

Schumann Wind, LLC
Wind Project
Application
for Conditional Use Permit
Umatilla County
Aug 16, 2017

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Introduction to Project

BayWa r.e. Wind, LLC through its wholly owned subsidiary Schumann Wind, LLC (the “Project” or “Schumann”) proposes to construct a 4-5-turbine, 8 megawatt wind project in Umatilla County, Oregon, located approximately 6 miles north of Athena. The proposed Project lease boundary consists of approximately 800 acres, located entirely on private land. Schumann intends to utilize existing transmission and substation facilities constructed in 2016 for the nearby Chopin Wind Project. The Project will construct an approximately 2.3 mile long transmission line to connect to the existing Chopin Wind Project facilities.

Introduction to BayWa r.e. Wind, LLC

BayWa r.e. Wind, LLC (“BayWa”) is a turn-key developer and operator of commercial scale renewable energy projects in North America. Headquartered in San Diego, CA, the firm has been active in the U.S. since 2001 and has successfully installed over 220 MW of wind energy in that time. It is a subsidiary of Germany’s conglomerate BayWa AG (the “BayWa Group”), which generated revenues of over \$15 Billion USD for the year ending 2016, and has installed over 1 GW of wind and solar projects worldwide. The 94 year-old company has over 17,000 employees and participates in multiple business activities across three main business segments including building materials, agricultural products, and energy. The BayWa Group provides strong financial support to BayWa for development and construction activities in the United States through access to its balance sheet. This financial strength allows BayWa to develop and construct its projects on schedule without financing contingencies.

In 2014, BayWa successfully commissioned two projects: the 20MW Brahms Project and the 15MW Anderson Project, both located in New Mexico. The renewable energy generated by both Brahms and Anderson is being sold to two local utilities under long term offtake contracts. BayWa’s Asset Management group manages operations and maintenance of both projects for their respective owners.

In May of 2015, BayWa commissioned its largest project to date: the 80 MW Beethoven Project located in South Dakota. The renewable energy generated at Beethoven is being sold to a local utility under a long-term offtake contract. BayWa’s San Diego based Asset Management group manages operations and maintenance of the Beethoven wind project.

In September 2016, BayWa brought the nearby 10MW Chopin Project from development through commissioning and continues to manage the asset.

BayWa’s practice is to hire qualified locally owned businesses and individuals whenever possible during the development, construction, and operation of its projects. BayWa believes in investing in the local communities that host its projects and ensuring that contractors use local labor and resources whenever possible.

Responses to Umatilla County Development Code (Revision Date April 13, 2016) (HHH) *Commercial Wind Power Generation Facility.*

- (1) County Permit Procedure**
- (2) Pre-application Meeting**
- (3) Conditions of Approval**
- (4) Permits**
- (5) Application Requirements**
- (6) Standards/Criteria of Approval**
- (7) Dismantling/Decommissioning**
- (8) Decommissioning Fund**
- (9) Annual Reporting**
- (10) Permit Amendments**
- (11) Walla Walla Watershed**

(1) County Permit Procedure.

The procedure for taking action on the siting of a Wind Power Generation Facility is a request for a conditional use. A public hearing pursuant to Section 152.771 shall be held to determine if the applicant meets the siting requirements for a Wind Power Generation Facility. Notice of the hearing shall be provided to all landowners within the setback areas of the project site.

The County procedural requirements set forth in Section 152.616(HHH) (1)-(5), including the requirement for a hearing, will not apply to proposed Wind Power Generation facilities for which Energy Facility Siting Council is making the land use decision.

(2) Pre-application Meeting.

A pre-application meeting(s) is required. The applicant will be expected to bring preliminary information about the application components described in Application Requirement (5) below. County staff will arrange the meeting and will invite local, state, federal and other agency representatives and individuals with pertinent expertise. The purpose of the pre-application meeting will be to identify potential impacts and opportunities and to advise on the level of detail required in each of the application components described in (5) below, and establish technical oversight requirements for monitoring plans.

Schumann held a pre-application meeting with the County Planning Department in December 2016. A follow up meeting was held in late June, 2017 prior to application submission.

(3) Conditions of Approval.

Umatilla County may impose clear and objective conditions in accordance with the County Comprehensive Plan, County Development Code and state law, which Umatilla County considers necessary to protect the best interests of the surrounding area, or Umatilla County as a whole.

(4) Permits.

Prior to commencement of any construction, all other necessary preconstruction permits shall be obtained, including but not limited to a conditional use permit, zoning permit, and road access permit from Umatilla County and other permits from state agencies with the requisite jurisdiction.

Schumann will work with contractors and agencies to obtain all necessary permits prior to start of construction. These will be obtained in coordination with County, State, and Federal agencies.

(5) Application Requirements.

The following information shall be provided as part of the application, or subject to the County's discretionary authority, be required prior to the construction or operation of the Wind Power Generation Facility through a condition of approval:

(a) ...

(1) A general description of the proposed Wind Power Generation Facility;

(2) A tentative construction schedule;

(3) The legal description of the property on which the Wind Power Generation Facility will be located; and

(4) Identification of the general area for all components of the proposed Wind Power Generation Facility,

General description of the proposed Wind Power Generation Facility;

The proposed Project is an 8 MW wind power facility in Umatilla County which is located on private farm land approximately 6 miles north of Athena. The Project will feed into the PacifiCorp grid by utilizing the existing Chopin Wind Project transmission line, located approximately 2 miles to the southeast. The Project is developing various route options to reach the Chopin Wind transmission line, all of which utilize underground construction when in cultivated fields and portions of overhead transmission to span difficult terrain in order to minimize ground disturbance.

The Project is considering three different models of wind turbine, as described in Table 1. The final selection will determine the number of turbines constructed in order to fulfill the remaining 8 MW of the existing Small Generator Interconnection Agreement (SGIA) with PacifiCorp. In no case will the amount of wind turbines exceed five.

Turbine Model	Power	Rotor Diameter	Hub Height
GE 1.79-100	1.79 MW	100 m	80 m
GE 1.7-103	1.7 MW	103 m	80 m
GE 2.3-116	2.3 MW	116 m	80 m

Four Turbine Layout	1 (each) GE 1.79-100 and 3 (each) GE 2.3-116
Five Turbine Layout	1 (each) GE 1.79-100 and 4 (each) GE 1.7-103

Table 1. Proposed Turbine Models and Layout

All rock, concrete and water will be sourced from local commercial businesses. No onsite quarry or concrete batch plant will be needed. The Project will collaborate with Umatilla County to enter into a Road Use Agreement to address heavy haul concerns on County roads as well as temporary and/or permanent modifications within the County road rights-of-way (ROW).

Tentative Construction Schedule

The construction phase will last approximately 3.5 to 5 months. Start of construction can possibly be in Q4-2017/Q1-2018.

Legal Description

Please refer to Deeds in Land Use Application materials.

Identification of General Area of all Components of Proposed Wind power Generation Facility

Please refer to Exhibit B for a map of proposed approximate locations of Project facilities.

(b) A map showing the location of components.

(c) ...

(1) Nonproprietary evidence of wind monitoring data qualifying the wind resources within the project boundary, such as a description of procedures and process for wind study.

Wind measurements taken from the nearby Chopin Project were used to verify that sufficient wind resource was present. These measurements were obtained from two 80 meter meteorological (MET) towers erected in late 2009 to measure wind speed and direction (CUP #C-1252-15). With over 7 years of wind data at turbine hub height collected and analyzed, the Project has a firm understanding of the available wind resource on site by extrapolating from these nearby towers. No new MET towers will be

installed in connection with the Project. These measurements were confirmed onsite by use of a Sonic Detection and Ranging (SODAR) unit during various times over the past year.

(2) Evidence of active utility transmission interconnect requests and/or process and description of same.

The SGIA (as amended) allows for the two distinct phases to meet a total plant output of 18 MW. Phase One consisted of the 10 MW Chopin Project, while Phase Two will fulfill the remaining 8 MWs of capacity through the construction of Schumann. See Attachment A.

(3) Route and plan for transmission facilities connecting the project to the grid.

Please refer to Exhibit B for a map of the proposed transmission route. The Project's Shared Facilities Agreement allows it to utilize existing transmission facilities.

(d) ...

(1) Demonstrate compliance with § 152.061.

§ 152.061 STANDARDS FOR ALL CONDITIONAL USES.

The following limitations shall apply to all conditional uses in an EFU zone. 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 lands devoted to farm or forest use.

(Ord. 2005-02, passed 1-5-05)

Existing land uses surrounding the Project include dry land wheat farming and cattle grazing. No forest lands are in the vicinity of the Project. Common dry land wheat farming practices involve transporting or driving equipment onto the fields at various times of the year for soil preparation, seeding, fertilizing, harvest and crop treatments (insecticides, herbicides, etc) which may be applied by ground or less frequently by air applications. Discussions with the landowner have revealed that he occasionally will apply treatments for rust by ground and/or rotary wing aircraft (i.e. via helicopter).

Wind energy projects are compatible with dry land farming because they do not disrupt traditional farming practices as there is no disruption to irrigation lines. Turbine access roads are laid out so that

farm equipment can make smooth turns, accessing all parts of the field that are not occupied by Project features using normal means. Turbine sites are circular and allow for agricultural equipment to farm around with ease (See Figure 1). Crop treatments can be applied by a combination of existing methods and, as reported by the landowner, no issues are expected. Project roads are high quality all weather rated gravel roads that can be used by the landowner for agricultural purposes. Access to the property will be improved as the existing County road lacks base in the final half mile or so and will be upgraded to accommodate the Project hauls.

With hundreds of megawatts worth of wind energy facilities currently operating on agricultural land in Umatilla County, wind energy is clearly compatible with the type of agriculture found in the Project area. As there will be no appreciable change in farming practices, no significant increase in cost of farming on or around the Project area lands is anticipated. In fact, the financial benefit from the Project will mitigate poor production/price years, thus allowing the farmer to maintain traditional farming practices even in periods when agricultural prices fluctuate.



Figure 1. Example of Turbine Site Access in Agricultural Lands

(2) Identify potential conflicts, if any, with neighboring rural homes. Explain how conflicts could be mitigated and the steps to mitigate such conflicts, e.g., noise easement.

