PLANNING DEPARTMENT

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

AGENDA

Morrow County Planning Commission
Tuesday, March 31, 2026, 6:30 pm
Morrow County Government Center, Irrigon, OR
For Electronic Participation See Meeting Information on Page 2

Members of the Commission

Stacie Ekstrom, Chair
John Kilkenny, Vice Chair
Norma Ayala
Charlene Cooley
Stephen Henthorn
Karl Smith
Tripp Finch
Brian Thompson
Elizabeth Peterson

Members of Staff

Tamra Mabbott, Planning Director
Stephen Wrecsics, Associate Planner, GIS
Michaela Ramirez, Administrative Assistant
George Cress, Principal Planner
Clint Shoemake, Planning Technician
Kaitlin Kennedy, Code Compliance Planner

1. **Call to Order**

2. **Roll Call**

3. **Pledge of Allegiance**

4. **Minutes**: (Draft) February 24, 2026 pages 4-10

5. **Public Hearings** to begin at 6:30 PM (COMMISSION ACTION REQUIRED)

Continued from February 24, 2026. Land Use Decision LUD-N-088-25: Tim Seck, Well Springs LLC, a subsidiary of MN8 Energy Development Company, applicant; April Miller LePage and Nolan Miller, landowners. The request is to permit a standalone 230kV substation as a "utility facility necessary for public service" within a 13-acre building envelope on an approximately 633-acre parcel. The Miller substation is proposed on property described as tax lot 3000 of Assessor's Map 2N 23 located approximately 3 miles east of State Highway 74 on the north side of Immigrant Lane, south of Interstate 84, approximately 14 miles. Criteria for approval include MCZO Article 3 Section 3.010(D) and 3.010(F)(10). pages 12-161

Continued from February 24, 2026. Land Use Decision LUD-N-089-25: Leif Van Acker, Kimley-Horn, Applicant, Property Owner Amazon Data Services, Inc. The request is to site a data center campus on property zoned Airport Light Industrial (ALI). The property is described as tax lot 136 of Assessor's Map 4N 24E, located approximately 3.7 miles west of Boardman's Urban Growth Boundary, southeast of the Boardman Airport, and southwest of the Tower Road/I-84 interchange. Criteria for approval include Morrow County Zoning Ordinance (MCZO) Article 3 Section 3.076 Airport Light

Industrial, ALI, Section 3.092 Airport Safety and Compatibility Overlay Zone, ASC, and Article 4 Supplementary Provisions. pages 163-331

Variance V-N-062-26: Rock It, LLC, Wade Aylett, **Applicant and Owner:** The property is described as tax lot 800 of Assessor's Map 5N 26E 23A. The property is zoned Rural Residential (RR) and located on Washington Lane, approximately 0.7 miles west of the Irrigon city limits. The request is to allow a variance to seek relief from the age requirement for a manufactured home. Criteria for approval include Morrow County Zoning Ordinance (MCZO) Section 4.110(B) Manufactured Homes in a Rural Residential Zone and 7.200 Major Variance. pages 333-355

6. Other Business:

7. Correspondence:
I. February Monthly Update pages 357-361
II. March Monthly Update pages 362-367

8. Public Comment:

9. Adjourn

Next Meeting: Tuesday, April 28, 2026, at 6:00 p.m.
Location: Morrow County Government Center, Irrigon, OR

ELECTRONIC MEETING INFORMATION

Morrow County Planning is inviting you to a scheduled Zoom meeting. Topic: Planning Commission Time: March 31, 2026, 6:30 PM Pacific Time (US and Canada)

Join Zoom Meeting
https://us02web.zoom.us/j/6554697321?pwd=dFMxR2xlaGZkK1ZJRFVrS1Q0SmRxUT09&omn=84249165172

Meeting ID: 655 469 7321
Passcode: 513093

Find your local number: https://us02web.zoom.us/u/kdmj6471tm

Should you have any issues connecting to the Zoom meeting, please call 541-922-4624. Staff will be available at this number after hours to assist.

This is a public meeting of the Morrow County Planning Commission and may be attended by a quorum of the Morrow County Board of Commissioners. Interested members of the public are invited to attend. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours before the meeting to Tamra Mabbott at (541) 922-4624, or by email at tmabbott@morrowcountyor.gov.

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Draft Minutes of the Public Meeting of the
Morrow County Planning Commission
Tuesday, February 24, 2026, 6:00 pm
Bartholomew Building
110 N Court St, Heppner, OR

COMMISSIONERS PRESENT:
Stacie Ekstrom, Chair
Tripp Finch
Karl Smith
Stephen Henthorn
Liz Peterson

COMMISSIONERS ABSENT:
John Kilkenny

ATTENDANCE via ZOOM:
Norma Ayala
Charlene Cooley

STAFF PRESENT:
Tamra Mabbott, Planning Director
George Cress, Principal Planner
Michaela Ramirez, Administrative Assistant
Clint Shoemake, Planning Technician
Kaitlin Kennedy, Code Compliance Planner
Staff Zoom:
Stephen Wrecsics, GIS Analyst

1. **CALL TO ORDER**
   Chair Ekstrom called the meeting to order at 6:00 PM

2. **ROLL CALL**

3. **PLEDGE**

4. **APPROVAL OF January 27, 2026, DRAFT MINUTES**

   Recommended Action: Approve
   Action: Unanimously Approved

Chair Ekstrom asked if there was anyone who needed to abstain, declare a conflict of interest, bias, or have any ex parte contact.

Presented by: Kaitlin Kennedy, Compliance Planner

Request: Conditional Use Permit CUP-S-395-26: Amy Haak, Applicant; Jeanne Lewis, Property Owner. The applicant is requesting approval of a Home Occupation Conditional Use Permit to allow operation of an in-home salon business. The subject property is identified as Tax Lot 3101 of Assessor's Map 2S27E. The parcel is zoned Exclusive Farm Use (EFU) and is located outside the City of Heppner's Urban Growth Boundary (UGB). Approval criteria include Morrow County Zoning Ordinance (MCZO) Article 3, Section 3.010 (Exclusive Farm Use), and Article 6, Section 6.050.G (Standards Governing Conditional Uses—Home Occupations).

Chair Ekstrom asked if anyone had questions or opponents. There were none
Chair Ekstrom asked if there was anyone who was neutral who had evidence or testimony. There were none.

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Chair Ekstrom asked if anyone had questions.

Commissioner Henthorn: asked staff what the proposed duration of the conditional use was.

Kaitlin: responded that there is no expiration.

Testifying Parties:
None

Recommended Action: Approve **Conditional Use Permit CUP-S-395-26**
Motion: Approve **Conditional Use Permit CUP-S-395-26**
Motion by: Commissioner Peterson
Seconded by: Commissioner Henthorn
Vote: All voted
Action: Unanimously Approved

Chair Ekstrom asked if anyone needed to abstain, declare a conflict of interest, bias, or have any ex parte contact. Chair Ekstrom stated that the Vice Chair was not at the meeting, so she would run the meeting but would abstain from voting.

Commissioner Henthorn abstained from the agenda item.

Presented by: Planning Director Tamra Mabbott

Request: Land Use Decision LUD-N-088-25: Tim Seck, Well Springs LLC, a subsidiary of MN8 Energy Development Company, Property Owner: April Miller LePage and Nolan Miller. The request is to permit a standalone 230kV substation as a "utility facility necessary for public service" within a 13-acre building envelope on an approximately 633-acre parcel. The Miller substation is proposed on property described as tax lot 3000 of Assessor's Map 2N 23 located approximately 3 miles east of State Highway 74 on the north side of Immigrant Lane, south of Interstate 84, approximately 14 miles. Criteria for approval include MCZO Article 3 Section 3.010(D) and 3.010(F)(10).

Director Mabbott: explained that there were some objections raised to this application, and that is why she brought it to the Planning Commission. She pointed out particular criteria from the draft findings: page 37, page 38 item 2, page 39 item 5, 6, and 7. She also read the three proposed precedent conditions.

Chair Ekstrom invited the applicant to present testimony or evidence.

Testifying Parties:
Matt Hutchinson, MA Energy, 2500 NE Sandy Blvd Ste J, Portland, OR
Elaine Albrich, Davis Wright Tremaine LLP, 560 SW 10th, Portland, OR
Cameron Krebs, 68171 Kunze Lane, Boardman, OR

Matt: read through the PowerPoint (exhibit 2) provided.

Director Mabbott: asked if the county permitted this project, would it be connected to the Well Springs project, and would it qualify for a tax credit.

Matt: responded yes. He then continued to read from the PowerPoint.

Elaine: handed out Exhibits one through eight. She then explained why they wanted this project approved as a standalone project and would like construction to be completed by 2030. She also spoke on the items submitted and asked to keep the record open for the 7-7-7 rule. She wanted the Planning Commission to have

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plenty of time to read through the material submitted. She then pointed out the three main reasons for the project: location, technical engineering, and cost. She stated that she would be providing additional evidence on three things: locational dependency factor, technical and engineering feasibility, and, lastly, the availability of the proposed existing right-of-way.

Commissioner Peterson: asked Director Mabbott if she could refrain from voting on the matter since the City of Ione was in negotiations to sell water to the project, and, as the city manager, she might present concerns.

Director Mabbott: responded yes, she could recuse.

Chair Ekstrom asked staff if there were any questions for the applicant.

Director Mabbott: wanted to clarify with the applicant that the conditions were identical to the Morgan Land Use Permit.

Elaine: responded that they had introduced the Morgan decision into the record (Exhibit 5).

Chair Ekstrom asked if she could get a motion to add Exhibit 1 to the record.

Motion: to add Exhibit 1 to the record.
Motion by: Commissioner Finch
Seconded by: Commissioner Thompson
Vote: All voted
Action: Unanimously Approved

Cameron: asked the Planning Commission if all approved projects were respecting our land, city, heritage, and if we were looking out for tomorrow's generation. He was in support of the Miller substation, but to continually ask if it was a respectful development anyone would want in their county.

Chair Ekstrom asked if there were any more opponents. There were none. She asked for any parties that had neutral testimony or evidence. There were none. She then asked if there were any additional questions for the staff. There were none.

