BURDEN OF PROOF in Support of Type 2 Conditional Use/Site Plan and Tentative Land Partition

Applicant:	Ochoco Solar, LLC (**Juniper** step up Substation) Attn: Amy Berg Pickett 2660 NE Highway 20, Suite 610 #30 Bend, Oregon 97701
Project Summaries:	1) Construct a 34.5kV transmission line connecting the Ochoco Solar, LLC project in Crook County to the proposed Juniper substation, and then connecting to the adjacent PacifiCorp Baldwin Road substation. Existing power transmission lines in the area consist of Central Electric Cooperative and PacifiCorp; 2) Construct the proposed Juniper substation (step-up to 115kV) with associated vehicle access, minimal grading, drainage, utilities and poles; and 3) Land partition to create a two (2)-acre lot, for the proposed substation, and a 79-acre parcel from an existing 80-acre parcel zoned M-1.

Subject Properties:

- Step-Up Substation and Land Partition: 15150000002000 & 151500000300.
- Gen-Tie Easement: 1515000000313; 15150000002000; 151500000300; & 1515000001224.

Property Owners: (affected by Gen-tie)	PacifiCorp (tax lot 313) 825 NE Multnomah Street, Ste. 1900 Portland, Oregon 97232 Hunter Family Trust (tax lot 2000) Lawnae Hunter Trustee 825 NE Mill View Way #100 Bend, Oregon 97702 Crook County (tax lot 300) 300 NE Third Street Prineville, Oregon 97754 Millican LLC (tax lot 1224) 500 West Monroe Street, Suite 2630 Chicago, Illinois 60661
Property Owners: (Substation & Partition)	Hunter Family Trust (tax lot 2000)
Additional Land East of Baldwin Road to be Dedicated:	Crook County (part of tax lot 300)

Agent:	Douglas White Oregon Planning Solutions 60762 River Bend Drive Bend, Oregon 97702
Civil Engineer:	Cypress Creek Renewables Connor Boyle 130 Roberts Street Asheville, NC 28801
Lawyers:	BRIX Law LLP Attn: Laura Craska Cooper 15 SW Colorado Ave., Suite 3 Bend, Oregon 97702

Applicable Review Criteria:

- Step-Up Substation: City of Prineville Code of Ordinances, Title XV – Chapters 153.014, 153.020, 153.037, 153.038, 153.060, 153.080-097, 153.118, 153.135 - 153.139 & 153.190-200.

- Power Transmission Line: City of Prineville Code of Ordinances, Title XV – Chapters 153.009, 153.014, 153.020, 153.037, 153.038, 153.039, 153.060, 153.071, 153.083(L), 153.118 & 153.135 - 153.138.

- Land Partitioning: City of Prineville Code of Ordinances, Title XV – Chapters 153.155, 153.156, & 153.160.

Location:	The proposed substation is at 2420 SW Baldwin Road in the NW corner of Tax Lot 15150000002000. The proposed transmission line starts at substation and extends west across and south on Millican Road before heading west to the end of the UGB, south of Highway 126.
Site Description:	The subject property for the proposed substation and land partition is 80-acres in size and vacant, except for overhead electrical utilities to an abandoned home site.
Surrounding Uses:	Power substation, industrial buildings, transmission lines, power poles, and vacant industrial land.
Related County Document:	217-18-000027-PLNG, Approved Commercial Solar Photovoltaic Energy Facility, Ochoco Solar, LLC.

Applicant's Responses to Applicable Criteria:

Criteria: 153.060 LIGHT INDUSTRIAL M-1 ZONE.

In an M-1 Zone, the following regulations shall apply.

(A) Purpose. The purpose of the Light Industrial M-1 Zone is to provide for a wide range of industrial uses, but limiting or excluding those industrial uses which are generally not considered compatible with adjoining commercial or

residential areas and which, in many cases, involve industrial uses which involve hazardous or nuisance creating conditions.

153.037 COMMERCIAL & INDUSTRIAL USE TABLE
Outright use: Utility Facility / Substation (Major)

Applicant's Response:

A Type 2 conditional use hearing is required for the proposed Ochoco Solar, LLC Juniper substation and power transmission "Gen-tie" line in the M-1 Zone (153.037, Commercial & Industrial Use Table, page 54).[1]

The proposed utility facility is similar to the existing uses that adjoin or are nearby the subject property. There are no residential or commercial uses adjoining the proposed substation. The proposed substation and land partition, see below, meet the purpose of the M1 zone.

The proposed transmission line meets the purpose of the M-1 Zone by providing a transmission line for the Ochoco Solar, LLC, photovoltaic solar power generation facility in Crook County and providing additional power to the grid to help meet the power needs of the City and surrounding area.

Criteria: 153.038 COMMERCIAL & INDUSTRIAL DIMENTIONAL STANDRADS

Street setbacks:	**20 ft. to local streets 0ft. to internal circulation roads.**
Interior Side	**5ft.**
Internal circulation Rd.	**0ft.**
Clear Vision:	**30ft.**
Landscaping:	**Minimum 5-foot buffer along any adjoining public right-of-way of a collector or arterial street.**
Building Height:	**50ft.**
Street Frontage:	**50ft.**
Lot Coverage:	**Determined by the ability to meet parking, landscaping, clear vision, drainage, Public Works standards and other applicable dimensional standards.**

Criteria: 153.118 EXCEPTIONS TO BUILDING HEIGHTS.