The Project will be designed, constructed, and operated in accordance with all local and State guidelines. This includes siting turbines at least 2 miles away from the nearest non-participating residence. In the case of Schumann, the turbines are sited more than 2 miles away from any residence, regardless of participation status. Additionally, the Project will comply with existing noise ordinances. Umatilla County's siting standards are in place to prevent conflicts with area residents and Schumann will be designed, constructed and operated to comply with those standards. See Attachment I.

(e) A Transportation Plan, with proposed recommendations, if any, reflecting the guidelines provided in the Umatilla County Transportation System Plan (TSP) and the transportation impacts of the proposed Wind Power Generation Facility upon the local and regional road system during and after construction, after consultation with Umatilla County Public Works Director. The plan will designate the size, number, location and nature of vehicle access points.

Schumann has contracted with ATS, a world-wide transportation services company, to evaluate the haul route once deliveries leave the interstate freeway system. They have made preliminary recommendations for routing and noted where temporary road modifications may be necessary. Please refer to the Schumann Transportation Review, Attachment B, for additional information.

Based on the route options outlined in the study, the route that utilizes Zerba Road would not be practical, instead Waterman Road to Sanders Road will most likely be utilized. The final route and other heavy haul considerations will be detailed in the Road Use Agreement.

Schumann has had preliminary discussions about the transportation route with Tom Fellows, of the Umatilla County Public Works Department. The Project will develop a final routing and road modification plan in coordination with the Umatilla County Public Works Department and sign a Road Use Agreement with the same.

The Project will have one access point for the wind turbines and up to three access points for the transmission line (see Exhibit B). Access for wind turbines and for the transmission line west of Pine Creek will be from the end of existing County Road 697 (Harris Road). The remaining access points for the transmission line east of Pine Creek will be at one of the existing access points for the Chopin Project, which are at the westernmost ends of Staggs Road and Ferguson Road.

(f) A Re-vegetation and Erosion Control Plan, developed in consultation with the Umatilla County Public Works Department, Soil and Water Conservation District, and appropriate Watershed Council. At a minimum, the plan shall include the seeding of all road cuts or related bare road areas as a result of all construction, demolition and restoration with an appropriate mix of native vegetation or vegetation suited to the area. The plan shall also address monitoring during and post construction. Reimbursement to agencies for their time on review shall be the responsibility of the developer.

A preliminary Re-vegetation and Erosion Control Plan is included as Attachment C. As the development of the Project progresses, this plan will be updated to reflect the final layout and construction details. Schumann will work with the Umatilla County Public Works Department, Soil and Water Conservation District and appropriate Watershed Council to ensure the final plan reflects their concerns and sufficiently protects the affected area.

(g) A Fish, Wildlife and Avian Impact Monitoring Plan. The monitoring plan shall be designed and administered by the Wind Power Generation Facility owner/operator's wildlife professionals. [See § 152.616 (HHH) (2), above] The plan shall include the formation of a technical oversight committee to review the plan, and consist of the following persons:

- (1) The landowners/farm tenants.**
- (2) Wind Power Generation Facility owner/operator representative. (Chair)**
- (3) Oregon Department of Fish and Wildlife representative, if the agency chooses to participate.**
- (4) Two Umatilla County residents with no direct economic interest in the project and recommended by the applicants for appointment by the Umatilla County Board of Commissioners.**
- (5) U.S. Fish and Wildlife representative, if the agency chooses to participate.**
- (6) Umatilla County Planning Commission member.**

At the request of Wind Power Generation Facility owner/operator, this committee requirement may be waived or discontinued by the County.

Schumann has contracted with Western EcoSystems Technology, Inc. (WEST) to study the Project site and complete a Baseline Wildlife Survey which has informed the preliminary Fish, Wildlife and Avian Impact Monitoring Plan for the Project. An Impact Monitoring Plan, included in this application as

Attachment D, incorporates feedback from the in depth discussions with USFWS and ODFW during the Technical Oversight Committee (TOC) meetings for the Chopin Wind Project.

Schumann will form a TOC to oversee the results of post-construction monitoring and inform changes, if needed, to the Monitoring Plan. The TOC will include persons as described in the UCDC, but Schumann requests an exception to part (4), which requires that two of the TOC members be Umatilla County residents. The Project owner suggests that the County allow Mr. Mike Denny of College Place, Washington to be appointed to the TOC in place of one of the two Umatilla County residents.

Mike Denny has addressed the Planning Commission and Board of Commissioners on behalf of the Blue Mountain Audubon Society during numerous wind project permitting hearings. Mike Denny sits on several area wind project TOCs, as well as the TOC overseeing the nearby Chopin Project. Schumann feels that Mr. Denny's experience and knowledge with avian species would be a beneficial addition to the TOC that warrants the approval of the change. Additionally, with his experience on the Chopin Wind Project and other area wind farm TOCs, Mr. Denny is in a unique position to impart broad ranging knowledge of any impacts of the numerous wind farms in the area on avian species. Mike Denny resides in Walla Walla County, Washington but has an integral role in the Blue Mountain Audubon chapter, which is interested and concerned with avian species throughout the area, including Umatilla County. The Project owner suggests that the County also allow for the utilization of an alternative with similar experience in the event that Mike Denny is unavailable.

(h) An Emergency Management Plan for all phases of the life of the Wind Power Generation Facility. The plan shall address the major concerns associated with the site, including but not necessarily limited to terrain, dry conditions, fire hazards, access, available water, and emergency response.

(1) The plan shall verify the fire district and/or contract fire department responsible for providing emergency services. High rise rescue is the responsibility of the Wind Power Generation Facility owner/operator with local emergency responders providing ground level assistance.

(2) A Spill Prevention, Control and Counter Measure Plan (SPCC) shall be provided. The plan shall include verification that a local emergency service provider has equipment, training and personnel to respond to spills.

(3) An Operations and Maintenance Plan detailing expected work force, local response capability (contract or otherwise), controlled access, and in the case of transmission lines proof of emergency response capability in accordance with OPUC rules governing operation and maintenance of such lines.

(4) An Emergency Response Plan for responding to natural and/or man made emergencies or disasters.

The Project includes components that are both inside and just out of the East Umatilla Rural Fire Department (EURFD) service territory. Schumann Wind LLC has begun consultation with the EURFD to provide fire protection service for all Project features. These services will include fire protection for emergencies on the ground. All high angle rescue (high elevation) issues will be coordinated through the EURFD or contracted through an area specialist depending on availability of resources. Please find the attached Emergency Management Plan for Schumann, Attachment E.

(i) A Weed Control Plan addressing prevention and control of all Umatilla County identified noxious weeds, directly resulting from the Wind Power Generation Facility during preparation, construction, operation and demolition/restoration.

Please find the attached Weed Control Plan, Attachment F. All contractors and agents of the Project will abide by this Plan.

(j) A Socioeconomic Impact Assessment of the Wind Power Generation Facility, evaluating such factors as, but not limited to, the project's effects upon the social, economic, public service, cultural, visual, and recreational aspects of affected communities and/or individuals. These effects can be viewed as either positive or negative. In order to maximize potential benefits and to mitigate outcomes that are viewed as problematic, decision makers need information about the socioeconomic impacts that are likely to occur.

(k) Information pertaining to the impacts of the Wind Power Generation Facility on:

- (1) Wetlands and streams, including intermittent streams and drainages;**
- (2) Fish, avian and wildlife (all species of concern, as well as threatened and endangered species);**
- (3) Fish, avian and wildlife habitat;**
- (4) Criminal activity (vandalism, theft, trespass, etc.). Include a plan and proposed actions to avoid, minimize or mitigate negative impacts.**
- (5) Open space, scenic, historic, cultural and archaeological resources as identified and inventoried in the Comprehensive Plan. The applicant shall consult with the Confederated Tribes of the Umatilla Indian Reservation on developing an inventory of these resources.**

Please find the attached Socioeconomic Impact Assessment, Attachment G.

(I) A Dismantling, Decommissioning and Restoration Plan of all components of the Wind Power Generation Facility, as provided in §152.616 (HHH) (7).

Please find the attached Decommissioning and Restoration Plan, Attachment H.

(6) Standards/Criteria of Approval.

The following requirements and restrictions apply to the siting of a Wind Power Generation Facility:

(a) Setbacks. The minimum setback shall be a distance of not less than the following:

(1) From a turbine tower to a city urban growth boundary (UGB) shall be two miles. The measurement of the setback is from the centerline of a turbine tower to the edge of the UGB that was adopted by the city as of the date the application was deemed complete.

(2) From turbine tower to land zoned Unincorporated Community (UC) shall be 1 mile.

(3) From a turbine tower to a rural residence shall be 2 miles. For purposes of this section, "rural residence" is defined as a legal, existing single family dwelling meeting the standards of §152.058 (F)(1)-(4), or a rural residence not yet in existence but for which a zoning permit has been issued, on a unit of land not a part of the Wind Power Generation Facility, on the date a Wind Power Generation Facility application is submitted. For purposes of this section, the setback does not apply to residences located on properties within the Wind Power Generation Facility project application. The measurement of the setback is from the centerline of the turbine tower to the center point of the rural residence.

(4) From a turbine tower to the boundary right-of-way of County Roads, state and interstate highways, 110% of the overall tower-to-blade tip height. Note: The overall tower-to-blade tip height is the vertical distance measured from grade to the highest vertical point of the blade tip.

(5) From tower and project components, including transmission lines, underground conduits and access roads, to known archeological, historical or cultural sites shall be on a case by case basis, and for any known archeological, historical or cultural site of the Confederated Tribes of the Umatilla Indian Reservations the setback shall be no less than 164 feet (50 meters).

(6) New electrical transmission lines associated with the wind project shall not be constructed closer than 500 feet to an existing residence without prior written approval of the homeowner, said written approval to be recorded with county deed records. Exceptions to the 500 feet setback include transmission lines placed in a public right of way.

