

# **PRINEVILLE SOLAR ENERGY LLC**

## **Modification of Conditional Use Application CU-2015-104: Utility Line in the IP zone**

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**BEFORE THE CITY OF PRINEVILLE  
COMMUNITY DEVELOPMENT DEPARTMENT**

**APPLICANT:** Prineville Solar Energy LLC  
1 S. Wacker Drive, Suite 1800  
Chicago, Illinois 60606

**PROPERTY OWNER:** Crook County  
300 NE Third Street  
Prineville, Oregon 97754

**ATTORNEY:** Lori K. Murphy  
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**LOCATION:** West of SW Baldwin Road, Crook County, Oregon

**REQUEST:** Applicant requests modification of a Type II conditional use approval in application #2015-104 to construct and operate an approximately 1/2-mile long 115kV utility line in the City of Prineville Industrial Park (IP) zone.

**I. APPLICABLE CRITERIA:**

City of Prineville Code (CPC), Chapter 153 Land Development  
153.020 Site Plan and Design Review Provisions  
153.037 Commercial and Industrial Use Table  
153.038 Commercial and Industrial Dimensional Standards  
153.062 Industrial Park IP Zone (Formerly M-3 Zone)  
153.070 Airport Zones General Criteria  
153.071 Airport Specific Zones  
153.083 Standards for Specific Uses  
153.118 Exceptions to Building Heights  
153.137 Application for Conditional Use

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**II. EXHIBITS:**

1. Option to Lease Memo
2. Vicinity Map (color) and Adjacent Property Owners Names
3. Sample Transmission Line Specifications
4. Site Plan/Design Review Plan
5. ALTA Survey
6. Airport Airspace Plan



## 7. Soil Report

### III. FINDINGS OF FACT:

1. **Location:** The subject property begins near the southwestern end of SW Baldwin Road and ends at the PacifiCorp Baldwin Road substation in T15S, R15E, Section 12, Crook County Oregon. The applicant will secure a lease agreement with Crook County for most of this route (Tax Lots #1515000000300) and the line will terminate at the PacifiCorp substation (Tax Lot #1515000000313). Both property owners have authorized the applicant to act as agent for permitting activities<sup>1</sup>. The Crook County lease agreement option memo is attached as **Exhibit 1**.

2. **Zoning:** The subject property is zoned Industrial Park (IP) and is partly within the Airport Approach (AA) Overlay Zone. Zoning is shown on the map attached as **Exhibit 2**.

3. **Site Description:** The subject property is relatively fiat, not irrigated, with sagebrush and juniper trees. There are two existing PacifiCorp transmission lines in this area.

4. **Proposal:** The applicant requests modification of a Type II conditional use approval in CU-2015-104 to construct and operate and operate an approximately 1/2-mile long 115kV power transmission line in the City of Prineville IP zone.

5. **Project Summary:** The project will consist of a 115kV transmission line (see **Exhibit 3 and 4** for preliminary engineering and design specifications). This power transmission line will connect the Prineville Solar Energy project to the PacifiCorp Baldwin Road substation.

6. **Related Applications:** The applicant received an approved conditional use permit to build an approximately 1-mile 115kV transmission line in this area from the City of Prineville (CU-2015-104). Since that approval, a power agreement has been put into place and a new, better route identified to connect the transmission lines to the Baldwin Road substation.

Additionally, the applicant received an approved conditional use permit to operate a 320-acre, 55MW commercial photovoltaic energy system in Crook County (217-15-000266-PLNG).

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<sup>1</sup> Authorization for Crook County is addressed by signature on the Application Form. PacifiCorp authorization is addressed in the form of an Interconnection Agreement, which the applicant can submit under separate cover.



#### **IV. PROPOSED FINDINGS:**

##### **CHAPTER 153: Land Development**

##### **SPECIFIC ZONE REQUIREMENTS**

##### **CPC 153.062 INDUSTRIAL PARK IP ZONE (FORMERLY M-3 ZONE).**

**In an IP Zone, the following regulations shall apply:**

**(A) Purpose.** The purpose of the Industrial Park IP Zone is to provide for a variety of commercial, wholesale, trade and distribution, bulk retailing and industrial uses in a park or planned unit development type setting where visual appearance is a prime consideration. Uses permitted in this zone should require little or no outdoor storage of products, materials or equipment except as may otherwise be permitted in approved landscaped display areas. In many cases, such will require the limiting or exclusion of those commercial and industrial uses which commonly involve open, outside storage and outside operations that are not aesthetically attractive, that are commonly found in more intensive type industrial settings and/or involve hazardous or nuisance creating conditions, real or potential. Relative thereto, the provisions of this section are intended to do as follows:

- (1) Provide a mix of clean and attractive industries and commercial uses which have no on-site or off-site impacts in terms of noise, odor, glare, lights, smoke, dust or visual types of impacts.**
- (2) Provide for combining building materials and appearances, parking, landscaping and other design features which physically enhance the overall attractiveness of the area.**
- (3) Establish and maintain high aesthetic standards and preserve and enhance the natural features of the area.**
- (4) Encourage originality, flexibility and innovation in site planning and development, including architecture, landscaping and graphic design.**

**FINDING:** Applicant proposes a utility facility (major), which is a Type II conditionally allowed use that requires a public hearing in the IP Zone. The city defines a major utility facility to include "utility facilities...owned or operated by a...private company for the generation, transmission, distribution ...of its products..., and including...power transmission lines including their poles or towers...." This request is submitted by a private company for the transmission of power from the adjacent photovoltaic energy system to the PacifiCorp substation. The transmission of energy will require use of poles and wires.

**(B) Specific Conditions.** Section 153.083 contains a list of uses with specific conditions that may apply to specific types of uses.

**FINDING:** We review those specific conditions here. Section 153.083(L) authorizes public or private facilities, utilities and services. The specific conditions provide that public facilities, including electrical generation and transmission devices, "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." Section 153.083(L)(1). The specific conditions are reviewed below.

**(C) Design Review. Provisions set forth in 153.020 & 153.021 as applicable.**

FINDING: Section 153.020 addresses design review to ensure the proposal complies with standards and limitations in the applicable zone. Design review is addressed below.

**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.

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**(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.**

FINDING: In this case, the applicant proposes the installation of electrical generation transmission lines along the western edge of SW Baldwin Road. Applicant proposes a 115kV transmission line (see **Exhibit 3 and 4** for preliminary engineering and design specifications).

The nearest landowners are the Les Schwab Warehouse to the west of the property. A private landowner with an 80-acre parcel is located to the east of SW Baldwin Road. North of the transmission line proposal is a 2.70-acre parcel owned by a private party. Diagonal to the most northern edge of the proposed transmission line location is PacifiCorp's utility substation. As such, the proposed transmission line will minimally impact neighborhoods.



The transmission line components include poles and wires. The height of the poles will be between 60 to 130 feet and wires will connect each pole. The dimensions, including the distance between each pole, are set by industry standards for safety and reliability. These standards include designs to reduce avian electrocution injuries and fatalities.

The height range is for two reasons. First, the range is necessary to accommodate the grade of the underlying land; with an aim to allow the lines to be at a fixed height and the poles to be varying heights to account for ground undulation. Second, the range is necessary to cross any existing lines and maintain necessary clearances. After construction, the transmission line will require minimal on-going maintenance. Therefore, the only expected impact of the proposed use is appearance.

Proposed mitigation for the appearance impact created by the transmission poles is to use wooden poles that are earth-tone brown color or metal poles that can be weathered to reduce reflectiveness and blend in with wooden poles in the area. Further, the applicant agrees to maintain the height of the poles to 60 to 130 feet (transmission towers higher than 200 feet require additional review criteria). The transmission line will look similar to those that are currently on Crook County property.

Where feasible, all utility components shall be placed underground per Section 153.083(L)(3). For this proposal, the construction of an underground utility line that carries the anticipated energy load is not feasible. For safety reasons, the underground transmission line would have to be encased in a concrete duct bank, which is both prohibitively expensive and prevents ease of maintenance. Placing this line underground would cost an estimated ten times as much as placing it overhead. And by stringing it overhead, the system will have overall less downtime in case of a disruption of service, while complying with all safety regulations for people, birds and other animals.

Next, the specific conditions address wetland and riparian areas. Section 153.083 (L)(4). This provision does not apply to the proposal since the proposed transmission line is not located within a wetland or riparian area. This criterion is not applicable.

Lastly, co-location is required unless the applicant demonstrates that it is not feasible. Section 153.083(5). The proposed transmission line will co-locate with the existing PacifiCorp 115kV Ponderosa-Baldwin Road transmission line crossing over SW Baldwin Road on four structures. Two of these structures (noted as poles #9 and #11 on Site Plan) will be new and the other two (poles #10 and #12) will be replacements of existing structures. This will minimize impacts on the two private land parcels adjacent to the line. The rest of the line will not be co-located on the existing PacifiCorp 115kV Ponderosa-Houston Lake transmission line because doing so would require additional outages and costs.



**153.062 INDUSTRIAL PARK IP ZONE (FORMERLY M-3 ZONE), continued.**

**(D) Off-street parking and loading. Provided in accordance with the provisions set forth in 153.085 and 153.086.**

FINDING: The proposal does not include parking or loading and this code is not applicable.

**(E) Minimum landscaping requirements. When design review is required a minimum level of landscaping in accordance with 153.087 shall be required.**

FINDING: The applicant will not landscape the proposal since landscaping would be in conflict and a hazard for a utility line.

**(F) Streets & Public Facilities. When design review is required streets and public facilities shall be required in accordance with Section 153.194 and the City's Standards and Specifications. These improvements include but are not limited to right-of-way dedication, streets, stormwater management, sidewalks, waterlines, sewer lines, access management and the like.**

FINDING: The proposal does not include any required streets or public facilities and this criterion is not applicable.

**(G) Chapter 155 Natural Features Overlay District. This chapter contains provisions for the protection of riparian areas, wetlands, rimrock, Barnes Butte and construction on steep slopes.**

FINDING: The proposed power transmission line is not located within protected riparian areas, wetlands, rimrock, Barnes Butte and/or constructed on steep slopes. This criterion is not applicable.