(A) The following types of structures or structural parts are not subject to the building height limitations of this chapter: chimneys, cupolas, tanks, church spires, belfries, domes, derricks, monuments, fire and hose towers, observation towers, transmission towers, smokestacks, flagpoles, radio, cellular and television towers, masts, aerials, cooling towers, water towers, elevator shafts, windmills, conveyors, mill related apparatus and other similar projections.

(B) The exceptions to building height limitations set forth herein are not applicable to any such structures or structural parts that are located within an Airport Approach (AA) Overlay Zone.

Applicant's Response:

---

[1] Three different alternative routes, for the transmission line to reach the grid at Baldwin Road substation from the solar facility, were approved by Crook County as part of CUP 217-18-000027-PLNG. The application being requested here is for the transmission line route approved by the County as Preference 1.

Juniper Substation: (Ochoco Solar, LLC)

The proposed site plan/land partitioning map include information on the location and property setbacks of the proposed step-up substation. The site is not within the Airport Approach Zone. The tallest structure within the substation is a 45-foot transmission tower, along with 10-foot lightning rod, for a total height of 55 feet. The applicant believes that the last five feet of the proposed lighting rod qualifies for an exemption to the 50 foot height limit under Section 153.118(A), as being similar to (but less visible then) a transmission tower, flag pole, or radio, cellular or television tower.

The proposed use will be located on a 2-acre parcel, approximately 250' X 350' in dimension, including the added right-of-way to Baldwin Road. The 5-foot landscape buffer is not required because the property does not abut a collector or arterial street, but a local access. However, landscape standards for screening and buffering purposes is required and are discussed further in the Applicant's Response to the Design Review Criteria, below.

Transmission Gen-tie line:

Poles will be between 61 feet and 150 feet apart depending on the need for line separation. Section 153.118, above, exempts these types of structures from building height when outside the Airport Approach (AA) Overlay Zone, but they are still subject to design review.

Portions of the route are within the Airport Approach zone. FAA restrictions for airport Runway 28 and 33 have height limitations affecting two sections of the proposed transmission line. As a result, portions of the line will be underground or poles will be placed below FAA height standards. See Table 1, below, for additional information on specific pole heights and applicable FAA regulations.

Criteria: 153.009 COMPLIANCE WITH OTHER RULES AND REGULATIONS.

(A) Approval of any use or development proposal pursuant to the provisions of this chapter shall require compliance with and consideration of all applicable city, county, state and federal rules and regulations.

Applicant's response: Upon approval of the Juniper substation and transmission line, the applicant will adhere to all applicable city, county, state and federal rules and regulations.

Criteria: 153.014 GENERAL CRITERIA.

In determining whether or not any application shall be approved or denied, it shall be determined that the following criteria are either met or can be met through compliance with specific conditions of approval.

(A) The proposal is compatible with the City Comprehensive Plan and applicable policies set forth thereby.

(B) The proposal is in compliance with the requirements set forth by the applicable primary zone, by any applicable combining or overlay zone, and other provisions set forth by this chapter that are determined applicable to the subject use.

(C) That, for a proposal requiring approvals or permits from other local, state and/or federal agencies, evidence of the approval or permit compliance is established or can be assured prior to final approval.

(D) The proposal is in compliance with specific standards, conditions and limitations set forth for the subject use in the applicable zone, this section and this chapter.

(E) That no approval be granted for any use which is or expected to be found to exceed resource or public facility carrying capacities.

(F) For any use which is found to require compliance with air, water, land, solid waste and/or noise pollution standards, that the compliance be a condition of approval and compliance therewith shall be a continuing condition.[2]

Applicant's Response:

Juniper Substation: (Ochoco Solar, LLC)

The proposal is compatible with the Comprehensive Plan. Chapter 2, Goal 1 directly references clean industries as being preferred and Chapter 5 reinforces that by directly calling out the technology industry as being desired in the Airport area. Chapter 5, Goal 1 calls for protecting needed industrial lands, and to plan, fund and install public facilities. Goal 2 looks for opportunities for integrating economic opportunities.

The proposed use will utilize only 2-acres of land, with most of the land utilized for substation, driveway access, and a front-yard along Baldwin Road for utilities, which will be maintained in native vegetation for partial screening of the facility. Options for a variety of industrial-sized lots, including a newly created 8-acre lot, will continue to be available along Baldwin Road. The proposed use is a necessary part of the already approved 20MW Ochoco Solar power generation facility located west of the airport and found to contribute to the economy and help meet future energy needs from technology and other industries coming to the community.

Currently, sewer, water and sidewalk are stubbed up to the proposed property. Although the proposed substation does not require use of these services, sewer, water and sidewalk improvements will be extended "to and through" the proposed 2-acre substation parcel. Chapter 8, Goal 1 calls for the city to develop a concurrency requirement that new development demonstrate adequate provision of public facilities or provide mitigation. As stated, services will be extended through and stubbed to the next available site along Baldwin Road to the south. In this case, a new 8-acre industrial zoned parcel not previously available along this section of Baldwin Road.