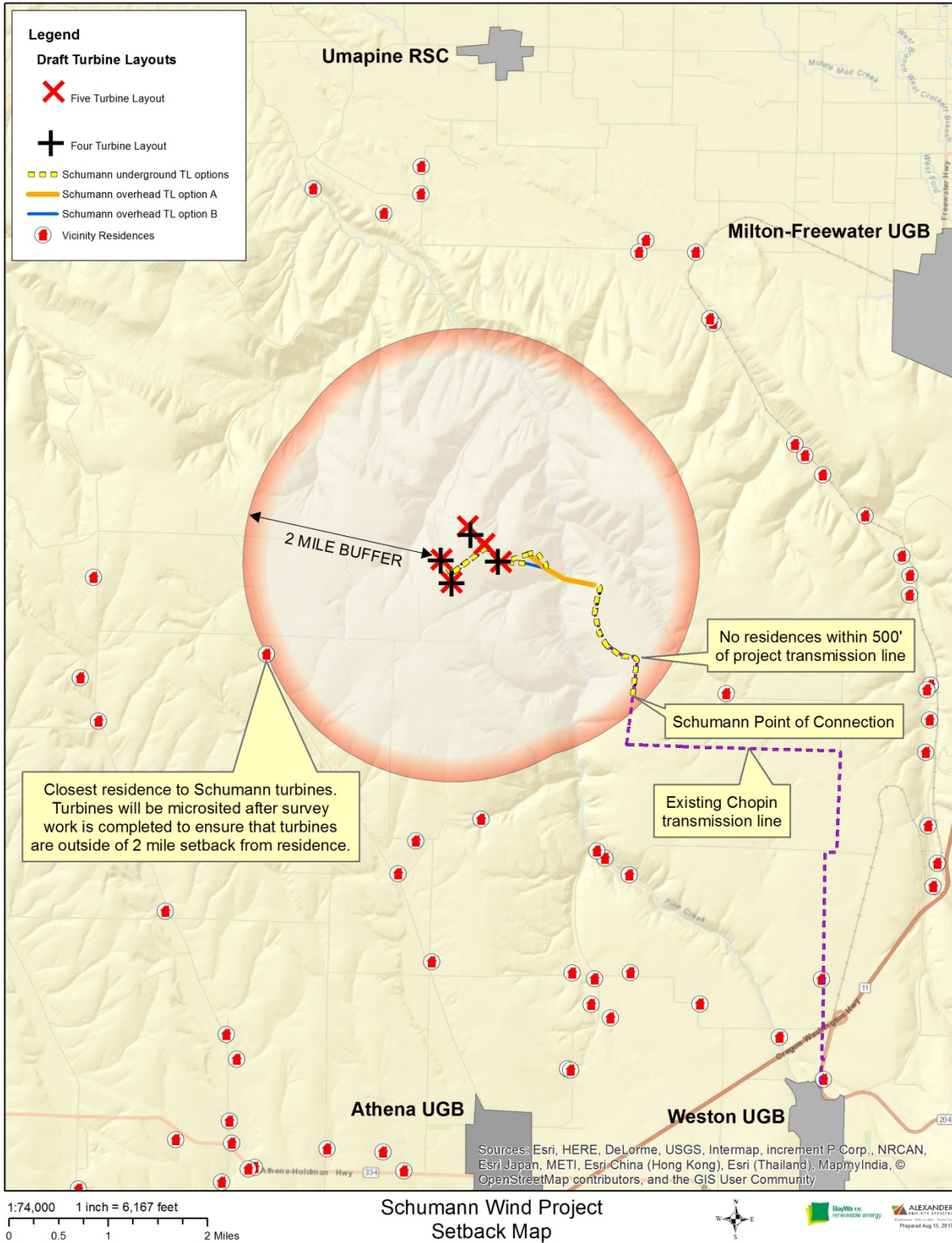
Note: The wind project associated transmission lines and substation(s) are subject to a separate land use permit. The applications for the wind project and the associated transmission line and substation(s) shall be submitted together for processing.

(7) The turbine/towers shall be of a size and design to help reduce noise or other detrimental effects. At a minimum, the Wind Power Generation Facility shall be designed and operated within the limits of noise standard(s) established by the State of Oregon. A credible noise study may be required to verify that noise impacts in all wind directions are in compliance with the State noise standard.

The Project meets all of the setback requirements required by the UCDC. Project feature setback distances are compared in Table 2 below as well as visually depicted in Map 1 below (setback rule #4 distance shown in Exhibit B map).

Setback Rule	Project Feature	Required Distance	Proposed Distance	Nearest Setback Feature
(1) Urban Growth Boundary	Turbine Tower	2 miles	4.7 miles	Milton-Freewater
(2) Unincorporated Community	Turbine Tower	1 mile	4.6 miles	Umapine
(3) Rural Residence	Turbine Tower	2 miles	2.001 miles	Residence #1
(4) Public Road right-of-way	Turbine Tower	110% of Total Turbine Height (497.9 feet)	965 feet 1,764 feet	Harris Rd ROW (no existing road) Harris Rd ROW (Existing Harris Rd)
(5) Archeological, historical or cultural sites	Any Project Feature	50 meters	TBD	TBD
(6) Residence	Project Transmission Line	500 feet (unless waiver is obtained)	5,100 feet	Ferguson Residence

Table 2. Setback Distances



Schumann Wind Project
Setback Map

Map 1. Setback Map

Schumann is considering two different layouts, both of which utilize General Electric (GE) wind turbines. With a history of wind energy going back to 1980 and over 30,000 turbines installed across the globe, GE is a world leader in wind energy technology. Partnering with Sandia National Lab, GE has developed innovative blade designs to minimize turbine noise while at the same time increasing power production.

In an effort to ensure that the Project is designed to meet or exceed the State noise standard, Schumann has contracted with Bruce Walker, PH.D., INCE Bd. Cert. of Acoustical Engineering and Research to study the noise effects of the proposed turbine layouts. This study is based on manufacturer's stated noise emission values modeled over the landscape with considerations for wind data, topography and other environmental factors using industry standard software models. In order to provide a safety buffer to the study results, resulting noise levels were raised by 4 dB thus providing an exaggerated picture of noise propagation.

The results of the study show that neither of the proposed layouts effectively increase the background noise of the nearest residences, which are located within the 20-25dB band. The State noise standard requires that the Project not increase the ambient noise more than 10dB, with an assumed (pre-Project) background noise level of 26dB. For further information, please refer to the Attachment I Noise Study.

(b) Reasonable efforts shall be made to blend the wind turbine/towers with the natural surrounding area in order to minimize impacts upon open space and the natural landscape.

Schumann is considering two different layouts, each of which use a different combination of three possible GE wind turbines. Each of these turbines is finished in a pale off white color which is designed to blend into the sky background. The color palette of the Project turbines will be the same, or nearly the same, as other wind turbines found in the area.

(c) The development and operation of the Wind Power Generation Facility will include reasonable efforts to protect and preserve existing trees, vegetation, water resources, wildlife, wildlife habitat, fish, avian, resources, historical, cultural and archaeological site.

In an effort to design the Project so that it does not impact important habitat, sensitive wildlife and vegetation, historical, cultural and archaeological features, Schumann has contracted with local professionals to perform studies of the Project site and impacted areas.

WEST, Inc has prepared a Baseline Wildlife and Vegetation survey for the Project area. This report details the results of the final 2017 raptor and sensitive species survey. The results show that no federally-listed threatened or endangered species, federal/state species of concern, or eagles were observed during 2017 surveys at the Project.

In addition to the Baseline Wildlife and Vegetation survey, WEST has prepared an Avian Impact Monitoring Plan for the Project. The development of this plan comes after years of experience of performing operations monitoring in the area as well as collaboration with National and State Department of Fish and Wildlife professionals, including detailed discussions regarding the nearby Chopin Project. In addition to avoidance and minimization measures that may be required, and the implementation of the Avian Impact Monitoring Plan, the Project has committed to the implementation of the Avian Power Line Interaction Committee (APLIC) guidelines to minimize potential interactions with birds and overhead power lines from both a collision and electrocution risk perspective (APLIC 2006, 2012). See Attachment J

The Project has also contracted with the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) to perform an archeological survey of areas that have potential to be disturbed during construction of the Project. The results of this survey has not discovered any archaeological sites, thus no current setbacks are planned for. An archeological monitor will be present during construction to inspect disturbed soil and identify any inadvertent archeological discoveries. The CTUIR has also developed an Inadvertent Discovery Plan to provide a protocol for an inadvertent discovery of human remains and/or archaeological resources onsite as well as a Traditional Use Study. The Archeological Survey report is provided as Attachment K, the Inadvertent Discovery Plan as Attachment L, and Traditional Use Study as attachment M. Additionally, the archaeological study findings have been shared with the State Historical Preservation Office (SHPO) for their review and they have confirmed the results and provided comment in Attachment N.

(d) The turbine towers shall be designed and constructed to discourage bird nesting and wildlife attraction.

Schumann has selected modern wind turbine generators that use smooth mono tube towers and are designed to eliminate perching opportunities for avian species. No aspect of the design attracts wildlife species. As described above, the Project has committed to the implementation of the APLIC guidelines to minimize potential interactions with birds. Such design measures will include nest and perch deterrence methods outlined in the APLIC guidelines (Attachment J).

(e) Private access roads established and controlled by the Wind Power Facility shall be gated and signed to protect the Wind Power Generation Facility and property owners from illegal or unwarranted trespass, illegal dumping and hunting and for emergency response.

All Project entrances will be gated and signed to keep out trespassers while allowing emergency response crews to quickly access the site in the event of an emergency. The western access point off of Harris Road (and the main access to both the wind turbines and the western portion of the Project's transmission line) will be upgraded to a modern gate which will allow authorized and emergency access while preventing unwarranted trespassers from entering. The eastern two access points (off of Staggs

and/or Ferguson Roads which will be used for access to the eastern portion of the Schumann transmission line only) already have modern gates that allow emergency personnel to gain entrance.

Signage on all entrances will include “no trespassing” indications. Schumann may also include an informative sign which details specifics about the Project found behind the gate. This information may include Project owner, contact information, capacity, operation date and other general information about the Project.

(f) Where practicable the electrical cable collector system shall be installed underground, at a minimum depth of 3 feet; elsewhere the cable collector system shall be installed to prevent adverse impacts on agriculture operations.

The terrain and geology of the Project area is conducive to collector system burial. All collection system lines will be buried to a minimum depth of 3 feet below surface grade except for the section traversing the difficult terrain across Pine Creek. An example of typical power cable burial design is depicted below in Figure 2. While the final design may be somewhat different, the design will follow pertinent Best Management Practices (BMPs) as well as be buried to the recommended 3 foot depth or greater.