**(H) Minimum sidewalk requirements. Whether replacing or required by design review; sidewalks shall be constructed to City Standards and Specifications. The minimum sidewalk width in an M-1 Zone is 5ft., unless otherwise approved under section 153.194 (V)(1).**

FINDING: The proposal does not include any sidewalks and this criterion is not applicable.

**(I)-(O) are not applicable as they relate to buildings and other proposed developments.**

FINDING: These criteria are not applicable.

**(P) Use limitations. In an IP Zone, permitted uses shall be subject to the following limitations and standards.**



(1) No use is permitted in the IP Zone which will or is expected to produce noise, fumes, gases or vibrations which exceed the standards of the State Department of Environmental Quality (DEQ).

(2) No use shall be permitted which has been declared a nuisance by action of the city, county, state or federal government or by a court of competent jurisdiction.

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

(4) No use is permitted in the IP Zone which will or is expected to generate, release, store or deposit hazardous materials or substances except as specifically approved by the DEQ and/or any other appropriate state and/or federal agency.

(5) 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).

(6) No use is permitted in the IP Zone if determined to be hazardous to aircraft operations by the FAA or State Aeronautics.

(7) 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 or a hazard to airport operations.

(8) Except as approved otherwise by the city in accordance with applicable access management provisions, there shall not be more than one access for ingress and one egress from properties accommodating uses permitted by this section.

FINDING: The proposal meets all of these criteria and does not produce noise, fumes, gases, or vibrations. The proposed power transmission line has not been declared a nuisance by action of any City, County, State, or Federal government, or by a court of competent jurisdiction. The proposed transmission line will not create noise, smoke, odor, dust or gas. No pollution or contaminant discharge permits are required for the proposed transmission line.

The proposed transmission line does not attract or aid in the propagation of insects or rodents or create a public health hazard or attractive nuisance hazard. The transmission line components include poles and wires. The poles are not fenced.

The proposed transmission line does not attract or aid in the propagation of insects or rodents or create a public health hazard or attractive nuisance hazard. The transmission line components include poles and wires. The poles are not fenced.

No permanent points of access are proposed. Construction of the project will be staged on property to the south. Regular access for infrequent on-going maintenance will include access adjacent to the poles on a non-dedicated road. There are no nearby residences, schools, hospitals or other noise sensitive use areas and safety zones.



**(Q) On-site equipment and utilities.** Except as approved otherwise by the city, all on-site utility lines shall be placed underground. All roof mounted fixtures, utility cabinets or similar equipment installed above ground shall be visually screened from public view from arterial and major collector streets

FINDING: Applicant requests above-ground utility lines as is consistent with the type and size of those utility lines in the Millican Corridor. As is explained in more detail above, with regard to Design Review, for the size and type of transmission of energy, above-ground lines are required.

**(R) Additional requirements.** As a condition of approval of any use proposed within an IP 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 section, this chapter and policies of the Comprehensive Plan.**

FINDING: The applicant proposes above-ground gen-tie lines to extend solar photovoltaic energy from the county-approved Prineville Solar Energy Project to the PacifiCorp Baldwin Road substation at the northeast corner of SW Baldwin Road. No additional setbacks, parking and loading facilities, signage, or landscaping is required.

#### **CPC 153.020 Site Plan And Design Review Provisions.**

**(A) Purpose.**

**(1)** The purpose of the design review provisions of this chapter is to ensure that development within the city complies with standards and limitations set forth within the applicable zoning regulations, other city standards and requirements, and with applicable county, state and federal regulations. It is also the intent of these provisions that some level of review be exercised regarding the aesthetics of developments for the goal of maintaining the desirable character and living quality of the community or of specific areas within the community. The overall community character and living quality is defined by the following: keeping buildings in scale; honoring the beauty and ecology of the city's natural setting; and recognizing that historical and natural features are an integral part of the community's overall character.

**(2)** This broad purpose is furthered by the following specific purposes of design review:



**(a) To implement the goals and policies of the Comprehensive Plan.**

FINDING: The city maintains an array of associated transmission lines on its upper plateaus and a few in the valley floor. The comprehensive plan addresses multiple industrial parks and enterprise zones which are located near the proposed location, including the Baldwin Industrial Park, the Tom McCall Industrial Park (118 acres), and the Prineville Airport Business/Industrial Parks, to name a few. The comprehensive plan indicates a City intent to encourage more use of industrial park zones to benefit the City, and to particularly preserve large parcels for industrial campuses. Comprehensive Plan at p. 78.

This application conforms to the City's intention for the IP zone in that the solar site will be used for renewable energy sources for the industrial park users. Thus, the solar transmission lines will continue to support the expansion and use of industrial lands near the airport. *Id.* at p. 86.

Furthermore, given that the applicant's proposal extends parallel to SW Baldwin Road and minimally impacts the use of the underlying land, the underlying land remains available to another industrial use. This comports with the goal of specifically focusing marketing efforts on smaller industrial developments. *Id.* at p. 87.

Chapter 8 of the Comprehensive Plan address public services and facilities. Here, the plan indicates a preference that utility lines be located on or adjacent to public or private rights-of-way to avoid dividing farm units. *Id.* at p 144. As applied to this power transmission line proposal, the poles and lines will be located on industrial park-zoned land, not farm land. Additionally, the poles and lines will be located near the edges of property lines so as to avoid dividing land units.

**(b) To foster development that is designed, arranged and constructed in a manner that provides a safe, efficient and aesthetically pleasing community asset.**

**(c) To encourage originality and creativity in site design, architecture and landscape design.**

**(d) To ensure required public and site improvements and ensure that the arrangement of all functions, uses and improvements of a development reflect the natural amenities, capabilities and limitations of its site and adjacent areas.**

**(e) To encourage development where the various structures, use areas and site elements are integrated in a manner that is visually harmonious within the development and the surrounding area.**



**(f) To encourage development and landscape design that complements the natural landscape and setting, improves the general appearance of the community and enhances specific elements of the manmade environment, both presently and historically.**

FINDING: The transmission poles will be 60 to 130-foot tall wooden poles that are earth-tone brown color or metal poles that are weathered to reduce reflectiveness. The applicant is co-locating lines with PacifiCorp where feasible, as well. These efforts will go a long way to minimizing and mitigating the impact of the poles on the surrounding area. The design of the proposed transmission line is consistent with those poles and lines approved for other projects in this area.

**(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.**

FINDING: The proposed transmission line is a new development and subject to design review.

**(E) Design review authority. The authority for design review is set forth as follows:**

**(1) For those uses subject to design review and classified as outright or Type I conditional uses, the City Planning Official and/or the City Manager, and the City Superintendents of Streets and Public Works, the City Fire Chief and the City Police Chief shall be responsible for the design review thereof. As deemed necessary, the County's Environmental Health Officer, as well as other agency and/or organizational representatives, may be requested to participate in the design review of specific use and/or development proposals. Any outright or Type I conditional use may be referred to the City Planning Commission based on neighbor concerns, or potential significant impact on the community as determined by the Planning Director in accordance with § 153.017 (permit processing).**

**(2) The City Planning Commission shall be responsible for the design review of all uses classified as Type II conditional uses as well as any outright use or Type I conditional use that is referred to the City Planning Commission by the Planning Director.**

FINDING: The applicant is hereby submitting the conditional use permit application and the site plan to the City Planning Commission for review.



**(F) Design review procedure. The following procedure shall be used in reviewing site and building design plans:**

**(1) Pre-application conference. Prior to applying for design review plan approval, applicants are encouraged to meet with the City Planning Official, City Engineer, and Superintendents of Streets and Public Works, or designees thereof, and present a preliminary plan which shall contain, in an approximate manner, the information required on a design review plan application.**

FINDING: The applicant met with Planning Director Josh Smith on April 5, 2019 to conduct a pre-application conference.

**(a) The purpose of the preliminary site plan review is to enable the applicant to obtain advice from the city as to the intent, standards, criteria and provisions of this section, this chapter, other city ordinances, standards and regulations, and state and federal rules and regulations which may be pertinent to the proposal.**

**(b) Information presented for preliminary discussion shall be considered confidential if so requested by the applicant.**

**(2) Consolidation of land use actions. Where a proposed use or development requires a variance, conditional use, partitioning, subdivision or other action which requires site plan or Planning Commission approval, the design review and applicable land use action by the respective reviewing authority may be combined into a single process.**

FINDING: The applicant is consolidating the request for conditional use permit review and the design review for site plan in this one application. Additionally, the applicant is concurrently submitting a site plan permit to the county for a corner turn of the transmission line.

**(3) Application. A property owner or authorized representative thereof may initiate a request for design review plan approval by filing an application with the city using forms prescribed by the city together with the required filing fee. In addition to the application form, the applicant shall submit the following information:**

**(a) Requirements for information submitted. Information provided on the design review plan shall conform to the following:**

**1. Drawings depicting the proposal shall be presented on sheets not larger than 24 inches by 36 inches in the number of copies directed by the city, but in no case less than five.**

**2. To facilitate public reviews and notice, at least one copy of the proposal shall be provided on a sheet of paper not larger than 11 inches by 17 inches.**



3. Drawings shall be at a scale sufficiently large enough to enable all features of the design to be clearly discerned.

4. The city may require that a digital copy of the drawing, development plan or other information be provided to the city in a format adaptable to the city's computer systems.

FINDING: A site plan for the proposed transmission line connecting the photovoltaic energy system to the Baldwin Road substation is attached here as **Exhibit 4**. These drawings depict the proposal as required and are scaled sufficiently large to allow the design to be clearly discerned. A digital copy of exhibits is available upon request.

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(d) **Site development plan. This element of the design review plan shall indicate the following:**

**1. Legal description of the property.**

FINDING: The property description is the East ½ of the East ½ half of the Southwest ¼ of Section 12, Township 15 South, Range 15 East of the Willamette Meridian, Crook County, Oregon. The proposal impacts the most eastern line of the otherwise large Tax Lot 300.

**2. Boundary dimensions and site area.**

**3. Location of all existing and proposed structures, including distances from the property lines.**

FINDING: Please see **Exhibit 4** for the boundary dimensions and location of the proposed poles.

**4. Area and percent of the site to be covered by structures, existing and proposed.**

FINDING: The proposed transmission line will extend approximately ½-mile in length along the west side of Baldwin Road until it crosses in a northeast direction into the Baldwin Road substation.

