facility will not cause significant adverse environmental consequences. Indeed, by and large, the proposed changes will avoid impacts to such resources altogether. The Applicant will mitigate for any unforeseen impacts to wildlife habitat based on habitat categorization, as is required under ODFW policy (see Exhibit P). The Facility, as proposed, is not anticipated to have any significant adverse impacts to soils, wetlands, protected areas, water resources, threatened and endangered species, scenic and aesthetic resources, and historic, cultural, and archaeological resources.

Socioeconomic. The Facility's socioeconomic consequences will not be adverse. The Facility will not have significant adverse impacts on scenic, cultural, historical, archeological, or recreational resources. Exhibit U (Public Services) demonstrates that the Facility will not have significant adverse impacts on community services such as housing, sewer, water supply, waste disposal, health care, education, and transportation. The ECONorthwest economic impact analysis (Attachment K-4) notes that taking the area associated with the Facility footprint out of agricultural production would have minimal impacts to the local agricultural economy due to the associated reduction in local spending. Using IMPLAN, ECONorthwest modeled the economic impacts for Morrow County based on an estimated reduction in annual output of $487,000 in the grain sector. This output is equivalent to only 1.6 percent and 0.2 percent of the estimated values in Morrow County and Oregon, respectively. The estimated potential reduction of 1.3 jobs represents approximately 0.2 percent of existing employment in this sector and about 0.06 percent of total agricultural jobs in Morrow County. The remaining indirect employment (0.3 FTE) is distributed across multiple IMPLAN sectors, including wholesale, other nondurable goods, and gasoline stores. These jobs supported elsewhere in the local economy do not necessarily translate into individual positions. The estimated 0.2 job arising from the induced impacts consists of employment distributed over a range of different economic sectors.

As discussed above, the Facility will create jobs and contribute income to Morrow County. These benefits should be measured against the relatively small amount of agricultural activity that will be displaced by the Facility. The Facility will supplement farmers' income with lease payments and without significantly reducing the land base available for farming practices. Similarly, although some farming will be displaced where certain portions of the Facility will be located, the Facility will be compatible with area farming by consulting landowners on placement of solar facilities to minimize obstacles for farm activities.

- **Energy Consequences.** The Facility, as proposed, will provide a reliable source of electricity with no fuel cost and no associated emissions for at least 50 years. As discussed under MCZO 6.025 and throughout this exhibit, the Facility will not adversely affect any farming operations in the general area. There are no significant adverse economic consequences of constructing and operating the Facility, as proposed.

5.5.3 Compatibility with Adjacent Land Uses

OAR 345-022-0030(4)(c)(C) The proposed facility is compatible with other adjacent uses or will be made compatible through measures designed to reduce adverse impacts.

The proposed use will be compatible with adjacent agricultural uses, as it will not limit or impact current or future farm activities on the surrounding land, and will not diminish the opportunity for neighboring parcels to expand, purchase, or lease any vacant land available for farming. The impact of the proposed changes would neither force a significant change in accepted farm practices nor significantly increase the cost of farm practices in the vicinity of the Facility, as outlined in Section

5.2.2.4 and Section 5.2.4.3. Since the Facility is not an urbanized use, it does not have urban use characteristics such as traffic, noise, and emissions and will not require urban infrastructure such as water and sewer. In the letters from the Kilkenny Land Company, LLC and RJK Family, LLC (owners of Tracts 2 and 8, respectively; see Attachment K-1), they testify that the Applicant has successfully worked with them (and their tenant farmer) to minimize impacts on farm operations from the Wheatridge Renewable Energy Facilities I, II, and III. The letters state that they are able to farm the adjacent lands around the existing renewable infrastructure and plan to farm their 4,000 acres not used by the Facility. Furthermore, the landowners anticipate that the Facility would have no impact to any of their neighbor's ability to expand, purchase, or lease any vacant land available for farming. These letters provide evidence that the Facility will not make it more difficult for the existing farms in the area (including the tract landowners) to continue operation.

As stated above in Section 5.2.2.4, a questionnaire (Attachment K-3) was sent to the two main landowners that operate agricultural uses on their tracts (Lindsays, and North Lex Power and Land/Rauch) and the tenant farmer who operates on the remaining 5 tracts in the site boundary. The questionnaire was intended to discuss facility layout, farming practices and better understand how the facility, including any layout, would not create unnecessary negative impacts. As indicated in response to the questionnaire (Attachment K-3), all landowners/tenant farmer indicated that they would continue to farm elsewhere if the Facility is built. The landowners/tenant farmer also specified a minimum clearance needed to allow continued farm use and specified that the Applicant works with landowners to make sure that land not being used for solar is accessible for farming. Corey Miller, the tenant farmer for tracts 2, 4, 5, 6 and 8 also indicated the Applicant has a track-record for coordinating on project layout to allow certain setbacks and clearance distances necessary to allow equipment access and ensure efficient use of the land.

6.0 Federal Land Management Plans

6.1 Identification of Applicable Land Management Plans – OAR 3450-021-0010 (1)(k)(D)(i)

There are no applicable federal management plans. Therefore, these standards do not apply.

7.0 Conclusion

The information provided in this exhibit demonstrates the Facility's compliance with all applicable, substantive criteria. Therefore, the Council may find that the Facility, as proposed, meets the Land Use standard set forth in OAR 345-022-0030.

8.0 Submittal Requirements and Approval Standards

8.1 Submittal Requirements

Table K-5. Submittal Requirements Matrix

Requirement	Location
OAR 345-021-0010(1)(k) Information about the proposed facility's compliance with the statewide planning goals adopted by the Land Conservation and Development Commission, providing evidence to support a finding by the Council as required by OAR 345-022-0030. The applicant shall state whether the applicant elects to address the Council's land use standard by obtaining local land use approvals under ORS 469.504(1)(a) or by obtaining a Council determination under ORS 469.504(1)(b). An applicant may elect different processes for an energy facility and a related or supporting facility but may not otherwise combine the two processes. Once the applicant has made an election, the applicant may not amend the application to make a different election. In this subsection, "affected local government" means a local government that has land use jurisdiction over any part of the proposed site of the facility. In the application, the applicant shall:	Section 1.0
(A) Include a map showing the comprehensive plan designations and land use zones in the analysis area.	Section 2.0
(B) If the applicant elects to obtain local land use approvals:	Section 4.0
(i) Identify the affected local government(s) from which land use approvals will be sought.	N/A
(ii) Describe the land use approvals required in order to satisfy the Council's land use standard.	N/A
(iii) Describe the status of the applicant's application for each land use approval.	N/A
(iv) Provide an estimate of time for issuance of local land use approvals.	N/A
(C) If the applicant elects to obtain a Council determination on land use:	Section 5.0
(i) Identify the affected local government(s).	Section 5.1
(ii) Identify the applicable substantive criteria from the affected local government's acknowledged comprehensive plan and land use regulations that are required by the statewide planning goals and that are in effect on the date the application is submitted and describe how the proposed facility complies with those criteria;	Sections 5.1
(iii) Identify all Land Conservation and Development Commission administrative rules, statewide planning goals and land use statutes directly applicable to the facility under ORS 197.646(3) and describe how the proposed facility complies with those rules, goals and statutes.	Section 5.4
(iv) If the proposed facility might not comply with all applicable substantive criteria, identify the applicable statewide planning goals and describe how the proposed facility complies with those goals.	Section 5.5

Requirement	Location
(v) If the proposed facility might not comply with all applicable substantive criteria or applicable statewide planning goals, describe why an exception to any applicable statewide planning goal is justified, providing evidence to support all findings by the Council required under ORS 469.504(2).	Section 5.5
(D) If the proposed facility will be located on federal land:	N/A
(i) Identify the applicable land management plan adopted by the federal agency with jurisdiction over the federal land;	N/A
(ii) Explain any differences between state or local land use requirements and federal land management requirements.	N/A
(iii) Describe how the proposed facility complies with the applicable federal land management plan.	N/A
(iv) Describe any federal land use approvals required for the proposed facility and the status of application for each required federal land use approval.	N/A
(v) Provide an estimate of time for issuance of federal land use approvals.	N/A
(vi) If federal law or the land management plan conflicts with any applicable state or local land use requirements, explain the differences in the conflicting requirements, state whether the applicant requests Council waiver of the land use standard described under paragraph (B) or (C) of this subsection and explain the basis for a waiver.	N/A

8.2 Approval Standards

Table K-6. Approval Standard

Approval Standard	Location
OAR 345-022-0030 Land Use	
(1) To issue a site certificate, the Council must find that the proposed facility complies with the statewide planning goals adopted by the Land Conservation and Development Commission.	Section 5.0
(2) The Council shall find that a proposed facility complies with section (1) if:	–
(a) The applicant elects to obtain local land use approvals under ORS 469.504(1)(a) and the Council finds that the facility has received local land use approval under the acknowledged comprehensive plan and land use regulations of the affected local government; or	N/A
(b) The applicant elects to obtain a Council determination under ORS 469.504(1)(b) and the Council determines that:	Section 5.0
(A) The proposed facility complies with applicable substantive criteria as described in section (3) and the facility complies with any Land Conservation and Development Commission administrative rules and goals and any land use statutes directly applicable to the facility under ORS 197.646(3);	Sections 5.2 through 5.5

Approval Standard	Location
(B) For a proposed facility that does not comply with one or more of the applicable substantive criteria as described in section (3), the facility otherwise complies with the statewide planning goals or an exception to any applicable statewide planning goal is justified under section (4); or	Section 5.4.3 and 5.5
(C) For a proposed facility that the Council decides, under sections (3) or (6), to evaluate against the statewide planning goals, the proposed facility complies with the applicable statewide planning goals or that an exception to any applicable statewide planning goal is justified under section (4).	Section 5.5
(3) As used in this rule, the "applicable substantive criteria" are criteria from the affected local government's acknowledged comprehensive plan and land use ordinances that are required by the statewide planning goals and that are in effect on the date the applicant submits the application. If the special advisory group recommends applicable substantive criteria, as described under OAR 345-021-0050, the Council shall apply them. If the special advisory group does not recommend applicable substantive criteria, the Council shall decide either to make its own determination of the applicable substantive criteria and apply them or to evaluate the proposed facility against the statewide planning goals.	Sections 5.1 through 5.5
(4) The Council may find goal compliance for a proposed facility that does not otherwise comply with one or more statewide planning goals by taking an exception to the applicable goal. Notwithstanding the requirements of ORS 197.732, the statewide planning goal pertaining to the exception process or any rules of the Land Conservation and Development Commission pertaining to the exception process, the Council may take an exception to a goal if the Council finds:	Section 5.5
(a) The land subject to the exception is physically developed to the extent that the land is no longer available for uses allowed by the applicable goal;	N/A
(b) The land subject to the exception is irrevocably committed as described by the rules of the Land Conservation and Development Commission to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or	N/A
(c) The following standards are met:	
(A) Reasons justify why the state policy embodied in the applicable goal should not apply;	Section 5.5
(B) The significant environmental, economic, social and energy consequences anticipated as a result of the proposed facility have been identified and adverse impacts will be mitigated in accordance with rules of the Council applicable to the siting of the proposed facility; and	Section 5.5
(C) The proposed facility is compatible with other adjacent uses or will be made compatible through measures designed to reduce adverse impacts.	Section 5.5
(5) If the Council finds that applicable substantive local criteria and applicable statutes and state administrative rules would impose conflicting requirements, the Council shall resolve the conflict consistent with the public interest. In resolving the conflict, the Council cannot waive any applicable state statute.	N/A

Approval Standard	Location
(6) If the special advisory group recommends applicable substantive criteria for an energy facility described in ORS 469.300(11)(a)(C) to (E) or for a related or supporting facility that does not pass through more than one local government jurisdiction or more than three zones in any one jurisdiction, the Council shall apply the criteria recommended by the special advisory group. If the special advisory group recommends applicable substantive criteria for an energy facility described in ORS 469.300(11)(a)(C) to (E) or a related or supporting facility that passes through more than one jurisdiction or more than three zones in any one jurisdiction, the Council shall review the recommended criteria and decide whether to evaluate the proposed facility against the applicable substantive criteria recommended by the special advisory group, against the statewide planning goals or against a combination of the applicable substantive criteria and statewide planning goals. In making the decision, the Council shall consult with the special advisory group, and shall consider:	N/A
(a) The number of jurisdictions and zones in question;	N/A
(b) The degree to which the applicable substantive criteria reflect local government consideration of energy facilities in the planning process; and	N/A
(c) The level of consistence of the applicable substantive criteria from the various zones and jurisdictions.	N/A

9.0 References

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Figures

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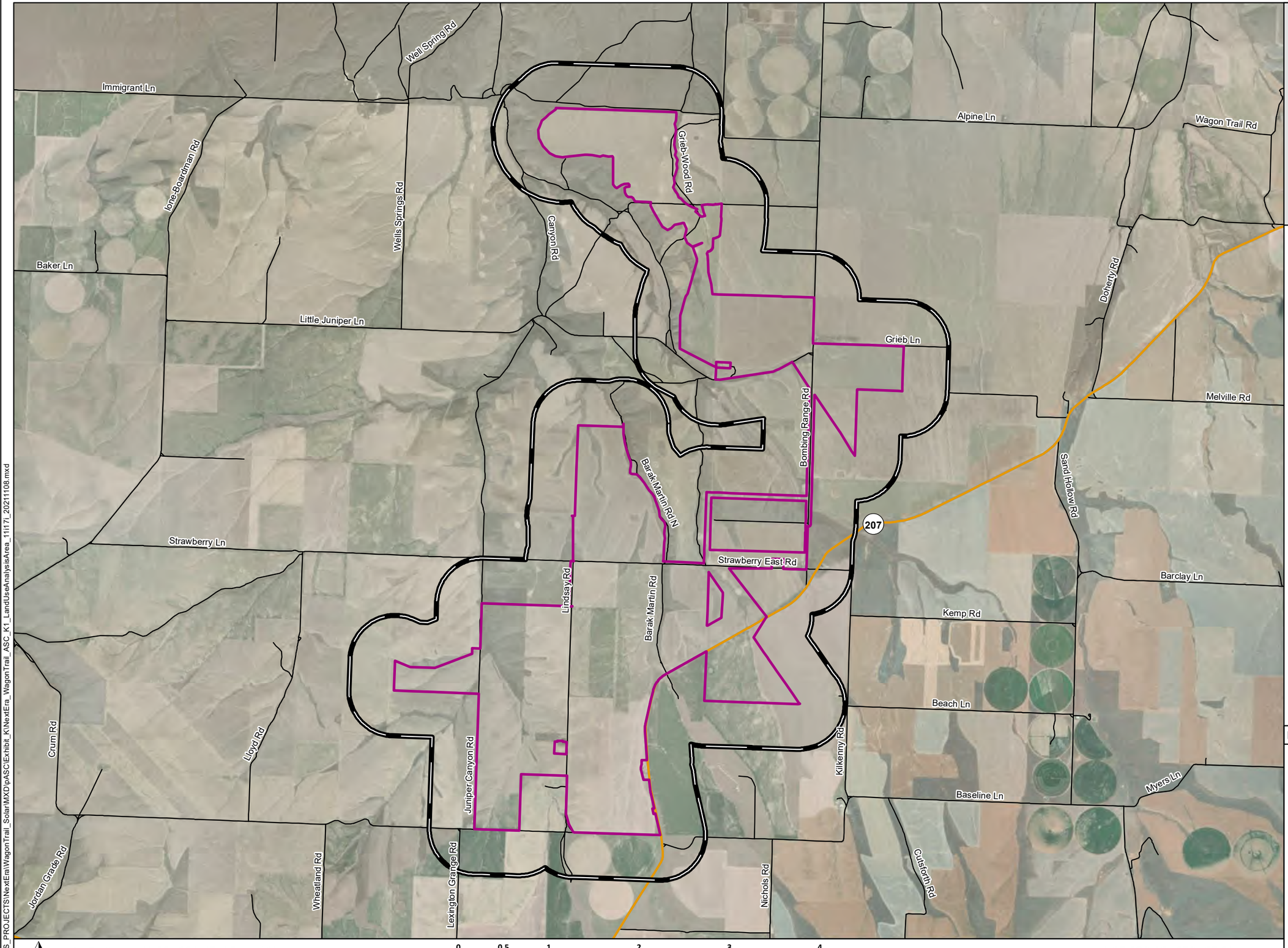
Wagon Trail Solar Project