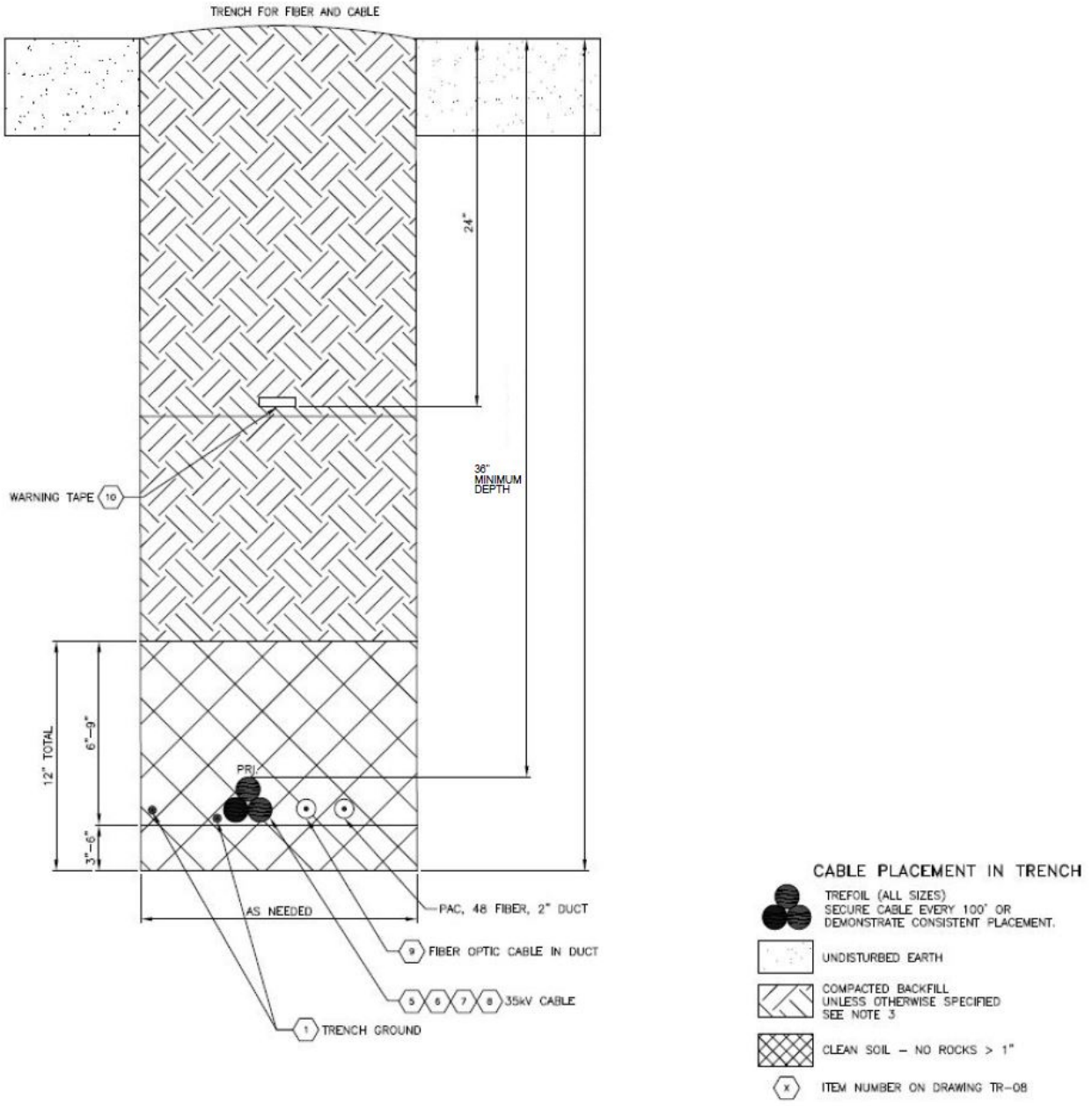


Figure 2. Buried Cable Example

As further discussed in the LUD materials, the majority of the Project transmission line is expected to be buried to a minimum depth of 3 feet. Preliminary assessment and engineering studies have concluded that the portion crossing Pine Creek, as well the steeper portions of the canyon, will most likely be accomplished by overhead H-Frame structures. This will minimize disturbance on steep, erodible ground, as well as eliminate any disturbance to Pine Creek itself. Engineers are currently studying the area to determine the most effective, least impactful way to cross the canyon. As described above, the final design will conform to or exceed APLIC Standards.

(g) Required permanent maintenance/operations buildings shall be located off site in one of Umatilla County’s appropriately zoned areas, except that such a building may be constructed on site if:

- (1) The building is designed and constructed generally consistent with the character of similar buildings used by commercial farmers or ranchers, and**
- (2) The building will be removed or converted to farm use upon decommissioning of the Wind Power Generation Facility consistent with the provisions of §152.616 (HHH) (7).**

Schumann will likely contract with a regional GE Operations and Maintenance team for turbine maintenance on the Project. For shop work and spare part storage purposes, Schumann plans to lease space from the nearby Chopin Wind Farm O&M building in Athena.

(h) A Wind Power Generation Facility shall comply with the Specific Safety Standards for Wind Energy Facilities delineated in OAR 345 024 0010 (as adopted at time of application).

345-024-0010

Public Health and Safety Standards for Wind Energy Facilities

To issue a site certificate for a proposed wind energy facility, the Council must find that the applicant:

- (1) Can design, construct and operate the facility to exclude members of the public from close proximity to the turbine blades and electrical equipment.***
- (2) Can design, construct and operate the facility to preclude structural failure of the tower or blades that could endanger the public safety and to have adequate safety devices and testing procedures designed to warn of impending failure and to minimize the consequences of such failure.***

Schumann, a wholly owned subsidiary of BayWa, brings to bear experience gained from installing over 220MW of wind energy capacity in the United States since 2001, including the nearby Chopin Project. The experience gained from developing and constructing the Chopin Project will be applied to construction of the Schumann Project.

The Schumann layout and design provides no opportunity for physical interaction with Project features by unauthorized persons. The turbines’ nearest distance to a non-participating landowner is approximately 464’ away from the property line (See Exhibit B), and over 2 miles from the nearest residence of a non-participating landowner (See Map 1). All electrical equipment is locked away from unauthorized access and the site access will be controlled by locked gates and informative signage. Turbine blades are around 100’ above the surface of the ground so farm workers, including their equipment, are not in danger of contacting any moving parts of the turbines.

Schumann has selected three potential models of GE wind turbine for use in the Project. All GE turbines include advanced diagnostic software and sensor packages that constantly monitor turbine components to detect unusual vibrations and other anomalies. This sensory system, in combination with Supervisory Control and Data Acquisition (SCADA) system analysis, creates a comprehensive, proactive, diagnostic system that keep O&M staff informed of turbine health in real-time which can prevent component failures before they occur.

(i) A Covenant Not to Sue with regard to generally accepted farming practices shall be recorded with the County. Generally accepted farming practices shall be consistent with the definition of Farming Practices under ORS 30.930. The Wind Power Generation Facility owner/operator shall covenant not to sue owners, operators, contractors, employees, or invitees of property zoned for farm use for generally accepted farming practices.

Schumann will enter into and record a Covenant Not to Sue with the landowners prior to beginning construction. This Covenant will be drafted in coordination with the County to ensure that it meets all requirements prior to being signed and recorded.

(j) Roads.

(1) County Roads.

A Road Use Agreement with Umatilla County regarding the impacts and mitigation on county roads shall be required as a condition of approval.

(2) Project Roads.

Layout and design of the project roads shall use best management practices in consultation with the Soil Water Conservation District. The project road design shall be reviewed and certified by a civil engineer. Prior to road construction the applicant shall contact the State Department of Environmental Quality and if necessary, obtain a storm water permit (National Pollution Discharge Elimination System).

Schumann has begun consultation with the Public Works Department on issues pertaining to haul roads and temporary/permanent improvements within the County road ROW. A Road Use Agreement with Umatilla County will be developed and executed prior to construction activities. This Road Use Agreement will ensure that the Project is held liable for any damage to County roads or ROWs used by the Project that are caused by the Project during construction, maintenance or decommissioning activities.

Schumann will work with the Soil Water Conservation District in order to ensure that proposed BMPs are sufficient in the layout and design of the Project roads. Prior to construction, the road design will be

reviewed and certified by a civil engineer. A National Pollution Discharge Elimination System (NPDES) permit will be obtained prior to construction.

(k) Demonstrate compliance with the standards found in OAR 660-033-0130 (37).

OAR 660-033-0130 (37) For purposes of this rule a wind power generation facility includes, but is not limited to, the following system components: all wind turbine towers and concrete pads, permanent meteorological towers and wind measurement devices, electrical cable collection systems connecting wind turbine towers with the relevant power substation, new or expanded private roads (whether temporary or permanent) constructed to serve the wind power generation facility, office and operation and maintenance buildings, temporary lay-down areas and all other necessary appurtenances, including but not limited to on-site and off-site facilities for temporary workforce housing for workers constructing a wind power generation facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request filed after a decision to approve a power generation facility. A minor amendment request shall be subject to 660-033-0130(5) and shall have no effect on the original approval. A proposal for a wind power generation facility shall be subject to the following provisions:

(a) For high-value farmland soils described at ORS 195.300(10), the governing body or its designate must find that all of the following are satisfied:

(A) Reasonable alternatives have been considered to show that siting the wind power generation facility or component thereof on high-value farmland soils is necessary for the facility or component to function properly or if a road system or turbine string must be placed on such soils to achieve a reasonably direct route considering the following factors:

(i) Technical and engineering feasibility;

(ii) Availability of existing rights of way; and

(iii) The long term environmental, economic, social and energy consequences of siting the facility or component on alternative sites, as determined under paragraph (B);

(B) The long-term environmental, economic, social and energy consequences resulting from the wind power generation facility or any components thereof at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other agricultural lands that do not include high-value farmland soils;

(C) Costs associated with any of the factors listed in paragraph (A) may be considered, but costs alone may not be the only consideration in determining that siting any component of a wind power generation facility on high-value farmland soils is necessary;

(D) The owner of a wind power generation facility approved under subsection (a) shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration; and

(E) The criteria of subsection (b) are satisfied.