**5. All external dimensions of existing and proposed buildings and structures.**

**6. Location of building entrances and exits.**

**7. Parking and circulation areas, including their dimensions.**

**8. Service areas, for such uses as the loading and delivery of goods.**



FINDING: These criteria are not applicable as the request includes a power transmission line only and does not include any other buildings and structures or parking areas.

**9. Locations, descriptions and dimensions of any easements.**

FINDING: The proposed transmission line will make use of a utility easement to extend the poles and wires along Crook County property and into land owned by PacifiCorp.

**10. Grading and plans, including spot elevations and contours at five-foot intervals.**

FINDING: The existing topography is fairly level and construction of the proposed power transmission line will require minimal grading.

**11. Location of areas to be landscaped, including existing trees and natural landscaping to be retained.**

FINDING: No areas of landscaping are proposed with the request for the proposed transmission line.

**11. Outdoor recreation and/or play areas.**

FINDING: No outdoor recreation or play areas are proposed with the request for the proposed transmission line.

**12. Pedestrian and bicycle circulation and amenities.**

FINDING: No pedestrian or bicycle circulation or amenities are proposed with the request for the proposed transmission line.

**14. Location of mechanical equipment not enclosed within a building, garbage disposal areas, utility appurtenances and similar structures.**

**15. Exterior lighting.**

**16. Location, size and method of illumination of signs.**

**17. Provisions for ADA compliance.**

FINDING: The request for the proposed associated transmission lines does not include mechanical equipment or garbage disposal areas, nor does it include exterior lighting or signage.



**18. Other site elements which will assist in the evaluation of site development.**

FINDING: The request for the proposed transmission line will be located on non-arable land currently zoned Industrial Park (IP). See **Exhibit 7**. The land underlying the poles and lines is currently unimproved.

**19. Location, names, surface and right-of-way widths and improvement standards of all existing and proposed streets within or adjacent to the proposed development.**

FINDING: The proposed associated transmission lines will be located close to SW Baldwin Road but will be located on property owned by Crook County.

**(g) Architectural drawings. This element of the design review plan, if required by the reviewing authority, shall indicate the following:**

**1. A plan specifying the building footprint and dimensions, including all points of access. Floor plans of interior spaces to the extent required to clarify access functions and the relationship of the spaces to decks, porches, balconies and stairs or other features shown on the building elevations. The floor plans shall be provided for all building floors and shall include appropriate dimensions.**

**2. Exterior elevations showing building heights, windows, doors, exterior light fixtures, stairways, balconies, decks and other architectural details. These elevations shall be provided for every exterior wall surface, including those which are completely or partially concealed from view by overlapping portions of the structure. Existing and finished grades at the center of all walls shall be shown with elevations of floors indicated and a dimension showing compliance with height limitations.**

**3. For any building proposed in any of the airport zones (AA, AO, AD, AC, AM and AR), exterior elevations shall include a description of the color and texture of finish materials and shall specifically identify any proposed reflective materials. Samples of the materials and color ranges of siding, roofing and trim may be required if deemed necessary by the Planning Director in order to review any potential safety hazards related to the airport operations. Any use within any airport zone shall be subject to review and approval of the Federal Aviation Administration (FAA)..**

**4. Location and type of exterior light fixtures, including the lamp types and the levels of illumination that they provide.**

**5. Location, size and method of illumination of all exterior signs.**



FINDING: The proposed transmission line does not include any buildings or exterior lighting or signage.

(h) **Property survey.** A survey of the property by a licensed land surveyor shall be required and shall clearly delineate property boundaries and show the location of the corners of proposed buildings and other significant features proposed for the site. The requirement for a survey of the exterior boundaries of a site may be waived where it is found that there is a recent survey that can be used to clearly establish the applicant's property boundaries.

FINDING: The property boundaries are clearly delineated on recent surveys attached here as **Exhibit 5**. The attached **Exhibit 4** shows the location of the transmission line.

(G) **Design review criteria.** 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:

(1) **Statement of intent.**

(a) The design review criteria are intended to provide a frame of reference for the applicant in the development of a site, building and landscape plans, as well as providing the city with a means of reviewing proposed plans.

(b) These criteria are not intended to be inflexible requirements, nor are they intended to discourage creativity. The specification of one or more architectural styles is not intended by these criteria.

(c) The reviewing authority is not authorized as a part of the design review process to approve projects which exceed specific development standards set forth by the applicable zone unless the exceptions are approved in accordance with specific variance or other provisions set forth in this chapter.

(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:

(d) 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.

(e) 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.

(f) 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).



(g) 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.

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

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

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

(k) Any proposed building with a footprint over 40,000 square feet located in a commercial zone or a building with over 40,000 square feet of retail area in an industrial zone shall comply with the special requirements as specified in § 153.021.

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

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

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

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

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

(p) The design delineates and separates use areas, where it is desirable to do so.

FINDING: The proposed power transmission line makes effective use of the site topography and placement to ensure that the poles and lines do not divide parcel units. The poles have a small footprint with minimal impact to existing trees and natural features.

The location of the transmission line is setback from Highway 126 and not visible from the valley floor. The proposed transmission line will be amongst several existing transmission lines in the area. The varying height of the poles, between 60 and 130 feet, will accommodate the variation in the topography to ensure the wires maintain a consistent height.

Additionally, the transmission lines will co-locate with PacifiCorp on a few poles, as the lines extend closer to the Baldwin Road Substation, to further reduce impact and provide for consistent design.

#### **CPC 153.070 Airport Zones General Criteria**

...



**(B) Application.** Information accompanying an application for a permit within an Airport Zone shall include the following:

**(1)** Property boundary lines as they relate to Airport Imaginary Surfaces or to the boundary lines of the RPZ, BRL, OFA and/or RSA Areas, and to the airport layout plan as may be amended.

**(2)** Location and height of all existing and proposed buildings, structures, utility lines and roads.

**(3)** In accordance with OAR Chapter 738, Division 100, the reviewing planning authority shall notify the airport managing authority and State Aeronautics of land use permits of zone changes within 5,000 feet of a visual and 10,000 feet of an instrument airport in a manner as to provide the parties an opportunity to review and comment.

FINDING: The proposed transmission line falls within 10,000 feet of the Prineville airport. The location and height of the poles and wires is included with this application. In accordance with the state administrative rule, the applicant notified the Prineville airport managing authority Kelly Coffelt of the application for conditional use permit to site the transmission line. Further, the applicant advised the airport managing authority that the applicant had applied for an FAA No Hazard Determination letter. A No Hazard letter previously had been obtained as part of the 2017 transmission line application.

**(C) Design and use criteria.** In the consideration of an application for a proposed use in an Airport Zone, the reviewing authority shall take into account the impact of the proposed use on the airport and on nearby commercial and industrial uses, on resource carrying capacities, on the capacity of transportation and other public facilities and services and on the appearance of the proposal. In approving a proposed use, the reviewing authority shall find the following.

**(1)** The proposal is in compliance with the Comprehensive Plan, and more specifically with the Airport Layout Plan.

FINDING: A copy of the most recent airport plan is included herewith as **Exhibit 6**. The proposed transmission line falls within the Airport Approach (AA) zone which establishes conservative height limits.

**(2)** The proposal is in compliance with Site and design review section 153.020 and/or 153.021. Site Design of any permitted use shall protect the future use and development of the airport. Within the AR zone special design considerations shall be given and may be required to protect scenic views from State Highway 126 and from the airport, and special design considerations shall be given to requirements that maximize the compatibility with and continuing use and development of the airport.



FINDING: The proposed transmission line is in compliance with site and design review criteria, addressed herein. The proposed transmission line is not within the AR zone.

**(4) The proposal is in compliance with the intent and provisions of this chapter and more particularly with this section.**

FINDING: The proposed transmission proposal has been designed to ensure it will not pose a safety hazard to aviation.

**(5) That any identifiable social, economic, physical or environmental impacts are minimized or effectively mitigated.**

FINDING: The proposed transmission line minimizes and mitigates its impact on surrounding areas and other impacts. The transmission poles will be 60 to 130-foot-tall wooden poles that are earth-tone brown color or metal poles weathered to reduce reflectiveness. Additionally, the applicant is co-locating the transmission lines, where feasible, with PacifiCorp as the lines enter into the SW Baldwin Road substation.

**(6) The proposal is in compliance with applicable State Aeronautics and FAA regulations.**

FINDING: The applicant has requested a FAA Determination of No Hazard for the proposed transmission line. The applicant agrees to a condition that it shall meet all FAA standards and provide verification that the facilities are within compliance with FAA rules.

**(F) Use limitations. In addition to those limitations that may be applicable as set forth in an airport approach overlay zone (AA Zone), the following limitations and standards shall apply to all permitted uses in an Airport Zone.**

**(1) No use may result in the following:**

- (c) Electrical interference with navigational signals or radio communication between the airport and aircraft.**
- (d) Make it difficult for pilots to distinguish between airport lights and lighting, from nearby land uses.**
- (e) Impairs visibility.**
- (d) Creates or is expected to increase bird strike hazards.**
- (a) Endangers or interferes with the landing, taking off or maneuvering of aircraft intending to use the airport.**

FINDING: The transmission line proposal has been designed to ensure it will not result in electrical interference, making it difficult for pilots to distinguish between lighting, impaired visibility, bird strike hazards, or interfering with maneuvering of aircraft.

**(2) Any use shall meet the standards established in FAA Regulations, Part 77 and O.A.R. Ch. 738, Division 70; no structure shall penetrate into the Airport Imaginary Surfaces as defined in subsection (A) of this section.**



FINDING: The applicant has submitted a request to obtain an FAA No Hazard Determination letter. No structure may penetrate the Airport Imaginary Surface, which includes:

"surfaces established with relation to the airport and to each runway based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway shall be determined by the most precise approach existing or planned for that runway end." OAR 660-13 Exhibit #1.

The applicant notes that the approach slope is calculated on a 20:1 slope, per OAR 660-13 Exhibit #1.

**(1) Whenever there is a conflict on height limitations prescribed by this zone and any applicable overlay or combining zone, the lowest height limitation shall govern.**

FINDING: The application appears to be within both the Airport Approach and the Horizontal Zones. The lowest height limitation of the two is the Airport Approach zone. It is the Airport Approach zone that has been reviewed as part of this application.