Figure K-1
Land Use Analysis Area

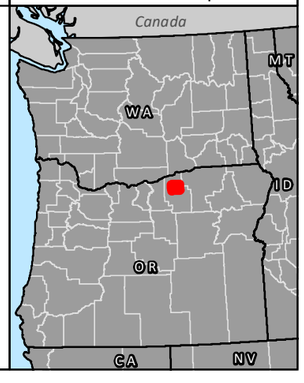
MORROW COUNTY, OREGON



- Site Boundary
- Analysis Area (0.5-mile buffer)
- State Highway
- Local Road

TETRA TECH

NEXTera ENERGY RESOURCES

Data Sources	Reference Map
NextEra-Project Infrastructure; USDA-Aerial Imagery; ESRI-County Boundaries	

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NOT FOR CONSTRUCTION

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Wagon Trail Solar Project

Figure K-2
Morrow County Zoning Designation

MORROW COUNTY, OREGON

Site Boundary
Analysis Area (0.5-mile Buffer)
State Highway
Local Road

Morrow County Zoning

Exclusive Farm Use
Public

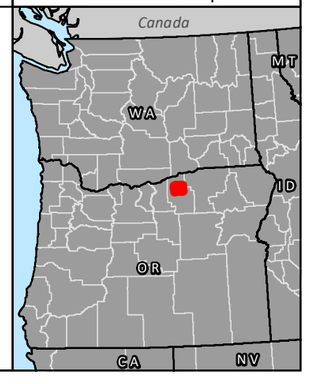
TETRA TECH

NEXTera ENERGY RESOURCES

Data Sources

NextEra-Project Infrastructure; USDA-Aerial Imagery; ESRI-County Boundaries

Reference Map



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Wagon Trail Solar Project

Figure K-3
Tracts and
Adjacent Facilities

MORROW COUNTY, OREGON

- Site Boundary
- Analysis Area (0.5-mile Buffer)
- Wheatridge Renewable Energy Facility III
- Transmission Line
- State Highway

Tract ID

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9

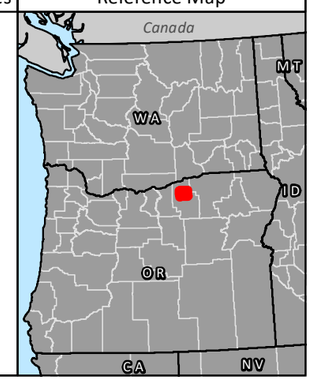
TETRA TECH

NEXTera ENERGY RESOURCES

Data Sources

NextEra-Project Infrastructure; USDA-Aerial Imagery; ESRI-County Boundaries

Reference Map



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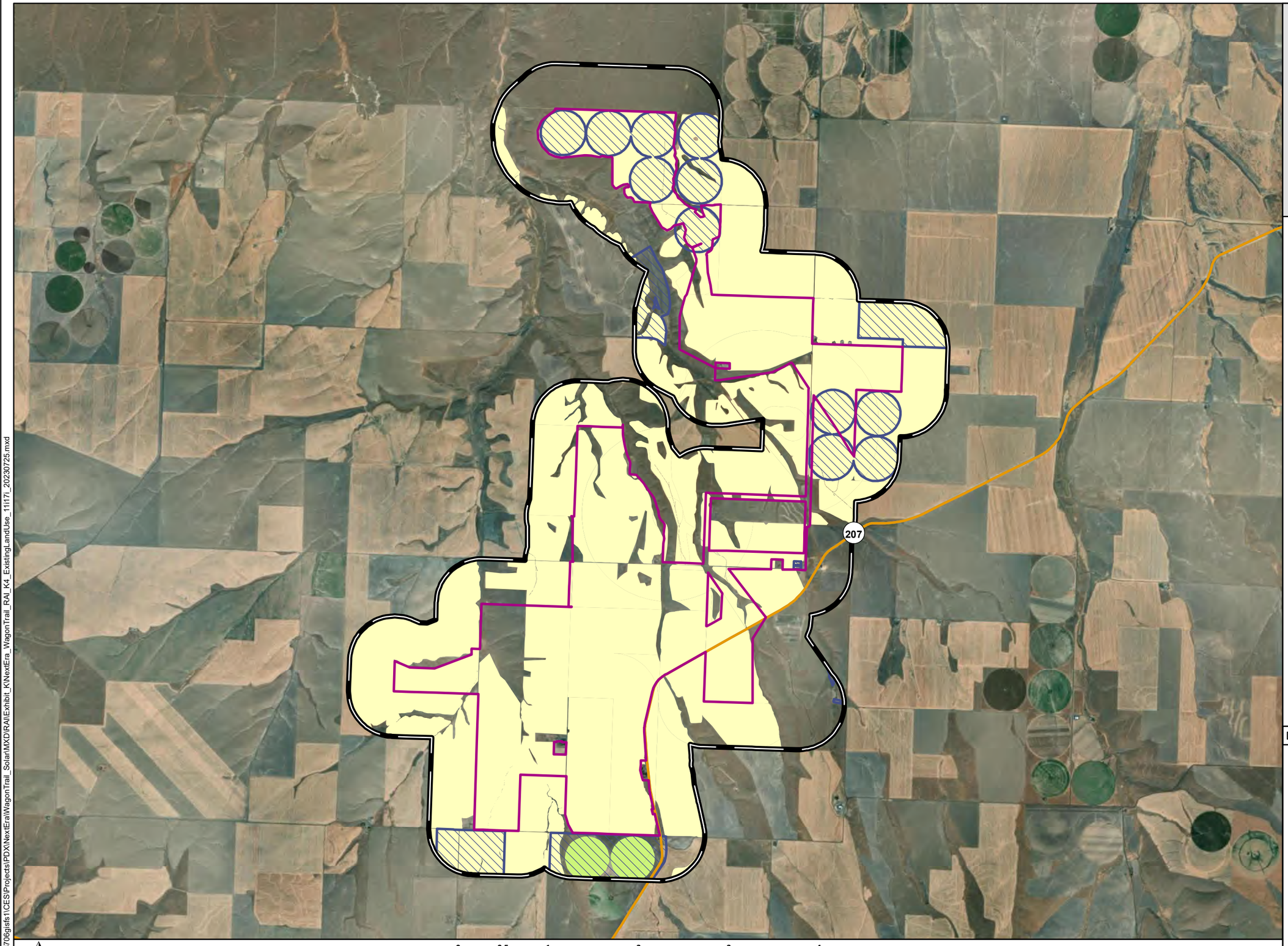
Wagon Trail Solar Project

Figure K-4
Existing Land Use and Water Rights

MORROW COUNTY, OREGON



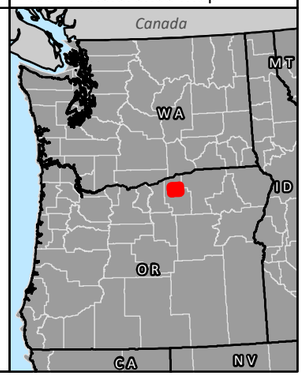
- Site Boundary
- Analysis Area (0.5-mile Buffer)
- State Highway
- Authorized Place of Use Water Rights (per OWRD)

Existing Land Use

- Cultivated Land (Dryland Wheat)
- Cultivated Land (Irrigated Agriculture)

TETRA TECH

NEXTera ENERGY RESOURCES

Data Sources	Reference Map
NextEra-Project Infrastructure; USDA-Aerial Imagery; ESRI-County Boundaries	

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Wagon Trail Solar Project

Figure K-5
Soil Capability Class

MORROW COUNTY, OREGON

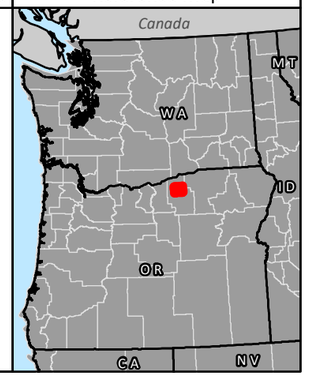
- Site Boundary
- Analysis Area (0.5-mile Buffer)
- Authorized Place of Use Water Rights (per OWRD)
- State Highway
- Local Road

NRCS Soil Capability Class

- Class I
- Class II
- Class III
- Class IV
- Class VI
- Class VII

TETRA TECH

NEXTera ENERGY RESOURCES

Data Sources	Reference Map
NextEra-Project Infrastructure; USDA-Aerial Imagery; ESRI-County Boundaries	

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Wagon Trail Solar Project

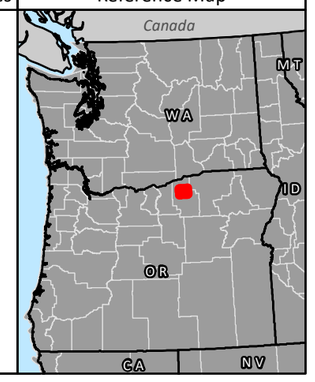
Figure K-6
Arable Lands

MORROW COUNTY, OREGON

- Site Boundary
- Analysis Area (0.5-mile Buffer)
- Existing Substation
- Proposed Substation
- Overhead Gen Tie Line (Estimate)
- Transmission Line (Existing)
- State Highway
- Local Road
- Non-arable soils and uncultivated lands
- Arable soils and cultivated lands

TETRA TECH

NEXTera ENERGY RESOURCES

Data Sources	Reference Map
NextEra-Project Infrastructure; USDA-Aerial Imagery; ESRI-County Boundaries	

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Wagon Trail Solar Project

Figure K-7
High Value Farmland

MORROW COUNTY, OREGON

- Site Boundary
- Analysis Area (0.5-mile Buffer)
- Tract Boundary
- Existing Substation
- Proposed Substation
- Overhead Gen Tie Line (Estimate)
- Transmission Line (Existing)
- State Highway
- Local Road
- HVF per Columbia Valley Viticulture Area
- HVF per Water Right Authorized Place of Use

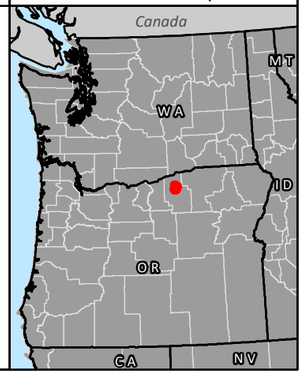
TETRA TECH

NEXTera ENERGY RESOURCES

Data Sources

NextEra-Project Infrastructure; USDA-Aerial Imagery; ESRI-County Boundaries

Reference Map



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Wagon Trail Solar Project

Figure K-8
Solar Power Generation on EFU Land within 1-mile from Proposed Project Center

MORROW COUNTY, OREGON

- Site Boundary
- Analysis Area (0.5-mile Buffer)
- Site Boundary Centroid
- 1-mile Study Area Measured from Center of Proposed Facility
- Harp Solar Project Taxlot
- Wheatridge Renewable Energy Facility III

Morrow County Zoning

- Exclusive Farm Use
- Public

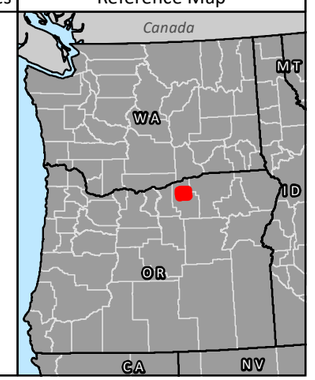
TETRA TECH

NEXTera ENERGY RESOURCES

Data Sources

NextEra-Project Infrastructure; USDA-Aerial Imagery; ESRI-County Boundaries

Reference Map



1:65,000 WGS 1984 UTM Zone 11N

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Attachment K-1. Landowner Letters

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Date: 01/10/2022

Sarah Esterson
Energy Facility Siting Analyst
Oregon Department of Energy
550 Capitol St. NE
Salem, OR 97301

Subject: Wagon Trail Solar Project

Dear Ms. Esterson,

NextEra Energy Resources, LLC (NextEra), through a subsidiary, proposes to construct and operate the Wagon Trail Solar Project (Facility), partially on our privately owned land in Morrow County, Oregon. We know the Facility is proposing to generate up to 500 megawatts (MW) of renewable energy when fully built out and will need a total of around 4,000-4,500 acres of land to be used. We (Kilkenny Land Company, LLC and RJK Family, LLC) have signed lease options with a subsidiary of NextEra to allow for solar development of up to 2,000 acres of our total of 6,000 acres we own for the Facility. This represents only 1/3 of our total land base in the area. If you want to know specifically which lands, please see the Recorded Land Title (Attachment 1).

All of this land is agricultural land, which is used primarily for dry land wheat farming. None of our property that is within the Facility's site boundary is irrigated or has irrigation water rights associated with them and based on the results of past investigations, these lands do not have opportunities to acquire irrigation water rights. The land is not high value farmland with predominantly Warden Silt Loam, Very Fine Sandy Loam and Lickskillet Very Stony Loam soils. Because of the low-quality soils and its location in an arid region (high desert) the land is cropped either ever second year or cropped 1 in 3 years. The other two years land is left in fallow (i.e. not cropped).

We do not directly farm the land; we lease our land out to another family farming operation. That farming company employs 2 full time people and farms several other thousands of acres in the area. Meaning, that even if all 2,000 acres came out of production there would be no loss of agricultural jobs due to the project. With the people that will be hired by NextEra to operate the facility their will be a net increase in jobs and that is before you consider other economic benefit to the community including with the vastly larger increase in taxes flowing to the local community.

Any loss of revenue from the removal of the maximum of 2,000 acres from our dryland wheat crops would be compensated by the Facility's lease payments as they would be basically the value of the land if we sold, paid to us every year. This represents an increase in revenues associated with this

land by around 10 times the average revenue we generate from our dry land crops within the Facility footprint.