Chair Ekstrom closed the public hearing and left the record open to apply the 7-7-7 rule, so all parties had plenty of time to read through the exhibits submitted.

Director Mabbott: said that the agenda item would be continued for the March meeting.

> **Recommended Action:** to keep the record open with the 7-7-7 rule for **Land Use Decision LUD-N-088-25**
> **Motion**: to keep the record open with the 7-7-7 rule for **Land Use Decision LUD-N-088-25**
> **Motion by:** Commissioner Finch
> **Seconded by:** Commissioner Thompson
> **Vote:** All voted
> **Action:** Approved

Presented by: Clint Shoemake, Planning Technician

> **Request: Land Use Decision LUD-N-089-25: Leif Van Acker, Kimley-Horn, Applicant, Property Owner Amazon Data Services, Inc.** The request is to site a data center campus on property zoned Airport Light Industrial (ALI). The property is described as tax lot 136 of Assessor's Map 4N 24E,

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located approximately 3.7 miles west of Boardman's Urban Growth Boundary, southeast of the Boardman Airport, and southwest of the Tower Road/I-84 interchange. Criteria for approval include Morrow County Zoning Ordinance (MCZO) Article 3 Section 3.076 Airport Light Industrial, ALI, Section 3.092 Airport Safety and Compatibility Overlay Zone, ASC, and Article 4 Supplementary Provisions.

Chair Ekstrom asked if anyone needed to abstain, declare a conflict of interest, bias, or have any ex parte contact.

Commissioner Henthorn abstained from the agenda item.

Clint: explained the exhibit list submitted after the packet was sent out.

Director Mabbott: explained the exhibits that were submitted after the exhibit list was sent out. She gave some background context about the Land Use permit and wanted to also keep the record open for the 7-7-7 rule. She also spoke about a phone conversation with Kelly Doherty. She said Kelly asked about Goal 14, so Tamra did some research on the property presented.

Clint: spoke on the application submitted and its location. As maps on pages 102, 104, and 103 were presented, he spoke about letters that were submitted by different agencies. He said the applicant also submitted a bird mitigation study and added conditions from the bird and aviation mitigation efforts. He then moved on to the subsequent and proposed conditions.

Director Mabbott: shared information that the county traffic engineer provided. She stated that she consulted with the county's Public Works Director, Eric Imes, and they both agreed that these roads were very high in traffic. She said she and Eric recommended that the applicant add a right-hand turning lane.

Eric: spoke on the road use agreement with the applicant. He stated that this road use agreement will be presented to the Board of Commissioners on March 18th .

Director Mabbott: asked Stephen, GIS Analyst, measure the distance from the highway intersection to Bristow Lane, and it measured approximately a little over a mile.

Chair Ekstrom asked the applicant to present testimony and evidence

Testifying Parties:
Eric Imes, Morrow County Public Works, Lexington, OR
Leif Van Acker, Kimley Horn, One SW Columbia St Ste 650, Portland OR 97204
Megan Lin, Perkins Coie, Attorney for ADS 1120 NW Coo St, Portland, OR
Kelly Doherty, 68812 Wilson Lane, Boardman, OR
Kaleb Lay, Oregon Rural Action, PO Box 1231, La Grande, OR

Megan: introduced Leif and Joey Miller, who submitted the Land Use Application, Traffic Impact Analysis, and Site Plan. Craig Toomer, Pacific Coast Habitat, Wildlife Biologist, who created the bird mitigation study. She then read through her PowerPoint (entered as exhibit 7). She handed out and wanted to focus more on 020, which is Site Plan Review, and 092, which was Airport Safety Overlay. She explained the Airport Safety Overlay Zone map on page 104. She explained the transitional surfaces in the runway approach zone. She said the inner red circle on the map was the horizontal surface (a horizontal plane 150 feet above the established airport elevation), then from the 150 feet came the conical surfaces (a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a distance of 4,000 feet), which were like a bowl. The Airport Overlay Ordinance states that no structure or object shall be erected, altered to glow, or be maintained to penetrate any of the imaginary surfaces. 1:23:13 She also requested to leave the record open for the 7-7-7 rule.

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Commissioner Finch: asked who would be responsible for the maintenance of the netting on site. If a net were torn ten years down the road, or a bird caused a plane crash.

Megan: responded that Amazon would be responsible for the maintenance of the ponds.

Commissioner Ayala: asked about the suspended height of the netting.

Leif: responded that they currently did not have a design, but there was a recommendation that it should be two to five feet above the top of the pond surface. He also stated that the level of the water would be different throughout the seasons of the year and that the nets would range from five to eight feet above the water surface elevation.

Chair Ekstrom asked if there were any more questions for the applicant.

Commissioner Kilkenny: sent in some questions: (Megan read) He asked if there was a 35-foot height limit in the overlay zone.

Megan: responded that there was a 35-foot height limit, but that it didn't apply to this permit because the topography is below the imaginary surface. She also said that if it was higher than 35 feet, there was a notice requirement that they would have to file. Their plan was to send notice to ODAV and FAA.

Commissioner Kilkenny: second question: (Megan read) he asked if there was a 10,000-foot setback for ponds either under state law or under local law.

Megan: responded that state law says you can't allow water impoundment within the approach corridor within 5,000 feet.

Director Mabbott: asked Jacob Cain if he had any water rights questions.

Jacob: responded that he would be a neutral proponent, had no comment, and that he would submit additional information.

Megan: asked Director Mabbott if she wanted her to address the Goal 11 and Goal 14 questions.

Director Mabbott: explained the department's procedure when questions or information were received after Planning Commission packets had gone out.

Megan: explained why this permit did not need a Goal 11 or 14 exception. She gave two reasons: in 2016, the property was rezoned Airport Light Industrial, which approved industrial uses, including data centers. The second reason was that courts everywhere and LUBA said that once the local government's comprehensive plan and land use regulations are acknowledged as final, the statewide planning goals no longer apply directly to land use decisions.

Chair Ekstrom asked if there were any opponents with testimony.

Kelly: said she was not happy with having a new city in a Rural area. She also said she had safety concerns for people who lived around the airport. She felt the netting would not be sufficient to keep wildlife out of the ponds. She was also concerned with steam coming from the pond, where the contact water was going, the septic site was concerned with the nitrates, how high the water table was because she had seen it go over the runway, and how effective they were going to be with keeping the water clean. She asked why ponds would be drained.

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Kaleb: had concerns about birds attracted to the airport and the runway. He explained the peak migration for birds. He also had concerns about air quality. He spoke about how much and what types of pollutants they spew in the air. He also pointed out how much water was available to the data centers, and yet many homes nearby did not have the same access.

Chair asked if there were any more opponents online. There were none. She then asked if the Commission had any questions for the opponents. There were none.

Commissioner Thompson: commented that the concerns people had about how much water access data centers and residents did not. He then said if he could vote against these data centers, he would. He was upset that powerlines were installed across farmland and people's property.

Commissioner Ayala: spoke on how property that was once used by children playing is now used for data centers. She also asked when was enough enough.

Chair Ekstrom asked if there was anyone with more questions or comments. There were none.

Chair Ekstrom asked if the applicant had a rebuttal.

Megan: said she heard the concerns of the community and would address them in the 7-7-7 period and thanked everyone for their time.

Chair Ekstrom asked for a motion to put the listed exhibits into the record:
Exhibit 5 email from Chris Kowitz, Exhibit 6- information submitted by Kelly Doherty, Exhibit 7- Applicant PowerPoint, Exhibit 8-water rights email from Jacob Cain

Recommended Action: Motion to submit Exhibits into the record
Motion by: Commissioner Peterson
Seconded by: Commissioner Ayala
Vote: All voted
Action: Approved

Chair Ekstrom then closed the Public Hearing.

Recommended Action: to keep the record open with the 7-7-7 rule for **Land Use Decision LUD-N-089-25**
Motion: to keep the record open with the 7-7-7 rule for **Land Use Decision LUD-N-089-25**
Motion by: Commissioner Peterson
Seconded by: Commissioner Smith
Vote: All voted
Action: Approved

Director Mabbott: wanted to make it clear the record, there will be no additional testimony accepted, but the record would be kept open until the March 31st Planning Commission meeting. She also said new testimonies will not be accepted. Although participants will have the opportunity to submit new testimony, the applicant will then have the final seven days to give a rebuttal.

Kaitlin: brought up that we would like the next three meetings to be held in Irrigon.

Director Mabbott: reiterated that we would have the next three Planning Commission meetings in Irrigon.

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Chair Ekstrom closed the public meeting and then reopened it for public comment.

Other Business: Director Mabbott introduced the new Morrow County Principal Planner, George Cress.

Correspondence: January Planning Update

Public Comment: Kelly Doherty expressed some concerns about True Organics and CSS Farms

Adjourned: Meeting adjourned at 8:15 PM

Next Meeting: Tuesday, March 31, 2026, at 6:30 p.m. The next meeting will be held in Irrigon, OR, at the Morrow County Government Center. There will be a work session for the Tower Road Interchange Area Management Plan at 5:00 p.m.

Respectfully submitted,
Michaela Ramirez

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MORROW COUNTY

PLANNING DEPARTMENT

P.O. Box 40 • 215 NE Main Ave. Irrigon, Oregon 97844
(541) 922-4624 • www.morrow.or.us/planning

March 20, 2026

TO: Planning Commission

FROM: Tamra Mabbott, Planning Director TJM

RE: LUD-N-088-25 Well Springs Solar LLC "Miller Substation"

March 31, 2026, Final Hearing and Decision

On February 24, 2026, the Planning Commission held a hearing to review the above application for a power substation. Specifically, the application was to permit the substation as a "utility facility necessary for public service." The Planning Commission closed the public hearing and kept the record open in accordance with MCZO 9.050(H)(8) and voted unanimously to keep the record open in accordance with MCZO 9.050(J) and ORS 197.797.

The role of the Planning Commission at the March 31, 2026, meeting is to open the hearing, deliberate on information contained in the record, and then close the hearing and make a final decision. You may ask staff questions during the hearing.

A single document was submitted during the first seven-day period: a letter from Elaine Albrich, Counsel for MN8. See attached letter dated March 3, 2026.

Staff has revised the Findings of Fact to include information presented during the February 24th hearing and during the open record period.