**(2) As may be applicable, no place of public assembly shall be permitted in the Airport Approach Safety Zone or Runway Protection Zone (RPZ), and no structure or building shall be allowed within the RPZ.**

FINDING: The proposed transmission line does not include a place of public assembly nor does it include any structure or building in the RPZ.

**(3) Except as may otherwise be approved by the city, county, State Aeronautics and FAA, no use shall be approved under the provisions of this section that proposes or would require any overhead power or other utility lines to be located in clear or approach zones, or in the RPZ.**

FINDING: The proposed transmission line is located in the Airport Approach zone. As such, the applicant will submit a request to the FAA to determine that the proposal presents no hazard to aviation.

**(6) No development shall be permitted that attracts or sustains hazardous bird movements from feeding, watering or roosting across the runways and/or approach and departure patterns of aircraft, nor shall any use be permitted under the provisions of this section if the use will allow or cause ponding which is likely to attract birds, or which otherwise is likely to attract birds which are normally considered high flight.**

FINDING: The proposed transmission line will be constructed to deter birds from roosting in the poles. The transmission line will not create ponding.



**(7) No use shall be approved under the provisions of this section that does not utilize glare resistant materials in construction and landscaping that will minimize hazards to airport operations.**

FINDING: The transmission poles will be wooden poles that are earth-tone brown color or metal poles weathered to reduce the possibility of glare.

**(8) It is the intent of this section, and the reviewing authority may require, that all structures permitted pursuant hereto be surfaced primary with earth tone colors, although limited surface areas of not more than 15% may be approved with accent colors if such a requirement are set forth.**

FINDING: The power transmission poles will be wooden poles that are earth-tone brown color or metal poles weathered to reduce reflectiveness.

**(9) All structures and uses approved under the provisions of this section shall be maintained in a good and attractive appearance, and such may be set forth as a condition of approval by the reviewing authority.**

FINDING: The proposed transmission line will be maintained in a good and attractive appearance for safety and reliability purposes.

**(10) No on-site lighting shall be permitted which is determined to be hazardous to airport operations.**

FINDING: The proposed transmission line does not include any lighting.

**(11) Any use permitted under the provisions of this section that is determined to be incompatible with an existing or planned use adjacent thereto or across the street from it, shall be screened from the incompatible uses by densely planted trees and shrubs or sight-obscuring fencing.**

FINDING: The proposed transmission line does not include any screening. As much vegetation as possible will be maintained as is currently on the underlying land.

**(12) In noise sensitive areas (within 1,500 feet of an airport or within established noise contour boundaries of 55 DNL and above) where noise levels are a concern, a declaration of anticipated noise levels shall be attached to any building permit, land use or division permit, deed and mortgage records. In areas where the noise level is anticipated to be 55 DNL and above prior to issuance of a building permit for construction of a noise sensitive land use (real property normally used for sleeping or normally used as schools, churches, hospitals or public libraries) the permit applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design which will achieve an indoor noise level equal to or less than 55 DNL.**

FINDING: The proposed transmission line is not in a noise sensitive area.



(4) No use shall be permitted which has been declared a nuisance or a hazard to airport operations by statute or action of the city, the county, State Aeronautics, FAA or by a court of competent jurisdiction.

FINDING: The proposed transmission line has not been declared a nuisance or hazard to airport operations.

#### **CPC 153.071 Airport Specific Zones.**

##### **(A) Airport Approach Overlay (AA) Zone.**

In an AA Zone, the following regulations shall apply in addition to those of the underlying primary zone as applicable.

###### **(1) Purpose.**

(f) This overlay zone is intended to prevent the establishment of airspace obstructions in airport approaches and areas through height restrictions and other land use controls as deemed essential to the future development of the airport, and to protect the health, safety and welfare of the people of the city and county and airport users.

(g) In order to carry out the provisions of this overlay zone, there are hereby created and established certain zones which include certain lands lying beneath the Airport Imaginary Surfaces as they apply to Airport located in the Prineville Urban Area within Crook County. The zones are shown on the current Airport Layout Plans and may be amended.

(2) **Internal Zones.** Zones BRL, OFA, RSA and RPZ are within the AA zone. Uses in this area are limited to the following:

(h) Operations involving the alteration, removal, maintenance and other nonstructural activities associated with native vegetative cover.

(i) Uses of a public works, public service or public utility nature, including the maintenance or improvement of such, and including runway, taxiway, street or road construction or maintenance activities.

(j) Other uses and activities specifically identified on the 1995 Airport Layout Plan within the areas as approved by the city, the county, State Aeronautics and FAA; and as such may be amended and subsequently approved by the city, county, State Aeronautics and FAA.

(3) **Uses Allowed.** See airport zone use tables in section 153.039 [Airport Use Table]

FINDING: The proposed transmission line falls within the Airport Approach zone and a utility facility is a Type 1 conditionally allowed use in these zones [AA, AO, AD, AC, AM].



The applicant evaluated the viability of various transmission routes for the associated transmission line which would meet engineering and operational requirements as well as limit landowner impacts and impacts to surrounding properties. The selected route was chosen due to landowner consents, landowner requirements, viewshed impacts and cost effectiveness.

The selected route extends from a corner of land located within the county jurisdiction onto land located within city limits. Additionally, the applicant took into consideration the view shed from downtown at 3<sup>rd</sup> and Main Street. The proposed transmission poles and lines will be located west of the Apple Inc. data center, which has a maximum height of 42 feet as identified in project C-2012-107 and has existing transmission lines of similar height and appearance. Additionally, the proposed transmission line will not be visible from Highway 126.

## **NONCONFORMING USES AND EXCEPTIONS**

### **CPC 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.

**FINDING:** Despite transmission towers being exempt from height requirements, part of the subject request is located within the Airport Approach (AA) Overlay Zone. Thus, the applicant is required to address the height limitation and impact on the AA zone.

The applicant has requested a FAA Determination of No Hazard for the proposed transmission line. The applicant agrees to a condition that it shall meet all FAA standards and provide verification that the facilities are within compliance with FAA rules.

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## **CONDITIONAL USES**

### **CPC 153.137 Application for Conditional Use.**

A property owner or duly authorized agent may initiate a request for conditional use or the modification of an existing conditional use by filing an application with the city using forms prescribed therefore by the city. The standard application form shall be completed in its entirety and shall be accompanied by a



site plan, drawn to scale, and showing the dimensions, arrangement and intended use of the proposed development. The application shall also be accompanied by a vicinity map showing the subject property, all properties within 100 feet and the names and addresses of all property owners within 100 feet as reported by the current County Assessor's records. If an application is submitted by any person or persons other than the property owner or authorized agent thereof, the application shall be jointly signed by the owner or agent, or there shall be submitted an accompanying certified statement from the owner or agent attesting to the knowledge and approval of the submittal. An application shall not be deemed complete unless accompanied by the required filing fee established by the City Council by ordinance or resolution.

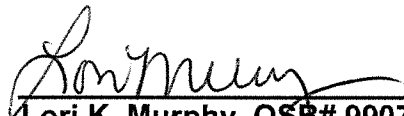
FINDING: The applicant has submitted property owner consent, this conditional use permit burden of proof, and the accompanying exhibits to show the dimensions and scale of the proposed transmission towers and lines. **Exhibits 1, 3 and 4.**

The applicant includes a vicinity map showing the subject properties within 100 feet and the names and addresses of all property owners within 100 feet of the subject properties. **Exhibit 2**, page 2 of 2.

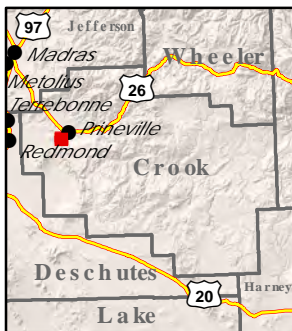
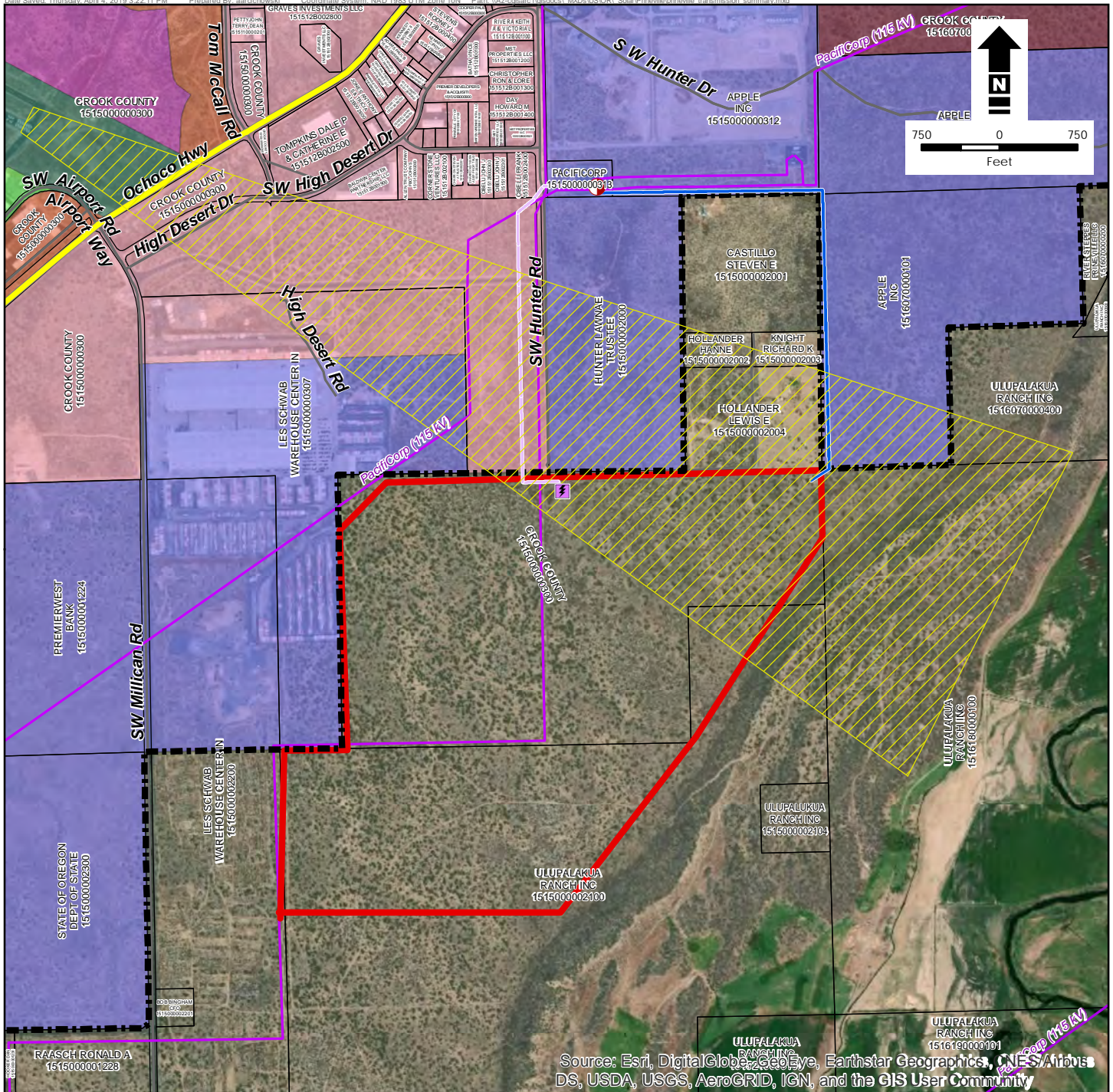
**V. CONCLUSION:**