(B) In the M-1 Zone, Utility Substation (Major) is a conditional use after review. The proposed site for the substation is outside the airport overlay and the natural features overlays. As discussed in this narrative, the applicant has shown compliance with all applicable criteria or can show compliance through conditions of approval.

(C) All construction will be reviewed and approved by the Crook County Building Department, and Prineville City Building Department, and the applicant is not aware of any required approval or permits from state or federal agencies with regard to construction of the proposed utility.

(D) See the Applicant's Response below to the Specific Standards for Specific Uses.

(E) The proposed step-up substation will not exceed street, water or sewer capacities.

---

[2] **Subsections (G), (H) and (I) do not apply to the proposed uses.**

(F) The applicant will take measures to comply with any local, state or federal pollution standard that is identified as being exceeded.

Transmission Gen-Tie Line:

(A) The proposal is compatible with the Comprehensive Plan. Chapter 2, Goal 1 directly references clean industries as being preferred and Chapter 5 reinforces that by directly calling out the technology industry as being desired in the Airport area. Additionally, the comprehensive plan prefers that utility lines be located on or adjacent to public or private rights-of-way to avoid dividing farm units. *See* Comprehensive Plan, p 144. The power transmission poles and lines will be located on the city's industrial zone. Outside the UGB, the transmission line is a permitted use in the EFU zone as meeting ORS 215.274 (associated transmission lines necessary for public service). Additionally, the poles and lines will be located near the edges of property lines or following existing lines as much as possible. This transmission line is in support of an approved solar power generation facility.

B) Prineville's land use code includes Utility Facilities (Major) as a conditional use in the M-1 zone. The natural features overlay district is not affected and the airport overlay zone is discussed above. The proposal is meeting or can meet applicable provisions through conditions of approval.

C) Construction shall be reviewed and approved as required by the Crook County Building Department and City of Prineville Building Department as applicable. The applicant is not aware of any required approvals or permits from State or Federal agencies with regard to the construction of the proposed utility facility other than a "No Hazard Determination" from the FAA.

D) There are specific standards listed in section 153.083(L) that are discussed below. Use limitations in the M1 zone are also discussed below.

E) The transmission lines will have no impact on the City's street, water or sewer capacities.

F) The applicant is aware that all uses are required to comply with local, state or federal pollution standards. If it is identified that such standards are being exceeded, the applicant will take the necessary measures to comply.

Criteria: 153.020 SITE PLAN AND DESIGN REVIEW PROVISIONS.

(B) Applicability. The following uses and developments shall be subject to the provisions of this section:

(1) All new development and changes of use. A building permit shall not be issued prior to approval by the City. Site clearance activities such as grading, excavation or filling shall not be permitted unless specifically allowed by the City prior to approval.

(D) Improvements Required. Uses requiring a design review application shall be subject to public improvements and or site improvements. Improvement requirements and standards are found in section 153.194 and the City's Standards and Specifications. Public improvements and site improvements include but are not limited to the following:

(a) Streets. Right of Way dedication, street extensions, sidewalks, access management. Double frontage lots may require improvements on both frontages.

(b) Utilities. Connection to municipal water and sewer and other utilities as necessary.

(c) Landscaping. Per standards set forth in section 153.087.

(d) Paved parking including access and maneuvering areas as set forth in section 153.085 and 153.086.

(e) Storm Water Drainage. Per the City's Standards and Specifications.

(f) Where appropriate, the design includes a parking and circulation system that encourages a pedestrian and bicycle.

(g) The design shall screen all storage, mechanical equipment, utilities and/or waste collection facilities from view, both from within and from outside the site.

(G) <u>Design review criteria.</u> To ensure that the stated purposes of the design review process are met the reviewing authority shall be governed by the following criteria as it evaluates and renders a decision on a proposal.

(2) Site design evaluation criteria. A development shall make the most effective use possible of the site topography, existing landscaping and building placement so as to preserve existing trees and natural features, preserve vistas and other views from public ways, minimize visibility of parking, loading and storage areas from public ways and neighboring residential uses and to minimize intrusion into the character of existing developments and land uses in the immediate area. The following are additional criteria that shall be used in evaluating site development plans.

(a) The arrangement of all functions, uses and improvements has been designed so as to reflect and harmonize with the natural characteristics and limitations of the site and adjacent sites.

(b) In terms of setback from streets or sidewalks, the design creates a visually interesting and compatible relationship between the proposed structures and/or adjacent structures.

(c) The design incorporates existing features, such as streams, rocks, slopes, vegetation and the like, (for example, making use of a small stream rather than placing it in a culvert).

(d) Where appropriate, the design relates or integrates the proposed landscaping/open space to the adjoining landscape/open space in order to create a pedestrian/bike pathway and/or open system that connects several properties or uses.

(e) The arrangement of the improvements on the site does not unreasonably degrade the scenic values of the community and the surrounding area in particular.

(f) Where appropriate, the design includes a parking and circulation system that encourages a pedestrian and bicycle.

(g) The design shall screen all storage, mechanical equipment, utilities and/or waste collection facilities from view, both from within and from outside the site.

