



City of Prineville

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
FINAL DECISION (APPROVAL)

CONSENT DATE: August 7th, 2018

HEARING DATE: July 17th, 2018

PROJECT NUMBER: Cu-2018-101 & LP-2018-100

APPLICANT: Ochoco Solar LLC
Attn: Amy Berg Pickett
2660 NE Highway 20, Suite 610 #30
Bend, Oregon 97701

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

ATTORNEY: Brix Law LLP
Attn: Laura Craska Cooper
15 SW Colorado Ave., Suite 3
Bend, Oregon 97702

PROPERTY OWNERS: 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 St.
Prineville, Oregon 97754

Millican LLC. (tax lot 1224)
500 West Monroe Street, Suite 2630
Chicago, Illinois 60661

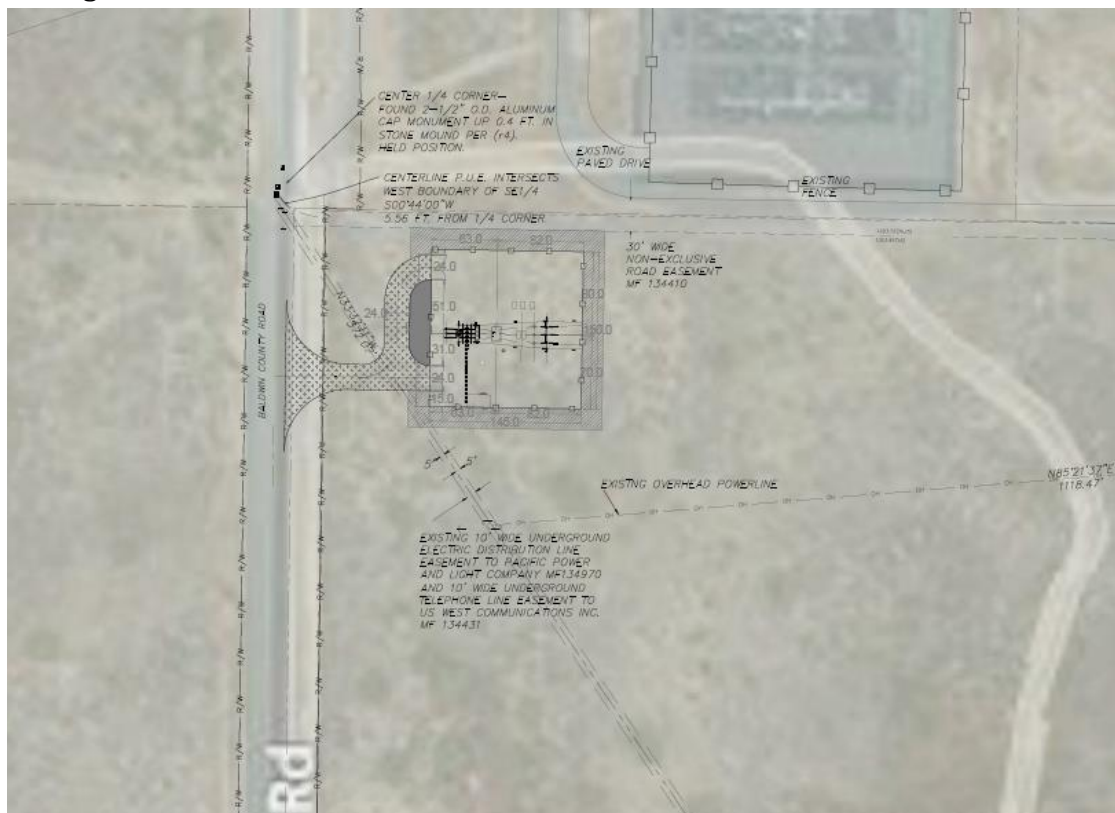
PROJECT REVIEWER: Joshua Smith
Planning Director