This modification of conditional use application meets all of the applicable criteria and the applicant requests approval of a Type II conditional use approval to construct and operate an approximately 1/2-mile long, 115kV power transmission line in the City of Prineville Industrial Park IP zone.

Respectfully submitted this 29<sup>th</sup> of April, 2019.

  
Lori K. Murphy, OSB# 990700  
Of Attorneys for Applicant





- |   |   |   |
|---|---|---|
| <p> Prineville Solar Energy Project Substation</p> <p> PAC Baldwin Rd Substation POI</p> <p><u>Road Classification</u></p> <p> US/State Route</p> <p> Local Road</p> <p><u>Transmission Line</u></p> <p> 100 - 161 kV</p> <p> Revised Proposed Solar Energy Project</p> <p> Transmission Line</p> | <p> Cu-2015-104 Approved</p> <p> Prineville Solar Energy Project Transmission Line</p> <p> Prineville Solar Energy Project Area</p> <p> Parcel Boundary</p> <p> City of Prineville</p> <p> Airport Approach (AA) Overlay Zone</p> <p><u>City of Prineville Zoning</u></p> <p> Airport Business-Industrial</p> <p> Airport Commercial</p> <p> Park Reserve</p> | <p> Industrial Park</p> <p> Airport Operations</p> <p> Airport Development</p> <p> Light Industrial</p> |
|---|---|---|

## Transmission Line Vicinity Map

Prineville Solar Energy Center, Crook County, Oregon

Rev. 02

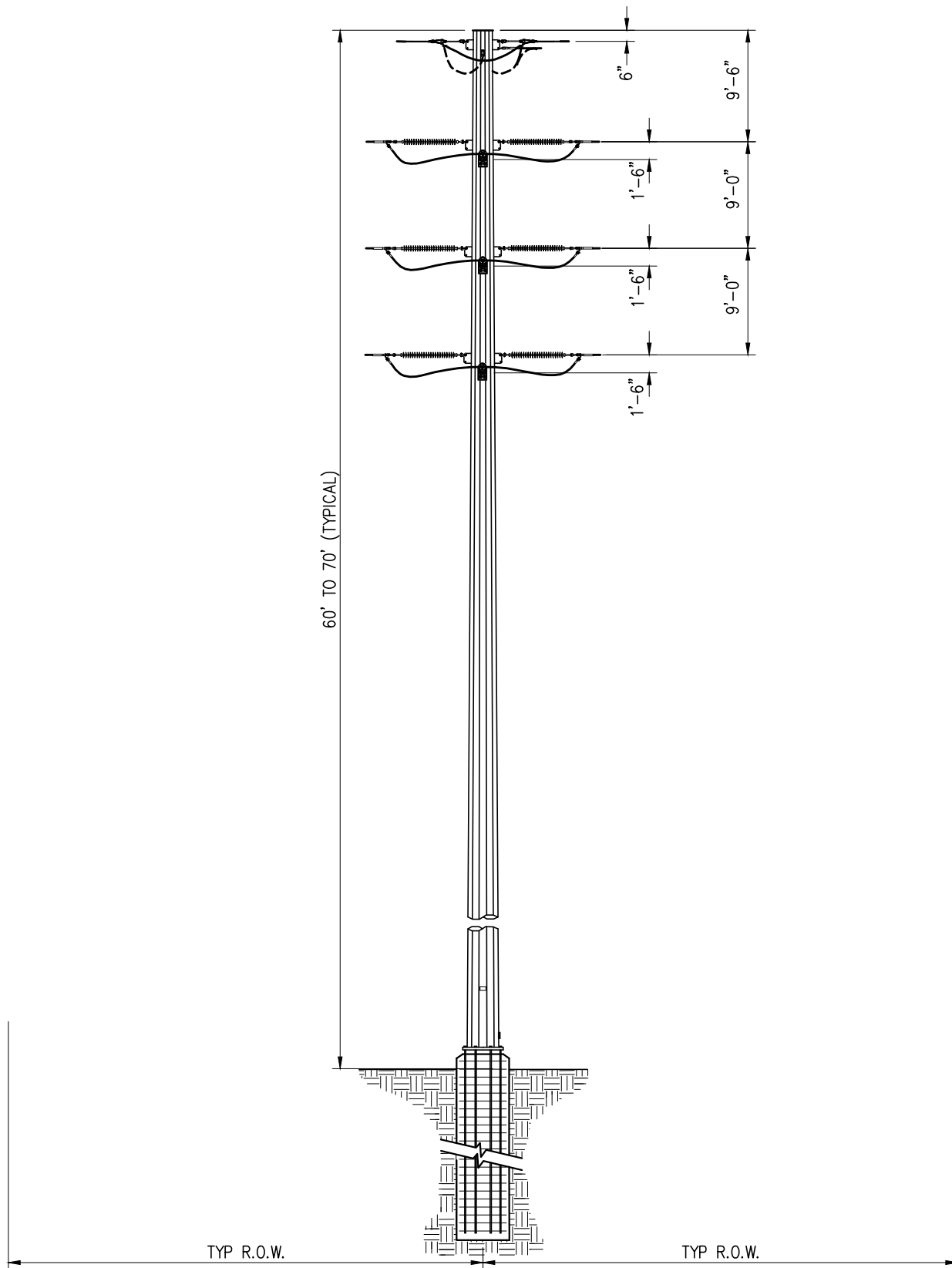
April 04, 2019

**Invenergy**

One South Wacker Drive Suite 1800  
Chicago, Illinois 60606  
(312) 224-1400



FILE LOCATION: L:\INVENRGY MIND, LLC\INV-151 PRINEVILLE SOLAR\TRANSMISSION\CADD\WORKING\EXHIBIT\ASSEMBLY DRAWING\PSP-A-T006-2.DWG LAST SAVED BY: mdcottet 10/30/2015 10:20 AM PLOTTED BY: Michael D. Cottet 10/30/2015 10:20 AM Tab: TDE-120S-40

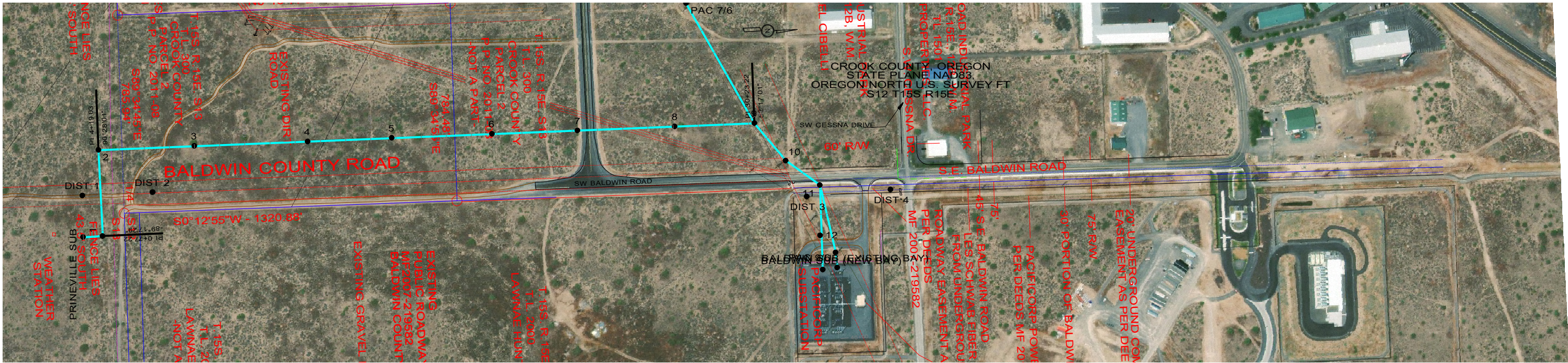


Invenergy

ENGINEERING RECORD		DATE
DRAWN	M. COTTET	10/30/15
DESIGNED	N. GILMAN	10/30/15
CHECKED		
APPROVED		
DWG SCALE: NONE		PLT SCALE:

PRINEVILLE SOLAR 120 kV TRANSMISSION LINE	
SINGLE CIRCUIT DEADEND STRUCTURE	
TDE-120S-0	
DWG. NAME:	PSP-A-T006-2
REVISION NO :	-