The Planning Commission has two options: one to approve and another to deny. Based on evidence in the record, staff prepared Findings in support of the application. However, the Planning Commission may disagree and identify standards that the project does not comply with, and staff would then draft Findings to deny the project.

PROPOSED FINDINGS OF FACT
LAND USE DECISION APPLICATION
LUD-N-088-25

REQUEST: The applicant's request is to site a 230-kilovolt stand-alone substation as a “utility facility necessary for public service” on land zoned Exclusive Farm Use (EFU).

APPLICANT:	Tim Seck for Wells Springs LLC, a subsidiary of MN8 Energy Development Company
PROPERTY OWNER:	April Miller LePage and Nolan Miller
PROPERTY DESCRIPTION:	Tax lot 3000 of Assessor’s Map 2N 23, a 632-acre parcel.
PROPERTY LOCATION:	The parcel is located east of the unincorporated community of Cecil, approximately 3 miles east of State Highway 74 on the north side of Immigrant Lane, south of Interstate 84, approximately 14 miles.

I. BACKGROUND INFORMATION:

The applicant requests permit approval to construct a standalone substation on a 13-acre portion of a 633-acre parcel of land in the Exclusive Farm Use Zone. The proposed substation is located near the intersection of Immigrant Lane and Morgan Road. The site is in proximity to planned renewable energy development that will take advantage of the Boardman to Hemingway and PacifiCorp planned infrastructure.

After the application was deemed complete on December 10, 2025, Planning Department mailed a notice to surrounding property owners and agencies on December 11, 2025, as the first step in the Administrative Review process outlined in MCZO Article 9. During the 14-day comment period, the law firm Minnick Hayner submitted a letter on behalf of multiple landowners, identifying two criteria that the application did not meet. See attached letter dated December 22, 2025. On January 20, 2026, Olivier Jamin of the Davis Wright Tremaine LLP law firm, on behalf of the applicant, submitted a letter addressing the objections in the letter from James Hayner. See attached letter dated January 20, 2026.

The Planning Director referred the application to the Planning Commission for a decision to guarantee the review remained on track for a timely local decision. The decision to refer to Planning Commission was also based on MCZO 9.046(H) where “the application involves the interpretation of ambiguous terms of the Morrow County Development Code, the Morrow County Comprehensive Plan, state law, conflicting regulations, or otherwise requires the exercise of legal or policy judgment in evaluating the proposal.” In this case, the application includes interpretation of state law and exercise of legal judgment.”

At the time this land use application was submitted, neither a transmission line nor a development project was identified that is associated with the substation. Rather, the application indicated that the purpose of the substation was to "support integration of future renewable energy development in northwest Morrow County into the regional grid. Since then, MN8 applied to the State of Oregon Energy Facility Siting Council (EFSC) for a solar and battery storage project (the Well Springs solar project) in the vicinity of the Miller Substation. As part of the EFSC review and permitting process, the Notice of Intent (NOI) was sent to Morrow County along with other state and local agencies. Morrow County received the NOI letter from EFSC on February 6, 2026, with a deadline of March 26, 2026, to submit comments. Morrow County plans to provide EFSC comments on this future solar and storage development project separate of this application.

The Planning Commission held the Miller Substation public hearing on February 24, 2026, where the applicant and one member of the public presented testimony in support of the application. Subsequently, the applicant provided additional evidence into the record in response to applicable MCZO criteria and provided final legal argument in support of the application. After reviewing the record, including the additional evidence provided by the applicant, the Planning Commission approves the application subject to the below Findings and Conditions of Approval.

II. APPROVAL CRITERIA:

Morrow County Zoning Ordinance Article 3 Section 3.010, Exclusive Farm Use, EFU Zone. Oregon Administrative Rule (OAR) 660-033-0130 (16) and Oregon Revised Statutes (ORS) 215.275(4) are applicable but included in MCZO 3.010. Criteria are listed below in **bold type**, followed by a response in standard type.

SECTION 3.010, EXCLUSIVE FARM USE, EFU ZONE.

D. Uses Subject to Administrative Review

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

The proposed substation is a utility facility that is "necessary for public service."

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F. Use Standards:

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

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

(1) To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:

(a) Technical and engineering feasibility;

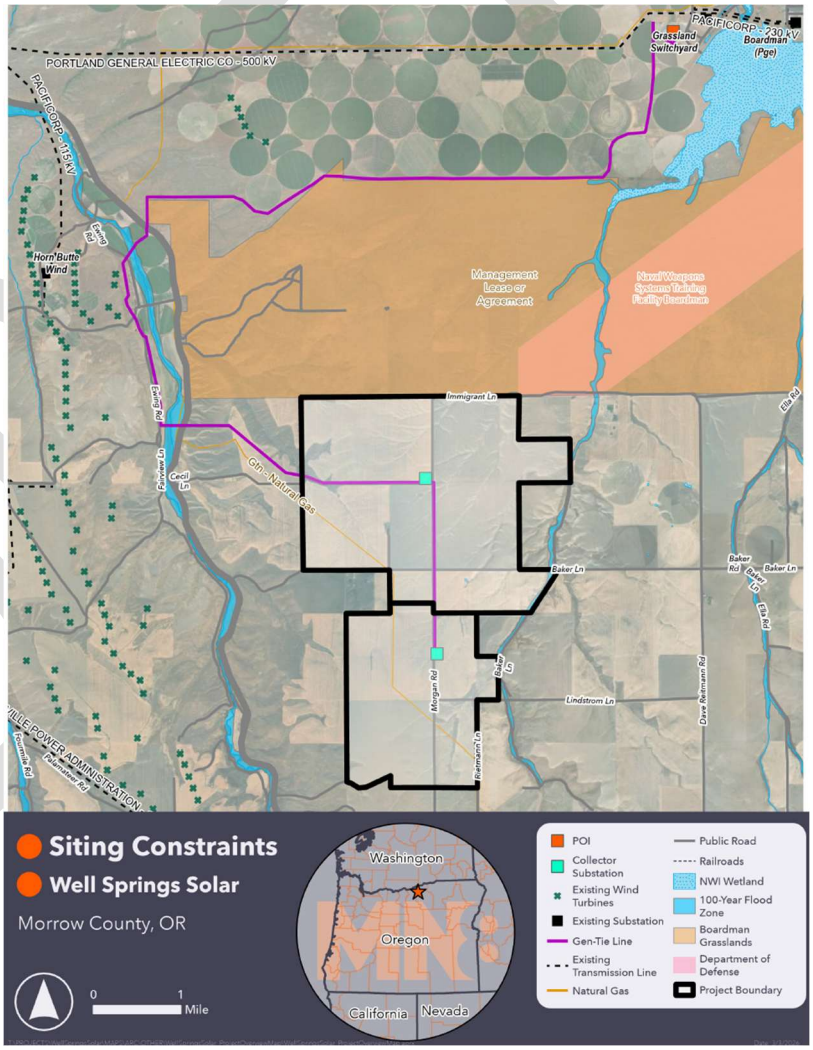
A substation gathers electricity generated or stored by solar and batteries and then transmits the electricity to a POI with the regional grid. It is necessary to locate a substation in proximity to the generation or storage in order to "step-up" electricity collected from generation and storage facilities. For example, electricity collected is commonly 34.5 kilovolts ("kV") whereas electricity routed from a substation via an associated transmission line to the POI needs to be, typically, at 230 kV. The proposed substation is planned in proximity to future solar and battery development to serve as the nearby collection point for lower voltage electricity and then serve as the "step-up" location before the electricity is transmitted to the POI. The site is oriented in a manner to the public right of way making engineering feasible to serve the future solar and storage development, including the Well Springs solar project. In addition, the substation location was determined based on technical and engineering needs, such as generally flat ground surface and slopes, stable soils, and access to existing right of way. Placing the substation in a central area relative to future renewable energy development and infrastructure minimizes the length of future collector cable systems and generation-tie transmission lines, reducing energy losses and material costs.

(b) The proposed facility is locationally-dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

The proposed substation location is intended to meet unique geographical needs that cannot be satisfied on other lands because the substation is strategically proximate to existing and planned energy infrastructure. The Miller Substation site is located to continue supporting energy development in Morrow County and be part of a robust energy and facility network, which includes the Boardman to Hemingway transmission line, the PacifiCorp Apex substation, the PacifiCorp Maverick substation, the PacifiCorp Maverick to Apex transmission line, the PacifiCorp Litespeed substation, the PacifiCrop associated transmission lines, and

various data center campuses. The applicant's presentation materials to the Planning Commission included maps and figures showing the energy infrastructure supported by the Miller Substation. The substation will facilitate future solar and storage development like the Well Springs solar project along with other future development planned for longer lead time, with both the substation and generation being dependent on the closest proximity to the grid infrastructure (B2H, PacifiCorp substations, and PacifiCorp Maverick to Apex transmission line).

The proposed substation also avoids irrigated and conservation lands. The applicant also submitted additional evidence supporting a finding a locational dependency, including the below map showing siting constraints influencing the location of the proposed substation on EFU land.



(c) Lack of available urban and nonresource lands;

The applicant states "there is a lack of non-EFU or urban lands in northwest Morrow County where future renewable energy and transmission development is anticipated. There are no other parcels available to the applicant for a substation in proximity to future utility-scale solar and storage load are not EFU-zoned land.

(d) Availability of existing rights of way;

The proposed substation is sited in close proximity to existing rights of way for future transmission line routing along Immigrant Lane and Morgan. The applicant presented evidence illustrating this at the public hearing on this application and in a memorandum dated March 3, 2026.

(e) Public health and safety; and

The applicant states that public health and safety are not contributing factors in selecting the proposed location.

(f) Other requirements of state and federal agencies.

Other requirements of state and federal agencies were not used in the determination of the siting of this substation. Applicant will be required to obtain all local, state, and federal permits and approvals as a condition of construction.

(2) Costs associated with any of the factors listed in Subsection (1) may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.

Costs are not a driving factor in demonstrating that the facility is "necessary for public service." The proposed substation is sited in the closest proximity to existing planned energy grid infrastructure for future solar and storage development.

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

The applicant acknowledges that restoration of the land will be required by the County's land use approval.

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(4) The county shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmlands.