APPLICABLE CRITERIA: City of Prineville Code of Ordinances, Title XV

- (1) Power line transmission – Chapters 153.009, 153.014, 153.020, 153.037, 153.038, 153.060, 153.062, 153.071, 153.083(I), 153.118, 153.135 - 153.138.
- (2) Step-up Substation – Chapters 153.009, 153.014, 153.020, 153.037, 153.038, 153.060, 153.083(L), 153.118, 153.135 - 153.138, 153.190 – 153.200.
- (3) Land Partition – Chapters 153.014, 153.038, 153.055, 153.056, 153.060

FINDINGS OF FACT:

1. **LOCATION:** The proposed substation will be located at 2002 SW Baldwin Rd. in the NW corner of Map & Tax lot 1515000002000. The proposed transmission line starts at the substation and extends west across, and south on Millican Rd. before heading west to the end of the UGB, south of Hwy 26.
2. **ZONING:** The proposed location of the substation is zoned Light Industrial (M-1) The transmission line moves through the Industrial Park (IP) zone and the M-1 zone. Part of the transmission line on County property is also within the Airport Approach (AA) Overlay Zone.
3. **SITE DESCRIPTION:** The subject property for the proposed substation and land partition is a vacant 80-acre site, except for overhead electrical utilities to an abandoned home site. The proposed transmission line will run along property boundaries and existing streets.



4. **PROPOSAL:**

Power line transmission – Construct a 34.5kV transmission line connecting the Ochoco Solar project in Crook County to the proposed Juniper substation, and then connect to the adjacent PacifiCorp Baldwin Substation. Existing power transmission lines in the area consist of Central Electric Cooperative and PacifiCorp.

Step-up Substation – Construct the proposed Juniper substation (step-up to 115kV) with associated vehicles access, minimal grading, drainage, utilities and poles.

Land Partition – Create a 2 acre parcel, out of an 80 acre parcel for the proposed substation.

5. **RELATED DOCUMENTS:** 217-18-000027-PLNG (County Approval), BA-2012-101 (Millican LLC Boundary adjustment), CS-4144 (Pillar road ROW survey), CS-2437 (Hunter property survey).

6. **LOTS OF RECORD:** The properties have been determined to be legal parcels based on Deeds and multiple partition plats on the County owned property.

7. **COMMENTS:** During the City’s Design Review Meeting on 6/28/2018,

Public Works commented that the proposed underground sections of the transmission line will need to bore under existing streets rather than cut them because Millican, Pillar and Baldwin have all been recently paved.

The Planning Department commented that a franchise agreement or right-of-way agreement with the City may be required for facilities within City right-of-way. This would also apply for rights-of-way that may transfer jurisdiction such as Pillar Road.

Verbal comments were received from a neighboring property in the Baldwin Industrial Park requesting that lines behind his property be placed underground. Written comments were not available by the time this report was written.

8. **FINDING SUMMARY:** The primary concern with this proposal is the visual impact of the lines and poles, and conflicts with other infrastructure.

The proposed transmission line and substation are allowed as a type II conditional use to be reviewed by the Planning Commission. The proposed partition is an outright application usually reviewed administratively by staff. Due to the nature of the application all three elements have been combined into one application, though the partition will maintain its own application number.

The applicant’s proposed transmission poles, substation and partition are meeting or exceeding the minimum dimensional standards of the M1 zone with the exception of height limits. The maximum height in the M1 zone is 50 feet & in the IP zone is 45 feet, however; transmission poles and substations are exempt from these standards per section 153.118 discussed further in Finding 2. There were 4 routing options discussed further in Finding 11. As a condition of approval the applicant shall meet all FAA standards and provide verification that the facilities are within compliance with FAA rules.

Design review criteria for the transmission lines and poles are difficult to assess, screening is impractical and materials are limited. The IP zone; emphasize a high aesthetic standard that an above ground utility line does not provide. Planning Commission may require the lines along Pillar Road to be completely underground to maintain the aesthetics of the zone for future development. The applicant is proposing non-reflective transmission lines on wooden poles or metal poles with a non-reflective coating. This is consistent with other approved poles in the area. The proposed transmission poles will primarily be between 34ft. and 38ft. with a few taller poles from 43ft. to 60ft. to extend over existing CEC lines along Millican Road. For the substation, the applicant is proposing a large setback to Baldwin Road of 130 feet, a site obscuring chain link fence with slats and maintaining existing vegetation and re-seeding where necessary. Due to the location in an industrial area adjacent to an existing utility facility, it is staff's recommendation that the proposed screening is adequate.