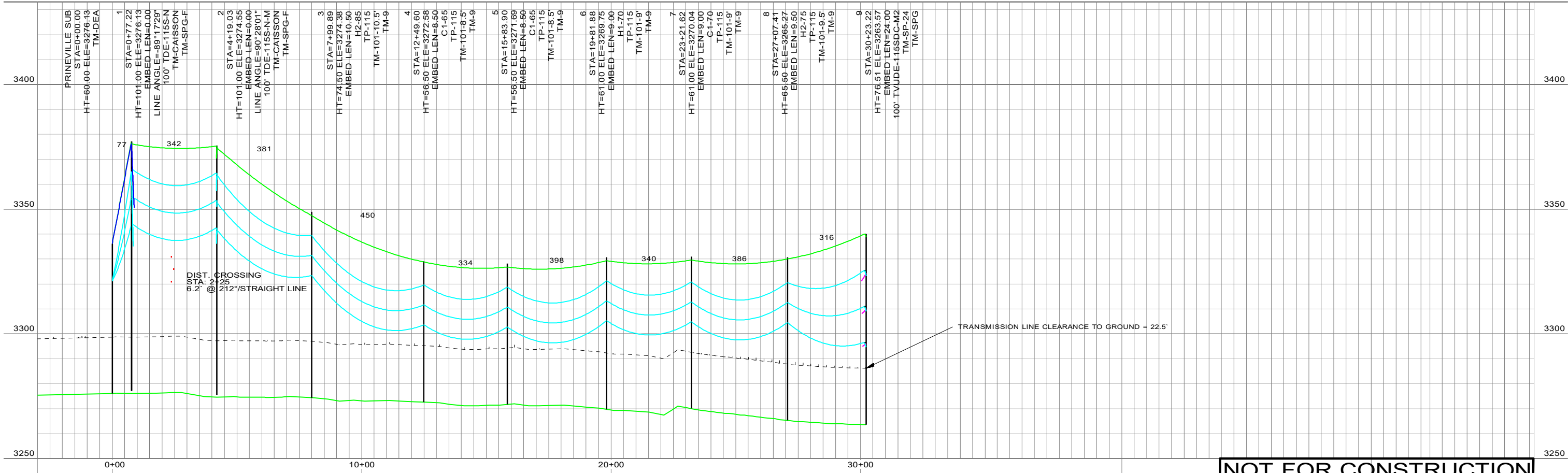
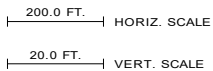




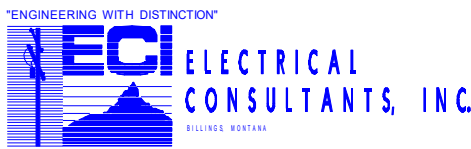
GENERAL NOTES:

1. LINE DESIGN ADHERES TO PACIFICORP STANDARDS TA 041, TA 061, TC 111, AND TC 141 AND REQUIRMENTS SET FORTH IN DCSS.
2. PACIFORP STRUCTURES 8/6 AND 8A/6 FROM THE PONDEROSA - PRINEVILLE 115 KV LINE WILL BE REPLACED BY STRUCTURES 9 AND 10 FROM THE PRINEVILLE 115 KV LINE.
3. PACIFICORP PLAN AND PROFILE DRAWING 25575T03A - REV3 FOR PONDEROSA - PRINEVILLE 115 KV WAS USED AS A REFERENCE IN AID TO THIS DESIGN.

PRINEVILLE SUB - 1, 115KV, DRAKE ACSR - 2500 NESG MEDIUM WIR, RULING SPAN 69 (FT), TENSION 861 (LBS) AT 60 (DEG F) INITIAL, DISPLAYED 212 DEG F MAX SAG 445 (LBS)  
1 - 2, 115KV, DRAKE ACSR WIR, RULING SPAN 338 (FT), TENSION 5257 (LBS) AT 60 (DEG F) CREEP, DISPLAYED 212 DEG F MAX SAG 2688 (LBS)  
PAC 7/6 - 9, 115KV, DRAKE ACSR - 10000 NESG HEAVY WIR, RULING SPAN 546 (FT), TENSION 5596 (LBS) AT 60 (DEG F) INITIAL, DISPLAYED 212 DEG F MAX SAG 3116 (LBS)  
PRINEVILLE SUB - 1, 0KV, AC-74-552 - 1450 CAT, 60 DEG WIR, RULING SPAN 69 (FT), TENSION 716 (LBS) AT 60 (DEG F) INITIAL, DISPLAYED 0 DEG F INITIAL 1828 (LBS)  
1 - 2, 0KV, AC-74-552 - 6150 CAT, 60 DEG WIR, RULING SPAN 338 (FT), TENSION 2483 (LBS) AT 60 (DEG F) CREEP, DISPLAYED 0 DEG F INITIAL 4327 (LBS)  
PRINEVILLE SUB - 1, 0KV, 3, 8EHS - 1450 CAT, 60 DEG, RULING SPAN 69 (FT), TENSION 396 (LBS) AT 60 (DEG F) INITIAL, DISPLAYED 0 DEG F MAX SAG 826 (LBS)  
9 - 10, 115KV, DRAKE ACSR - 0950 NESG MEDIUM WIR, RULING SPAN 194 (FT), TENSION 546 (LBS) AT 60 (DEG F) CREEP, DISPLAYED 212 DEG F MAX SAG 508 (LBS)  
2 - 9, 115KV, DRAKE ACSR WIR, RULING SPAN 378 (FT), TENSION 5370 (LBS) AT 60 (DEG F) CREEP, DISPLAYED 212 DEG F MAX SAG 2947 (LBS)  
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9 - 10, 0KV, AC-74-552 - 625 CAT, 60 DEG WIR, RULING SPAN 194 (FT), TENSION 253 (LBS) AT 60 (DEG F) CREEP, DISPLAYED 0 DEG F INITIAL 271 (LBS)  
9 - 10, 0KV, AC-74-552 - 625 CAT, 60 DEG WIR, RULING SPAN 191 (FT), TENSION 253 (LBS) AT 60 (DEG F) CREEP, DISPLAYED 0 DEG F INITIAL 272 (LBS)



NOT FOR CONSTRUCTION



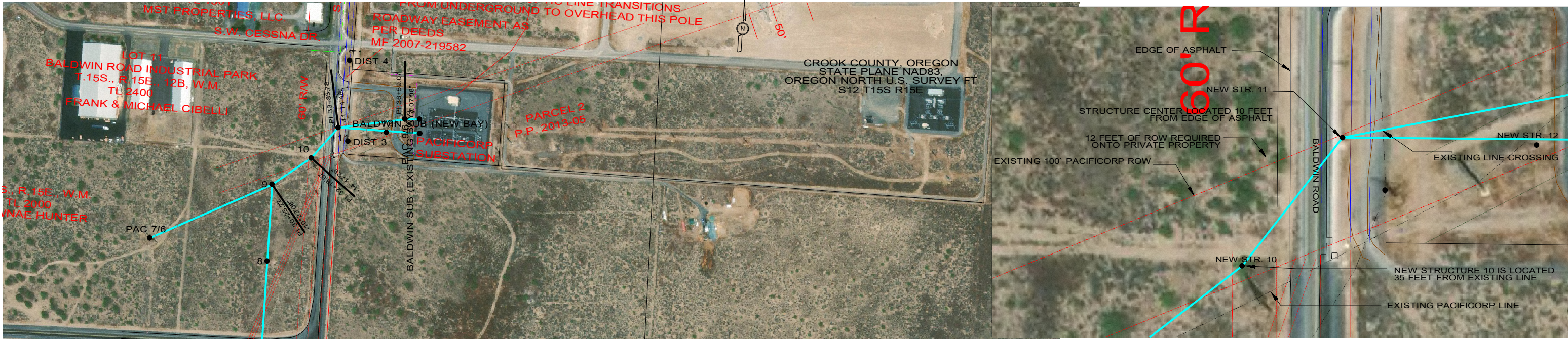
A	ISSUED FOR 30% REVIEW	03/1/19	LJH	AJD
NO	REVISION	DATE	BY	APR

Invenergy LLC

ENGINEERING RECORD		DATE
DRAWN	L. HARTMAN	03-01-19
DESIGNED	L. HARTMAN	03-01-19
CHECKED	D. BROWN	03-01-19
APPROVED	A. DILWORTH	03-01-19
VERT. SCALE: 1"=20'		HORIZ. SCALE: 1"=200'

PRINEVILLE SOLAR 115 KV TRANSMISSION LINE	
PLAN AND PROFILE	
STA 0+00 TO STA 30+00	
DWG. NAME: PSP-D-T004-001	REVISION NO : A

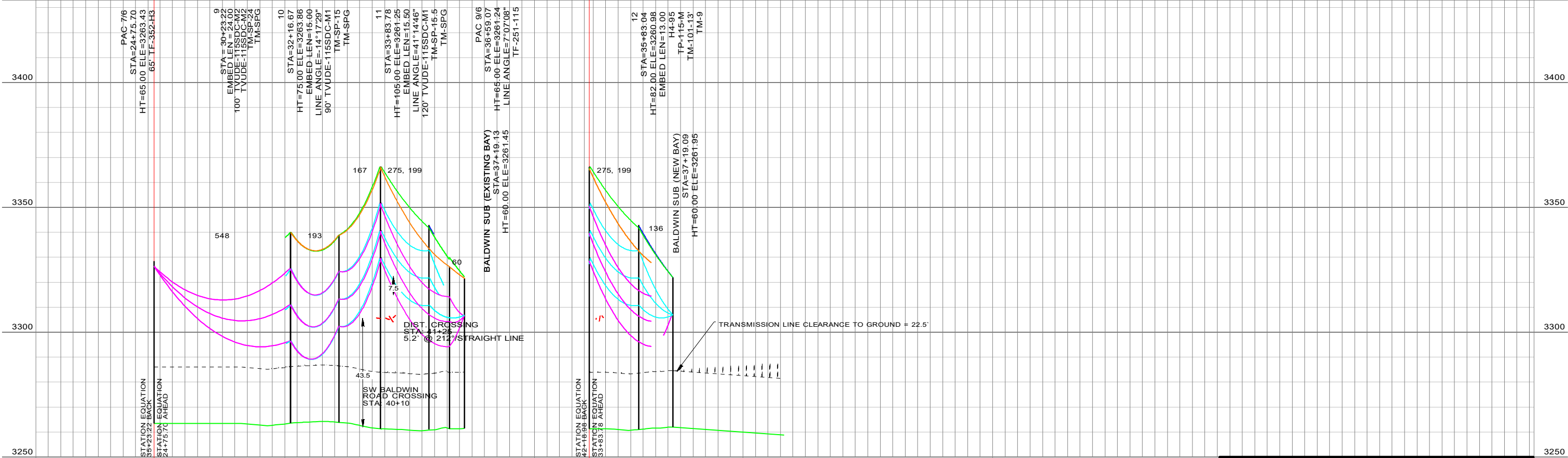




GENERAL NOTES:

1. LINE DESIGN ADHERES TO PACIFICORP STANDARDS TA 041, TA 061, TC 111, AND TC 141 AND REQUIRMENTS SET FORTH IN DCSS.
2. PACIFORP STRUCTURES 8/6 AND 8A/6 FROM THE PONDEROSA - PRINEVILLE 115 KV LINE WILL BE REPLACED BY STRUCTURES 9 AND 10 FROM THE PRINEVILLE 115 KV LINE.
3. PACIFICORP PLAN AND PROFILE DRAWING 25575T03A - REV3 FOR PONDEROSA - PRINEVILLE 115 KV WAS USED AS A REFERENCE IN AID TO THIS DESIGN.