The Planning Commission adopts clear and objective conditions, similar to conditions customarily included in the County's local land use approvals for substations.

(5) Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use under the EFU Zone or other statute or rule when project construction is complete. Off-site facilities allowed under this Subsection are subject to Article 6. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall have no effect on the original approval.

The applicant is not proposing any on-site or off-site workforce housing. This criterion is not applicable.

(6) In addition to the provisions of Subsection F.10.a(1) through (4), the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the provisions of 660-011-0060.

The applicant is not proposing the establishment or extension of a sewer system to this substation. This criterion is not applicable.

(7) The provisions of Subsection a do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

The proposed substation is neither a gas pipeline nor an associated facility. This criterion is not applicable.

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

(1) An applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements:

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

(b) The associated transmission line is co-located with an existing transmission line;
(c) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or
(d) The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad that is located above the surface of the ground.

(2) After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to Subsections F.10.b(3) and (4), two or more of the following criteria:
(a) Technical and engineering feasibility;
(b) The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
(c) Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;
(d) Public health and safety; or
(e) Other requirements of state or federal agencies.

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

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

The application does not include a transmission line. The proposed substation does not qualify as an "associated transmission line." This criterion is not applicable.

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

1. The front yard setback from the property line shall be 20 feet for property fronting on a local minor collector or marginal access street ROW, 30 feet from a property line fronting on a major collector ROW, and 80 feet from an arterial ROW unless other provisions for combining accesses are provided and approved by the County.
2. Each side yard shall be a minimum of 20 feet except that on corner lots or parcels the side yard on the street side shall be a minimum of 30 feet.
3. Rear yards shall be a minimum of 25 feet.

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

The site plan in Figure 2 shows that the substation will comply with these setback standards. There is not a stream on the property and therefore a stream setback is not applicable. The application complies with this criterion.

III. AGENCIES NOTIFIED: Department of Agriculture- Lisa Hanson; DLCD Salem – Hilary Foote, Jon Jinings, Dawn Hert; Department of Energy – Sarah Esterson; Fire Marshall– Marty Broadbent; U.S. Naval Weapons Air Station, Whidbey Island – Kimberly Peacher; Heppner RFPD – Steve Rhea; Ione RFPD – Virgil Morgan; Assessors Office – Mike Gorman; Building Official – Glenn McIntire / Toni Connell; Public Works – Eric Imes; Weed Coordinator – Corey Sweeney; Emergency Manager – Steve Freeland; CTUIR CRPP – Teara Farrow Furman ; Gilliam County – Judge Chris Patnote and Planning Director Stephanie Case; NRCS – Kevin Payne; ODFW – Steve Cherry, Melody Henderson and Jeremy Thompson.

IV. Public Comments:

a. See attached letter dated December 22, 2025, from James K. Hayner, Attorney representing neighbors in opposition.

b. See attached letter dated January 20, 2026, from Olivier Jamin, Attorney representing Well Springs Solar, LLC, the applicant.

V. PROPERTY OWNERS AND AGENCIES NOTIFIED: February 4, 2026

VI. PLANNING COMMISSION HEARING DATE: February 24, 2026

VII. DECISION OF THE PLANNING COMMISSION: The Morrow County Planning Commission finds the application complies with the standards and hereby approves Land Use Decision LUD-N-088-25 application, based on revised Findings of Fact and subject to the following CONDITIONS OF APPROVAL:

PRECEDENT CONDITIONS OF APPROVAL:

1. Provide the Planning Department with an approved Morrow County Road Department access permit prior to issuance of a Zoning Permit.

2. The applicant shall submit a reclamation plan.

3. The applicant shall coordinate with Morrow County Weed Supervisor and submit a weed management plan approved by Weed Supervisor

4. The applicant shall obtain a Zoning Permit from the Planning Department prior to construction. The Zoning Permit Site Plan shall identify the project and properties the substation will serve.

5. If a new access road is constructed, the development standard shall be approved by the Morrow County Public Works Director.

6. The applicant shall comply with all Ione Fire District recommendations.

SUBSEQUENT CONDITIONS OF APPROVAL

1. Comply with the recommendations of the Watermaster regarding water rights and water use, if any.

2. Applicant shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the substation.

.

_____

Stacie Ekstrom
Chair, Morrow County Planning Commission

_____

Date

ATTACHMENTS:
Vicinity Map
Site Plan
Application (with 12/11/2025 Notice Letter)
Letter from James K. Hayner, Attorney
Letter from Olivier Jamin, Attorney

DRAFT

Exhibit list

LUD-N-088-25, Miller Substation Well Springs Solar LLC

Exhibit #	Pgs	Date	Agency/person	Description
1	1	February 24, 2026	Elaine Albrich, applicant counsel	Cover page
2	10	February 24, 2026	Elaine Albrich, applicant counsel	Power point
3	94	February 24, 2026	Elaine Albrich, applicant counsel	Notice of Intent to apply for site certificate
4	6	February 24, 2026	Elaine Albrich, applicant counsel	Well Springs Solar Facility Public Notice
5	10	February 24, 2026	Elaine Albrich, applicant counsel	Final Approval and Notice of Decision
6	4	February 24, 2026	Elaine Albrich, applicant counsel	Executive Order No. 25-25
7	8	February 24, 2026	Elaine Albrich, applicant counsel	Executive Order No. 25-29
8	1	February 24, 2026	Elaine Albrich, applicant counsel	Preliminary Equipment Plan

Exhibits added during 7-7-7 Period, February 25, 2026, to March 17, 2026:

Exhibit #	pgs	Date	Agency/person	Description
9	3	March 3, 2026	Elaine Albrich, Davis Wright Tremaine LLP	Additional Evidence Letter

Davis Wright Tremaine LLP

Suite 700
560 SW Tenth Ave
Portland, OR 97205

Elaine Albrich
503-778-5423 tel
elainealbrich@dwt.com

February 24, 2026

VIA Email (tmabbott@morrowcountyor.gov) and VIA Hand Delivery

Morrow County Planning Commission
c/o Tamra Mabbott
Planning Director
Morrow County Planning Department
215 NE Main Ave.,
Irrigon, OR 97844

Re: Well Springs Solar LLC – LUD-N-088-25, Hearing Submittal

Dear Ms. Mabbott and Planning Commissioners,

On behalf of MN8 Energy and Well Springs Solar LLC (Applicant), we provide the enclosed into the record for the above-referenced application:

- Applicant's Presentation for Planning Commission Hearing;
- Notice of Intent to Apply for Site Certificate, submitted to ODOE January 2026;
- ODOE's Notice of Intent and Public Information Meeting, dated February 4, 2026;
- Morrow County Planning Director Decision for Morgan Substation, dated December 11, 2025;
- Oregon Governor Tina Kotek's Executive Order 25-25, dated October 6, 2025; and
- Oregon Governor Tina Kotek's Executive Order 25-29, dated November 18, 2025.
- Miller Substation 30% Design Drawing

Thank you for your consideration.

Best regards,

Davis Wright Tremaine LLP

Elaine R. Albrich

Elaine Albrich

Miller Substation
Morrow County
Planning Commission Hearing
(LUD-N-088-25)

February 24, 2026

You Got Power



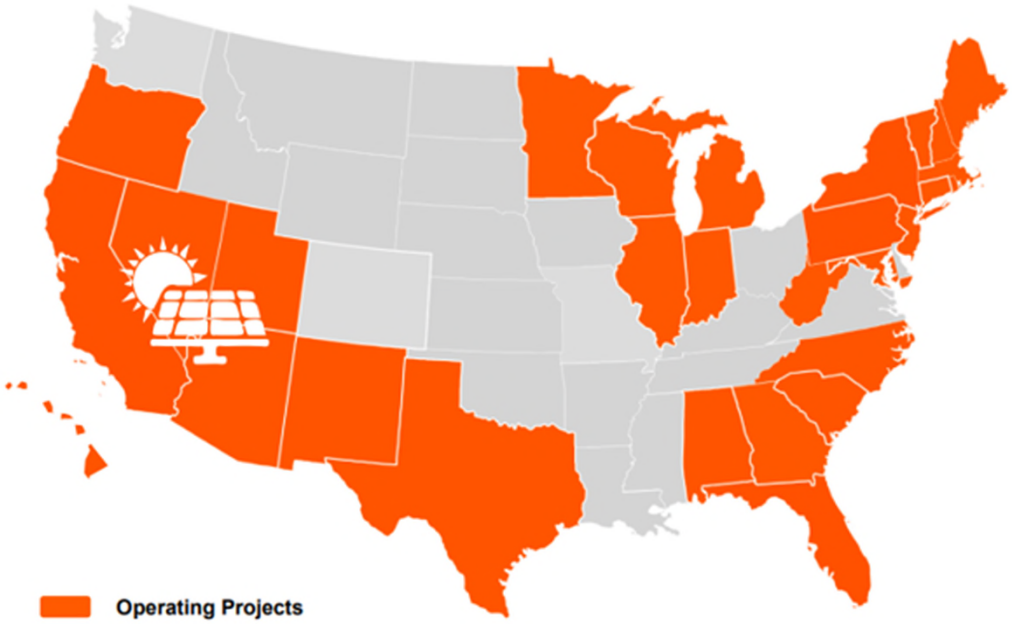
Applicant's Presentation

- MN8 Company Overview
- Background for Land Use Application
- Future Energy Development in Morrow County
- Approval Criteria for Miller Substation (Proposed Use)
- Questions
- Request for Approval

Miller Substation supports future solar and battery storage development in Morrow County

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MN8 at a Glance



Top 5
Independent Solar & Storage Company[1]

4.0 GW
Fleet[2]

200+
Blue-Chip Customers

874+
Projects in 29 States

9.3 GW
Pipeline[3]

500+
Team Members

1 Includes solar and storage assets that are operating as of March 31, 2024, inclusive of Project Slate, Ranking source: S&P Global Market Intelligence, May 17, 2024.
2 Includes operational and under-construction solar projects and battery storage capacity of 0.3 GWAC.
3 Includes projects in various stages of pre-construction, with such projects expected to start construction between 2025 and 2029; timing subject to change

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Background for Miller Substation Application