Schumann has performed a review of soils utilizing National Resource Conservation Service (NRCS) spatial data and aspect/slope analysis, in order to identify any high-value soils within the Project area. Results of this review have shown that high-value soils do exist on the flatter ground within the wind lease area. While the majority of the high-value soils are designated as such by their soil types and slopes on which they exist, additional ground is identified as being high-value soil by state statute regardless of soil type or history of agricultural usage. These additional lands are designated high-value by statute which requires that all lands zoned EFU, which are no more than 3,000 feet above mean sea level and have an aspect between 67.5° and 292.5° and a slope between 0% and 15% and within the Columbia Gorge viticulture area, be designated as high-value farmland.

Technical and Engineering Feasibility

As depicted in Map 2 below, the predominant soil type on the upper elevation land is classified as high-value soil. This map illustrates the two different ways in which soils are determined to be high-value, by soil classification and because of their location within a viticulture region.

Modern commercial wind turbines, such as those selected by Schumann, must be sited on mild slopes in order to be safely delivered, assembled, and anchored to the ground. Typical reasonable slopes on which to site turbines are on slopes less than 12%. Not only do turbine access roads need to be constructed at 10% or less but cranes used to assemble turbines require pads that must be built at a slope of less than 1%. Due to these technical and engineering requirements, it is predominantly unfeasible to site wind turbines on steep slope terrain.

A slope analysis of the Project area has been performed in order to identify areas that are reasonably constructible, these areas are identified in Map 3 below. In this map, the red areas are determined to be not reasonably constructible because of their steep slopes. The lower sloped areas, by the definitions of high-value soils, are more likely to contain soils that are designated as high-value. In this map it is apparent that both high-value soils and reasonably constructible lands share much of the same space within the Project area.

To further highlight lands suitable for construction, while avoiding high-value soils within the Project boundary, Map 4 was created in order to assess the possibility of avoiding high-value soils. In this map, the remaining lands, which are highlighted in blue, meet the criteria necessary for the technical and engineering feasibility of construction and are not classified as high-value farmland. Due to the spacing, significantly lower elevation, close proximity to non-participating landowners and isolation of these areas, no reasonable alternative to siting the wind farm facilities on lands classified as high-value is available. As such, Project components are proposed to be sited on lands that are both constructible and happen to contain high-value soils, see Map 5.

Availability of Existing Rights of Way

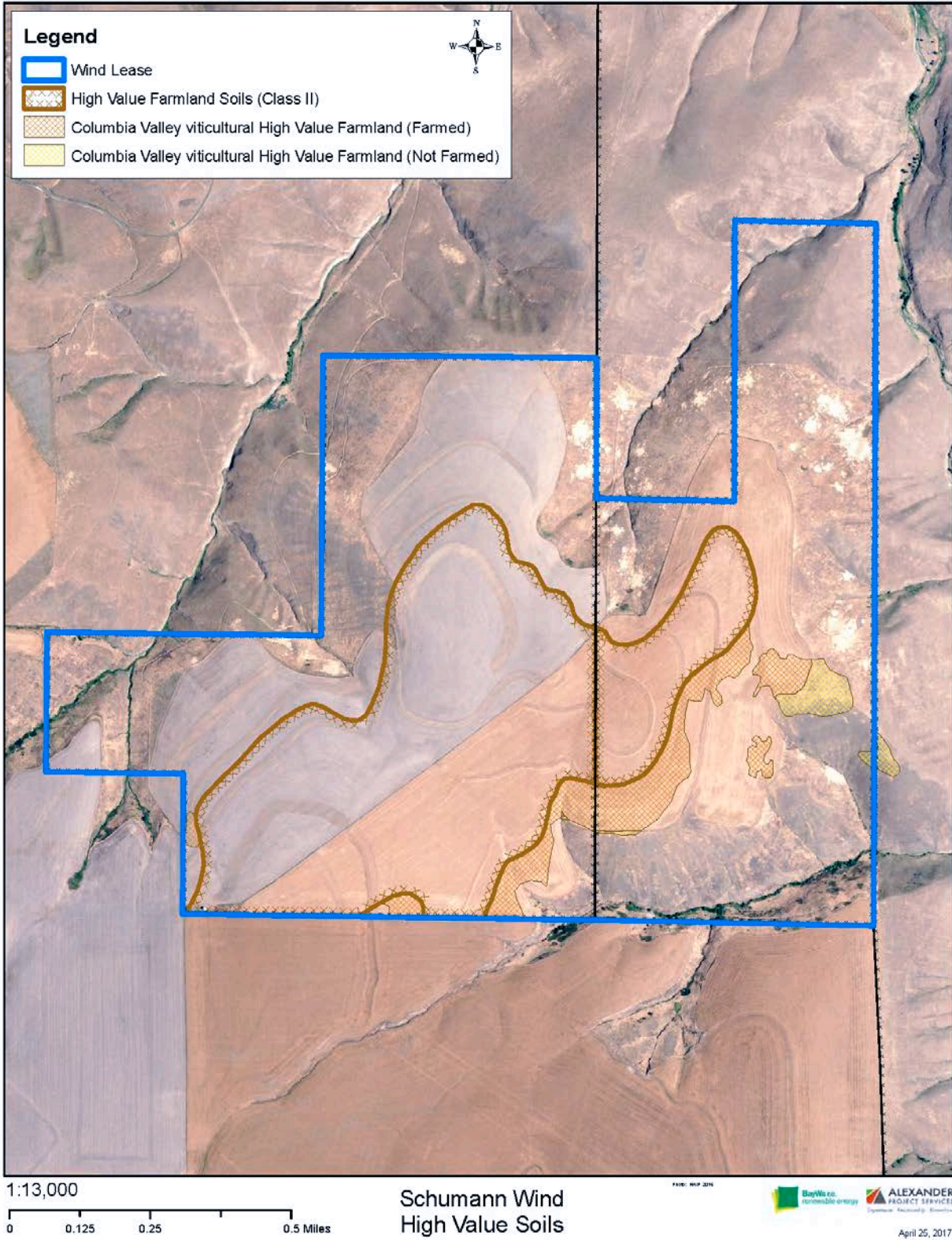
A review with Umatilla County Records has shown that there are no rights of way within the Project boundary. However, Schumann has found ways of minimizing impacts to lands by utilizing existing infrastructure. Schumann proposes to use an existing fence line, which bisects the property, for the main turbine access road. Additionally, an existing farm road found outside of arable land will be improved so that it may be used for access to a transmission structure, which is proposed to be located at the bottom of the canyon near Pine Creek.

The long term environmental, economic, social and energy consequences of siting the facility or component on alternative sites, as determined under paragraph (B)

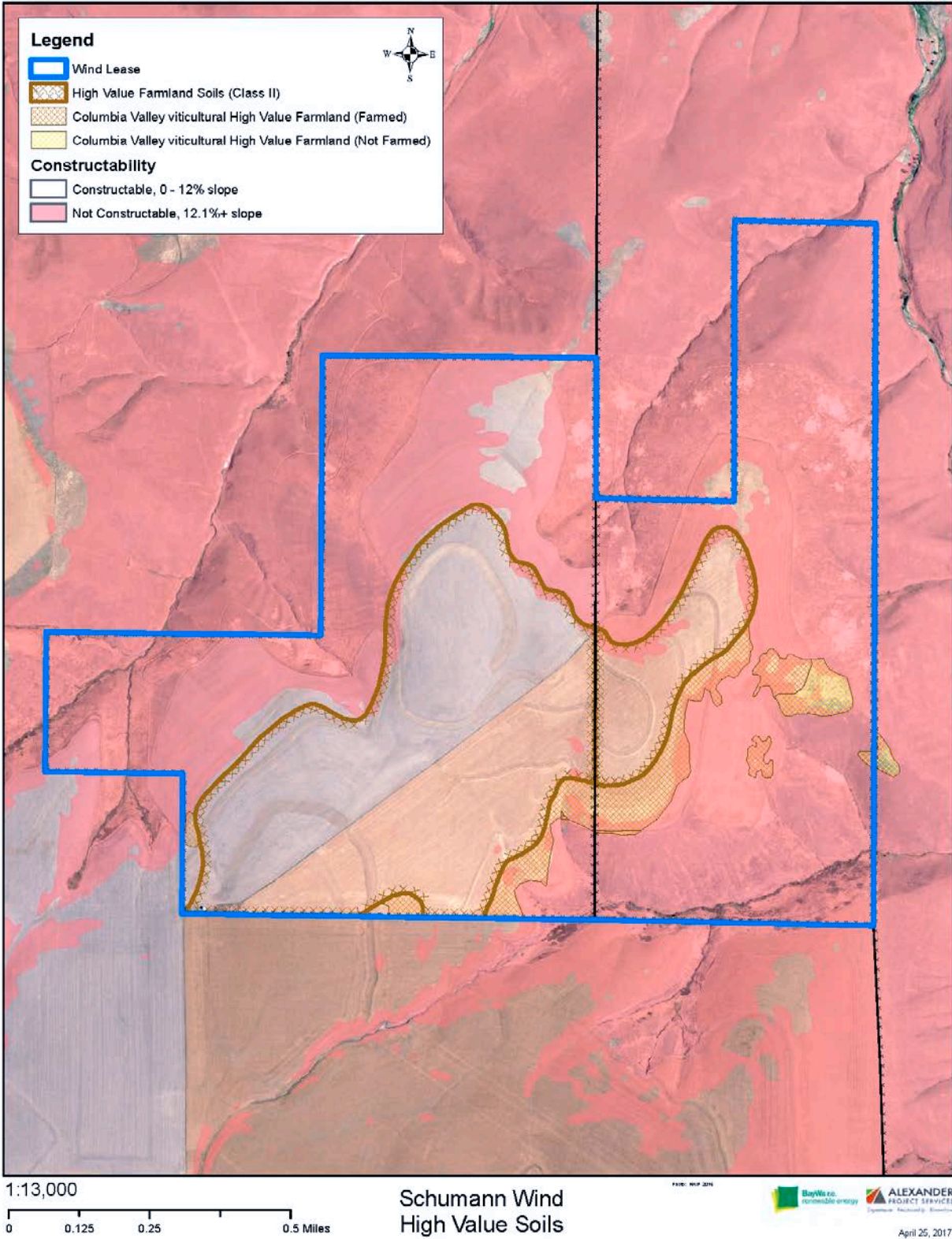
(B) The long-term environmental, economic, social and energy consequences resulting from the wind power generation facility or any components thereof at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other agricultural lands that do not include high-value farmland soils;

The technical requirements of siting the Project preclude it from being sited on the steeper sloped lands, which do not include high-value farmland soils. While this does take the impacted high-value soils out of agricultural production for the operating period of the wind farm, the long term benefits to the landowner for being able to have a wind farm on his property far outweigh the temporary loss of the few acres of wheat that he will not be able to farm during that period. The additional funding from the Project will increase, diversify and stabilize the landowner's income stream, allowing him to make improvements to his agricultural business and general livelihood.