PAC 7/6 - 9, 115KV, DRAKE ACSR, 10000 NESC HEAVY WIR, RULING SPAN 546 (FT), TENSION 5596 (LBS) AT 60 (DEG F) INITIAL, DISPLAYED 212 DEG F MAX SAG 3116 (LBS)  
PAC 9/6 - BALDWIN SUB (EXISTING BAY), 115KV, DRAKE ACSR - 2500 NESC MEDIUM WIR, RULING SPAN 60 (FT), TENSION 884 (LBS) AT 60 (DEG F) INITIAL, DISPLAYED 212 DEG F MAX SAG 402 (LBS)  
12 - BALDWIN SUB (NEW BAY), 0KV, 3.8EHS - 1450 CAT, 60 DEG, RULING SPAN 134 (FT), TENSION 396 (LBS) AT 60 (DEG F) INITIAL, DISPLAYED 0 DEG F INITIAL 648 (LBS)  
11 - BALDWIN SUB (NEW BAY), 115KV, DRAKE ACSR - 2500 NESC MEDIUM WIR, RULING SPAN 172 (FT), TENSION 1283 (LBS) AT 60 (DEG F) INITIAL, DISPLAYED 212 DEG F MAX SAG 889 (LBS)  
PAC 9/6 - BALDWIN SUB (EXISTING BAY), 0KV, AC-74-552 - 1450 CAT, 60 DEG WIR, RULING SPAN 65 (FT), TENSION 722 (LBS) AT 60 (DEG F) INITIAL, DISPLAYED 0 DEG F INITIAL 1856 (LBS)  
9 - 10, 115KV, DRAKE ACSR, 0950 NESC MEDIUM WIR, RULING SPAN 194 (FT), TENSION 546 (LBS) AT 60 (DEG F) CREEP, DISPLAYED 212 DEG F MAX SAG 509 (LBS)  
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11 - PAC 9/6, 115KV, DRAKE ACSR - 2500 NESC MEDIUM WIR, RULING SPAN 276 (FT), TENSION 1376 (LBS) AT 60 (DEG F) INITIAL, DISPLAYED 212 DEG F MAX SAG 1117 (LBS)  
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9 - 10, 0KV, AC-74-552 - 625 CAT, 60 DEG WIR, RULING SPAN 194 (FT), TENSION 253 (LBS) AT 60 (DEG F) CREEP, DISPLAYED 0 DEG F INITIAL 271 (LBS)  
11 - BALDWIN SUB (NEW BAY), 0KV, AC-74-552 - 1450 CAT, 60 DEG WIR, RULING SPAN 172 (FT), TENSION 623 (LBS) AT 60 (DEG F) INITIAL, DISPLAYED 0 DEG F INITIAL 1024 (LBS)  
9 - 10, 0KV, AC-74-552 - 625 CAT, 60 DEG WIR, RULING SPAN 191 (FT), TENSION 253 (LBS) AT 60 (DEG F) CREEP, DISPLAYED 0 DEG F INITIAL 272 (LBS)  
10 - 11, 0KV, AC-74-552 - 625 CAT, 60 DEG WIR, RULING SPAN 165 (FT), TENSION 253 (LBS) AT 60 (DEG F) CREEP, DISPLAYED 0 DEG F INITIAL 280 (LBS)  
11 - PAC 9/6, 0KV, AC-74-552 - 1450 CAT, 60 DEG WIR, RULING SPAN 274 (FT), TENSION 602 (LBS) AT 60 (DEG F) INITIAL, DISPLAYED 0 DEG F INITIAL 725 (LBS)



NOT FOR CONSTRUCTION

ENGINEERING WITH DISTINCTION

**ECI** ELECTRICAL CONSULTANTS, INC.

BILLINGS, MONTANA

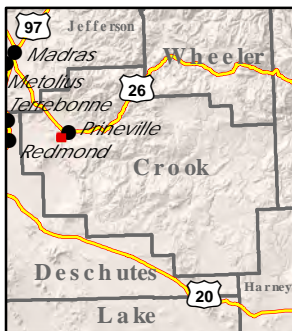
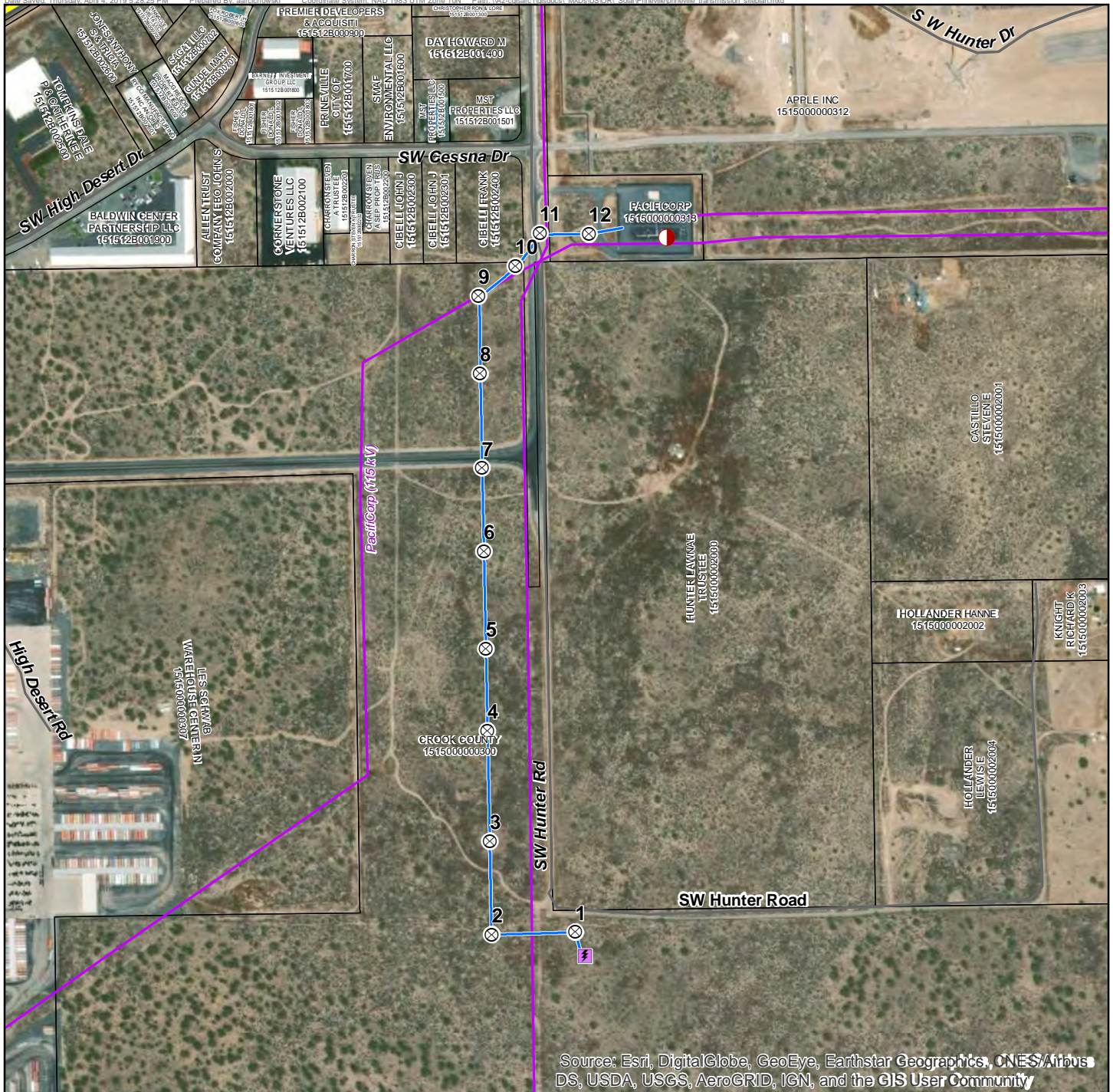
A	ISSUED FOR 30% REVIEW	03/1/19	LJH	AJD
NO	REVISION	DATE	BY	APR

Invenergy LLC

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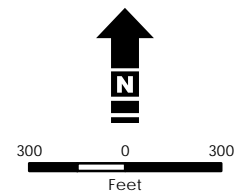
PRINEVILLE SOLAR 115 KV TRANSMISSION LINE	
PLAN AND PROFILE	
STA 30+00 TO STA 48+25	
DWG. NAME: PSP-D-T004-002	REVISION NO : A





### Legend

- |                                 |                                       |                   |
|---------------------------------|---------------------------------------|-------------------|
| ⊗ Transmission Line Pole        | Revised Proposed Solar Energy Project | — Local Road      |
| ⚡ Energy Project Substation     | Transmission Line                     | ▭ Parcel Boundary |
| ● PAC Baldwin Rd Substation POI | 100 - 161 kV                          |                   |
|                                 | <u>Road Classification</u>            |                   |
|                                 | — US/State Route                      |                   |



## Transmission Line Site Plan

Prineville Solar Energy Center, Crook County, Oregon

Rev. 03

April 04, 2019

**Invenenergy**

One South Wacker Drive Suite 1800  
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# **City of Prineville**

## **DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT FINAL DECISION (APPROVAL)**

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**HEARING DATE:** December 1<sup>st</sup>, 2015