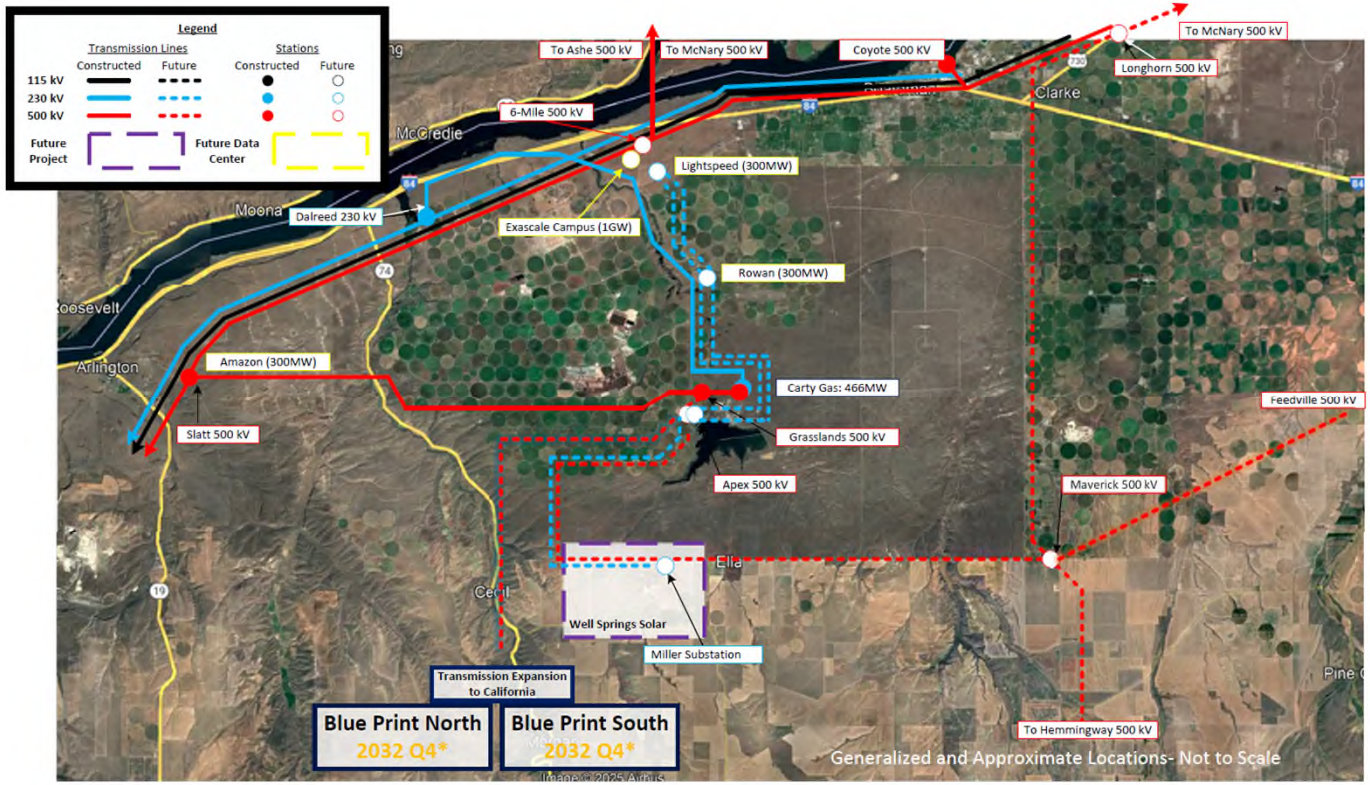
- Morrow County is an energy community with existing and future energy infrastructure (10% ITC adder).
- MN8, through its project subsidiary, Well Springs LLC, is developing solar and storage in Morrow County given market demand and enhanced tax credits for Morrow County's unique positioning as an energy community.
- MN8 using both local land use and state siting processes to facilitate time-critical solar and storage development.
- Well Springs filed two local land use applications, seeking authorization to construct two substations related to future solar and storage development in Morrow County:
  - *Morgan Substation* Application approved by Planning Director on 12.11.25 in Planning Director Decision LUD-N-087-25.
  - *Miller Substation* Application pending review by Planning Commission (LUD-N-088-25).

Federal tax credits drive all development timelines and qualifying for tax credits contributes to local economic growth by providing new energy generation and reducing energy costs.

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Future Energy Infrastructure in Morrow County – Unique Opportunity

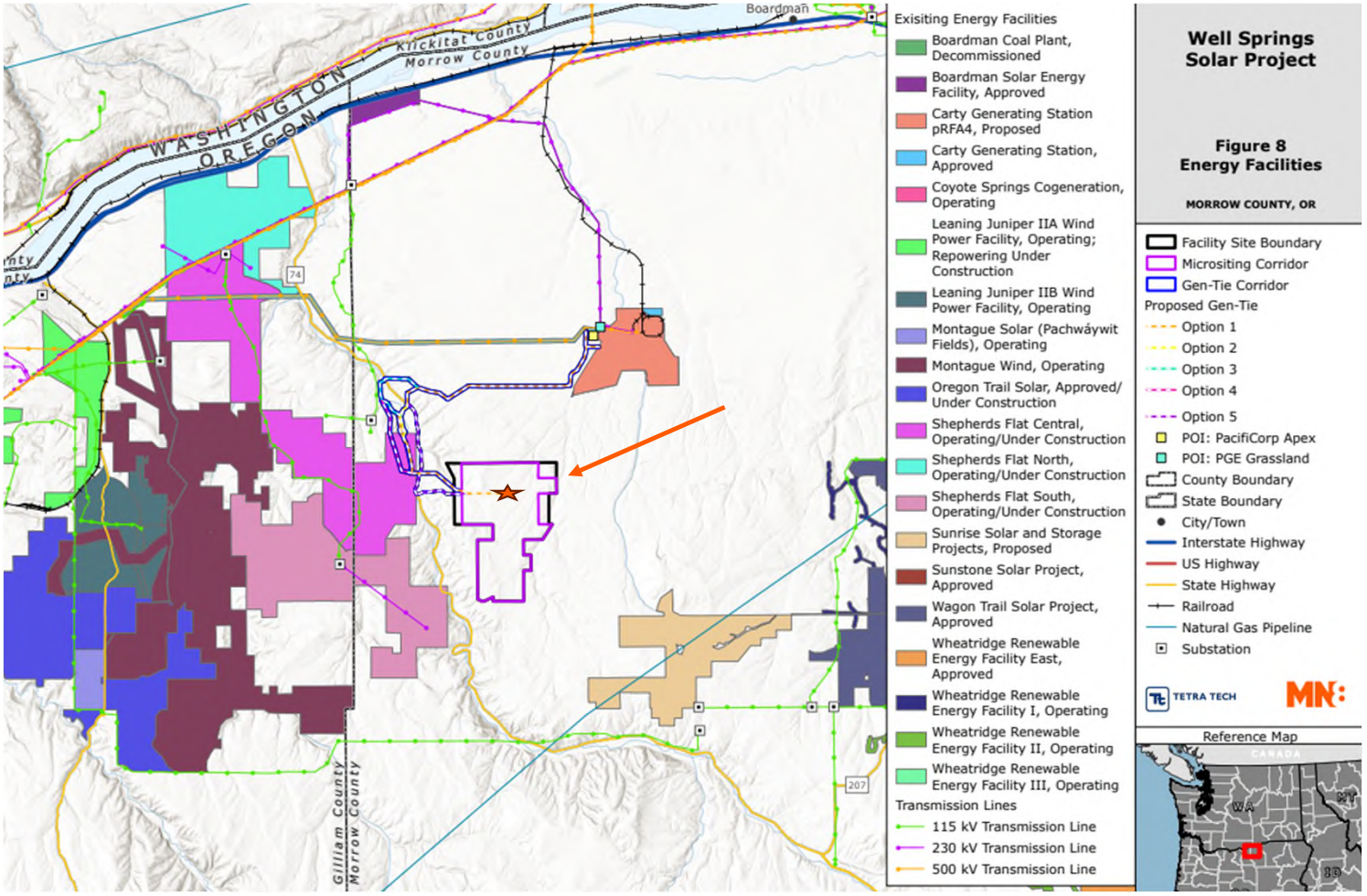
- Boardman to Hemingway transmission line
- PacifiCorp Apex substation
- PacifiCorp Maverick Substation
- PacifiCorp Maverick to Apex transmission line
- PacificCorp Litespeed substation
- PacificCorp associated transmission lines
- Amazon Data Center
- Percheron Data Center
- Exascale Data Center Campus



*** Siting solar and storage to leverage future energy infrastructure requires careful consideration of location, routes, and timing*.

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Miller Substation Vicinity



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Miller Substation and Future Solar and Storage Development

Located in Geographic Area Closest to PacifiCorp Apex Substation while Avoiding Irrigated and Conservation Lands

Main Project Components

- Solar photovoltaic arrays
- Battery storage
- *Substations*
- Associated transmission line to POI

Miller Substation to interconnect future Well Springs solar and storage to the regional grid at PacifiCorp's Apex Substation.

Complements previously-approved *Morgan Substation*.

Timing Drivers

- Federal tax credits and need to "start construction" (*i.e.*, onsite work of significant nature) by July 4, 2026. One year after passage of OBBB Act.
- Limited pathways for demonstrating "start of construction." Physical onsite work test is the least risk.
- Local land use approval allows earlier construction of Miller Substation and ensures direct coordination with Morrow County for early ground work.
- Larger project going through state siting review (EFSC). Notice of Intent for Well Springs (NOI) filed on 1.2.26, ODOE issued public notice on 2.4.26, and public meeting on 3.19.26.
- All work must be completed and operational 12.31.2030, to qualify for expiring tax credits.

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Substation Review under MCZO

MCZO 3.010(F)(10) Use Standards

- (1) Necessary, considering reasonable alternatives informed by:
  - (a) technical and engineering feasibility
  - (b) locational dependency
  - (c) lack of available urban and nonresource land
  - (d) availability of existing right of way
  - (e) public health and safety
  - (f) other state and federal requirements
- (2) Costs associated with (1)(a)-(f) factors
- (3) Site restoration and reclamation
- (4) Clear and objective conditions

Evidence

- Miller Substation is locationally dependent to serve future solar and storage development.
- Geographic proximity to PacifiCorp Apex Substation to interconnect to the grid, avoiding irrigation and minimizing impacts to resources.
- NOI for Well Springs filed with EFSC after Miller Substation application and now NOI helps support need for Miller Substation under MCZO.
- Governor Executive Orders 25-25 and 25-29

Supplemental evidence into the record.