We own lands in all three adjacent renewable energy facilities; Wheatridge Renewable Energy Facilities I, II, and III (solar), and have been impressed with how NextEra has worked with us and our farmer to minimize the impact on farming operations. We will keep farming the adjacent lands around the renewable infrastructure and the other 4,000 acres not used by this facility. The Facility would also have no impact to any of our neighbor's ability to expand, purchase, or lease any vacant land available for farming.

In conclusion, we consider renewable power generation at the Facility site a better use of the land that will have minimal impact to agricultural resource lands and will provide a net economic benefit to our farm operations and to the County.

Sincerely,

Kelly Hale
President

RJK Family, LLC & Kilkenny Land Company, LLC

Attachments

Scarborough McNeese Oelke & Kilkenny PC
Attorneys at Law

Russell R. Kilkenny
rrk@smoklaw.com
Admitted in Oregon & Washington

January 10, 2022

Sarah Esterson
Energy Facility Siting Analyst
Oregon Department of Energy
550 Capitol St. NE
Salem, OR 97301

Re: Wagon Trail Solar Project |
Kilkenny Land Company, LLC, and RJK Family, LLC

Dear Ms. Esterson:

I am the attorney and Vice President for the above two named Oregon LLCs. My sister, Kelly Hale, is President of both LLCs. I am writing this letter on behalf of both LLCs regarding the Wagon Trail Solar Project.

NextEra Energy Resources, LLC (NextEra), through a subsidiary, proposes to construct and operate the Wagon Trail Solar Project (Facility), partially on our privately owned land in Morrow County, Oregon. We know the Facility is proposing to generate up to 500 megawatts (MW) of renewable energy when fully built out and will need a total of around 4,000-4,500 acres of land to be used. We (Kilkenny Land Company, LLC, and RJK Family, LLC) have signed lease options with a subsidiary of NextEra to allow for solar development of up to 2,000 acres of our total of the 6,000 acres we own for the Facility. This represents only 1/3 of our total land base in the area.

All this land is agricultural land, primarily used for dry land wheat farming. None of our property within the Facility's site boundary is irrigated or has irrigation water rights associated with it. Based on the results of past investigations, these lands will not have the opportunity to acquire irrigation water rights. The land is not high value farmland with predominantly Warden Silt Loam, very fine Sandy Loam, and Lickskillet very stony Loam soils. Because of the low-quality soils and its location in an arid region (high desert), the land is cropped either every second year or cropped 1 in 3 years. The other two years land is left in fallow (i.e. not cropped).

We do not directly farm the land; we lease our land to a neighbor on a crop share lease. The tenant employs two full time people and farms several thousand other acres in the area. Consequently, even if all 2,000 acres came out of production, no loss of agricultural jobs due to the project would occur. With the people hired by NextEra to operate the facility, a net increase in jobs will occur. As a result, significant economic benefit to the community results, including a significant increase in taxes to the local community.

Any loss of revenue from the removal of a maximum of 2,000 acres from our dryland wheat crops would be substantially exceeded by the Facility's lease payments as to our two LLCs. This increase in revenues could exceed 10 times the average revenue from our dry land crops within the Facility footprint.

We own land in all three adjacent renewable energy facilities: Wheatridge Renewable Energy Facilities I, II, and III (solar). We have been impressed with how NextEra has worked with us and our crop share tenant to minimize the impact on farming operations. We will keep farming the adjacent lands around the renewable infrastructure and the other 4,000 acres not used by this facility. The Facility would also not impact any of our neighbor's ability to expand, purchase, or lease any vacant land available for farming.

In conclusion, we consider renewable power generation at the Facility site a better use of the land. It will have minimal impact on agricultural resource lands and will provide a net economic benefit to our farm operations and to the County.

Please call if you have any questions

Sincerely,

Russell R. Kilkenny
Vice President Kilkenny Land Company, LLC,
and RJK Family, LLC

RRK/kc
cc: Kelly Hale

Attachment K-2. Morrow County Planning Department Boardman Solar Letter

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MORROW COUNTY

PLANNING DEPARTMENT

P. O. Box 40 • Irrigon, Oregon 97844
(541) 922-4624 or (541) 676-9061 x 5503
FAX: (541) 922-3472

December 14, 2017

Katie Clifford, Siting Officer
Oregon Department of Energy
550 Capitol Street NE 1st Floor
Salem, Oregon 97301

RE: Boardman Solar Energy Draft Proposed Order Comment Letter

Dear Ms. Clifford:

Morrow County would like to be clear that the Board of Commissioners support the development of solar energy in Morrow County. The construction of the Boardman Solar Farm will continue to grow and enhance energy production in Morrow County, bringing jobs to Eastern Oregon and reasonably priced electricity to the region. The specific purpose of this Board supported letter is to provide comments on the Draft Proposed Order.

After review of the Draft Proposed Order Morrow County finds that the various Conditions are adequate and meet the needs of the County with a couple of minor exceptions. As required by Oregon Revised Statute and the Morrow County Zoning Ordinance, once the Site Certificate is issued, Morrow County will work with the developer to approve and issue their necessary Morrow County permits. We understand, and our Zoning Ordinance states, that any local land use permit can only include the Conditions found in the Site Certificate. Because of this limitation we would ask for minor changes, as shown in *italics*, to the following Conditions:

- Mandatory Condition 1: The certificate holder shall submit a legal description of the site to the Oregon Department of Energy *and the Morrow County Planning Department* within 90 days...
- Mandatory Condition 5: ...and dispose of all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility *in accordance with both the applicable Department of Energy provisions and the Morrow County Solid Waste Management Plan.*
- General Standard Condition 2: ...the certificate holder shall submit to the Department *and the Morrow County Planning Department* a compliance plan documenting...
- Fish and Wildlife Habitat Condition 10: ...the certificate holder shall submit to the Department *and the Morrow County Planning Department and Weed Supervisor* a final Revegetation and Noxious Weed Plan... The plan must be approved by the Department *with input from the Morrow County Planning Department and Weed Supervisor* prior to construction.
- Fish and Wildlife Habitat Condition 10(f): [Incorporate the following sentence] *Suggested changes to the plan shall be coordinated with the Morrow County Planning Department and Weed Supervisor.*

Morrow County Planning staff have also reviewed the letter dated November 24, 2017, submitted by 1000 Friend of Oregon concerning the necessary Goal 3 Exception. At one point in the letter 1000 Friends suggests that "solar development should be sited at or near the point of use or within the built environment, such as on existing industrial sites and otherwise unusable space." Morrow County would not want to see some 600 acres of industrial land consumed with a use that is allowed conditionally on farm land. Other industrial uses currently sited within industrial use zones in Morrow County have a stronger beneficial economic impact than a solar energy development would. The 1000 Friends letter does discuss installation on roof tops in both residential and industrial areas, which Morrow County would support, but those types of installations do not generally reach a size to be commercially beneficial. Morrow County supports the granting of a Goal 3 Exception in support of the Boardman Solar Energy Facility.

It should also be noted that in the Draft Proposed Order at page 172 under the discussion concerning Health Care that there are health clinics in both Boardman and Irrigon that should be included. My apologies for not catching that in early project documents. Should Department staff need additional information I can work with them to accurately reflect the available services.

Thank you for the opportunity to comment on the Boardman Solar Generating Facility Draft Proposed Order. Should you have any questions about these comments please contact me at 541-922-4624 or by email at cmclane@co.morrow.or.us.

Cordially,

Carla McLane
Planning Director

cc: Morrow County Board of Commissioners
Matt Scrivner, Sandra Pointer and Dave Pranger, Morrow County Public Works
Michelle Colby, Gilliam County Planning Director
Laura Minor, Invenergy

Attachment K-3 Landowner Questionnaire Responses

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TETRA TECH

Tract 3
Corrine Lindsay
PO Box 307
Lexington, OR 97839

Re: Wagon Trail Solar Landowner Survey

This survey/questionnaire is intended to augment the Wagon Trail Solar Project's land use analysis, outlined in Exhibit K of the Application for Site Certificate (ASC) submitted to the Oregon Department of Energy (ODOE). You have been sent this survey because you were identified as a participating landowner with agricultural uses on your parcels. At your earliest convenience, please review the following requests for information and respond accordingly.

1. What is your name and how are you associated with Tract 3?

   Corrine Lindsay. My husband and I own the parcels in Tract 3.

2. List current crop practices (i.e. total acres of land used for dryland wheat, irrigated agriculture, ranching, or other agricultural use):

   We have approximately 2,000 acres of dry land wheat ground that is split in crop year and summer fallow year. This land is currently under a lease option with NextEra Energy.

   We also have irrigated land north of the Project boundary (off Bombing Range Road, adjacent to the feed lot) that is currently not under obligation to NextEra Energy

3. List details about crop schedule (i.e. when do you till, seed, fertilize, and/or spray), and when do you harvest?):

   Our wheat ground is seeded in the fall on last year's summer fallow. We minimum till the ground using Chemical fallow practices to control weeds in summer fallow and chemicals for weeds and pests in crop land. Some spring wheat is cropped on Irrigated land (outside of Project boundary).

   Other irrigated crops include alfalfa corn, pasture, and forage for silage and bales.

4. With the implementation of the Wagon Trail Solar Project, would you continue to farm/ranch lands adjacent to the solar array areas or elsewhere throughout the local area? If yes, would the Project and its proposed layout impact farming practices outside of where solar facilities would be located? If yes, how?

   We would continue to farm land not used for solar. What we have seen of NextEra Energy handling of their projects they have been good stewards of the land. Weeds and dust could be a problem for farming in the area if they weren't.

5. With the implementation of the Wagon Trail Solar Project, do you have suggestions of how the Project can aid your continued agricultural production?

   Added income for a farmer is always a good thing as we can't pass costs on as our production is rewarded by market and weather concerns.

6. How many direct jobs are currently supported by operations where the Project would be located, and would any be eliminated if the Project is built?

   They have a courteous presence in our county and have been as asset. Any personnel we have dealt with have been good neighbors.

7. Would jobs for your agricultural operations elsewhere be impacted or supported by implementation of the Project? If yes, how?

   No. Their temporary construction jobs might lead to some permanent residents for the county and lead to access to more workers available to farms.

8. How would you expect your agricultural operations to be impacted by construction of the Wagon Trail Solar Project (i.e. dust, traffic)?

   We have seen road improvement take place and since we are pretty rural more people could be a good thing.

9. To what extent, if any, do you anticipate reducing current spending on labor, supplies, and services for agricultural operations due to implementation of the Project?

   Aside from the land that actually goes to solar, we don't see much Impact. Increased income for farmers benefits the businesses in a community, enables purchase of better equipment etc.

10. Do you have any information regarding farm practices on neighboring properties and would you anticipate any impact to those practices due to implementation of the Project?

    No.

11. What details can you provide regarding crop yields on your parcel(s) over the past 5-10 years?

    Yields are controlled by weather i.e. rainfall and temperature during maturation of the crop. We have had some good, some mediocre and some crop insurance yields.

12. What details can you provide regarding historic agricultural revenues and expenses on your parcel(s) over the past 5-10 years?

    None

13. Does the affected property currently have water rights? If yes, does the permit/certificate holder use the water allocated by the water right, and if so, how?

    The land under the NextEra Energy Option has a well that doesn't produce enough for anything other than household use.

14. If the allocated water is not used for irrigation, why is it not used and is there potential to use the water right for irrigation in the future?

    There are no water rights sufficient for irrigation within the land under the NextEra Energy Option. Our irrigated land is in a restricted water use boundary and we have water rights for irrigation that are monitored by the state of OR.

15. Is there any current consideration or attempt to cancel a water right or transfer a water right to or from the leased land proposed for Project use?

    Not to our knowledge.

16. If no water right, can you confirm for how many years the leased property has not had an associated water right, and if there are known limitations to obtaining a new water right?

    N/A

17. If no water right, what steps, if any, have you taken to establish a water right?

    The leased land could possibly have a ground water right if application was made but that would entail having enough water for irrigation. We did drill a well but did not get sufficient water.

18. In your estimation, how much water do you think you would need to be reasonably certain you could obtain to make more productive agricultural use of your land and justify the necessary capital investment in irrigation infrastructure?

    It takes about 1,000 gal per minute to operate a circle machine.

19. Based on your assessment, describe the soil conditions on your parcel(s):

    Ritzville sandy loam

TETRA TECH

Tract 7
North Lex Power and Land
72967 Strawberry Ln
Lexington, OR 97839

Re: Wagon Trail Solar Landowner Survey

This survey/questionnaire is intended to augment the Wagon Trail Solar Project's land use analysis, outlined in Exhibit K of the Application for Site Certificate (ASC) submitted to the Oregon Department of Energy (ODOE). You have been sent this survey because you were identified as a participating landowner with agricultural uses on your parcels. At your earliest convenience, please review the following requests for information and respond accordingly.

1. What is your name and how are you associated with Tract 7?

   Chris Rauch, owner and operator of North Lex Power and Land, LLC, which owns the parcels in Tract 7 and operates dryland wheat farming on the properties within the Wagon Trail site boundary on Tract 7.

2. List current crop practices (i.e. total acres of land used for dryland wheat, irrigated agriculture, ranching, or other agricultural use):

   Total acres in Morrow county are 6,355, we also farm ground in Umatilla county.

3. List details about crop schedule (i.e. when do you till, seed, fertilize, and/or spray), and when do you harvest?):

   We do not till.
   For acres in crop., the general schedule is as follows:
   - October – Seeding
   - April – Spray
   - July – Harvest
   - July/Harvest – After harvest spot spray

   For acres that are in fallow this is the general schedule

   - March – 1st Spray
   - May – 2nd Spray
   - June/July – 3rd Spray
   - August – 4th Spray if needed

4. With the implementation of the Wagon Trail Solar Project, would you continue to farm/ranch lands adjacent to the solar array areas or elsewhere throughout the local area? If yes, would the Project and its proposed layout impact farming practices outside of where solar facilities would be located? If yes, how?

   Yes, every acre that we can get equipment in and out of we would continue to farm. We need at least 61 feet of clearance for our drill to seed and our smallest sprayer has a boom of 100 feet so there would need to be nothing preventing the boom from passing through the area. NextEra works with landowners to make sure that land not being used for solar is accessible for farming.

5. With the implementation of the Wagon Trail Solar Project, do you have suggestions of how the Project can aid your continued agricultural production?

   NextEra must continue to work closely with farmers when planning the site location, knowing the specific requirements from each farmer can help avoid land from becoming abandoned.

6. How many direct jobs are currently supported by operations where the Project would be located, and would any be eliminated if the Project is built?

   Two

7. Would jobs for your agricultural operations elsewhere be impacted or supported by implementation of the Project? If yes, how?

   There is some impact to the businesses in the county that currently support and supply the farming operations that work this land. There will be less seed to sell, less fertilizer used etc.

8. How would you expect your agricultural operations to be impacted by construction of the Wagon Trail Solar Project (i.e. dust, traffic)?