**PROJECT NUMBER:** Cu-2015-104

**APPLICANT:** Prineville Solar Energy LLC  
1 S. Wacker Drive, Suite 1800  
Chicago, Illinois 60606

**PROPERTY OWNERS:** PacifiCorp  
825 NE Multnomah Street, Ste. 1900  
Portland, Oregon 97232

Apple Inc.  
1 Infinite Loop  
Cupertino, California 95014

**ATTORNEY:** Lori K. Murphy  
Miller Nash Graham & Dunn LLP  
Attorneys at Law  
1567 S.W. Chandler Ave, Ste 204  
Bend, Oregon 97702

**PROJECT REVIEWER:** Joshua Smith  
Senior Planner

### **APPLICABLE CRITERIA:**

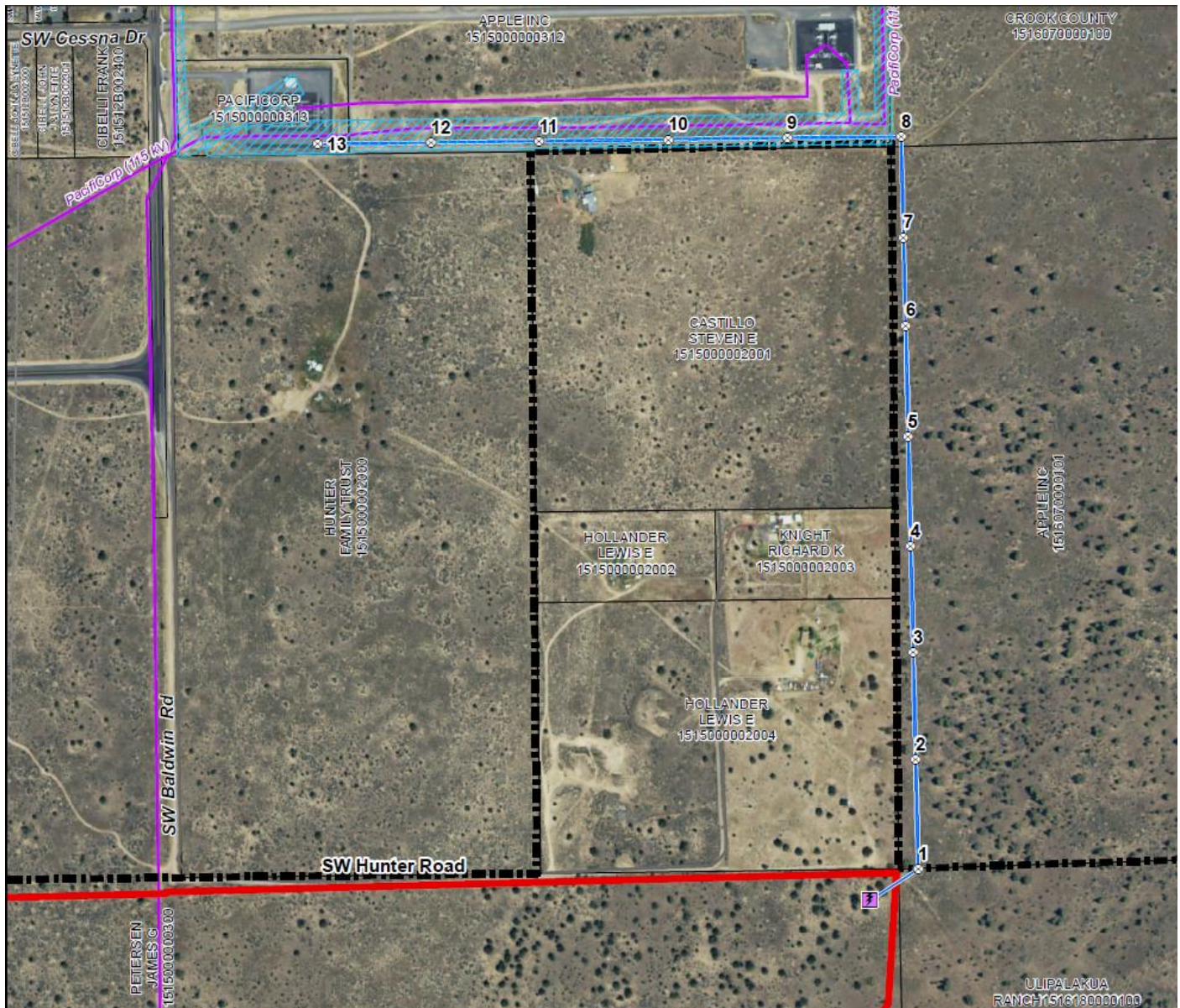
(1) City of Prineville Code of Ordinances, Title XV – Chapters 153.009, 153.014, 153.020, 153.037, 153.038, 153.039, 153.060, 153.071, 153.083(L), 153.118, 153.135 - 153.138.

### **FINDINGS OF FACT:**

1. **LOCATION:** The subject property begins at the eastern end of SW Hunter Road in T15S, R16E, Section 07 and ends at the PacifiCorp Baldwin Road substation in T15S, R15E, Section 12, Crook County Oregon. The applicant will secure a transmission easement agreement with Apple Inc. for most of this route (Tax Lots #1515000000312 and #1516070000101) and the line will terminate at the PacifiCorp substation (Tax Lot #1515000000313). Both property owners have authorized the applicant to act as agent for permitting activities. See Exhibit 1 in the submitted application.



2. **ZONING:** The subject property is zoned Light Industrial (M-1) and is partly within the Airport Approach (AA) Overlay Zone. See Exhibit 2 in the submitted application.
3. **SITE DESCRIPTION:** The subject property is relatively flat, not irrigated, with sagebrush and juniper trees, located west of the rimrock and above the Crooked River. The northern property features the PacifiCorp Baldwin Road substation, several transmission lines, and the Apple Inc. data center. The southern property is currently unimproved.



#### Legend

- |  |                                      |
|--|--------------------------------------|
| Prineville Solar Energy Project Substation                 | Prineville Solar Energy Project Area |
| Transmission Line Pole                                     | PAC Transmission Line Easement       |
| Proposed Prineville Solar Energy Project Transmission Line | Parcel Boundary                      |
|  | City of Prineville                   |



4. **PROPOSAL:** The applicant requests Type II conditional use approval to construct and operate and operate an approximately 1-mile long 115kV power transmission line in the City of Prineville M-1 zone.
5. **Project Summary:** The project will consist of a 115kV transmission line (see Exhibits 3 and 4 of the submitted application for preliminary engineering and design specifications). This power transmission line will connect the Prineville Solar Energy project to the PacifiCorp Baldwin Road substation. The area includes multiple existing power transmission lines in the Millican Power Corridor. Existing power transmission lines include Central Electric Cooperative lines and PacifiCorp power lines. These lines cross in both a north to south direction and an east to west direction.
6. **RELATED DOCUMENTS:** PP. 2011-08, PP. 2013-08, PP. 2014-06, BA-14-0071 (County), ANX-2011-101, ANX-2014-100, ANX-2014-101, C-2012-107 (Data Center Master Plan), 217-15-000266-plng (County Solar Approval)
7. **LOTS OF RECORD:** The properties have been determined to be legal parcels based on Partition Plats, 2011-08, 2013-08, 2014-06 and County boundary adjustment application BA-14-0071 (CS4037).
8. **FINDING SUMMARY:** The primary concern with this proposal is the visual impact of the lines and poles and conflicts with other infrastructure.

Design review criteria for transmission lines and poles are difficult to assess, screening is impractical and materials are limited. The applicant is proposing non-reflective transmission lines on wooden brown poles or metal poles with a non-reflective coating. This is consistent with other approved poles in the area that are more visible and closer to public rights-of-way. The proposed transmission line poles will be between 60ft. and 70ft. The varying height of the poles, will accommodate the variation in the topography to ensure the wires maintain a consistent height. The applicant has requested an FAA "Determination of No Hazard" for the proposed transmission line. A "No Hazard Determination" is expected from the FAA. Several routes for the transmission lines were discussed, with the proposed route ultimately being the most feasible.

9. **HEARING SUMMARY:**

Staff – Staff gave a presentation of the proposed transmission line. Staff discussed the visual impacts and considerations for alternative routes as well as difficulties with undergrounding and co-location. Staff answered several questions from the Planning Commission about bird habitat, FAA requirements and whether there were plans for the electrical grid in the area and whether this application would limit development potential.

Applicant –The applicant described the solar project that this transmission line would serve and stated the need for power in the area as well as the State requirement for renewable energy. The applicant explained the height of the proposed poles compared to others approved in the area and elaborated on the decision to use the proposed route.



The applicant addressed questions about bird habitat, FAA notification and questions about the solar facility itself.

Public Testimony - There was no public testimony.

Commission Deliberation - The Planning Commission asked questions throughout the staff presentation and the applicant testimony. During deliberations the Commissioners stated their concerns were addressed. One Commissioner expressed concern about the general lack of co-locating in the City, while understanding the difficulties of this application.

Motion – Kim Kambak made a motion to approve the application as written. Bob Orlando seconded the motion and the motioned passed with 5 in favor and 1 abstention due to a conflict of interest.


**Conditions of Approval: Application Cu-2015-104** to allow the construction of a transmission line in the M-1 zone is **approved**, subject to the findings stated in the staff report, those conditions contained within and the following conditions of approval set forth below:

**General Conditions**

1. The applicant shall adhere to the dimensional standards as set forth in the submitted site plan.
2. The applicant shall meet all FAA standards and provide verification that the facilities are within compliance with FAA rules.
3. The applicant shall use non-reflective wire and a non-reflective coating on all metal poles as stated in the applicant's burden of proof.
4. The applicant shall not negatively impact any existing easements and shall be responsible for relocating other utilities if made necessary by this application.
5. The applicant shall secure any and all City, County, State or Federal permits or approvals prior to operation.
6. The applicant shall comply with all applicable requirements of the M1 zone and relevant portions of the City of Prineville Code of Ordinances.

**THIS DECISION BECOMES FINAL December 15<sup>th</sup>, TWELVE (12) DAYS FOLLOWING THE SIGNING OF THIS DECISION UNLESS APPEALED BY A PARTY OF INTEREST.**

Marty Bailey: \_\_\_\_\_

  
Planning Commission Chair

Date: \_\_\_\_\_

12-3-15