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Proposed Revised Conditions – Mirror Morgan Substation Conditions

With additional evidence in the record, Applicant requests revised conditions consistent with Morgan Substation Land Use Decision (LUD-N-087-25) Conditions of Approval

- *See Handout 1 for redline comparison*

Morgan Substation Conditions

DECISION OF THE PLANNING DIRECTOR: The Planning Director has **approved** Land Use Decision LUD-N-087-25, subject to the following CONDITIONS OF APPROVAL.

CONDITIONS OF APPROVAL:

1. The applicant shall obtain access approval from Morrow County Public Works prior to the issuance of a Zoning Permit.
2. The applicant shall submit a reclamation plan.
3. The applicant shall coordinate with the Morrow County Weed Supervisor and submit a weed management plan approved by the Weed Supervisor.
4. The applicant shall obtain a Zoning Permit from the Planning Department prior to construction. The Zoning Permit site plan shall identify the project and properties the substation will serve.
5. If a new access road is constructed, the development standard shall be approved by the Morrow County Public Works Director.
6. The applicant shall comply with all recommendations of the Ione Fire District.

SUBSEQUENT CONDITIONS OF APPROVAL

1. Comply with the recommendations of the Watermaster regarding water rights and water use, if any.
2. Applicant shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the substation.

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Shape the Future of Energy

Turn Vision into Reality

Decarbonize our Planet

Transform our Infrastructure

Harness the Power of the Sun

Reduce Carbon

Questions?

MN: **You Got Power**

Make Energy Smarter

Achieve Net Zero

Make Energy Affordable

Change Minds

Make Energy Local

Electrify Our Future

Advance Energy Equity

Notice of Intent to Apply for a Site Certificate

Well Springs Solar Project
December 2025

Submitted to
Oregon Energy Facility Siting Council

Prepared for
Well Springs Solar LLC

Prepared by

TETRA TECH

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Figure 3. Zoning

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List of Attachments

Attachment 1. Articles of Organization

Attachment 2. Tax Lots and Property Owner Information

Attachment 3. Correspondence with Legislative Commission on Indian Services

Acronyms and Abbreviations

AC	alternating current
ACDP	Air Contaminant Discharge Permit
Applicant	Well Springs Solar LLC
ASC	Application for Site Certificate
BESS	battery energy storage system
CFR	Code of Federal Regulations
DC	direct current
EFSC	Oregon Energy Facility Siting Council
EFU	Exclusive Farm Use zoning district
FAA	Federal Aviation Administration
Facility	Well Springs Solar Project
gen-tie	generation tie
kV	kilovolt
MW	megawatt
NHD	National Hydrography Dataset
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
NWI	National Wetlands Inventory
O&M	operations and maintenance
OAR	Oregon Administrative Rules
ODOE	Oregon Department of Energy
ODEQ	Oregon Department of Environmental Quality
ODOT	Oregon Department of Transportation
ODFW	Oregon Department of Fish and Wildlife
ORS	Oregon Revised Statutes
PGE	Portland General Electric
POI	point of interconnection
RFPD	Rural Fire Protection District
USC	United States Code
USFWS	U.S. Fish and Wildlife Service
WPCF	Water Pollution Control Facilities

Exhibit A. Applicant Information – OAR 345-020-0011(1)(a)

(a) ***Exhibit A****. Information about the applicant and participating persons, including:*

(A) The name and address of the applicant including all co-owners of the proposed facility, the name, mailing address, email address and telephone number of the contact person for the NOI, and if there is a contact person other than the applicant, the name, title, mailing address, email address and telephone number of that person;

Response:

Name and mailing address of Applicant:

Well Springs Solar LLC

c/o MN8 Energy Development Company LLC

1155 Avenue of the Americas, 27th Floor

New York, NY 10036

(332) 245-4052

inquiries@mn8energy.com

Applicant contact person for the Notice of Intent (NOI):

Sarah Polachek

Permitting Manager

Well Springs Solar LLC

c/o MN8 Energy Development Company LLC

1155 Avenue of the Americas, 27th Floor

New York, NY 10036

(561) 803-0681

sarah.polachek@mn8.com

Tim Seck

Authorized Representative

Well Springs Solar LLC

c/o MN8 Energy Development Company LLC

1155 Avenue of the Americas, 27th Floor

New York, NY 10036

(561) 440-2322

tim.seck@mn8.com

(B) The contact name, mailing address, email address and telephone number of all participating persons, other than individuals, including but not limited to any parent corporation of the applicant, persons upon whom the applicant will rely for third-party permits or approvals related to the facility, and persons upon whom the applicant will rely in meeting any facility standard adopted by the Council;

Response:

Parent Company:

MN8 Energy Development Company LLC

1155 Avenue of the Americas, 27th Floor

New York, NY 11036

(332) 245-4052

inquiries@mn8energy.com

Contact persons other than the Applicant:

Matt Hutchinson

Senior Development Manager

Well Springs Solar LLC

c/o MN8 Energy Development Company LLC

2500 NE Sandy Blvd, Suite J

Portland, OR 97232

(503) 318-1629

matthew.hutchinson@mn8.com

Carrie Konkol

Tetra Tech, Inc.

1750 S Harbor Way, Suite 400

Portland, OR 97201

(503) 721-7225

carrie.konkol@tetratech.com

(C) If the applicant is a corporation:

(i) The full name, official designation, mailing address, email address and telephone number of the officer responsible for submitting the NOI;

(ii) The date and place of its incorporation;

(iii) A copy of its articles of incorporation and its authorization for submitting the NOI; and

(iv) In the case of a corporation not incorporated in Oregon, the name and address of the resident attorney-in-fact in this state and proof of registration to do business in Oregon;

Response:

The Applicant is not a corporation.

(D) If the applicant is a wholly owned subsidiary of a company, corporation or other business entity, in addition to the information required by paragraph (C), the full name and business address of each of the applicant's full or partial owners;

Response:

The Applicant is a subsidiary of their parent company:

MN8 Energy Development Company LLC

1155 Avenue of the Americas, 27th Floor

New York, NY 11036

(332) 245-4052

inquiries@mn8energy.com

(E) If the person submitting the NOI is an association of citizens, a joint venture or a partnership:

(i) The full name, official designation, mailing address, email address and telephone number of the person responsible for submitting the NOI;

(ii) The name, business address and telephone number of each person participating in the association, joint venture or partnership and the percentage interest held by each;

(iii) Proof of registration to do business in Oregon;

(iv) A copy of its articles of association, joint venture agreement or partnership agreement and a list of its members and their cities of residence; and

(v) If there are no articles of association, joint venture agreement or partnership agreement, the applicant must state that fact over the signature of each member;

Response:

The Applicant is not an association of citizens, a joint venture, or partnership.

(F) If the applicant is a public or governmental entity:

(i) The full name, official designation, mailing address, email address and telephone number of the person responsible for submitting the NOI; and

(ii) Written authorization from the entity's governing body to submit an NOI;

Response:

The Applicant is not a public or governmental entity.

(G) If the applicant is an individual, the individual's mailing address, email address and telephone number;

Response:

The Applicant is not an individual.

(H) If the applicant is a limited liability company:

(i) The full name, official designation, mailing address, email address and telephone number of the officer responsible for submitting the NOI;

(ii) The date and place of its formation;

(iii) A copy of its articles of organization and its authorization for submitting the NOI; and

(iv) In the case of a limited liability company not registered in Oregon, the name and address of the resident attorney-in-fact in this state and proof of registration to do business in Oregon.

Response:

The Applicant is a limited liability company. The Applicant primary contact submitting this NOI is:

Sarah Polachek

Permitting Manager

Well Springs Solar LLC

c/o MN8 Energy Development Company LLC

1155 Avenue of the Americas, 27th Floor

New York, NY 10036

(561) 803-0681

sarah.polachek@mn8.com

The officer responsible for the submission by Well Springs Solar LLC is:

Tim Seck

Authorized Representative

Well Springs Solar LLC

c/o MN8 Energy Development Company LLC

1155 Avenue of the Americas, 27th Floor

New York, NY 10036

(561) 440-2322

tim.seck@mn8.com

Well Springs Solar LLC was formed with the Secretary of State of the State of Delaware on August 4, 2025, and was acknowledged and registered to do business in Oregon by the Oregon Secretary of State on August 6, 2025, in Salem, Oregon. The articles of organization and registration to do business in Oregon are provided in Attachment 1.

Well Springs Solar LLC is registered in Oregon; therefore, information for the resident attorney-in-fact is not required.

Exhibit B. Facility Description – OAR 345-020-0011(1)(b)

(b) ***Exhibit B****. Information about the proposed facility, including:*

(A) A description of the proposed energy facility, including as applicable:

Response:

The Applicant proposes to construct and operate the Well Springs Solar Project (Facility), a photovoltaic solar energy generation facility and battery energy storage system (BESS), located in unincorporated Morrow County, Oregon (Figure 1). As described further below, the Facility is anticipated to consist of up to 750 megawatts (MW) of solar generation and 500 MW of BESS. The Facility's site boundary will encompass 7,365 acres of privately owned land northwest of Ione, Oregon, as well as one of five proposed generation-tie (gen-tie) corridors (see description below; Figure 1). The Facility may be constructed in phases depending on interconnection agreements, customer offtake agreements, and market conditions: Two phases are anticipated at this time (500 MW solar/250 MW BESS and 250 MW solar/250 MW BESS, respectively), but the Facility could be constructed in any configuration or phasing up to 750 MW solar/500 MW BESS. The phases will have shared facilities including the gen-tie transmission line, access roads, operations and maintenance (O&M) building(s), and other related and supporting facilities. The Applicant has proposed to interconnect the Facility via a 230-kilovolt (kV) gen-tie transmission line to PacifiCorp's Apex 230/500-kV substation (gen-tie options described below), which is currently under construction but anticipated to be operational prior to the start of Facility construction. The Facility may also interconnect to the existing Portland General Electric (PGE) Grassland 500-kV Switchyard as a secondary point of interconnection (POI).