   I expect that there will be a laydown yard constructed on our property which would impact that piece of land, also increased traffic can be a safety risk as we are moving equipment around. Our roads can become overly dusty especially during harvest time when farm traffic is also up significantly.

9. To what extent, if any, do you anticipate reducing current spending on labor, supplies, and services for agricultural operations due to implementation of the Project?

   This depends on how many acres are transitioned to solar, if it is a large amount, we will have to consolidate equipment. If the number of acres we farm will go down, farming will require fewer inputs.

10. Do you have any information regarding farm practices on neighboring properties and would you anticipate any impact to those practices due to implementation of the Project?

    No, most people in the area that dryland farm are doing similar practices, the only major difference is that some no-till and some use tillage.

11. What details can you provide regarding crop yields on your parcel(s) over the past 5-10 years?

    There can be large fluctuations from year to year but generally, our average is around 40 bushels per acre in Morrow county.

12. What details can you provide regarding historic agricultural revenues and expenses on your parcel(s) over the past 5-10 years?

    Revenue fluctuates significantly from year to year, it is extremely volatile in dryland farming ranging anywhere from $90 an acre up to $700+.

13. Does the affected property currently have water rights? If yes, does the permit/certificate holder use the water allocated by the water right, and if so, how?

    A junior ground water right exists on tax parcel 1N26E000001301, however, due to its restrictions from the Butter Creek Critical Ground Water Area, there is no available water for irrigation under this water right.

14. If the allocated water is not used for irrigation, why is it not used and is there potential to use the water right for irrigation in the future?

    See response above

15. Is there any current consideration or attempt to cancel a water right or transfer a water right to or from the leased land proposed for Project use?

    No

16. If no water right, can you confirm for how many years the leased property has not had an associated water right, and if there are known limitations to obtaining a new water right?

    I am not aware of any additional water rights since my family has owned the land in 1918. New ground water rights are not feasible due to being in the critical ground water area. New surface water rights are likely not feasible due to the considerable financial and legal challenge.

17. If no water right, what steps, if any, have you taken to establish a water right?

    None

18. In your estimation, how much water do you think you would need to be reasonably certain you could obtain to make more productive agricultural use of your land and justify the necessary capital investment in irrigation infrastructure?

    The investment in infrastructure is not worth it as the current ground water right and any future allocations under that ground water right would likely not be enough water to justify investments in irrigation infrastructure. Furthermore, there is no guarantee to receive the same allocation each year due to the depletion of the aquifer.

19. Based on your assessment, describe the soil conditions on your parcel(s):

    Decent, we have no-till farmed for over 25 years which has improved soil organic matter and soil water penetration and retention.

TETRA TECH

Tracts 4 and 5
Gabriel Martin
1912 Rhododendron Way
Bellingham, WA 98229

Tracts 2 and 8
Kilkenny Land Company, LLC and RJK Family, LLC
5 Centerpointe DR STE 240
Lake Oswego, OR 97035

Tract 6
Sheila Munkers
PO Box 34
Cottonwood, ID 83522

Re: Wagon Trail Solar Landowner Survey

This survey/questionnaire is intended to augment the Wagon Trail Solar Project's land use analysis, outlined in Exhibit K of the Application for Site Certificate (ASC) submitted to the Oregon Department of Energy (ODOE). You have been sent this survey because you were identified as a participating landowner with agricultural uses on your parcels. At your earliest convenience, please review the following requests for information and respond accordingly.

1. What is your name and how are you associated with Tracts 2, 4, 5, 6, and 8?

   Corey Miller, I am the tenant farmer for the agricultural land in these tracts.

2. List current crop practices (i.e. total acres of land used for dryland wheat, irrigated agriculture, ranching, or other agricultural use):

   - Dryland wheat, high percentage plowed up acres.
   - Grass where the land cannot be farmed, not used for grazing.

3. List details about crop schedule (i.e. when do you till, seed, fertilize, and/or spray), and when do you harvest?):

   - If we are going to till, we will till late spring, April/May. This doesn't always happen.
   - Seed in fall, September/October.
   - Harvest in July.
   - Fertilize when we till or seed.
   - Spraying could happen all year, but most of the time March to July (no set dates, this year is cooler so things are ten days to two weeks behind, weather dependent)

4. With the implementation of the Wagon Trail Solar Project, would you continue to farm/ranch lands adjacent to the solar array areas or elsewhere throughout the local area? If yes, would the Project and its proposed layout impact farming practices outside of where solar facilities would be located? If yes, how?

   - Yes, I would continue to farm adjacent areas, I will work with NextEra to ensure setbacks and clearance distances necessary to allow farm equipment access are incorporated into the layout of the project.
   - NextEra Resources has worked with me in the past with the project layout to minimize the interference.
   - Working around construction and the facility will determine impact.
   - Time is a factor when farming around objects, which effects fuel usage and efficiency.

5. With the implementation of the Wagon Trail Solar Project, do you have suggestions of how the Project can aid your continued agricultural production?

   - Ensure a sustainable future by providing alternative employment opportunities like NextEra has done in the past.
   - NextEra can design the project so that panels are placed near the edges of the fields or consolidated as much as possible to minimize the transit time while farming the fields.
   - Soils in this area are primarily silt loam which are prone to wind erosion and weed control is a challenge. NextEra can help with continued agricultural production in adjacent lands by working with me on considerations of avoiding the most productive soils and targeting panels for the areas that are less productive and less efficient to farm. NextEra can also help by implementing weed control and prevention measures during construction and operation of the project.

6. How many direct jobs are currently supported by operations where the Project would be located, and would any be eliminated if the Project is built?

   My job is partially supported by operations where the Project would be located. But because we don't have a finalized design, I am unsure how this would be affected if the Project is built. If we built on all acres, it would eliminate the agricultural related job. However, I'm also currently contracted by NextEra to support operations and maintenance of its existing facilities and anticipate that job to increase in support of these additional properties.

7. Would jobs for your agricultural operations elsewhere be impacted or supported by implementation of the Project? If yes, how?

   - Yes, if NextEra continues to use me for other work needed by NextEra. My operations would be impacted in a good way.
   - There would be no net loss because I do other work for NextEra projects.
   - I have been able to work for NextEra in certain other capacities.
   - As long as I am involved in ongoing work other agricultural operations are supported.
   - This is not true for every landowner.
   - The number of acres out of agricultural use, effects economies of scale.

- There are other things that can affect operations that are hard to quantify especially before knowing the true impacted (built) areas.

8. How would you expect your agricultural operations to be impacted by construction of the Wagon Trail Solar Project (i.e. dust, traffic)?

   - Agricultural operations will be impacted because they will be working around construction and potentially around objects. There will be more people around which must be considered during operation and spray.
   - Dust is a huge factor, both the farmers and construction can be making a mess. One thing they noticed with the wind project.
   - Depending on how the transmission is done or who does it, it could affect operations. They are still dealing with problems with the transmission lines where it wasn't properly refilled or graded. Things like that are costing them money and time in repairs later.
   - Any time the field is disturbed it needs to be put back the way it was.
   - Depending on where the laydown yard is, traffic can make things more unsafe. Suddenly having activity in the middle of the field farmers are working in, creates another liability.
   - Ultimately, it can be inconvenient. Things get stacked on the edge of the road, or workers forget to smooth out their tracks after going out into a field.

9. To what extent, if any, do you anticipate reducing current spending on labor, supplies, and services for agricultural operations due to implementation of the Project?

   Looking at the land as a whole. It would be a 25% reduction in total spending, if you took all the acres out of production. Without knowing how many acres are actually impacted.

10. Do you have any information regarding farm practices on neighboring properties and would you anticipate any impact to those practices due to implementation of the Project?

    I can't answer that as I do not have information on neighboring properties.

11. What details can you provide regarding crop yields on your parcel(s) over the past 5-10 years?

    40 bushels per acre average.

12. What details can you provide regarding historic agricultural revenues and expenses on your parcel(s) over the past 5-10 years?

    - 40 bushels at $6 - $240/acre
    - Expenses are $200-215/acre
    - Variation year to year can be substantial, even field to field

13. Does the affected property currently have water rights? If yes, does the permit/certificate holder use the water allocated by the water right, and if so, how?

    N/A

14. If the allocated water is not used for irrigation, why is it not used and is there potential to use the water right for irrigation in the future?

    N/A

15. Is there any current consideration or attempt to cancel a water right or transfer a water right to or from the leased land proposed for Project use?

    N/A

16. If no water right, can you confirm for how many years the leased property has not had an associated water right, and if there are known limitations to obtaining a new water right?

    N/A

17. If no water right, what steps, if any, have you taken to establish a water right? N/A

    N/A

18. In your estimation, how much water do you think you would need to be reasonably certain you could obtain to make more productive agricultural use of your land and justify the necessary capital investment in irrigation infrastructure?

    - If they could, 2-3 acre feet (a foot of water covering an acre of land).
    - Irrigation infrastructure is so expensive you would need to be able to grow the more competitively prices crops.
    - But this land will not be irrigated, it is not economically feasible.
    - Critical ground water area.

19. Based on your assessment, describe the soil conditions on your parcel(s):

    Silt Loam Soil, prone to wind erosion. The no till land is not prone to erosion, does make good use of the moisture it has. Resistant weed problem. We have to use a lot of chem to keep the weeds under control, so it is minimum tillage, which seems to help.

    Specific to land owned by the Munkers: Soil is a Silt Loam Soil, prone to wind erosion, on the 70% of the Healy Munkers land, there's a few fields that have not been tilled 20 years.

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Attachment K-4 ECONorthwest Agricultural Impact Analysis

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Wagon Trail Solar Project
Agricultural Impact Analysis

December 2023

Prepared for: Tetra Tech, Inc.

Final Report

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ECONOMICS · FINANCE · PLANNING

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Acknowledgements

For over 40 years ECONorthwest has helped its clients make sound decisions based on rigorous economic, planning, and financial analysis. For more information about ECONorthwest: www.econw.com.

ECONorthwest prepared this report for Tetra Tech, with the support and input of Tetra Tech staff. ECONorthwest is responsible for the content of this report. That assistance notwithstanding, the staff at ECONorthwest prepared this report based on their knowledge of economics and economic tools and models, natural resources, and energy, and on information derived from government agencies, private statistical services, the reports of others, interviews of individuals, and other sources believed to be reliable. Any statements nonfactual in nature constitute the authors' current opinions, which may change as more information becomes available.

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Executive Summary

Wheatridge East Wind, LLC, a subsidiary of NextEra Energy Resources, LLC (NEER), is proposing to construct and operate the Wagon Trail Project (Project/Facility), an up to 500 megawatt (MW) alternating current (AC) photovoltaic (PV) solar energy generation facility in Morrow County, Oregon (Figure 1). The Project also includes a 230-kV transmission line, two collector substations, an operations and maintenance (O&M) building, meteorological towers, a distributive battery energy storage system (BESS), and other structures including roads, perimeter fencing, and gates. NEER is presently seeking to permit a range of PV and related or associated technology within the Project site boundary to allow for micrositing flexibility.

This report prepared on behalf of NEER assesses the economic impact of removing approximately 3,684 acres of land zoned for Exclusive Farm Use from agricultural production. This land is presently used for dryland winter wheat production and farmed on rotation. Regional economic impacts are assessed for Morrow County, Oregon in terms of employment, labor income, and economic output using the IMPLAN economic modeling package.

Construction and operation of the Project would remove 3,684 acres from agricultural production. This land is presently used for dryland winter wheat production and farmed on rotation, with approximately 1,842 acres planted and harvested each year. This total represents approximately 1.4 percent of harvested winter wheat acres in Morrow County (based on 10-year annual average values). Viewed as a share of agricultural commodity sales in Morrow County in 2017, using data from the 2017 Agricultural Census, harvest of 1,842 acres of winter wheat represents 0.2 percent and 0.06 percent of total crop and agricultural sales, respectively.

Removal of 3,684 acres of agricultural land would have impacts on the local agricultural economy due to the associated reduction in local spending. Based on the estimated annual agricultural output (using 10-year annual average values) of about $500,000, removal of the site from cultivation would reduce spending in sectors related to agriculture, including wholesale trade and support activities for agriculture and forestry. This change in spending would affect about 2 jobs in the Morrow County economy (indirect and induced employment in Table ES-1) and about $137,000 in labor income per year.

The direct jobs shown in Table ES-1 are current employment estimates provided by the participating five landowners and consist of their labor and full-time workers employed by the farms. One of the landowners farm the land themselves, one landowner employs two full-time workers, and three landowners lease their land to the same tenant farmer, Corey Miller. Two landowners have indicated that they would continue to farm locally and the tenant farmer indicated that they would cease farming on the affected lands, but could farm elsewhere or obtain employment related to the project.

Farming operations on the Project site currently provide employment for the landowners, one of which farms the land themselves (Appendix A). Three of the landowners (Hale/Kilkenny,

Martin, and Munkers) lease their land to the same full-time tenant who operates the farm. One landowner (North Lex/Rauch) employs two full-time workers. Together, farming operations on the Project site support approximately 4 FTE positions (Table 12).

Table ES-1. Economic Impacts of Current Agricultural Activities on the Project Site
Source: IMPLAN 2022, ECONorthwest

Impact	Employment (FTE)[1/]	Labor Income[2/]	Output[2/]
Direct	4.0	$182,010	$487,024
Indirect	1.6	$123,471	$205,693
Induced	0.2	$13,380	$56,761
Total	5.9	$318,862	$749,479

Notes:
1/ Jobs are FTE for a period of one year (1 FTE = 2,080 hours).
2/ Labor income and economic output are expressed in Year 2023 dollars.

Most of the indirect jobs (1.3 FTEs of the 1.6 shown in Table ES-1) affected by the reduced agricultural production are in support activities for agriculture and forestry, which was the second largest sector by employment in Morrow County in 2021. A potential reduction of 1.3 jobs represents approximately 0.2 percent of existing employment in this sector and about 0.06 percent of total agricultural jobs in Morrow County.

1. Introduction and Background

Wheatridge East Wind, LLC, a subsidiary of NextEra Energy Resources, LLC (NEER), is proposing to construct and operate the Wagon Trail Project (Project/Facility), an up to 500 megawatt (MW) alternating current (AC) photovoltaic (PV) solar energy generation facility in Morrow County, Oregon (Figure 1). The Project also includes a 230-kV transmission line, two collector substations, an operations and maintenance (O&M) building, meteorological towers, a distributive battery energy storage system (BESS), and other structures including roads, perimeter fencing, and gates. NEER is presently seeking to permit a range of PV and related or associated technology within the Project site boundary to allow for micrositing flexibility.

This report prepared on behalf of NEER assesses the economic impact of removing approximately 3,684 acres of land zoned for Exclusive Farm Use from agricultural production. This land is presently used for dryland winter wheat production and farmed on rotation. This report addresses the potential effects of the Project on the local agricultural economy, with impacts assessed at the county level for Morrow County, Oregon. Regional economic impacts are assessed in terms of employment, labor income, and economic output using the IMPLAN economic modeling package.