(3) Landscape design evaluation criteria. The following criteria shall be used in evaluating landscape plans.

(a) The overall design substantially complements the natural environment of the city and the character of the site and the surrounding area.

(b) The design acknowledges the growing conditions for this climatic zone, and the unique requirements that its specific site location makes upon plant selection.

(c) Provision has been made for the survival and continuous maintenance of the landscape and its vegetation.

(d) The design contributes to the stabilization of slopes and the protection of other natural features and resources where applicable.

(e) The design delineates and separates use areas, where it is desirable to do so.[3]

Applicant's Response:

Juniper Substation: (Ochoco Solar, LLC)

There are few alternatives in the design of a substation. However, location of footprint, screening by use of existing vegetation, and blending the facility, as much as possible, with surrounding uses, all contribute to satisfying the City's Site Design Evaluation Criteria under Section (G)(2). Specifically, Subsection (a) is met by the arrangement of uses and being set back and designed to bring out the natural desert landscape along the road. Subsection (b) is met by the additional setback of the facility from the street being visible appealing in this area. Subsections (c) and (d) are addressed by the applicant maintaining the existing vegetation and open space along Baldwin Road. Subsections (e), (f) and (g) are met by the improvements being similar to the existing substation to the north, need for only minimal access and parking, and by partial screening the use from view at the right-of-way. Each of these improvements are further discussed below.

The applicant is providing a large front yard setback from Baldwin Road, a site-obscuring chain link fence with slats, maintenance of existing vegetation and Junipers, reseeding where necessary, and use of neutral colors, such as grays and browns for the transmission poles. These utility features are already present on lands immediately to the north and west of the proposed step-up substation. Existing vegetation outside the substation's pad shoulder will not be disturbed, except for the gravel driveway and some temporary ground disturbance from installation of underground public utilities.

The Baldwin Road right-of-way will be extended and widened as part of the proposed dedication included in the land partition.[4] Water, sewer and street improvements will be extended through the proposed 2-acre Parcel and Substation. The applicant will maintain the existing vegetation for screening and construct a 8-foot chain link fence around the proposed substation with slats and barbed wire on top for security. The substation footprint is proposed in the northwest corner of 151500000200, near the PacifiCorp substation, and will be set back from the finished Baldwin Road right-of-way (after improvements) approximately 130 feet. The applicant is also proposing a 50-foot setback from the north property line.

The proposed transmission line will access the step-up substation from the west across Baldwin Road. The concrete poles near the step-up will be concrete gray to resemble the galvanized steel of the step-up substation and the poles and structure of PacifiCorp's substation to the northeast. The site is within an area zoned industrial and is not adjacent to residential and commercial zones.

The applicant believes that existing vegetation, along with re-seeding with native grasses, is adequate for the proposed step-up substation. The applicant will re-seed as necessary, where plants did not germinate, until plants are fully established. According to other similar

---

[3] Certain subsections are not cited or applicable to the proposed uses.

[4] Part of the right-of-way dedication will be an extension of the finished right-of-way and the utilities that are stubbed to the subject property to include section of right-of way land owned by Crook County east of Baldwin Road in 151500000300 and a section of the subject property along Baldwin Road.

decisions in this area, this is a typical condition for landscaping without the need for irrigation.

All drainage from the substation pad will be maintained on-site and improvements for erosion control, consistent with City standards and specifications, will be included in the final design. All improvements, public and private, will be built in accordance with City and Crook County Building Department standards as applicable.

Transmission Gen-tie line:

Consistent with other transmission line facilities in the area, the applicant is proposing non-reflective transmission lines on wooden poles or metal poles with a non-reflective coating. The poles will not be visible from the valley floor, the intersection of 3rd and Main or the Courthouse steps, which the applicant understands were considerations in previous applications for transmission lines.

Criteria: 153.060 LIGHT INDUSTRIAL M-1 ZONE.

(K) Use limitations. In an M-1 Zone, permitted uses shall be subject to the following limitations and standards.

(1) No use shall be permitted which has been declared a nuisance by action of the City, County, State, or Federal, or by a court of competent jurisdiction.

(2) No use is permitted which is reasonably expected to create a nuisance because of noise, smoke, odor, dust or gas.

(3) For uses requiring pollution or contaminant discharge permits by an agency other than the city, final approval for the use shall not be issued by the city prior to review and approval by the applicable permit reviewing authority(ies).

(4) Materials shall be stored and grounds maintained in a manner as to prevent the attraction of or aid in the propagation of insects or rodents, or in a manner as to not otherwise create a public health hazard or attractive nuisance hazard.

(5) Points of access from a public right-of-way to properties and uses in this zone shall be so located, constructed, maintained and controlled as to minimize traffic congestion, noise and dust pollution, and shall avoid directing traffic onto residential streets or onto streets passing directly through residential, school, hospital or other noise sensitive use areas and safety zones.

(6) All uses permitted in this zone may be required to be screened from abutting residential zones.

(7) Building entrances or other openings adjacent to or across the street from a residential zone shall be prohibited if they cause glare, excessive noise or otherwise adversely affect land uses in the affected residential zone.