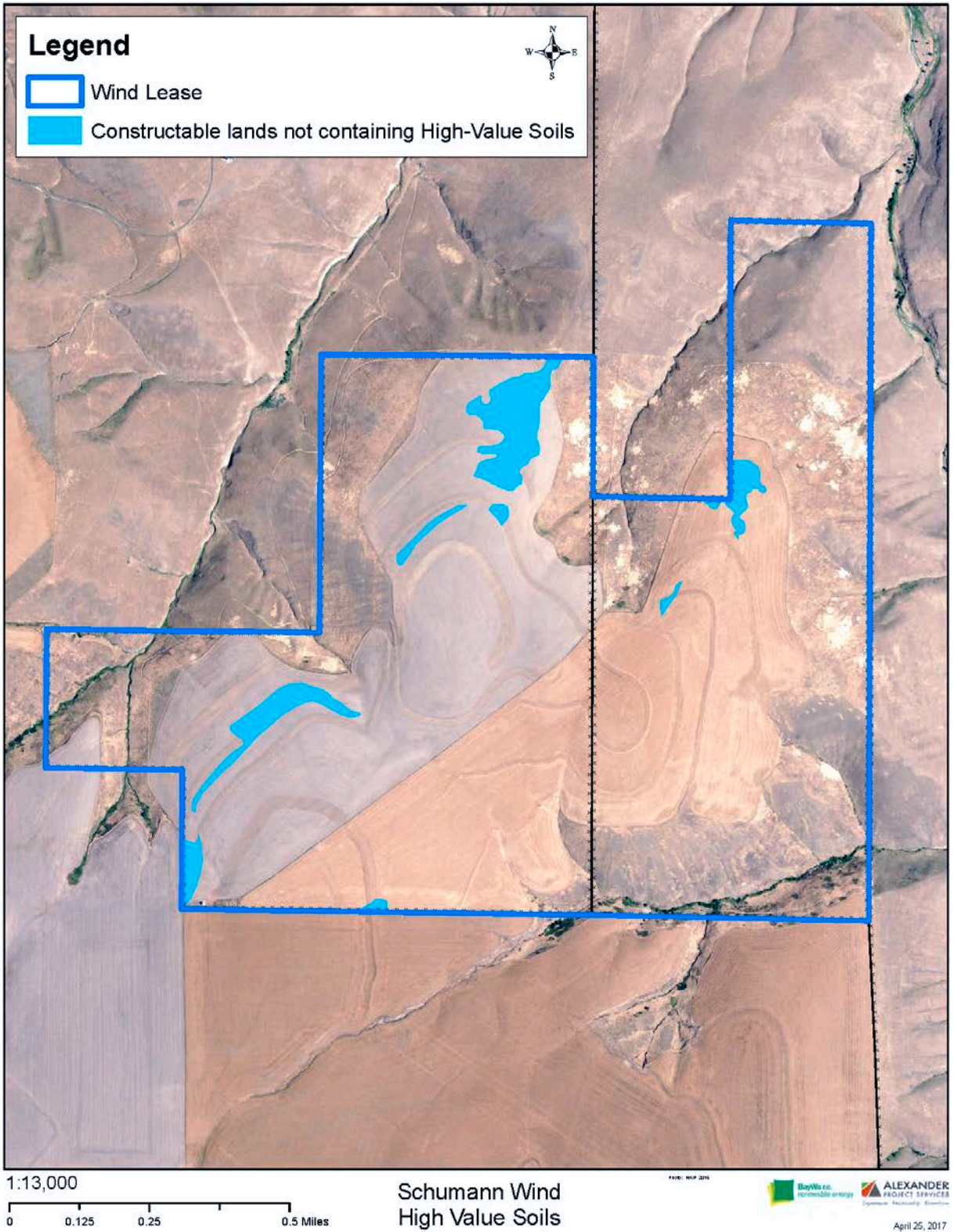
As depicted in Map 3, not enough contiguous lands are available that are both constructible and do not include high-value soils to build this Project. As such, no possibility exists to build the Project without siting Project features on high-value soils. In addition, the availability of suitable lands within reasonable proximity to the interconnection point are few. As depicted in Map 6, the 2 mile setback requirement has effectively left a narrow sliver of available lands for turbine siting.