Regional Demographic and Economic Overview

Population

Located in northcentral Oregon, Morrow County is bordered to the north by the Columbia River and the State of Washington. Approximately 2,031 square miles in size, most of the county (about 87 percent) is agricultural land (U.S. Census Bureau 2023, U.S. Department of Agriculture [USDA] 2017). Morrow County had a total estimated population of 12,315 in 2022, ranking 29 out of the 36 counties in Oregon in terms of population (Portland State University 2023). The county is sparsely populated with a population density of 6.1 people per square mile, well below the corresponding state and national averages, which were 44.2 and 94.3 people per square mile, respectively (U.S. Census Bureau 2023). There are five incorporated communities in Morrow County (Boardman, Heppner, Ione, Irrigon, and Lexington), which together account for almost two-thirds (65 percent) of the population (Table 1).

Figure 1. Project Location

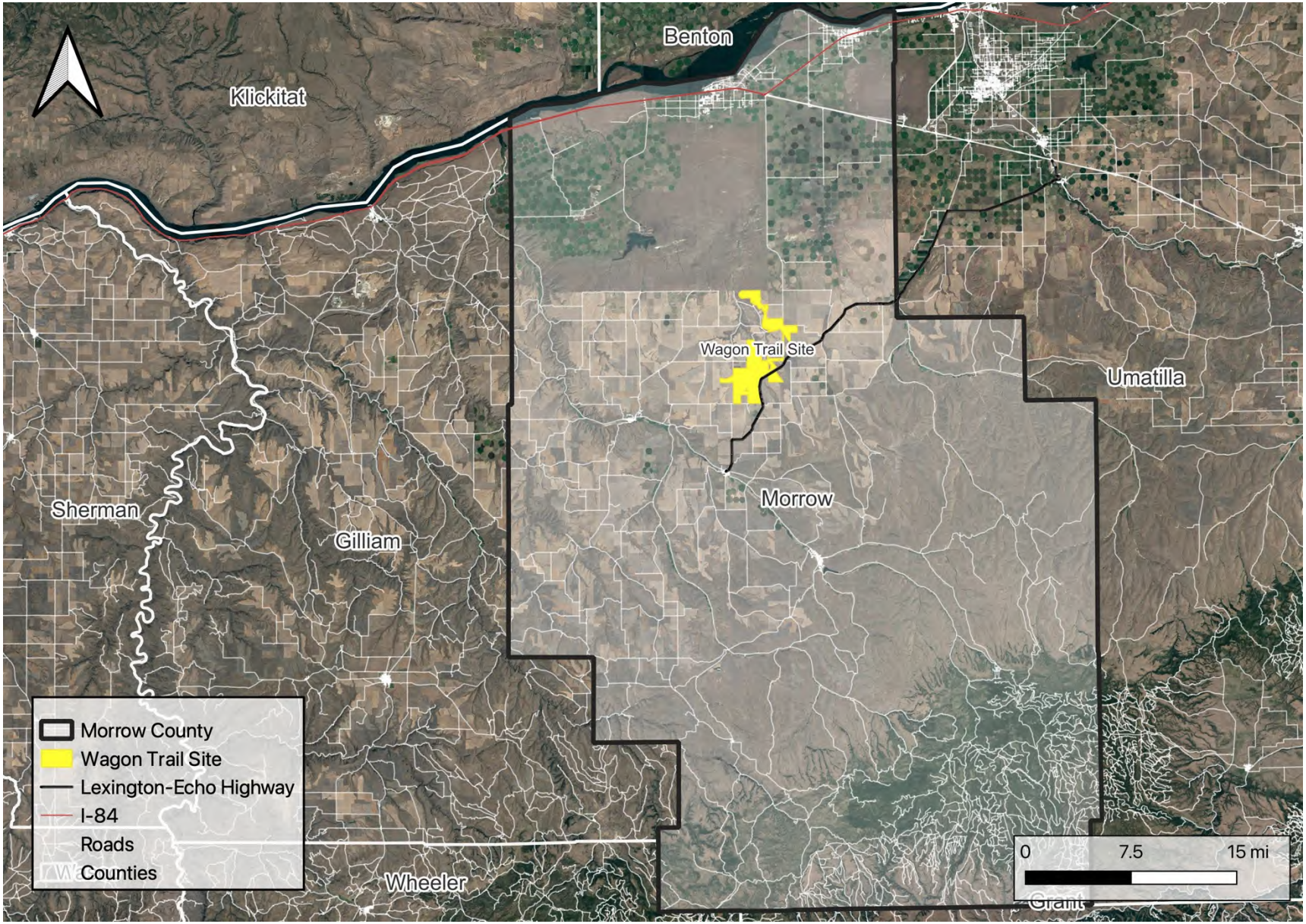


Table 1. Population
Source: Portland State University 2023

Geographic Area	2022		Change 2010 to 2022	
	Estimated Population	Percent of Total	Net Change	Percent Change
Morrow County	**12,315**	**100%**	**1,142**	**10.2%**
Boardman	4,116	33%	896	27.8%
Heppner	1,182	10%	-109	-8.4%
Ione	343	3%	14	4.3%
Irrigon	2,067	17%	241	13.2%
Lexington	238	2%	0	0.0%
Unincorporated	4,369	35%	100	2.3%

The overall county population has increased over the past decade, with most of the growth occurring in Boardman and Irrigon in the north part of the county. The communities in the central part of the county saw more modest increases or lost population over the same period (Table 1).

Employment and the Economy

The local economy in Morrow County has traditionally been dominated by agriculture, which accounts for about 17 percent of local jobs compared to 3 percent statewide. Manufacturing is the single largest sector in terms of employment, accounting for 21 percent of local jobs compared to 8 percent statewide (Table 2). Most employment in manufacturing in Morrow County is food manufacturing, which employed 1,700 people in 2021 (Fridley 2022). Food manufacturers include Columbia River Processing and Lamb Weston.

Using data compiled from various sources, including the Bureau of Labor Statistics (BLS) Census of Employment and Wages (CEW), Census Bureau County Business Patterns (CBP), and Bureau of Economic Analysis (BEA) Regional Economic Accounts (REA), the IMPLAN model divides the economy into 546 sectors including government, households, farms, and other industries. Detailed estimates are provided for a series of measures including employment, labor income, and output for each sector (see the following section).[1]

[1] IMPLAN compiles employment estimates from several different sources and, as a result, IMPLAN job estimates are often larger than those reported by other sources. However, in some cases, reported IMPLAN employment values are smaller than values reported by another source (IMPLAN 2023). The latter is the case here. The total number of jobs estimated by IMPLAN (7,943) is lower than the corresponding total reported by the Bureau of Economic Analysis (8,415) (see Tables 2 and 3).

Table 2. Employment by Economic Sector, 2021

Source: U.S. Bureau of Economic Analysis 2022

Economic Sector[1/]	Morrow County		Oregon	
	Employment	Percent of Total	Employment	Percent of Total
Agriculture	1,399	17%	69,840	3%
Utilities	104	1%	5,199	0%
Construction	136	2%	150,262	6%
Manufacturing	1,801	21%	201,963	8%
Wholesale trade	138	2%	81,845	3%
Retail trade	370	4%	259,680	10%
Transportation and warehousing	199	2%	123,175	5%
Finance and insurance	79	1%	101,551	4%
Real estate	179	2%	125,673	5%
Administrative and waste services	302	4%	129,993	5%
Educational services	9	0%	49,509	2%
Health care and social assistance	334	4%	308,939	12%
Other services	219	3%	125,429	5%
Government	1,043	12%	287,968	11%
Other sectors[2/]	2,103	25%	538,428	21%
Total employment	**8,415**	**100%**	**2,559,454**	**100%**

Notes:
Na – not applicable
1/ Employment estimates include self-employed individuals. Employment data are by place of work, not place of residence, and, therefore, include people who work in the area but do not live there. Employment is measured as the average annual number of jobs, both full- and part-time, with each job counted at full weight.
2/ The other sectors category consists of seven sectors where data are not shown for Morrow County to avoid disclosure of confidential information: forestry, fishing, and related activities; mining, quarrying, and oil and gas extraction; information; professional, scientific, and technical services; management of companies and enterprises; arts, entertainment, and recreation; and accommodation and food services.

Table 3 lists the top 20 industries in terms of their employment contribution to the Morrow County economy. Labor income and output estimates are also provided by sector in Table 3. Output is a measure of the total goods and services a given industry uses and produces and is closely related to sales. Frozen fruits, juices and vegetables manufacturing, the largest sector by employment, accounted for almost 1,400 jobs, 17 percent of total employment. Support activities for agriculture and forestry and vegetable and melon farming were the next largest employers. Other agricultural and related manufacturing sectors in the top 20 include all other crop farming, cheese manufacturing, dairy cattle and milk production, and beef cattle ranching and farming (Table 3). Grain farming, including wheat, was the 19th largest employer in the county, accounting for 89 jobs, approximately 1 percent of total county employment (Table 3). Agricultural activities alone, excluding food manufacturing, accounted for 2,070 jobs, slightly more than one-quarter (26 percent) of total employment in 2021, with combined economic output of $591 million (IMPLAN 2022).

Amazon is also a major local employer, currently operating four large data centers in Morrow County, with plans for as many as five more (Rogoway 2022). Data processing, hosting, and related services was the sixth largest sector by employment in 2021, accounting for 339 jobs, 4 percent of local employment (Table 3).

Table 3. Top 20 Industries by Employment, 2021
Source: IMPLAN 2022

IMPLAN Sector	Description	Total Employment[1/]	Labor Income ($ Million)	Total Output ($ Million)
77	Frozen fruits, juices and vegetables manufacturing	1,381	$91.6	$794.4
19	Support activities for agriculture and forestry[2/]	816	$43.4	$39.4
3	Vegetable and melon farming	434	$55.3	$132.7
542	Employment and payroll of local govt, education	427	$33.9	$40.2
10	All other crop farming[3/]	389	$24.5	$42.4
436	Data processing, hosting, and related services	339	$41.0	$209.8
544	Employment and payroll of local govt, other services	209	$16.9	$20.1
82	Cheese manufacturing	195	$13.6	$203.9
469	Management of companies and enterprises	165	$22.5	$42.7
475	Investigation and security services	152	$5.9	$10.0
543	Employment and payroll of local govt, hospitals and health services	151	$17.6	$20.7
447	Other real estate	129	$7.3	$26.1
12	Dairy cattle and milk production	125	$25.7	$183.3
11	Beef cattle ranching and farming	104	$39.7	$102.2
16	Commercial logging	103	$8.4	$12.6
408	Retail - Gasoline stores	100	$3.6	$12.6
486	Outpatient care centers	94	$6.9	$10.5
417	Truck transportation	94	$6.4	$17.8
2	Grain farming[4/]	89	$28.2	$75.5
510	Limited-service restaurants	88	$2.7	$9.8
	Subtotal Top 20 Sectors	**5,584**	**$495.1**	**$2,006.5**
	Other Sectors	2,359	$170.4	$811.9
	Grand Total	**7,943**	**$665.5**	**$2,818.4**

Note:
1/ IMPLAN jobs include all full-time, part time, and temporary positions.
2/ IMPLAN Sector 19 – Support activities for agriculture and forestry includes a wide range of agricultural services, including crop dusting, crop spraying, cultivation services, machine harvesting of grain, hay mowing, and livestock breeding services, as well as forestry-related services, including timber cruising, forest thinning, and reforestation services.
3/ IMPLAN Sector 10 – All other crop farming includes hay farming (e.g., alfalfa hay, clover hay, grass hay), hop, mint, and tea farming.
4/ IMPLAN Sector 2 – Grain farming includes wheat, corn, dry beans, and dry peas.

Economic Impact Model (IMPLAN)

IMPLAN is a regional input-output model widely used to assess the economic impacts of energy and many other types of projects. The IMPLAN model divides the economy into 546 sectors, as noted above, including government, households, farms, and other industries, and models the linkages between the various sectors. The linkages are modeled through input-output tables that account for all dollar flows between different sectors of the economy. The economic relationships modeled by IMPLAN allow the user to estimate the overall change in the economy that would result from the displacement of agricultural land due to the proposed Wagon Trail Solar project. This change would decrease overall employment, labor income, and economic output in the local economy.

Impact Types

Economic multipliers derived from the model are used to estimate total economic impacts. Total economic impacts consist of three components: direct, indirect, and induced impacts.

- The *direct* impact component consists of expenditures made specifically for the proposed project, such as construction labor and materials. These direct impacts generate economic activity elsewhere in the local economy through the multiplier effect, as initial changes in demand "ripple" through the local economy and generate indirect and induced impacts.
- *Indirect* impacts are generated by expenditures on goods and services by suppliers who provide goods and services to the agricultural production on the proposed Project site. Indirect effects are often referred to as "supply-chain" impacts because they involve interactions among businesses.
- *Induced* impacts are generated by the spending of households associated either directly or indirectly with the agricultural production on the proposed Project site. Farmers on the land, for example, use their income to purchase groceries and other household goods and services. Induced effects are also referred to as "consumption-driven" impacts.

Impact Measures

Impacts are assessed using the following measures that are reported by the IMPLAN model:

- *Output* – the value of goods and services produced, which serves as a broad measure of economic activity.
- *Jobs* – measured as the average number of employees engaged in full- or part-time work. Model outputs are adjusted to full-time equivalents (FTEs) using coefficients provided by IMPLAN.[2]
- *Personal income* (or labor income) – expressed as the sum of employee compensation and proprietary income.
  - Employee compensation (wages) includes workers' wages and salaries, as well as other benefits such as health, disability, and life insurance; retirement payments; and non-cash compensation; expressed as total cost to the employer.
  - Proprietary income (business income) represents the payments received by small-business owners or self-employed workers.

Limitations of Input-Output Models

Input-output models are static models that measure inputs and outputs of an economy at a point in time. With this information and the balanced accounting structure of an input-output model, an analyst can: 1) describe an economy in a single time-period, 2) introduce a change to the economy, and then 3) evaluate the economy after it has accommodated that change.

[2] Each FTE job equates to one full-time job for one year or 2,080-hour units of labor. Part-time or temporary jobs constitute a fraction of a job. For example, if an engineer works just 3 months on a solar project, that would be considered one-quarter of an FTE job.

This type of "partial equilibrium" analysis permits comparison of the economy in two separate states but does not describe how the economy moves from one equilibrium to the next. In partial equilibrium analysis, the researcher assumes that all other relationships in the economy remain the same (other than the initial changes in spending levels).

Contrary to dynamic models, static models assume that there are no changes in wage rates, input prices, and property values. In addition, underlying economic relationships in input-output models are assumed to remain constant; there are no changes in the productivity of labor and capital, and no changes in population migration or business location patterns.

Input-output models are best suited to understand the impacts of small to medium sized projects (relative to the size of the markets or sectors being affected), when projects are unlikely to affect the underlying supply or demand functions (USDA NRCS 2014). The agricultural land that would be displaced by the Wagon Trail Solar project only composes 0.1 percent of the agricultural sales in the county. Given the relative size of this impact to the local economy, IMPLAN is well suited for the analyzing the impact of agricultural land displacement in this case.