(8) Except as approved otherwise by the city in accordance with applicable access management provisions, there shall not be more than 1 ingress and 1 egress from properties accommodating uses permitted by this section. To minimize the number of the accesses within any given street section, permitted uses may be required to provide for shared ingress and egress or provide frontage roads.

Applicant's Response:

Juniper Substation:

The use is not expected to be a nuisance or create a nuisance. No materials will be stored on-site that would attract insects, rodents or otherwise create a hazard. Given the proposed use and proposed access from Baldwin Road (currently local street with minimal traffic), the point of access is not expected to create any traffic congestion. There are no adjacent residential zones. A single egress and ingress is proposed for the facility, and a shared access with PacifiCorp does not appear feasible. The access will be built to City standards and specifications.

Transmission Gen-tie Line:

The use is not expected to be a nuisance or create a nuisance. No contaminant discharge permit is required, and no materials will be stored along the route that would attract insects, rodents or otherwise create a hazard. The transmission line will not cause any traffic congestion, and there are no adjacent residential zones along the routes. Criterion 8 does not apply.

Criteria 153.060, LIGHT INDUSTRIAL M-1 ZONE

(L) Use criteria. In the consideration of an application for a proposed use in an M-1 Zone, the city shall take into account the impact of the proposed use on nearby residential and commercial uses, on resource carrying capacities, on the capacity of transportation and other public facilities and services and on the appearance of the proposal. In the approval of an application, the city shall find that any identified measurable adverse social, economic, physical or environmental impacts are minimized or reasonably mitigated.

(M) Additional requirements. As a condition of approval of any use proposed within an M-1 Zone, the city may require the following.

(1) An increase in required setbacks.

(2) Additional off-street parking and loading facilities.

(3) Limitations on signs or lighting, time of operations and points of ingress and egress.

(4) Additional landscaping, screening and other improvements.

(5) Any other conditions considered necessary to achieve compliance with the intent and purposes of this chapter and policies of the Comprehensive Plan.

Juniper Substation:

See the Applicant's Response above to Section I. An increase in the front yard setback is proposed. The private access driveway provides adequate space for occasional parking and loading during operation of the substation. The applicant does not believe that additional landscaping, screening or other improvements are needed to satisfy these criteria.

Transmission Gen-tie Line:

Residences and businesses are not expected to be negatively impacted by the proposed transmission line.

Criteria: 153.082 ONSITE LIGHTING.

(A) As part of any application for a development or any use within the City, all on-site lighting shall be designed, located, shielded or deflected, so as not

to shine directly onto adjoining properties, impair the vision of a driver of any vehicle or be a hazard to aircraft operations within the area.

Finding 10: Lighting at the substation will be shielded and focused downward to prevent light pollution and hazards to vehicles or aircraft.

Criteria: 153.083 STANDARDS FOR SPECIFIC USES.

A use shall comply with the standards of the zone in which it is located, with the specific standards that may be applicable thereto as set forth by this section, with any additional standards and conditions that may be set forth by the reviewing authority and with any other applicable local, state and/or federal regulations.

(I) Radio, telephone or television transmitter tower, utility station or substation. When authorized within the applicable zoning, the following standards and limitations shall apply to radio, telephone or television transmitter towers, or utility stations and substations.

(1) In a residential zone, all equipment storage on the site shall be enclosed within a building.

(2) The use may be required to be fenced, including sight-obscuring, and provided with landscaping.

(3) Coloring of structures, buildings and other permanent installations shall be of neutral colors or colors that otherwise blend with the surrounding natural features unless otherwise required by the Commission.

(4) The reviewing authority may set standards or limitations regarding height, shape, location or factors necessary to minimize the impact of the facilities on the area in which they are proposed to be located.

(5) The reviewing authority may set any standards or limitations deemed necessary to insure that the proposed facilities are aesthetically pleasing and compatible with the area.

Applicant's Response:

Juniper Substation: The property is not in a residential zone. A 8-foot chain-link perimeter fence with slats and barbed wire on top will be provided. Existing vegetation will be preserved as much as possible and disturbed areas from construction will be re-seeded. The facility will primarily be a galvanized steel grey color with wood or concrete poles. The color of the fencing slats will be a color that best blends with the surrounding vegetation.

The subject property for the proposed use is zoned Light Industrial (M-1). There will be no outside storage of any equipment. Unused areas will be left in their natural desert landscape state and will be enhanced and restored as necessary. Consistent with recently-improved areas along Baldwin Road, additional native plants will be planted in the front yard along Baldwin Road. The proposed substation components and fencing will be similar in height and shape with the existing substation facility located northeast of the proposed use. The location of the project footprint provides for a large front yard area to be kept in native vegetation and grasses. Existing utilities and facilities currently are stubbed to the proposed parcel and can be extended through the proposed parcel, an additional 250 feet south along Baldwin Road.

The location and use of the land as a step-up substation is compatible with the surrounding uses, which consist of a substation and light industrial uses. The location of the project, along with added improvements and native landscaping along the local access road, will be

aesthetically pleasing and compatible with the existing land uses in the area, and with future light industrial uses sited along Baldwin Road.

Transmission Gen-tie Line: See the Applicant's Response to Criterion (L), below.