The Applicant is in the process of conducting studies that will be included in the Application for Site Certificate (ASC) to Oregon's Energy Facility Siting Council (EFSC).

(i) For electric power generating plants, the nominal electric generating capacity and the average electrical generating capacity, as defined in ORS 469.300;

Response:

The Facility is anticipated to have up to 750 MWac of nominal and average generating capacity at the POI, as defined in Oregon Revised Statutes (ORS) 469.300(4)(c).

(ii) Major components, structures and systems, including a description of the size, type and configuration of equipment used to generate, store, transmit, or transport electricity, useful thermal energy, or fuels;

Response:

The Facility will generate electricity using photovoltaic solar panels wired in series and in parallel to form arrays. Each solar array will be composed of a combination of solar modules, tracker systems, posts, and related electrical equipment. Solar technology is rapidly evolving and the solar modules and associated equipment, and the precise layout of the solar arrays and related or supporting facilities, have not yet been determined. During preconstruction and final design, the Applicant will specify the Facility components, equipment, and layout in accordance with the reporting requirements of the Oregon Department of Energy (ODOE). The Applicant seeks flexibility to permit a range of solar array technology to accommodate market changes and to preserve layout as well as design flexibility.

The following description of major components is preliminary and conceptual and based on the best available design information at this time and may be modified in the ASC and at final design:

- **Solar Modules.** Solar modules utilize solar cells to generate electricity by converting sunlight energy into direct current (DC) electrical energy. The electrical generation from a single solar module will vary by module size and the number of cells per module. As technology continues to evolve, final module specifications are usually in flux until late in the development process. The type and manufacturer of solar modules to be installed at the Facility will be selected prior to construction based on module availability, current technology, and final design of the Facility. Solar modules will be selected from Tier 1 manufacturers and shall be monocrystalline, poly-crystalline, or thin-film solar module type. The representative modules used in current preliminary site design each have a nameplate rating of 560 watts and measure 7.5 feet by 4 feet. Solar modules consist of solar cells, antireflective glass, a metal frame, and factory-installed "quick connect" wire connectors. The modules will be connected in series to form long rows. The rows of modules are then connected via combiners or connector cables. The configuration of multiple rows (the array) can vary depending on the equipment type and topography. A total of 1,623,156 modules is anticipated (1,077,984 and 545,172 modules for the two anticipated construction phases, respectively); however, the actual number of modules will depend on the module technology, spacing, mounting equipment, and other design criteria that will be determined during final design.
- **Tracker Systems.** Strings of solar modules will be mounted on ground fixed-tilt or single-axis tracker systems that optimize electricity production by rotating the solar modules to follow the path of the sun throughout the day. The tracking systems and racking can hold the solar modules in either portrait or landscape orientation with modules being single or double stacked. The length of each tracker string may vary by topography and the number of modules that the tracker can hold. The distance between each row will depend on the tracker technology, topography, solar modules size, and other site constraints; a distance of 17.6 feet is assumed between tracker rows to ensure that adjacent rows do not shade each other during all parts of the day, and 20 feet would be maintained from the tracker to the surrounding fence line. The drive unit for the single-axis tracking system can control a single string or multiple strings of modules through a series of mechanical linkages and

gearboxes. As the solar modules tilt throughout the day, the height of their top edges will shift accordingly. An example tracking system would rotate up to 60 degrees to the east and west to maximize sun exposure to the modules. The maximum height of the module would be approximately 15 feet when fully rotated. The system height could vary where it spans dips in topography, or if dual use/agrivoltaics are utilized. The actual tracker system will be selected based on geotechnical considerations, market availability, and final design considerations prior to construction and will be specifically designed to withstand wind, snow, and seismic loads anticipated at the site.

- **Posts.** Each tracker will be supported by multiple driven steel posts, which could be round hollow posts, or pile-type posts (i.e., H-pile, C-pile, S-pile). Post depth may vary depending on soil conditions. Posts typically protrude approximately 5 feet above ground and would be driven to an adequate depth that will be determined by a geotechnical study. Posts at the end of tracker strings are usually installed to greater depth to withstand wind uplift. In some soil conditions, concrete backfill may be required for each post. Typical embedment depth of up to 10 feet is anticipated for each post, depending on geotechnical foundation requirements. Nineteen posts are assumed for each tracker row (which would hold up to 108 modules); however, post locations will be determined by the final layout of the tracker system and geotechnical investigations of the solar array area within the Facility site boundary prior to final design.
- **Inverters, Transformers, and Switchgear.** DC collected from the solar modules will be converted into alternating current (AC) before connecting to a collector substation. Low-voltage cabling will link each solar module to the inverters and transformers. Inverters serve the function of converting DC power supply to an AC power supply in accordance with electrical requirements. The AC from the inverters is routed to transformers that will increase the output voltage from the inverter to the collector substations' feed voltage of 34.5 kV. The transformers could be collocated with the inverters and centrally located within the Facility site boundary or dispersed throughout the solar array, all of which would be mounted on concrete pads. Electricity would be conveyed from the transformers to the switchgear by 34.5-kV underground collector lines. A total of 197 inverter/transformer stations is anticipated (131 and 66 stations for the two anticipated construction phases, respectively); however, the number of inverters and transformers will vary depending on the final solar array layout. The inverter and transformer specifications will comply with applicable requirements of the National Electrical Safety Code and Institute of Electrical and Electronics Engineers standards.
- **Cabling.** Solar modules generate DC electricity. Cables collect and aggregate the DC before it is converted to AC and sent to a collector substation. Low-voltage cabling will connect the solar modules of each tracker string in a series and combine multiple strings to a single combiner box. Cabling from multiple combiner boxes will connect to a single inverter, which will convert the DC to AC and connect to the buried collection system. Cabling can be mounted to the tracker system, placed in cable trays, or buried.

- **Collection System.** The inverters and transformers will connect the generation output of the solar array to 34.5-kV collector lines which may be underground. If they are underground, AC electrical cables will be buried to a minimum of 3 feet. If they are overhead, the collector lines will be supported by wooden or steel pole structures. Specific locations and dimensions of overhead collector lines, if necessary, will not be known until site geotechnical work is completed during pre-construction activities and prior to final design. Collector line may alternatively be hung on racking systems; some racking systems allow for installation of above-ground cabling that is hung on specialized hangers (such as Cab Solar hangers) or placed in cable trays.

(iii) Methods for waste management and waste disposal, including, to the extent known, the amount of wastewater the applicant anticipates, the applicant's plans for disposal of wastewater and storm water, and the location of disposal;

Response:

The Facility will not use water in the generation of electricity, but may produce wastewater for disposal if an iron-air type battery is selected for the BESS (see below for discussion of the proposed BESS). Iron-air batteries, such as Form Energy, consume water due to evaporative losses of the water-based electrolyte; a 250-MW iron-air battery could discharge about 5 to 10 million gallons of wastewater. Similar to solar array/vehicle washing wastewater, the BESS wastewater is anticipated to have an extremely high evaporation and infiltration rate at the site; however, any excess BESS wastewater that doesn't evaporate/infiltrate will be collected for transport off-site. Further details of stormwater drainage during construction and operations are provided in Exhibit K of this NOI and will be discussed further in the ASC.

(iv) For thermal power plants, combustion turbine power plants, or other facilities designed to generate electricity from any gas, liquid, or solid fuels:

(I) A discussion of the source, quantity and availability of all fuels proposed to be used in the facility to generate electricity or useful thermal energy;

(II) If the facility will generate electric power from natural gas, petroleum, coal or any form of solid, liquid or gaseous fuel derived from such material, a discussion of methods the facility will use to ensure that the facility does not emit greenhouse gasses into the atmosphere, and a description of any equipment the facility will use to capture, sequester, or store greenhouse gases;

(III) A discussion of the methods for the disposal of waste heat generated by the facility;

Response:

The Facility is not a thermal power plant, combustion turbine power plant, or other facility designed to generate electricity from any gas, liquid, or solid fuels. The Facility will generate solar power; consequently, no waste heat will be generated.

(v) For transmission lines, approximate transmission line voltage, load carrying capacity and type of current;

Response:

The Facility does not have a transmission line that, by itself, is an energy facility under the definition in ORS 469.300. The collector substations will collect generation output from the 34.5-kV collector lines and step voltage up to an expected 230-kV gen-tie transmission line for delivery to the Facility's POI at PacifiCorp's Apex 230/500-kV substation (gen-tie options described below). The Facility may also interconnect to the existing PGE Grassland 500-kV Switchyard as a secondary POI.

(vi) For pipelines, approximate operating pressure and delivery capacity in thousand cubic feet per day;

Response:

The Facility is not a pipeline. Therefore, this rule is not applicable.

(vii) For surface facilities related to underground gas storage, estimated daily injection and withdrawal rates, horsepower compression required to operate at design injection or withdrawal rates, operating pressure range and fuel type of compressors;

Response:

The Facility does not involve underground gas storage. Therefore, this rule is not applicable.

(viii) For facilities to store liquefied natural gas, the approximate volume, maximum pressure, liquefication and gasification capacity in thousand cubic feet per hour;

Response:

The Applicant does not propose the storage of liquefied natural gas. Therefore, this rule is not applicable.