2. Agricultural Impact Analysis

Construction and operation of the Project would remove approximately 3,700 acres from agricultural production. This land is presently used for dryland winter wheat production and farmed on rotation. The following assessment considers the conversion of the acres to solar development as a share of harvested acres and agricultural sales and estimates the secondary (indirect and induced) impacts that a corresponding reduction in farm spending would have on the local economy.

State and Local Overview

Most of the land in Morrow County is farmland. In 2017, the most recent available agricultural census identified 1,126,101 acres in farms, approximately 87 percent of the land in the county (USDA 2017, U.S. Census Bureau 2023). A total of 375 farms operated in the county in 2017, with an average farm size of 3,003 acres. Just under half (45 percent) of the farmland in Morrow County (511,874 acres) is cropland, with 54 percent (275,833 acres) of total cropland harvested in 2017 (Table 4). From 2012 to 2017, both the number of farms and land in farms decreased in Morrow County, with 26 fewer farms and 39,025 acres fewer acres in farms, resulting in an increase in average farm size from 2,905 acres to 3,003 acres (Table 4). Ninety-three percent of farms in Morrow County were family-owned in 2017 (USDA 2017).

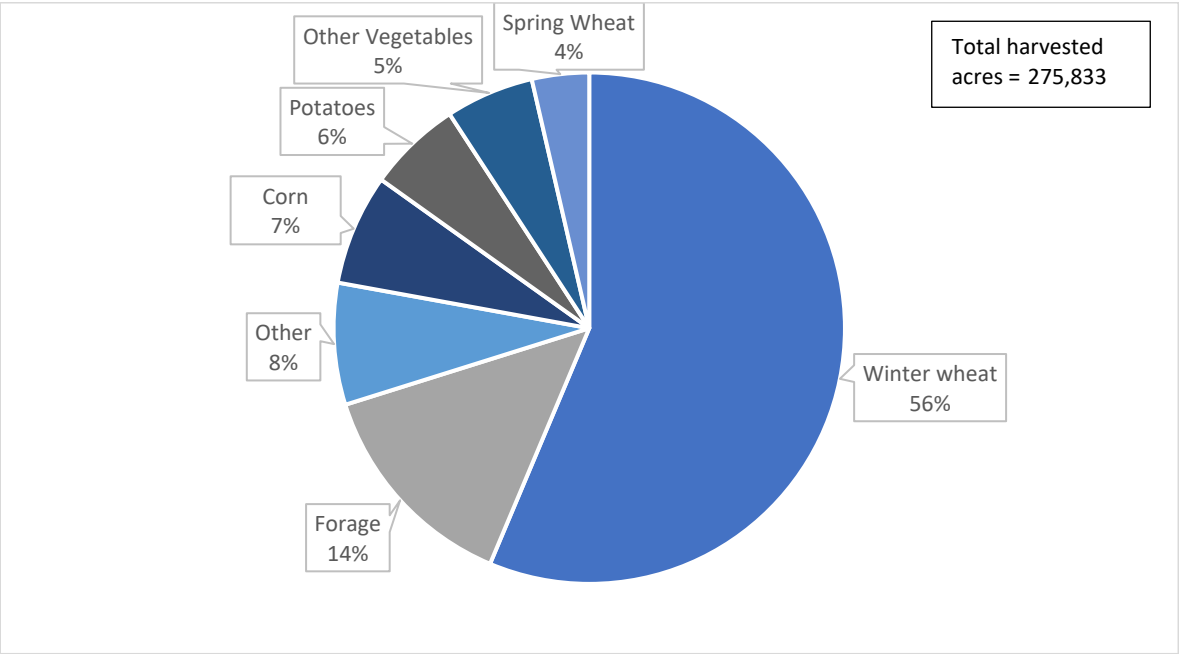
Table 4. Land in Farms and Selected Crops Harvested in Morrow County, 2012 and 2017
Source: USDA 2012, 2017

Item	2017		2012	
	Number of Farms	Acres	Number of Farms	Acres
Total Farms/Land in Farms	375	1,126,101	401	1,165,126
Total Cropland	257	511,874	305	486,433
Harvested cropland	182	275,833	193	248,356
Irrigated land	190	111,486	188	65,637
Selected crops harvested				
Wheat for grain, all	107	165,386	96	144,249
Winter wheat for grain	105	155,414	91	126,928
Forage	92	38,113	98	25,696
Vegetables harvested for sale	13	31,767	15	20,351
Potatoes	10	16,362	5	8,544

Cultivated and Harvested Crops

Viewed in terms of acres, the primary crop grown in Morrow County is wheat for grain, specifically winter wheat (Table 4, Figure 2). Winter wheat accounted for more than half (56 percent, 155,414 acres) of total harvested acres in 2017, followed by land used for forage (hay and haylage, grass silage, and greenchop) (14 percent, 38,113 acres), and vegetables harvested for sale (12 percent, 31,767 acres). Potatoes were the main vegetable harvested for sale, accounting for slightly more than half (52 percent) of total acres of vegetables harvested for sale. Other vegetables harvested for sale include onions and sweet corn, which made up 28 percent and 12 percent of total acres of vegetables harvested for sale in 2017, respectively (USDA 2017).

Figure 2. Selected Crops Harvested in Morrow County, 2017 (acres)
Source: USDA 2017



Approximately 10 percent (111,486 acres) of the farmland in Morrow County is irrigated (Table 4). Most irrigated land (96 percent) was identified as harvested cropland in 2017, with pastureland and other land making up the remaining 4 percent. Irrigated land accounted for 39 percent of total harvested cropland in 2017 (Table 5). More than half (61 percent) of harvested irrigated cropland was forage (32 percent) and vegetables harvested for sale (29 percent), and most of the land harvested for these crops was irrigated (Table 5). Winter wheat accounted for 9 percent of the irrigated total in 2017 and just 6 percent of harvested winter wheat acres were irrigated (Table 5).

Table 5. Harvested Cropland and Selected Irrigated Crops in Morrow County, 2017
Source: USDA 2017

Harvested Cropland	Harvested Acres	Irrigated Acres	Percent of Harvested Acres Irrigated	Percent of Irrigated Harvested Total
Total	275,833	106,511	39%	100%
Selected Irrigated Crops				
Forage	38,113	33,731	89%	32%
Vegetables harvested for sale	31,767	30,930	97%	29%
Wheat for grain, all	165,386	11,771	7%	11%
Winter wheat for grain	155,414	9,924	6%	9%
Corn for grain	19,338	10,486	54%	10%

Livestock

Morrow County ranked number one in Oregon in livestock sales in 2017. According to the 2017 Agricultural Census, 133 farms sold a combined total of 163,150 cattle and calves in that year. In addition, 27 farms had an estimated 2,877 sheep (USDA 2017).

Economic Output and Employment

Sales by agricultural commodity group in Morrow County in 2017 are summarized in Table 6. Total sales were estimated at $596.5 million, with livestock accounting for more than two-thirds (68 percent) of the total. Cattle and cows (39 percent) and milk from cows (28 percent) made up almost all the livestock total. Crops accounted for less than one-third of total value of agriculture in 2017. Wheat, which made up 60 percent of harvested cropland in 2017, accounted for just 6 percent of total sales and 17 percent of crop sales (Table 4 and Table 6). Vegetables, melons, potatoes, and sweet potatoes, which accounted for just 12 percent of harvested cropland, made up slightly more than half (51 percent) of crop sales and 16 percent of total sales (Table 4 and Table 6).

Table 6. Sales by Commodity Group in Morrow County, 2017
Source: USDA 2017

Commodity Group	Sales ($ million)	Percent of Total Sales	Precent of Crop Sales
Crops	**$190.7**	**32%**	**100%**
Grains, oilseeds, dry beans, dry peas	$66.3	11%	35%
Corn	$32.9	6%	17%
Wheat	$33.1	6%	17%
Vegetables, melons, potatoes, sweet potatoes	$97.3	16%	51%
Other crops and hay	$25.3	4%	13%
Livestock	**$405.7**	**68%**	**–**
Cattle and calves	$234.2	39%	--
Milk from cows	$168.9	28%	--
Other livestock, poultry, and aquaculture	$2.7	0%	--
Total sales	**$596.5**	**100%**	**–**

Data compiled by IMPLAN provide additional perspective on the agricultural economy in Morrow County. In 2021, an estimated total of 2,070 people were employed in agriculture, with a combined total output of $591 million. Support activities for agriculture and forestry, the second largest sector by employment in Morrow County (see Table 3), accounted for 816 jobs in 2021, approximately 40 percent of total agricultural employment. Vegetable and melon farming followed by all other crop farming were the next largest agricultural employers. Grain farming, which includes wheat, corn, dry beans, and dry peas, accounted for 89 jobs, about 4 percent of total agricultural employment in Morrow County in 2021 (Table 7, Figure 3 and Figure 4).

Table 7. Employment, Labor Income, and Economic Output by Agricultural Sector in Morrow County, 2021

Source: IMPLAN 2022

IMPLAN Sector	Description	Total Employment[1/]	Labor Income ($ Million)	Total Output ($ Million)
19	Support activities for agriculture and forestry[2/]	816	$43.4	$39.4
3	Vegetable and melon farming	434	$55.3	$132.7
10	All other crop farming[3/]	389	$24.5	$42.4
12	Dairy cattle and milk production	125	$25.7	$183.3
11	Beef cattle ranching and farming	104	$39.7	$102.2
16	Commercial logging	103	$8.4	$12.6
2	Grain farming[4/]	89	$28.2	$75.5
na	Other agriculture[5/]	10	$2.4	$3.4
	Total	**2,070**	**$227.7**	**$591.4**

Notes:
1/ IMPLAN jobs include all full-time, part time, and temporary positions.
2/ IMPLAN Sector 9 – Support activities for agriculture and forestry includes a wide range of agricultural services, including crop dusting, crop spraying, cultivation services, machine harvesting of grain, hay mowing, and livestock breeding services, as well as forestry-related services, including timber cruising, forest thinning, and reforestation services.
3/ IMPLAN Sector 10 – All other crop farming includes hay farming (e.g., alfalfa hay, clover hay, grass hay), hop, mint, and tea farming.
4/ IMPLAN Sector 2 – Grain farming includes wheat, corn, dry beans, and dry peas.
5/ Other agriculture as defined here includes several IMPLAN sectors, including Fruit farming; Greenhouse, nursery, and floriculture production; and Animal production other than cattle and poultry and eggs.

Figure 3. Agricultural Employment in Morrow County by Sector, 2021

Source: IMPLAN 2022

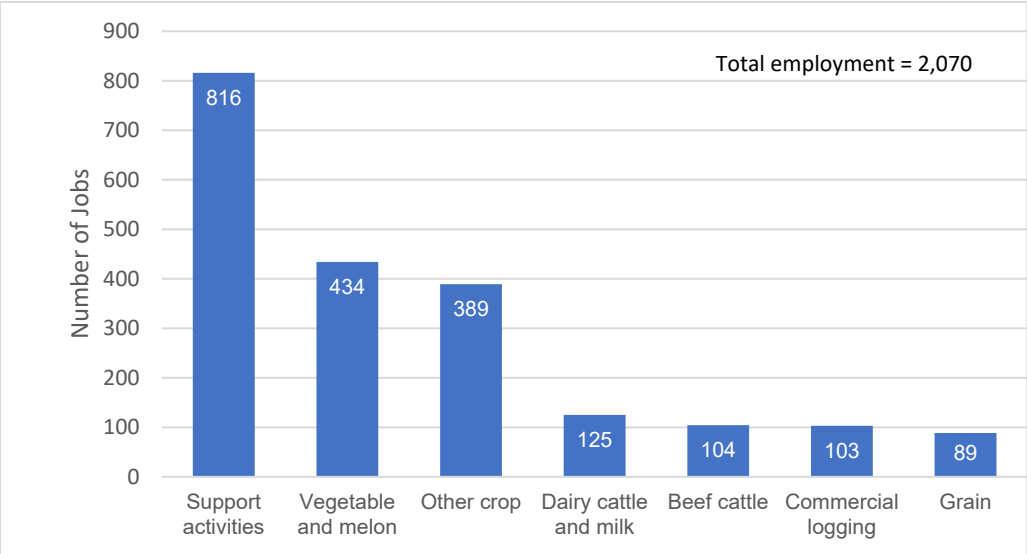
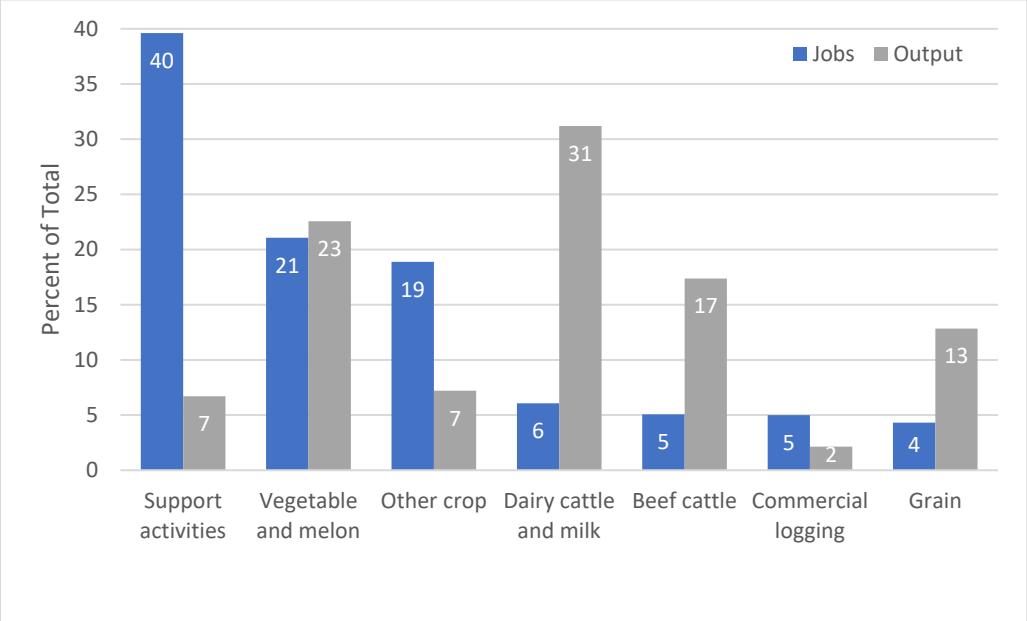
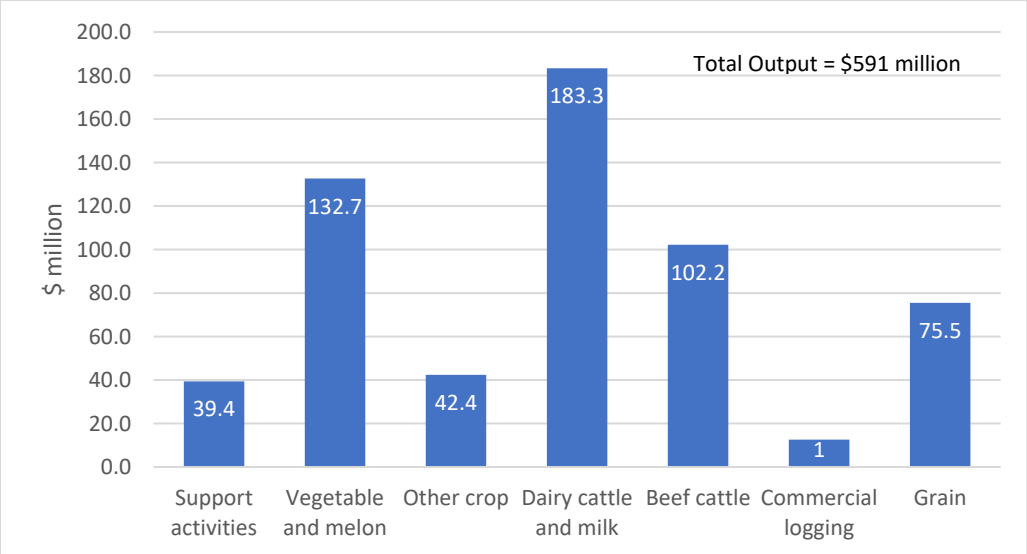


Figure 4. Agricultural Employment and Output in Morrow County by Sector, 2021 (percent)
Source: IMPLAN 2022



Viewed in terms of economic output, dairy cattle and milk was the largest agricultural sector, with $183 million in output in 2021, almost one-third (31 percent) of total agricultural output. Vegetable and melon farming followed by beef cattle were the next largest agricultural sectors from an economic output perspective. Grain farming contributed an estimated $75.5 million in sales, about 13 percent of total agricultural output in Morrow County in 2021 (Table 7, Figure 4 and Figure 5).