Criteria: 153.083 STANDARDS FOR SPECIFIC USES.

(L) Public or private facilities, utilities and services.

(1) Public facilities including, but not limited to, utility substations, sewage treatment plants, storm water and water lines, water storage tanks, radio and television transmitters, cell towers, electrical generation and transmission devices, fire stations and other public facilities shall be located so as to best serve the community or area with a minimum impact on neighborhoods, and with consideration for natural aesthetic values.

(2) Structures shall be designed to be as unobtrusive as possible.

(3) Wherever feasible, all utility components shall be placed underground.

(4) Public facilities and services proposed within a wetland or riparian area shall provide findings of the following.

(a) The location is required and a public need exists.

(b) Dredging, fill and other adverse impacts are avoided, minimized or mitigated to the maximum extent reasonable.

(5) Co-locating on existing utility poles or cellular towers is required unless demonstrated that it is not feasible.

Applicant's Response:

Juniper Substation:

This section is similar to section (I), above, except that it is more specific to location. High voltage lines will remain above, but low voltage lines will be placed underground to be unobtrusive as much as possible.

As stated previously, the proposed location of the facility near the existing substation facility, and improvements will provide added area for natural landscape features located along the local access road and sidewalk serving the industrial park community. There are no wetlands affected by the proposed substation or concerns with FAA regulations.

Transmission Gen-tie Line:

The applicant looked extensively at four different distribution lines, including co-locating, to reach the grid. In addition to the proposed route, along with the two alternative considerations discussed in more detail here, a fourth route was studied initially and ruled out. This fourth transmission line route starts at the north end of the project footprint and runs east to west along north side of SW Houston Lake Road, crossing Highway 126 and then running on either the front side or back side of Apple to reach the grid point-of-interconnection at Baldwin Road substation.

This fourth route considered by the applicant runs along the future route of the PAC line north of SW Houston Lake Road - a 230 kV transmission line that travels south along SW Houston Lake Road and eventually wraps around Facebook's data center facility. The applicant's distribution line cannot co-locate with this line, while honoring the In-Service deadline and Commercial Operation Deadline stated in the Interconnection Agreement and

Power Purchase Agreement, respectively, with PAC. PAC will not be building this transmission line within these contracts stated deadlines, and PAC is unwilling to extend these deadlines as they are part of their energy-resource planning. Furthermore, the route along SW Houston Lake Road adds significant distance and cost in comparison to the three routes further considered as potential routes by the applicant and approved by Crook County (an additional ¾ miles) as Preference 1, 2 and 3. Finally, assuming the applicant did not co-locate on PAC's planned 230 kV transmission line but still constructed a separate 115 kV line from the solar array to the point-of-interconnection, applicant would need to either: (a) bury the 115kV line under and along SW Baldwin Road to reach substation; or (b) extend further around Apple property, and possibly impact valley scenic viewshed of rimrock.[5]

In addition, Cypress Creek Renewables strives to minimize and avoid, as much as possible, building on or crossing over higher-rated agricultural land, and whenever possible, applicant sites on the lower or non-agricultural lands that are available in an area. With that in mind, a soil study was conducted for the area between Grass Butte and Myers Butte. See attached Soils Map. From this map, it is clear that virtually any alternative transmission line route would most likely have to cross over or disturb land consisting of soils rated as Prime Farmland if irrigated, some of which is currently being irrigated.[6]

Soils are an important determinant when applying state statues governing agricultural lands to a transmission line under ORS 215.274. A route for a transmission line to reach the applicant's interconnection point following a corridor "North of SW Houston Lake Road," as suggested by City Planning staff, is not feasible for the reasons discussed above, and is potentially contrary to ORS 215.274, regarding EFU zoned land.

The applicant's interconnection point to the grid is at PAC's Baldwin Road substation. This interconnection point was chosen after multiple meetings with the City and County, discussion with landowners and PAC, and significant feasibility analysis (including analysis of the possible routes for the gen-tie line). Ultimately, the point was selected not only because of relative distance to other energy facilities but also based upon configuration and capacity at that substation. Furthermore, PAC's interconnection procedures (defined in Interconnection Agreement & Power Purchase Agreement) govern where and how generation projects may interconnect to the PacifiCorp system. The Ochoco Solar project applied in 2014 through the Small Generator Interconnection Procedures (SGIP) for generators 20MW and under, which can be found within the PacifiCorp *Open Access Transmission Tariff*.[7] As part of the SGIP there are certain modifications to the project which would be deemed a "Material Modification," and moving the point-of-interconnection would be considered a material change. Because a material change requires resubmitting a new interconnection request and proceeding through the interconnection studies from the end of the current interconnection queue, this change would result in loss of the project's Interconnection Agreement (including the posted interconnection security), default on the project Power Purchase Agreement, and delays of several years.

---

[5] City of Prineville in previous decisions involving transmission lines in areas around the Baldwin Business area, expressed concerns about not creating view issues from poles visible from valley and county courthouse. The applicant respects those desires.

[6] Arable Farmland Soils, some currently being irrigated, consisting of 026-Buckland ashy sandy loam, class 3 if irrigated, and 104Am-Redmond ashy sandy loam, class 3 if irrigated.