The applicant shall dedicate right-of-way and extend City street, water and sewer improvements "to and through" the proposed substation and 2-acre parcel to City standards. The final plat shall be platted in accordance with ORS Chapter 92 and conform to the tentative plan and include all new and existing easements and right-of-ways.

9. HEARING SUMMARY:

City Staff: Staff gave a presentation describing the three phases of the project from the Gen-tie, to the substation and land partition. There were no questions from the Planning Commission at this point.

County Staff: Ann Beier offered to answer questions about the County approval and explained that the County and City have been working together to develop some policies on placement of future power lines. She explained the applicant worked well with the County to avoid the Airport overlay zone, to not cross over roads, to follow existing power lines and property lines. She closed expressing the County's support of the project.

Applicant: A representative of the applicant (Jason Carr) gave an overview of what the Cypress Creek Company does. He explained the cost of utility scale solar has dropped significantly in the last 5 years making it competitive in the market place and in turn they are seeing higher demand from utilities and businesses for solar power. He also explained there are power constraints on the system that make locating here desirable due to high demand from datacenters.

A second representative of the applicant (Amy Berg Pickett) added to the presentation by showing some renderings of the transmission lines in the area. She also commented on maintaining as much natural vegetation as possible around the substation and they would re-vegetate after construction. The representative stated they have a safety management plan in place for the Solar Facility that will encompass the substation as well. She also stated they will maintain vegetation around the facility at a low height and provide a 24 hour hotline number for emergencies that will be provided to the Fire Chief and posted on the fence of the facility.

After Public comments and Commission questions the applicant explained the difficulty of co-locating on existing poles and the cost of undergrounding. They also agreed to place the proposed above ground line between poles one and two underground.

Public Comment in opposition: One person spoke in opposition of the project.

Mike Cibelli read a prepared statement that was submitted into the record along with pictures of the area. The statement basically stated his opposition to the number of powerlines in the area that are above ground. After questions and comments, Mr. Cibelli stated he would be happy if the applicant would underground the line between proposed poles 1 and 2.

Commission Questions: Through the presentations and public comments the Commission asked several questions. For the applicant the primary questions were about the size of the facility, wildfire planning, location of the industrial park, distance between poles and cost of undergrounding. For Mike Cibelli they asked about where the property was and what it was zoned and if he had offers to purchase the property.

Commission Deliberations: Several Commissioners stated their only concern was the loss of value on private property; however, with the concession made by the applicant to further underground the line between proposed poles one and two they were comfortable approving the proposal. Other Commissioners stated they would prefer to see it all underground; however, if the Airport is comfortable with the proposal they are satisfied.

Decision: Ron Cholin made a motion to approve the application adding the condition as discussed to place the line between proposed poles one and two underground. Bob Orlando seconded the motion and the motion passed with 6 in favor and none opposed.

Decision: Application **Cu-2018-101** for the construction of a transmission line, substation and land partition is hereby APPROVED. Such an approval is subject to the submitted plans, findings stated in the staff report, those conditions contained within and the following conditions of approval set forth below:

Conditions of Approval

1. The applicant shall adhere to the dimensional standards as set forth in the submitted site plans.
2. The applicant shall place an additional section of the proposed transmission line underground between the proposed locations of pole two and pole one as shown in the applicant's submittal. This line shall continue underground into the proposed substation as described in the applicant's submittal. The location of pole two is further identified in the applicant submittal as Lat 44°16'58.10" N & Long 120°52'45.51" W.
3. The applicant is responsible for the execution of all easements across private and public property and use of public rights-of-way associated with the project.