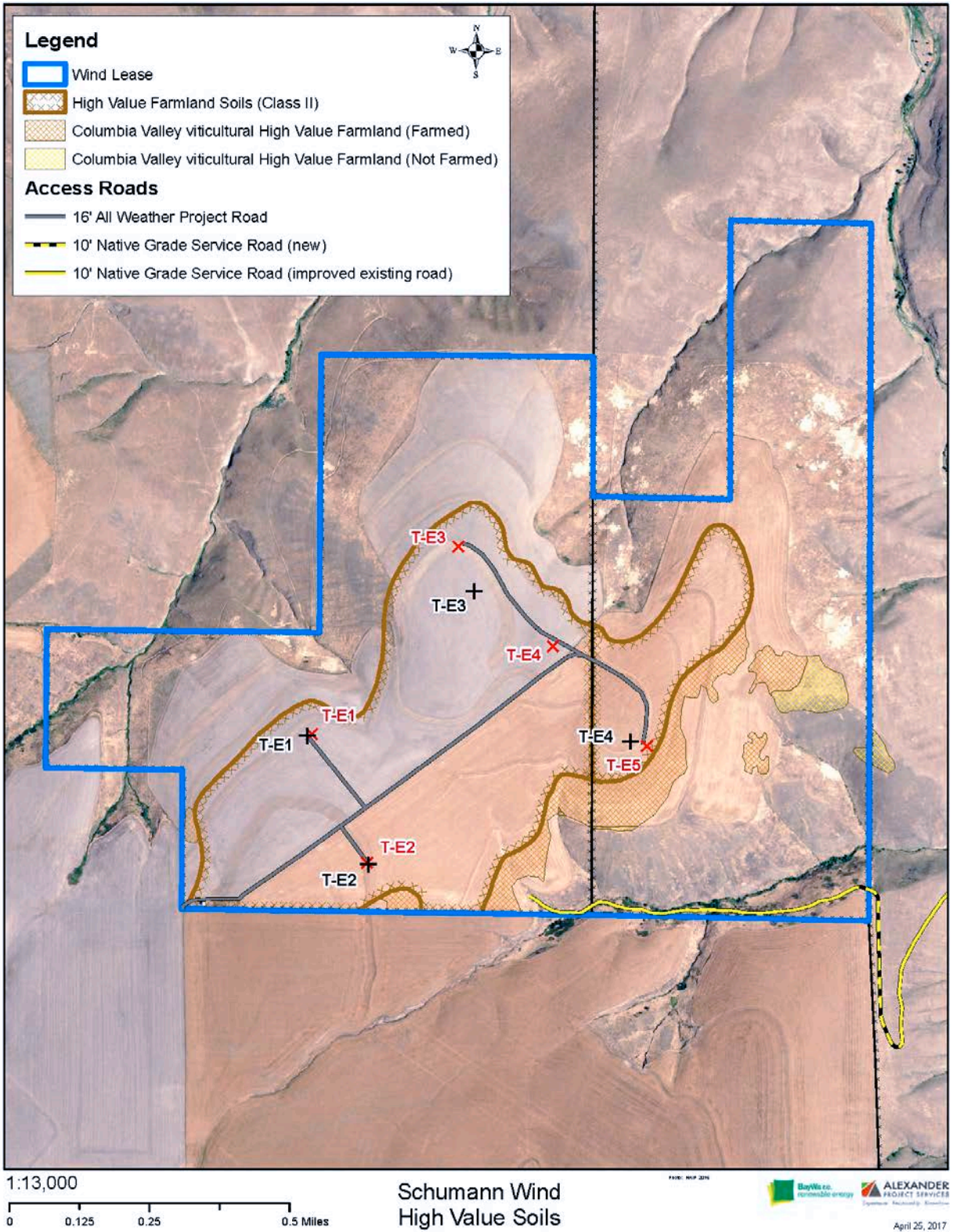
Map 2. High Value Soils



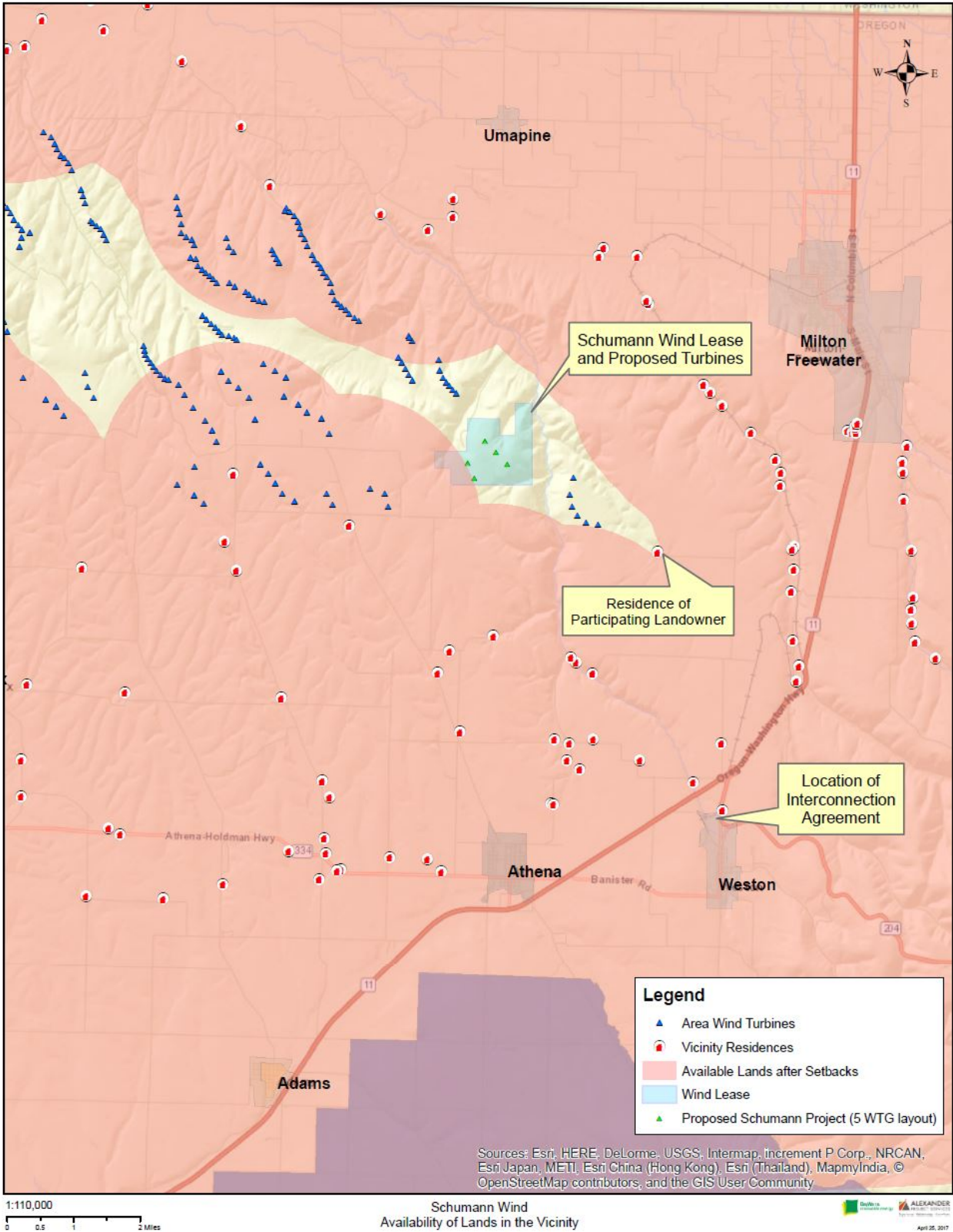
Map 3. Constructability



Map 4. Lands Not Containing High Value Soils that are Feasible for Construction



Map 5. Proposed Project Relative to High Value Farmland



Map 6. Availability of Lands in Vicinity

(b) For arable lands, meaning lands that are cultivated or suitable for cultivation, including high-value farmland soils described at ORS 195.300(10), the governing body or its designate must find that:

(A) The proposed wind power facility will not create unnecessary negative impacts on agricultural operations conducted on the subject property. 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 wind farm components such as meteorological towers on lands in a manner that could disrupt common and accepted farming practices;

(B) The presence of a proposed wind power 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;

(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; and

(D) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weeds 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.

(c) For non-arable lands, meaning lands that are not suitable for cultivation, the governing body or its designate must find that the requirements of OAR 660-033-0130(37)(b)(D) are satisfied.

(d) In the event that a wind power generation facility is proposed on a combination of arable and non-arable lands as described in OAR 660-033-0130(37)(b) and (c) the approval criteria of 660-033-0130(37)(b) shall apply to the entire project.

Arable Lands

Schumann has proposed components on both arable (turbines, access road, and collection system) and non-arable lands (native grade service road, transmission structures), thus the Project strives to meet approval criteria of OAR 660-033-0130(37)(b).

While Schumann has determined that the Project must be sited on arable land, it has developed a preliminary turbine and road layout which works with the historical farming pattern of the land in order to minimize disturbance to the farmer's operation. Based on historical aerial photo review, the Project landowner has farmed this piece of land for at least the past 23 years in a traditional grow/fallow split where approximately half is in a grow season while the other half is left fallow for one season. Schumann has sited the majority of the road on this split. This, along with micro-siting spur roads in order to avoid cutting up lands into non-farmable pieces, will allow the farmer to resume farming the land without significantly changing his operation or methods.

Soil and Erosion Control Plan

Schumann will design and construct all Project features in accordance with the final Soil and Erosion Control Plan. Schumann proposes the attached Revegetation and Erosion Control Plan (Attachment C) for County review and approval. As part of final permit approval, Schumann will work with the County to ensure that an accepted Soil and Erosion Control Plan is identified and in place, which will be used for the Project.

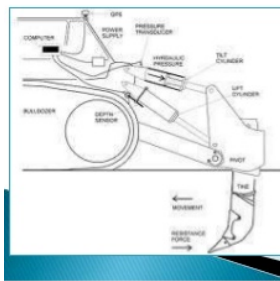
Decompaction

During the construction period, some land will be temporarily compacted for construction purposes. Temporary compacted areas include access roads, crane pad locations and laydown yard. The turbine access road will be approximately twice the width of the final road in order to accommodate construction traffic and main erection crane travel though only the final footprint will be graveled. At each turbine site, an area will be compacted and rocked for use as a crane pad. A laydown yard will be compacted and rocked in order to stockpile materials, equipment, and trailers and parking for personnel.

These features are only needed during the construction phase of the project and will be removed prior to commercial operation of the Project. Any unnecessary rock will be collected and used on permanent Project roads or hauled off the Project site for disposal at an appropriate location. Compacted soils will be loosened with a grader, bulldozer or other piece of heavy equipment that is equipped with a ripping device (see Figure 3) then contoured and tilled back to a contour that blends with the surrounding land.

RIPPER

- ▶ The ripper is the long claw-like device on the back of the bulldozer. Rippers can come as a single (single shank/giant ripper) or in groups of two or more (multi shank rippers).
- ▶ Usually, a single shank is preferred for heavy ripping. The ripper shank is fitted with a replaceable tungsten steel alloy tip



▶ Ripping rock lets the ground surface rock be broken into small rubble easy to handle and transport, which can then be removed so grading can take place.

▶ Agricultural ripping lets rocky or very hard earth be broken up so otherwise unploughable land can be farmed.

Figure 3. Example of a Ripper

Noxious Weeds

Schumann will construct and maintain all Project features in accordance with the final Weed Control Plan. Schumann proposes the attached Weed Control Plan (Attachment 6) for County review and approval. As part of final permit approval, Schumann will work with the County to ensure that an accepted Weed Control Plan is identified and in place which will be used for the Project.

(l) Submit a plan for dismantling of uncompleted construction and/or decommissioning and/or re-powering of the Wind Power Generation Facility as described in §152.616 (HHH) (7).

(m) A surety bond shall be established to cover the cost of dismantling uncompleted construction and/or decommissioning of the Wind Power Generation Facility, and site rehabilitation pursuant to §152.616 (HHH) (7) and (8). The intent of this requirement is to guarantee performance (not just provide financial insurance) to protect the public interest and the county budget from unanticipated, unwarranted burden to decommission wind projects. For projects being sited by the State of Oregon's Energy Facility Siting Council (EFSC), the bond or letter of credit required by EFSC will be deemed to meet this requirement.

(n) The actual latitude and longitude location or Stateplane NAD 83(91) (suitable for GPS mapping) coordinates of each turbine tower, connecting lines, O & M building, substation, project roads and transmission lines, shall be provided to Umatilla County on or before starting electrical production.

(o) An Operating and Facility Maintenance Plan shall be submitted and subject to County review and approval.

(p) A summary of as built changes to the original plan, if any, shall be provided by the Wind Power Generation Facility owner/operator 90 days of starting electrical production.

(q) Submit a Socioeconomic Assessment of the Wind Power Generation Facility.

(7) Dismantling/Decommissioning.

A plan for dismantling and/or decommissioning that provides for completion of dismantling or decommissioning of the Wind Power Generation Facility without significant delay and protects public health, safety and the environment in compliance with the restoration requirements of this section.

(a) A description of actions the Wind Power Generation Facility owner/operator proposes to take to restore the site to a useful, non-hazardous condition, including options for post dismantle or decommission land use, information on how impacts on fish, wildlife, avian populations and the environment would be minimized during the dismantling or decommissioning process, and measures to protect the public against risk or danger resulting from post decommissioning site conditions in compliance with the requirements of this section.

(b) A current detailed cost estimate, a comparison of that estimate with present funds, the bond for dismantling or decommissioning, and a plan for the availability of adequate funds for completion of dismantling or decommissioning. The cost estimate will be reviewed and be updated by the Wind Power Generation Facility owner/operator on a 3 year basis, unless material changes have been made in the overall Wind Power Generation Facility that would materially increase or decrease these costs. If so, the report must be revised within 120 days of completion of such changes.

(c) Restoration of the site shall consist of the following:

(1) Dismantle turbines, towers, pad mounted transformers, meteorological towers and related aboveground equipment. All concrete turbine pads shall be removed to a depth of at least three feet below the surface grade.

(2) The underground collection and communication cables need not be removed if at a depth of three feet or greater. These cables at a depth of three feet or greater can be abandoned in place if they are deemed not a hazard or interfering with agricultural use or other resource uses of the land.

(3) Gravel shall be removed from areas surrounding turbine pads.

(4) Private access road areas shall be restored by removing gravel and restoring the surface grade and soil, unless the landowner directs otherwise.

(5) After removal of the structures and roads, the area shall be graded as close as is reasonably possible to its original contours and the soils shall be restored to a condition compatible with farm uses or consistent with other resource uses. Re-vegetation shall include planting by Wind Power Generation Facility owner/operator of native plant seed mixes, planting by Wind Power Generation Facility owner/operator of plant species suited to the area, or planting by landowner of agricultural crops, as appropriate, and shall be consistent with the weed control plan approved by Umatilla County.

(6) Roads, cleared pads, fences, gates, and improvements may be left in place if a letter from the land owner is submitted to Umatilla County indicating said land owner will be responsible for, and will maintain said roads and/or facilities for farm or other purposes as permitted under applicable zoning.

Please find the attached Decommissioning Plan, Attachment H.

(8) Decommissioning Fund.

The Wind Power Generation Facility owner/operator shall submit to Umatilla County a bond acceptable to the County, in the amount of the decommissioning fund naming Umatilla County beneficiary or payee.