[7] See FERC Electric Tariff, Volume No. 11, updated February 13, 2017.

The applicant worked closely with all property owners, the City, the FAA Western Obstruction group, Pacific Power and the Prineville Airport Manager when studying all three routes and prior to selecting the point-of-interconnection. Location of existing overhead lines, easements and property lines, and FAA regulations, together with consideration of soil types, cultural resources, viewsheds, and distance/costs, were all considered in selecting the three routes. There are also no wetlands or riparian areas affected by any of the three proposed transmission line routes.

The preferred #1 (Preference 1) route from the Baldwin Road substation to the Ochoco solar project in Crook County is 4-miles and involves the installation of approximately 78 poles. Two other routes, with Preference 2 being 3.26-miles and Preference 3 being 6.43-miles, were seriously considered viable and discussed with all the parties potentially affected.

The Preference 2 alternative route includes a large section following along or near the south side of the Highway 126, from the Millican Road intersection for about one mile to the State Highway's private access road, where the line reaches the tract of the Ochoco Solar project.

The Preference 3 alternative route avoids the western Airport Approach zone by extending north-to-south along the west side of Millican Road and then following property lines east-to-west between Millican Road and the highway. Although this route avoids the need for additional underground line, it would not be feasible (economically or environmentally) to extend the proposed transmission line an additional 2 plus miles to reach Ochoco Solar using Preference 3 due to the geology and maintenance cost.

In terms of portion of the routes located outside the UGB zoned EFU, the use is permitted outright as an associated transmission line necessary for public service under ORS 215.274, and was approved by Crook County as part of the application for solar facility (Co File # 217-18-000027-PLNG).

The portion of all three alternative routes, located between Millican Road and Baldwin Road, share the same route that traverses Tax lot 1515000000300 (Crook County property). The poles will follow as closely as is safe to the unnamed road north of Les Schwab facility and like other routes considered, follow as closely as is safe to existing road and overhead transmission line rights-of-way. Portions of the proposed transmission line in Preference 1 will be underground or poles set at heights satisfying FAA regulations and guidelines.

Attached is an Excel spread sheet showing pole numbers, Longitude/Latitude locations and height for each of poles (three with underground route) for the Preference 1 route within the city limits and UGB. These pole numbers correspond to the poles denoted on the attached maps included in the copied overhead exhibit also attached.

Criteria: 153.085 OFF-STREET PARKING AND LOADING: PROVISIONS AND REQUIREMENTS.

(D) Specific Parking Requirements by Zone.

(5) M-1, M-2 and IP Zones. All parking demand created by any use permitted in this zone shall be accommodated entirely on-site or off-street on another area or adjoining site shared by one or more uses permitted in this zone. The location of any off-site parking area that requires pedestrians to cross an arterial or collector street or highway to obtain access to the subject use is prohibited.

Applicant's Response:

Juniper Substation:

No parking spaces are proposed. The access road, either inside or outside enclosure, will serve as parking for maintenance personnel and equipment deliveries. The pedestrian sidewalk along Baldwin Road will be extend to and through the proposed 2-acre parcel, the site of the proposed substation. The proposed driveway will be constructed to City standards and specifications.

Criteria: 153.097 COMPLIANCE WITH STATE/FEDERAL RULES.

(A) Approval of any use or development proposal pursuant to the provisions of this chapter shall require compliance with and consideration of all applicable state and federal agency rules and regulations.

Applicant's response: The applicant will adhere to any applicable state or federal rules or regulations that apply to the substation.

Criteria: 153.136 SPECIFIC CONDITIONS.

In addition to the standards and conditions set forth in a specific zone, this subchapter, this chapter and other applicable local, county, state and/or federal regulations, additional conditions may be imposed which are found to be necessary to avoid a detrimental impact on adjoining properties, the general area or the city as a whole, and to otherwise protect the general welfare and interests of the surrounding area, the city as a whole and the general public. No condition may be imposed which violates federal or state law with regard to needed housing. The conditions may include, but are not limited to, the following.

(A) Limiting the manner in which the use is conducted, including restricting the time an activity may take place, and restrictions to minimize environmental impacts such as noise, vibration, air or water pollution, glare and odor.

(B) Establishing a special setback or other open space requirements, and increasing the required lot size or other dimensional standards.

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

(D) Increasing street width and/or requiring improvements to public streets and other public facilities serving the proposed use, even including those off-site but necessary to serve the subject proposal.

(E) Designating the size, number, improvements, location and nature of vehicle access points and routes, and requiring pedestrian and/or bicycle ways.

(F) Limiting or otherwise designating the number, size, location, height and lighting of signs and outdoor or security lighting, and the intensity and/or direction thereof.

(G) Requiring diking, screening, fencing or other improvements or facilities deemed necessary to protect adjacent or nearby properties, and establishing requirements or standards for the installation and maintenance thereof.

(H) Protecting and preserving existing trees, other vegetation and water, scenic, historic, archaeological, unique, landmark or other natural or manmade significant resources.

Applicant's Response: Besides those limitations and conditions mentioned above that resemble or are similar to those addressed elsewhere in this burden of proof, the applicant does not believe additional conditions are needed at this time.