Figure 5. Output in Morrow County by Agricultural Sector, 2021 (in millions of dollars)
Source: IMPLAN 2022



Winter Wheat Production and Value

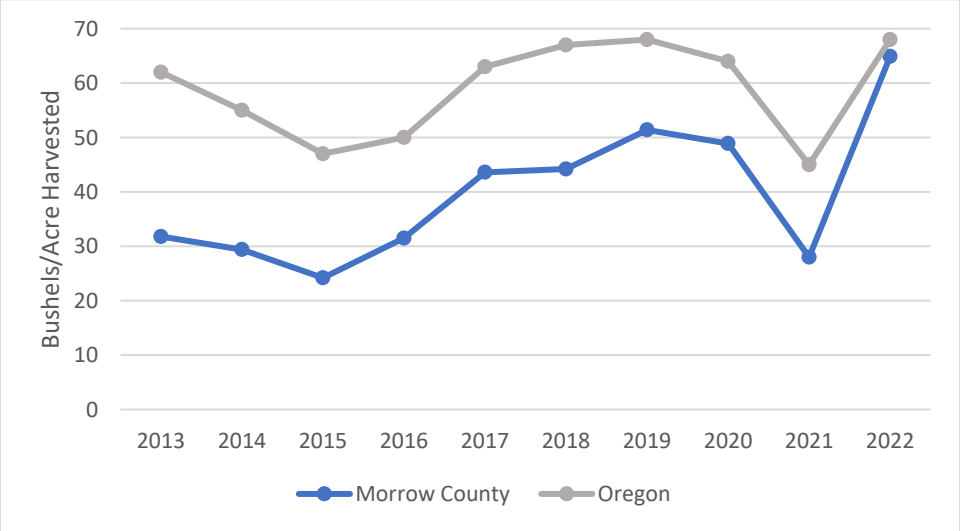
Winter wheat yields vary by location and from year-to-year. Annual average yields in bushels per acre over the last decade are shown for Morrow County and the State of Oregon in Table 8 and Figure 6. Yields in both areas have followed similar trends over the last decade, with yields in Morrow County consistently lower than the state average. Average annual yields from 2013 to 2022 were 39.8 bushels/acre in Morrow County and 58.9 bushels/acre in Oregon. Morrow County yields over this period were on average 19.1 bushels/acre lower, equivalent on average to about two-thirds (66 percent) of the corresponding statewide values. Average yields dropped sharply in both areas in 2021 due to poor growing conditions, but more than rebounded in 2022, especially in Morrow County where the average yield more than doubled from 2021 to 2022, increasing from 28 bushels/acre to 64.9 bushels/acre (Table 8,

Figure 6).

Table 8. Average Annual Yield for Winter Wheat (Bushels/Acre), 2013-2022
Source: USDA 2023a

Year	Morrow County	Oregon	Difference
2013	31.8	62.0	30.2
2014	29.4	55.0	25.6
2015	24.2	47.0	22.8
2016	31.5	50.0	18.5
2017	43.6	63.0	19.4
2018	44.2	67.0	22.8
2019	51.4	68.0	16.6
2020	48.9	64.0	15.1
2021	28.0	45.0	17.0
2022	64.9	68.0	3.1
2013-2022 Average	**39.8**	**58.9**	**19.1**

Figure 6. Average Annual Yield for Winter Wheat (Bushels/Acre)
Source: USDA 2023a



The average annual winter wheat yields discussed in this section include both irrigated and dryland harvested acres. Irrigated land accounted for 8.2 percent of winter wheat acres

harvested in Oregon in 2017. In Morrow County, irrigated land accounted for 9,924 acres or 6.4 percent of the total 155,414 winter wheat acres harvested (Table 5). According to the 2017 Agricultural Census, average winter wheat yields in Oregon for irrigated land were 106.1 bushels/acre compared to 53.9 bushels per acre for unirrigated land. These data were not available at the county level.

Average annual prices for winter wheat in Oregon are presented per bushel for 2013 to 2022 in Table 9. Table 9 also shows total statewide winter wheat acres harvested, production in bushels, and the total value of production. Winter wheat acres harvested ranged from 690,000 to 780,000 over this period, with an annual average of 723,000 acres. Values per bushel ranged from a low of $4.64 in 2017 to a high of $10.03 in 2022, with a weighted annual average of $6.61 (Table 9 and Figure 7). The total annual value of production averaged $281.6 million over the same period.

Table 10 presents total winter wheat acres harvested, production in bushels, and the total value of production for Morrow County. Values are annual estimates for the last decade (2013 to 2022). Winter wheat acres harvested ranged from 120,500 to 135,500 over this period, with an annual average harvest of 127,900 acres. State average prices per bushel were used to estimate the total value of winter wheat production in Morrow County, which ranged from $20.9 million to $84.6 million, with an annual average of $33.6 million (Table 10).

Table 9. Winter Wheat Acres Harvested, Total Production, Average Price per Bushel, and Total Value of Production in Oregon, 2013 to 2022

Source: USDA 2023a, 2023b

Year	Acres Harvested (1,000s)	Total Production (1,000 Bushels)	Average Price/Bushel ($)[1/]	Total Value of Production ($ million)[1/]
2013	780	48,360	$7.29	$352.5
2014	740	40,700	$7.49	$304.9
2015	735	34,545	$6.99	$241.4
2016	710	35,500	$6.00	$212.9
2017	690	43,470	$4.75	$206.5
2018	695	46,565	$4.64	$216.0
2019	730	49,640	$5.51	$273.7
2020	725	46,400	$5.68	$263.5
2021	705	31,725	$7.98	$253.3
2022	720	48,960	$10.03	$490.8
2013-2022 Average[2/]	**723**	**42,587**	**$6.61**	**$281.6**

Notes:
1/ Dollars are not adjusted for inflation.
2/ The average price per bushel for 2013-2022 is a weighted average.

Figure 7. Total Winter Wheat Production and Average Price per Bushel in Oregon, 2013 to 2022
Source: USDA 2023a, 2023b

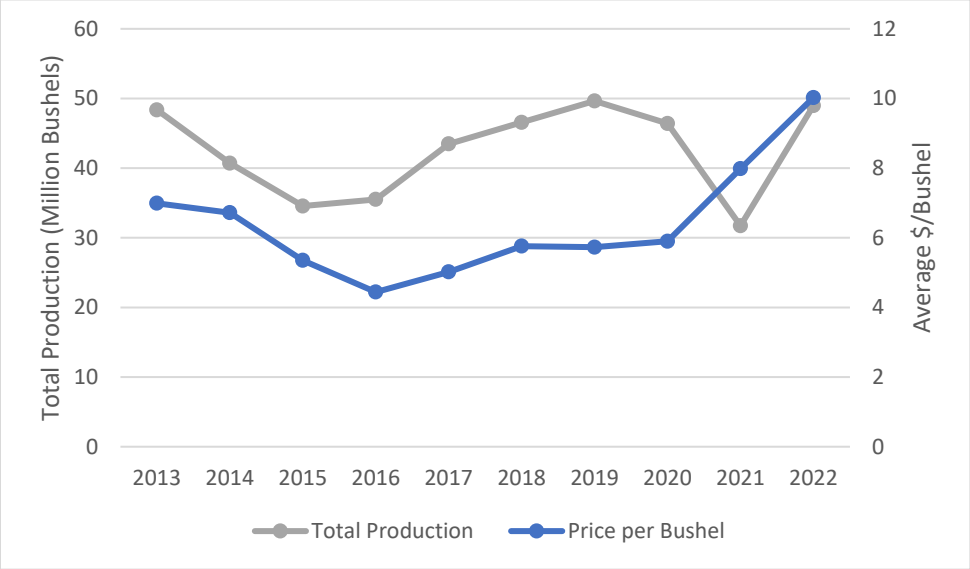


Table 10. Winter Wheat Acres Harvested, Total Production, and Total Value of Production in Morrow County, Oregon, 2013 to 2022
Sources: USDA 2023a, 2023b

Year	Acres Harvested (1,000s)	Total Production (1,000 Bushels)	Total Value of Production ($ million)[1/]
2013	133.5	4,245	$30.9
2014	124.0	3,646	$27.3
2015	123.8	2,996	$20.9
2016	120.5	3,796	$22.8
2017	129.0	5,624	$26.7
2018	128.0	5,658	$26.3
2019	135.5	6,965	$38.4
2020	134.0	6,553	$37.2
2021	120.5	3,374	$26.9
2022	130.0	8,437	$84.6
2013-2022 Average[3/]	**127.9**	**5,088**	**$33.6**

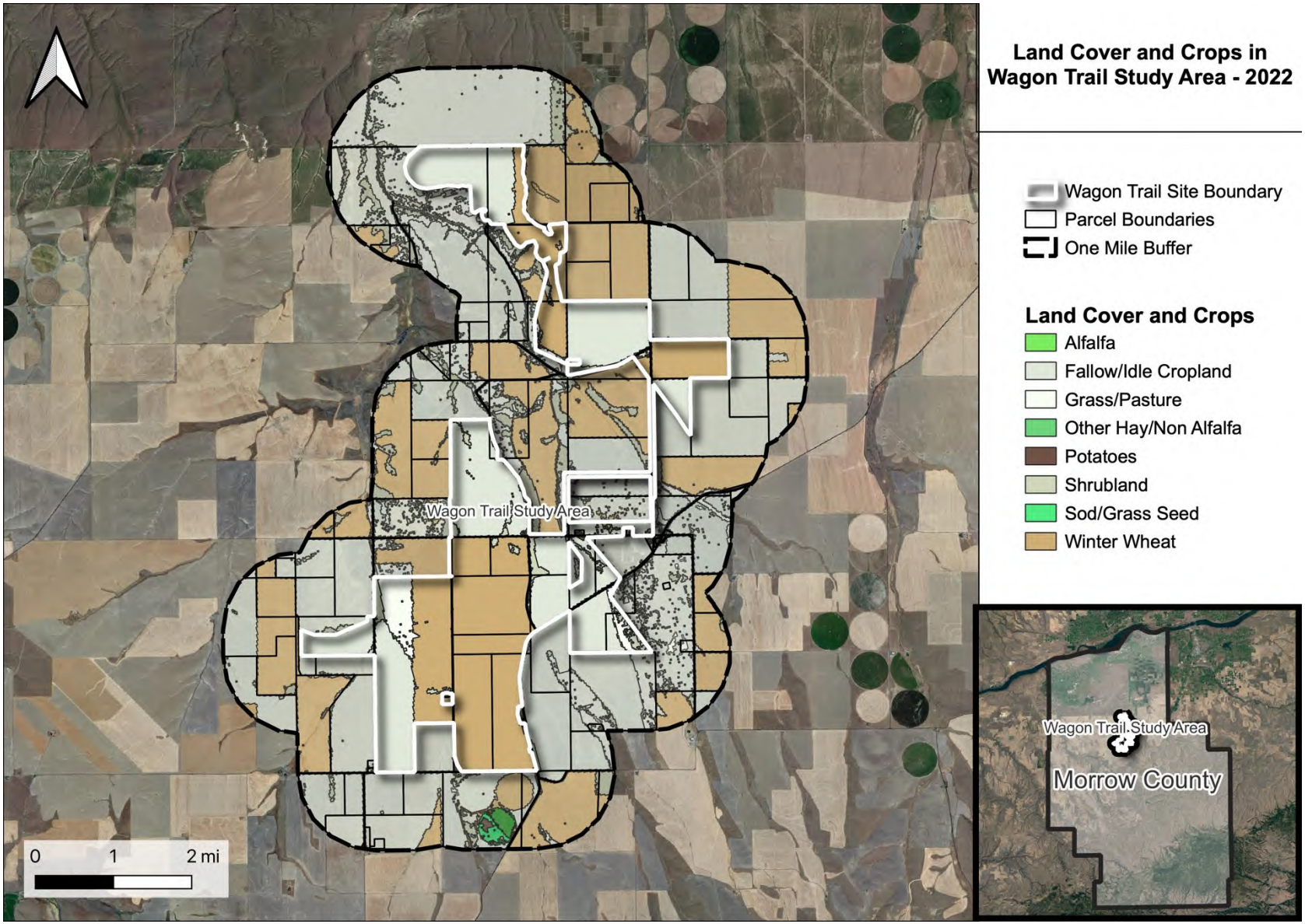
Note:
1/ Total value of production is estimated based on average annual prices per bushel in Oregon (see Table 9). Dollars are not adjusted for inflation.

Project Area Overview

Land cover and crop use is shown for the Project site boundary and the surrounding 1-mile area in Figure 8. This information was compiled from the USDA Cropland Data Layer (CDL) on CropScape.[3] Using satellite imagery, the Cropland Data Layer Program provides a geo-referenced, crop-specific land cover map for the continental United States. The land cover map

[3] USDA CropScape – Cropland Data Layer. Retrieved from https://data.nal.usda.gov/dataset/cropscape-cropland-data-layer

Figure 8. Land Cover and Crops in the Project Area, 2022
Source: USDA 2023c



is updated annually. Figure 8 uses data from 2022, the most recent year available. Review of these data suggests that in 2022, 91 percent of the Project site was either cultivated for winter wheat (58 percent) or fallow (33 percent). Review of CDL information from preceding years suggests that these uses alternate from year-to-year, with land actively cultivated for winter wheat one year, left fallow the next. Land cover on the remaining 9 percent of the site included grass/pasture and shrubland (Figure 8).