(a) The calculation of present year dollars shall be made using the U. S. Gross Domestic Product Implicit Price Deflator as published by the U. S. Department of Commerce, Bureau of Economic Analysis, or any successor agency (the “index”). The amount of the bond account shall be changed up or down if the change in the Index moves by more than 10 percent from the last change, and then the amount shall be increased or decreased by the cumulative percentage change. If at any time the Index is no longer published, Umatilla County and the Wind Power Generation Facility owner/operator shall select a comparable calculation of present year dollars.

(b) The bond shall not be subject to revocation or unjustified reduction before decommissioning of the Wind Power Generation Facility and rehabilitation of the site/s.

(c) The Wind Power Generation Facility owner/operator shall describe the status of the bond in the annual report submitted to the Umatilla County.

Schumann has developed a Decommissioning Plan for the Project in accordance with the UCDC requirements. A bond to ensure that funding is available will be obtained prior to the beginning of construction and shall be updated through the years as required. The plan provides an estimated cost and standard of decommissioning the Project at the end of the Project’s operational life or during construction, in the event that the Project fails for any reason. Please refer to Attachment H for the Decommissioning Plan.

(9) Annual Reporting.

Within 120 days after the end of each calendar year the Wind Power Generation Facility owner/operator shall provide Umatilla County a written and oral annual report including the following information:

- (a) Energy production by month and year.
- (b) Non-proprietary information about wind conditions, (e. g., monthly averages, high wind events, bursts).
- (c) A summary of changes to the Wind Power Generation Facility that do not require amendments.
- (d) A summary of the fish, wildlife and avian monitoring program – bird injuries, casualties, positive impacts on area wildlife and any recommendations for changes in the monitoring program.
- (e) Employment impacts to the community and Umatilla County during and after construction.
- (f) Success or failures of weed control practices.
- (g) Status of the bond.
- (h) Summary of erosion control activities and its effectiveness.
- (i) Summary comments –

(1) Problems with the projects, any adjustments needed, or any suggestions.

(2) The annual report requirement may be modified by the County as warranted by project conditions, circumstances and compliance. The reporting requirement and/or reporting schedule shall be reviewed, and possibly altered, at the request of the Wind Power Generation Facility owner/operator. For Wind Power Generation Facilities under EFSC jurisdiction and for which an annual report is required, the annual report to EFSC satisfies this requirement.

Schumann Wind LLC shall submit an annual report within 120 days after the end of each calendar year and provide an annual oral presentation of this information.

(10) [Amendments]

(a) *Permit Amendments.*

The Wind Power Generation Facility requirements shall be facility specific, but can be amended as long as the Wind Power Generation Facility does not exceed the boundaries of the Umatilla County conditional use permit where the original Wind Power Generation Facility was constructed.

(b) An amendment to the conditional use permit shall be subject to the standards and procedures found in §152.611. Additionally, any of the following would require an amendment to the conditional use permit:

(1) Expansion of the established Wind Power Generation Facility boundaries;

(2) Increase the number of towers;

(3) Increase generator output by more than 25 percent relative to the generation capacity authorized by the initial permit due to the re-powering or upgrading of power generation capacity; or

(4) Changes to project private roads or access points to be established at or inside the project boundaries.

(c) In order to assure appropriate timely response by emergency service providers, Notification (by the Wind Power Generation Facility owner/operator) to the Umatilla County Planning Department of changes not requiring an amendment such as a change in the project owner/operator of record, a change in the emergency plan or change in the maintenance contact are required to be reported immediately. An amendment to a Site Certificate issued by EFSC will be governed by the rules for amendments established by ESC.

While no amendment is expected to be necessary for the Project, any such change to the Project will undergo all necessary permitting processes. Umatilla County, as well as other pertinent stakeholders, will be notified in a timely manner.

(11) Walla Walla Watershed.

Lands located within the Walla Walla Sub-basin east of Highway 11 shall be subject to additional standards. The purpose of these criteria is to prevent impacts to the following: highly erodible soils (as defined by the Oregon Department of Agriculture) and federally listed threatened and endangered species. The standards are also designed to protect sensitive streams and to be consistent with the Clean Water Act.

(a) There shall be no construction of project components, including wind turbines, transmission lines and access roads on soils identified as highly erodible. The highly erodible soils are those soils identified by the Oregon Department of Agriculture as highly erodible.

(b) The application shall demonstrate that the Wind Power Generation Facility and its components will be setback a minimum of two miles from streams and tributaries that contain federally listed threatened and endangered species, and, that the project will generate no runoff or siltation into the streams.

(Ord. 83-4, passed 5-9-83; Ord. 2002-02, passed 5-20-03; Ord. 2005-02, passed 1-5-05; Ord. 2009-09, passed 12-8-09; Ord. 2011-02, passed 3-17-11; Ord. 2011-05 passed 6-28-11; Ord. 2011-06 passed 6-28-11; Ord. 2011-07 passed 6-28-11; Ord. 2012-02 passed 1-26-12; Ord. 2012-04 passed 2-28-12; Ord. 2012-05 passed 2-28-12; Ord. 2012-13 passed 8-16-12; Ord. 2014-04, passed 7-2-14; Ord. 2016-02, passed 3-16-16;)

While the energy generated from Schumann is ultimately delivered to the Weston Substation east of Highway 11 and within the Walla Walla Watershed, no new construction will be required to achieve this goal within this particularly defined area. The Project will build a short transmission line to interconnect into existing infrastructure to feed power into the grid, thus no special considerations will be needed in planning, permitting, or constructing the Project as it pertains to the Walla Walla Watershed south of Highway 11.

152.615 ADDITIONAL CONDITIONAL USE PERMIT RESTRICTIONS.

In addition to the requirements and criteria listed in this subchapter, the Hearings Officer, Planning Director or the appropriate planning authority may impose the following conditions upon a finding that circumstances warrant such additional restrictions:

(A) Limiting the manner in which the use is conducted, including restricting hours of operation and restraints to minimize such environmental effects as noise, vibration, air pollution, water pollution, glare or odor;

While the Project may operate during portions of the day or night, as climatic conditions dictate, the facility's operations building will be open only during normal business hours. During other times, the facility is monitored remotely by one or more technicians via computer or smartphone technologies. Noise, vibration and flicker effects are effectively eliminated or mitigated via the two mile setback requirements. Other factors such as odor, air or water pollution are not inherent to wind power facilities.

(B) Establishing a special yard, other open space or lot area or dimension;

The Project will establish a temporary laydown yard onsite during construction. This laydown area would be approximately 3.5 acres in size and will likely be located in a somewhat central location to the 4-5 turbines (see Exhibit B map). At each turbine location, a smaller staging area and crane pad will be established temporarily to facilitate the assembly of the wind turbine. All staging/laydown areas will be restored to pre-disturbance condition or better by the end of the construction period.

(C) Limiting the height, size or location of a building or other structure;

Determination of structure size will be made upon final selection of turbine equipment. Operation and maintenance facilities will conform to all local building codes.

(D) Designating the size, number, location and nature of vehicle access points;

Three access points are anticipated for the Project. The turbine facilities and transmission line west of Pine Creek will be accessed off of Harris Road at an existing farm access point. Transmission line east of Pine Creek will have access points off of Staggs Road and/or Ferguson Road. All access points will have modern gates and signage to prevent unauthorized access.

(E) Increasing the required street dedication, roadway width or improvements within the street right of way;

Certain road improvements will be required to allow Project components to be delivered to the site. These include firming road shoulders on certain corners to allow for wider turning radius as well, widening road surfaces at a particular bend and improving existing County road subsurface in order to accommodate heavy hauls. All such improvements will be detailed through Road Use Agreements with Umatilla County and the City of Athena, which will be executed and submitted to the County prior to the start of construction.

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

Per section (B) above, Schumann expects to construct a temporary laydown yard onsite for material staging, employee facilities and parking, and other construction use. This yard is expected to occupy as much as 3.5 acres and will be reclaimed and restored to pre-Project use by the end of the construction period.

(G) Limiting or otherwise designating the number, size, location, height and lighting of signs;

Schumann will have a number of signage requirements. Signage may include turbine identification, safety signage near potential electrical hazards and identification of underground transmission line locations at entry and exit of fields. Other signs include “No Trespassing” and other informational signs at the Project’s entrances. These information signs may include information such as the name of the Project owner, Project details/facts and contact information.

(H) Limiting the location and intensity of outdoor lighting and requiring its shielding;

Wind projects are required by the Federal Aviation Administration (FAA) to use turbine marking lights at the top of designated turbines for aviation safety. The light design, quantity, and location are determined by the FAA and are not optional. Schumann does not anticipate needing any additional outdoor lighting for the Project beyond what is required by the FAA. In the event that outdoor lighting is determined to be necessary, light fixtures which shield and focus the light will be used, whenever practical in order to minimize light pollution.

(I) Requiring diking, screening, landscaping or other methods to protect adjacent or nearby property and designating standards for installation and maintenance.

Prior to the beginning of construction, the civil contractor will obtain a National Pollutant Discharge Elimination Systems (NPDES) permit. In order to obtain this permit, the applicant will be required to provide a suitable plan for addressing erosion and runoff. This plan, in concert with the Re-Vegetation and Erosion Control Plan, will protect adjacent and nearby property as well as protect the lands onsite.

(J) Designating the size, height, location and materials for a fence;

The Project will utilize fencing around the interconnection facility at the point of interconnection with the underground Chopin transmission line. This will be located on private land and will typically use a chain-link fence, approximately 7' in height, in order to prevent access from unauthorized persons. For further information, please refer to the LUD application for the transmission line.

(K) Protecting and preserving existing trees, vegetation, water resources, air resources, wildlife habitat, or other natural resources;

WEST, Inc has prepared a Baseline Wildlife and Vegetation survey for the Project area. This report details the results of the final 2017 raptor and sensitive species survey. The results show that no federally-listed threatened or endangered species, federal/state species of concern, or eagles were observed during 2017 surveys at the Project.

(L) Parking area requirements as listed in §§ 152.560 through 152.562 of this chapter.

During the construction period, the Project will utilize a temporary laydown yard onsite for employee/contractor parking. This area will be removed and rehabilitated by the end of construction in order to return the land to the previous agricultural use. Permanent parking during the operations period is not needed.

(Ord. 83-4, passed 5-9-83; Ord. 2005-02, passed 1-5-05; Ord. 2011-05 passed 6-28-11)