Land Partitioning of Tax Lot#: 1515000002000:

Criteria: 153.037, Commercial & Industrial Use Table, Minimum Lot Size.
Minimum lot size shall be determined on the basis of compliance with off street parking, landscaping, those standards administered by Public Works and other applicable dimensional standards.

Applicant's Response: The proposed 2-acre lot is an appropriate size for the proposed substation pad, access, driveway, maintenance of native vegetation, and infra-structure improvement area. See attached Site Plan illustrations and Tentative Partition Map.

Section 153.160, Land Partitioning, includes the following requirements for tentative partition approval:

(F) Requirements for Tentative Partition Approval.
(1) The proposal is in compliance with ORS Chapter 92, the City's Comprehensive Plan, Master Plans, Standards and Specifications and applicable zoning regulations.
(2) Each parcel is suited for the use intended or to be offered, including but not limited to sewage disposal, water supply, guaranteed public street access and utilities.
(3) The proposal is in compliance with section 153.016 (water and sewer required) the design and improvement standards and requirements set forth in 153.190 et seq. and the City's Standards and Specifications or as otherwise approved by the city, or that such compliance can be assured by conditions of approval.
(4) Proposal will not have identifiable adverse impacts on adjoining or area land uses, public services and facilities, resource carrying capacities or on any significant resources.
(5) Adequate mitigation measures are provided for any identified and measurable adverse impacts on or by neighboring properties or the uses thereof or on the natural environment.

Applicant's Response: Upon approval of the tentative plan, final partitioning will be done in compliance with state (ORS 92) and county standards and specifications. The subject property is vacant land planned and zoned for Light Industrial Uses (M-1). For the same reasons provided above, the proposed substation and partition is compatible with the Crook County Comprehensive Plan and land development code.

The proposed 2-acre lot is well suited for the proposed step-up substation due to its proximately adjacent to PacifiCorp's Baldwin Road power substation. The remaining 78-acre parcel is available for future industrial uses, including utilities serving those sites. No Sewer or water service is required for the proposed substation. Existing utilities within a dedicated area along the local access road will be extended "to and through" the proposed 2-acre lot (Parcel A) and stubbed out to Parcel B, the balance of the property. The proposed use and land partition will not have adverse impacts on adjoining or area industrial uses, public

services and facilities, resource carrying capacities or on any significant resources. The applicant believes that based on the location of the proposed use and lot, and with minimal desert vegetation maintenance, potential concerns by neighboring industrial properties should be eliminated.

(G) Improvement requirements. The approval of any land partitioning, the need for a survey, and the need for street and other public facility improvements shall be considered and such may be required as a condition of approval. Any survey and/or improvement requirements that may be required for a subdivision or other land development may be required for a partitioning, including infrastructure, bonding or other assurance of compliance.

(1) Provisions are made for access to abutting properties that will likely need such access in the future, including access for vehicular and pedestrian traffic, public facilities and services and utilities.

(2) All required agreements shall be recorded at the Crook County Clerk's office at the same time of recording of the final partition plat.

(3) If the existing street right-of-way is not consistent with city standards or new right-of-way is required through a city master plan or "to and through" standard, street right-of-way shall be dedicated, in compliance with the City's Standards and Specifications and frontage requirements.

(4) Public infrastructure including right-of-way, water, sewer, streets and sidewalks shall be extended and constructed, per the City's Standards and Specifications, "to and through" each lot created by the partition, unless otherwise approved by the city due to the following:

(a) Certain aspects of the "to and through" standard may be deferred for one clearly defined remainder lot of at least five acres where future development or division is likely and the infrastructure will be brought through the remainder lot at that time. Right-of-way shall be extended to and through but street, water and sewer infrastructure may be deferred until new development or division of the remainder lot.

(5) All public utilities are available to each lot line within an adjacent street or alley.

(6) Paved access is guaranteed to each lot.

(7) Future development is to be connected to the city's sewer and water systems.

Applicant's Response:

The applicant is proposing a land partition to create: a two (2)-acre parcel, and a 78-acre parcel, from an existing 80-acre tract. The proposed substation will be located on Parcel A. The following is breakdown of the acreage:

Parcel	Before Partitioning	After Partitioning
A	NA	2 acres *
B	NA	78 acres

"*" Includes land to be dedicated for improvements.

Along the local access Baldwin Road, a strip of land fronting proposed Parcel A will be dedicated to the public right-of-way for the purpose of extending utilities to and through proposed Parcel A. The proposed partition provides for the continuation of the access and

extension of utilities, located on the east side of Baldwin Road, to the abutting proposed Parcel B to the south.

As permitted under subsection (G)(4)(a) of 153.160, "to and through" may be deferred for Parcel B as that remainder lot is greater than five acres in size. The proposed land partition provides those needed services to the remaining 78-acre parcel zoned Industrial M-1.

Exhibits:
- CUP Application and Land Partition Application forms
- Copy of Property Deed
- Site Plan Illustrations
- Tentative Partitioning Maps
- NRCS Soils Report Houston Lake Road Area
- Excel Table showing Pole Heights
- Transmission Line Development Overview Maps