Survey of Landowners

There is a total of seven land tracts[4] with operating agricultural uses in the Project site boundary. However, five of the tracts owned by the Kilkenny Land Company, Martins, Munkers, and RJK Family are farmed by the same tenant farmer – Corey Miller. In support of the Application for Site Certificate (ASC) process, the NEER team surveyed the two main landowners that operate agricultural uses on their tracts (the Lindsays and North Lex Power and Land/Rauch) and the tenant farmer who operates on the remaining 5 tracts in the site boundary. This represents about 98.9 percent of the land within the Project site boundary. The survey consisted of a questionnaire designed to elicit information to support the agricultural land use analysis in Exhibit K to the ASC.[5] Review of this information indicates that as suggested by the CDL information, all farmland within the Project site boundary is dedicated to dryland wheat production and farmed on rotation. Roughly half of each farm is planted and harvested in any given year, with the other half left in summer fallow[6]. Figure 8 shows the overall pattern of cultivated versus fallow acres in 2022. Crop practice and schedule information provided by the surveyed landowners is summarized further in Appendix A.

Crop Yields

Information on crop yields provided by the surveyed landowners/tenant farmer is summarized in Table 11. This information is consistent with the Morrow County average annual yield over the past 10 years, which was 39.8 bushels/acre (Table 8).

[4] OAR 660-033-0010 defines tract to mean "one or more contiguous lots or parcels under the same ownership."

[5] Developed by Tetra Tech, the questionnaire was administered by NEER. Key results from the survey are included in a summary table provided in Appendix A to this report.

[6] In Exhibit K, Attachment K-1, Russell Kilkenny indicates that the crop rotation pattern may involve either fallowing in alternate years or cultivation for two years and fallowing for one year but was not specific as to how often or over how many acres each pattern was used. Because the other survey responses indicated cultivation every other year and the CropScape data also suggested this as the predominate pattern, the analysis uses this assumption. To the extent some acres involve fallowing every 3rd year instead of every other year, the analysis may slightly underestimate crop production in any given year.

Table 11. Project Site Average Winter Wheat Yields
Source: 2023 Wagon Trail landowner surveys (see Appendix A)

Landowners/Tract	Agricultural Operator	Average Bushels per Acre
Hale/Kilkenny (Tracts 2 and 8)	Tenant Farmer – Corey Miller	40
Lindsay[1/] (Tract 3)	Landowner - Lindsay	NA
Martins (Tracts 4 and 5)	Tenant Farmer – Corey Miller	40
Munkers (Tract 6)	Tenant Farmer – Corey Miller	40
North Lex Power and Land/Rauch (Tract 7)	Landowner - North Lex Power and Land/Rauch	40

Note:
1/ Lindsay did not offer an average yield

One landowner, Rauch, stated prices for wheat in recent years have ranged from as low as $2.25 to as high as $17.50 per bushel and the tenant farmer, Corey Miller, stated that the average price has been $6 per bushel (Appendix A). These identified prices are generally consistent with the statewide annual average values summarized in Table 9.

Farm Employment

Farming operations on the Project site currently provide employment for the landowners, one of which farms the land themselves (Appendix A). Three of the landowners (Hale/Kilkenny, Martin, and Munkers) lease their land to the same full-time tenant who operates the farm. One landowner (North Lex/Rauch) employs two full-time workers. Together, farming operations on the Project site support approximately 4 FTE positions (Table 12).

Table 12. Farm Employment on Project Site Parcels
Source: 2023 Wagon Trail landowner surveys (see Appendix A)

Landowners	Reported Employment
Hale/Kilkenny	Leased to Tenant Farmer– 1 FTE
Martin	
Munkers	
Lindsay[1/]	Landowner–1 FTE
North Lex/Rauch	2 FTE

Value of Agricultural Production

The land use analysis prepared in support of Exhibit K for the ASC estimates that construction and operation of the Project would remove 3,684 acres from dryland wheat production. For the purposes of analysis, the analysis assumes that approximately half of this total (1,842 acres) is planted and harvested each year, with the other half left fallow. For the average annual yield (bushels/acre), the analysis uses the average yield values provided by the surveyed landowners, which is 40 bushels/acre. The stated average yield from survey respondents very closely aligns with the 10-year average annual yield for Morrow County (39.8 bushels/acre) (Table 8).

Using these average yields and the 10-year average annual price per bushel for Oregon ($6.61) results in estimated average value of $264 per acre. One landowner, Rauch, reported an average

value per acre of $395 and the tenant farmer reported an average value per acre of $240. If half of the land used for dryland wheat production is harvested each year (1,842 acres) and applying the average annual per acre value ($264.4) results in a total annual estimated value of $487,000 (Table 13).

Table 13. Estimated Value of Agricultural Production

Measure	Estimate
Acres Harvested	1,842
Average Bushel/Acre	40
Average Value/Acre[1/]	$264.4
Total Production (1,000s Bushels)	73.68
Total Production Value ($1,000)	$487.0

Note:
1/ Average value per acre is estimated using the average annual price per bushel for Oregon for 2013 to 2022.

Agricultural Impacts

Winter Wheat Production and Value

From 2013 to 2022, an annual average of 127,900 acres of winter wheat was harvested in Morrow County, resulting in total estimated average annual revenues of $33.6 million (Table 10). Statewide, an annual average of 723,000 acres of winter wheat was harvested, with average annual revenues of $281.6 million (Table 9). Viewed as a share of these totals, the acres that the Project would displace from production represent 1.4 percent and 0.3 percent of the average annual acres of winter wheat harvested in Morrow County and Oregon, respectively. Viewed as a share of annual average revenue, the estimated value of production on the Project site ($487,000) is equivalent to 1.4 percent and 0.2 percent of the estimated values in Morrow County and Oregon, respectively (**Error! Reference source not found.**).

Table 14. Affected Agricultural Production as a Share of County and State Winter Wheat Totals

Area	2013-2022	
	Average Acres Harvested	Average Value of Production ($000)
Morrow County	127,880	$33,641
Oregon	723,000	$281,554
Affected Values	1,842	$487
As a Percent of Total		
Morrow County	1.4%	1.4%
Oregon	0.3%	0.2%

Economic Output and Employment

Total sales by agricultural commodity group are summarized in Table 6. These data from the 2017 Agricultural Census provide a comprehensive picture of agricultural sales in Morrow County for that year. In addition, employment, labor income, and economic output are summarized by agricultural sector in Table 7. This second set of data is from the 2021 IMPLAN model for Morrow County and information is summarized by IMPLAN economic sector, as indicated in the table. These two sources of information each provide a comprehensive picture

of the agricultural economy in Morrow County and are both used as a baseline for the following assessment.

As shown in Table 6, the 2017 Agricultural Census estimated total sales of $596.5 million in Morrow County, with livestock accounting for more than two-thirds (68 percent) of the total value. Crops made up the remaining 32 percent of sales. Total wheat sales were $33.1 million, approximately 17 percent of crop sales and just 6 percent of total sales (Table 6). The average yield for winter wheat in Morrow County in 2017 was 43.6 bushels/acre (Table 8) and the average annual price per bushel in Oregon was $4.75 (Table 10). Using these average values, harvest of 1,842 acres on the Project site in 2017 results in total estimated sales of $381,500.[7] This estimated value represents 1.2 percent of total wheat sales in Morrow County in 2017 and just 0.2 percent and 0.06 percent of total crop and agricultural sales, respectively.

Taking the area within the Project site boundary out of agricultural production would have impacts to the local agricultural economy due to the associated reduction in local spending. Landowners currently purchase fuel, seed, and fertilizer and chemicals from local suppliers (see Appendix A). Using IMPLAN, we modeled the economic impacts for Morrow County based on an estimated reduction in annual output of $487,000 in the grain sector. This estimated reduction is based on 10-year average values and is shown in Table 13.

Table 15 shows the local economic activity supported by current agricultural operations based on estimated output of $487,000 and employment information provided by the participating landowners (Appendix A). These are annual impacts and removal of the Project site from production would result in a corresponding annual reduction in economic activity in the following ways:

- The direct impact represents the gross value of production that the farmers would no longer receive from producing wheat, and the associated employment and labor income of farmers and their employees. The direct employment number shown in Table 15 is based on information provided by the landowners; and includes the participating landowners actively involved in farming, the tenant farmer, and the full-time workers the landowners employ. All landowners interviewed indicated that they would continue to farm elsewhere if the Wagon Trail Solar Project is built. The tenant farmer on land owned by Hale/Kilkenny, Munkers, and Martin would be unable to continue farming the portion of the land leased to the Project. However, the landowners indicated that the tenant farmer would perform other work for the NEER Facility if those acres were taken out of production. **These responses suggest that none of the direct jobs shown in Table 15 would be lost if the Project were to go forward.**

[7] This total value ($381,500) is based on the average yield and value per bushel for 2017 (as noted in the text) and is used to compare the potential removal of 1,842 acres with commodity sales from 2017. The values shown in Table 14 and used in the analyses reported in Table 15, are based on 10-year average annual values and represent a range of impacts.

- The indirect impact represents economic activity supported by the agricultural production on the project site. This includes spending on inputs like seeds, fertilizer, and fuel and contract services, which could include harvesting or spraying. **This supports 1.6 indirect jobs associated with $123,500 in labor income.** When agricultural production on the site stops, the presumption is that this spending no longer occurs and this amount of FTE, labor income, and output would be lost. **This may or may not translate into reductions in individual employment positions (jobs).**
- Induced impacts are generated by the spending of households associated either directly or indirectly with ongoing agricultural operations within the Project site boundary. Assuming this income is no longer earned, it is not available to spend and would also represent lost economic activity when agricultural production on site stops.

Table 15. Economic Impacts of Current Site Boundary Agricultural Activities
Source: IMPLAN 2022, ECONorthwest

Impact	Employment (FTE)[1/]	Labor Income[2/]	Output[2/]
Direct	4.0[3/]	$182,010	$487,024
Indirect	**1.6**	**$123,471**	**$205,693**
Induced	0.2	$13,380	$56,761
Total	5.9	$318,862	$749,479

Notes:
1/ Jobs are FTE for a period of one year (1 FTE = 2,080 hours).
2/ Labor income and economic output are expressed in Year 2023 dollars.
3/ Direct jobs associated with these acres of agricultural production would not likely be lost due to the construction of the Project.

While all the economic activity represented in Table 15 arises from agricultural production on the project site, the indirect impacts (bolded) most closely reflect economic activity in the agricultural sector in Morrow County supported by this production, which would be lost when the project is built. Most of the indirect jobs (1.3) supported by site-related expenditures are in IMPLAN Sector 19 – Support activities for agriculture and forestry, which was the second largest employer in Morrow County in 2021, with an estimated 816 workers (Table 3). **A potential reduction of 1.3 jobs represents approximately 0.2 percent of existing employment in this sector and about 0.06 percent of total agricultural jobs in Morrow County.**

The remaining indirect employment (0.3 FTE) is distributed across multiple IMPLAN sectors, including wholesale, other nondurable goods, and gasoline stores. These jobs supported elsewhere in the local economy do not necessarily translate into individual positions. A reduction in demand could, for example, result in a reduction in hours worked or reduced overtime, without resulting in job loss. The estimated 0.2 job arising from the induced impacts consists of employment distributed over a range of different economic sectors.

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Table A-1. Selected Landowner Questionnaire Responses

Source: 2023 Wagon Trail Solar landowner surveys

	Question 1	Question 2	Question 5
Owner	**Crop Practices**	**Crop Schedule**	**Direct Jobs**
Hale/Kilkenny Martin Munkers	Kelly Hale is the President of the RJK Family, LLC and the Kilkenny Land Company, LCC; and Russell Kilkenny serves as the companies' attorney and Vice President. RJK Family and Kilkenny Land Company own 6,000 acres of agricultural land within Morrow County. Approximately 1,440 acres of their land are located within the Facility boundary. Gabriel and Shirley Martin own approximately 1,000 within the Facility boundary, and Sheila Munkers owns approximately 200 acres. These landowners grow dryland winter wheat and grass, not used for grazing, without irrigation. These landowners have one tenant farmer – Corey Miller — who farms their land.	They plant and harvest on the same schedule. They seed in early fall (September/October) and harvest in July. Fertilizer is applied when seeding (or sometimes tilling) occurs, and pesticide/herbicide application usually happens from March to July.	Corey farms the land full-time. If NEER builds on all the available acres between these landowners, Corey's position would be eliminated. Additionally, these landowners note that there would be no net loss of Corey's job because they can continue their other work with NEER.
Rauch	Chris Rauch owns and operates North Lex Power and Land, LLC which owns 6,355 acres of land in Morrow County, with approximately 2,500 within the Facility boundary. All the land is dedicated to dryland farming. They also farmland in Umatilla County.	For acres that are in crop, they seed in October; apply pesticide/herbicide in April; harvest in July; and spot spray after harvest. For acres that are in fallow, they spray starting in spring through the summer.	Two full-time jobs are supported by the operations where the Project will be located.
Lindsay	Lawrence and Corrine Lindsay own 2,000 acres of dryland wheat ground, located within the Facility boundary, that is split in crop year and summer fallow year.	The dryland wheat ground is seeded in the fall on last year's summer fallow. They till and apply pesticide/herbicide.	They did not report any jobs supported by the land.

Table A-1. Selected Landowner Questionnaire Responses (continued)

Source: 2023 Wagon Trail landowner surveys

	Question 8	Question 10	Question 11
Owner	**Current Spending**	**Crop Yields**	**Agricultural Revenues**
Hale/Kilkenny Martin Munkers	If all acres within the Facility site boundary were taken out of production, then spending for these landowners would decrease by 25 percent.	40 bushels per acre on average.	These landowners report variation in Winter Wheat prices over the last 5-10 years. On average, one bushel is priced at $6, resulting in a per acre revenue of $240, with an average yield of 40 bushels. Expenses range from $200-$215 per acre.
Rauch	Depending on how many acres of North Lex land are being taken out of production, they could have to consolidate equipment as their current payments were determined based on a certain number of acres. The cost per acre would increase. If only a few hundred acres are taken out of production, then the impact on spending would be small.	There are large fluctuations year to year. Their average is 40 bushels per acre in Morrow County.	Revenue per acre is extremely volatile for dryland farming. They report a range of $90 to $700 per acre, or $2.25 to $17.50 per bushel.
Lindsay	They won't see much of an impact on their spending, beyond the spending for the acres that are directly used by the solar Project. They point out that an increase in their income benefits the businesses in their community, enabling them to purchase better equipment and other supplies.	Yields vary with the weather during the maturation of the crop. They report having some good, and mediocre yields. During some years, they must utilize their crop insurance due to bad yield.	They did not report any revenue or expenses per acre.