(B) A description of major components, structures and systems of each related or supporting facility; and

Response:

Related or supporting facilities consist of the BESS, collector substations, O&M building(s), gen-tie transmission line, site access and service roads, perimeter fencing and gates, and temporary construction yards. The following descriptions are preliminary and based on the best available information at this time and may be modified in the ASC and at final design during preconstruction:

- **Battery Energy Storage System.** The Facility is anticipated to include up to 500 MW of BESS (up to 250 MW each for the two anticipated construction phases, respectively) either centralized or distributed within the Facility site boundary. The BESS can store and later deploy energy generated by the Facility. Many battery manufacturer options are under consideration as the technology continues to rapidly evolve; technologies being considered include Form Energy iron-air batteries as well as other BESS types and will be further described in the ASC. The battery options are anticipated to use a series of self-contained enclosures located on suitable foundations and enclosed by fencing. Some of the BESS options under consideration include fire suppression systems.
- **Collector Substations.** Up to two collector substations are anticipated to be used for the proposed Facility. These new substations will collect generation output from the 34.5-kV collection system and step it up for delivery to the 230-kV gen-tie transmission line. Prior to construction, the collector substation sites will be cleared and graded, with a bed of crushed rock applied for a durable surface. The collector substations are anticipated to consist of circuit-breakers, power transformer(s), bus and insulators, disconnect switches, relaying, battery and charger, surge arrestors, alternating current and direct current supplies, control enclosure, metering equipment, grounding, associated control wiring, and other equipment that will be determined at final design. Junction boxes for the 34.5-kV collection lines may be installed adjacent to the substations but outside the security fencing to allow for disconnection of circuits without entering the substations.
- **Operations and Maintenance Building(s).** Up to two O&M buildings are anticipated for the proposed Facility (to be shared by all construction phases), located adjacent or within the solar array area in a location that is safe and has efficient access to County road(s). The O&M building(s) may include a kitchen, restrooms, offices, meeting space, workshops, and supervisory control and data acquisition system. Graveled parking and a storage area for employees, visitors, and equipment will be located adjacent to the O&M building(s) as well as a shop space for storage of spare parts and equipment. The building(s) will have an onsite well and will have a septic system. Power will be supplied by a local service provider using overhead and/or underground lines. The property proposed for one of the O&M buildings contains existing structures (i.e., residential home, agricultural outbuildings, and a windmill) that may be demolished and removed prior to construction of the O&M building.
- **Generation-tie Transmission Line.** The collector substations will interconnect to the POI via a new single- or double-circuit 230-kV gen-tie line. The specific location and length of the gen-tie line is not yet known, and could vary based on the location of the collection

substations and final design considerations for gen-tie pole locations; thus, five gen-tie corridor options are under consideration:

- Gen-tie Option 1: 14 miles, 500 corridor acres
- Gen-tie Option 2: 1 mile, shared corridor with Option 1 (see Figure 2)
- Gen-tie Option 3: 3 miles, 98 corridor acres
- Gen-tie Option 4: 3 miles, 98 corridor acres
- Gen-tie Option 5: 5 miles, 30 corridor acres

The gen-tie line will be within the Facility site boundary and will cross areas designated as special military airspace that will influence the height of gen-tie structures (see below).

- **Site Access and Service Roads.** The Facility is anticipated to utilize existing access roads to the extent practicable; the Applicant intends to use County roads for construction access and shall pursue a Road Use Agreement with Morrow County for the maintenance and repair of County roads damaged by construction. Primary transportation corridors to the Facility include I-84 and OR-74. The bulk of the site is accessible via OR-74. New service roads will be constructed within the Facility site boundary to provide access to Facility infrastructure; access points connecting to County roads would be gated to prevent public access. New access roads would provide an all-weather drivable, compacted gravel surface from the County road(s) to each inverter/transformer station, measuring 16 feet wide with a typical cross section of 20 feet. Access routes to the gen-tie line will be unimproved two-track type roads to each pole structure.
- **Perimeter Fencing and Gates.** Wire-mesh perimeter fencing, a minimum of 7 feet in height, is anticipated to enclose the solar array as well as other infrastructure. The perimeter fencing will have lockable gates at the access points to the site from public roads.
- **Temporary Construction Yards.** Temporary construction yards are anticipated to be used for development of the proposed Facility to facilitate the delivery and assembly of materials and equipment, and may also contain temporary contractor offices/trailers, parking, and material/equipment storage. These temporary construction yards may contain temporary storage of diesel and gasoline fuels located in aboveground tanks and within designated secondary containment areas. If temporary concrete batch plant(s) are needed, they will be located within the temporary construction yards. The temporary construction yards will be within the Facility site boundary and are anticipated to be 12 acres per construction phase.

(C) The approximate dimensions of major facility structures and visible features.

Response:

The ASC will assess the maximum anticipated impacts of Facility structures and visible features. Preliminary estimates of dimensions for major Facility structures are summarized below and will be updated in the ASC during preconstruction at final design:

- **Solar Array.** The solar modules may be grouped in blocks; size will depend on the solar technology chosen. As the solar modules tilt throughout the day, the height of their top edges will shift accordingly. An example tracking system would rotate up to 60 degrees to the east and west to maximize sun exposure to the modules. The maximum height of the module would be approximately 15 feet when fully rotated. The system height could vary where it spans dips in topography, or if dual use/agrivoltaics are utilized. The tracker system, and associated posts, will be specifically designed to withstand wind, snow, and seismic loads anticipated at the site.
- **Battery Energy Storage System.** The BESS may use a series of self-contained enclosures located either centrally within an up to 125-acre area (for each of the two construction phases, depending on the BESS technology selected) or distributed within the Facility site boundary. Each container holds the batteries, a supervisory control and data acquisition system and power management system, fire prevention system and cooling system/units (as applicable based on the selected battery technology), to be placed either on top of the containers or along the side depending on the equipment selected at final design. The BESS will be enclosed by a 7-foot-tall security fence.
- **Collector Substations.** Each collector substation will occupy up to 14 acres and will be enclosed by its own 7-foot-tall security fence.
- **O&M Building(s).** Up to two one-story O&M building(s) are expected for the proposed Facility, approximately 5,000 to 10,000 square feet in size within the Facility site boundary. A permanent, graveled parking and storage area for employees, visitors, and equipment will be located adjacent to the O&M building(s) (15 parking spots anticipated, one for each operations employee), as well as a 2,000 to 5,000 square-foot detached shop space for storage of spare parts and equipment.
- **Generation-tie Transmission Line**. A 230-kV gen-tie is expected between the collector substations and the Facility POI. The gen-tie line will be supported either by H-frame structures with two steel or wood poles or by steel or wood monopole structures. The structures will rise to a height of approximately up to 200 feet above grade, depending on the terrain, spaced 300 to 700 feet apart; structures will be limited to 100 feet tall where the route crosses military airspace. The specific interconnection components will be described in further detail in the ASC and will be determined by the Applicant during micrositing at final design. Otherwise, the following mileages for each gen-tie corridor option are estimated:
    - Gen-tie Option 1: 14 miles, 500 corridor acres
    - Gen-tie Option 2: 1 mile, shared corridor with Option 1 (see Figure 2)
    - Gen-tie Option 3: 3 miles, 98 corridor acres
    - Gen-tie Option 4: 3 miles, 98 corridor acres
    - Gen-tie Option 5: 5 miles, 30 corridor acres

- **Collector Lines.** The 34.5-kV collector lines may run underground for improved reliability. The collector lines would be directly buried to a minimum depth of 3 feet; however, some portions of the lines may be above ground. If needed, overhead collector line segments will likely be placed on steel or wood monopole structures, up to 75 feet tall. Specific locations and dimensions of overhead collector lines, if necessary, will not be known until site geotechnical work has been completed during preconstruction activities and prior to final design.

Exhibit C. Facility Location – OAR 345-020-0011(1)(c)

(c) ***Exhibit C****. A description of the location of the proposed energy facility site and the proposed site of each related or supporting facility and all areas that might be temporarily disturbed during construction of the facility, including the approximate land area of each.*

Response:

The Facility site boundary will include approximately 7,365 acres (and one of five gen-tie corridor options) of privately owned land in Morrow County, Oregon. The Facility is generally bounded by OR-74 to the west, located approximately 5 miles northwest of the town of Ione, Oregon. The site boundary is composed of the townships, ranges, and sections listed in Table C-1.

Table C-1. Townships, Ranges, and Sections within the Facility Site Boundary

Township and Range[1]	Section[1]
1N 24E	6
1N 23E	1, 2, 3, 10, 11, 12, 13, 14, 15
2N 23E	7, 8, 9, 10, 11, 12, 16, 17, 18, 20, 21, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35, 36
2N 24E	5, 7, 8, 19. 30, 31
3N 24E	32
1. Location information includes the site boundary and all five gen-tie corridor options under consideration.	

Exhibit D. Alternative Locations – OAR 345-020-0011(1)(d)

(d) ***Exhibit D.*** *If the proposed energy facility is a pipeline or a transmission line or has, as a related or supporting facility, a transmission line or pipeline that, by itself, is an energy facility under the definition in ORS 469.300, identification of at least two proposed corridors, as defined in OAR 345-001-0010, or identification of a single proposed corridor with an explanation of why alternate corridors are unlikely to better meet the applicant's needs and satisfy the Council's standards. The applicant must include an explanation of the basis for selecting the proposed corridors and, for each proposed corridor, the information described in subsections (e), (g), (i), (j), (k), (L), (o) and (q) that is available from existing maps, aerial photographs, and a search of readily available literature.*

Response:

The Facility is not a pipeline, nor a transmission line as defined by ORS 469.300. The Facility does not include a pipeline nor a transmission line that, by themselves, would be considered an energy facility under ORS 469.300(11)(a)(C).

Exhibit E. Permits Needed for Construction and Operation – OAR 345-020-0011(1)(e)

(e) ***Exhibit E****. Identification of all federal, state and local government permits related to the siting of the proposed facility, a legal citation of the statute, rule or ordinance governing each permit, and the name, address, email address and telephone number of the agency or office responsible for each permit. For each permit, the applicant must provide a preliminary analysis of whether the permit should or should not be included in and governed by the site certificate.*

Response:

Table E-1 identifies the applicable federal, state, and local permits required for construction and operation of the Facility.

Table E-1. Permits or Other Approvals Required for Construction and Operation of the Facility

Permit	Agency	Authority/Description
Federal Permits		
Clean Water Act, Section 404	U.S. Army Corps of Engineers, Portland District Attn: Morrow County Contact P.O. Box 2946 Portland, OR 97208-2946 (503) 808-4337 PortlandRegulatory@usace.army.mil	Clean Water Act, Section 404 (33 United States Code [USC] § 1344); 33 Code of Federal Regulations (CFR) §§ 320, 323, 325-28, and 330 Description: A Section 404 permit will be required if dredge or fill occurs in waters of the United States. This federal process is not within the jurisdiction of EFSC and therefore should not be included in or governed by the site certificate.
Notice of Proposed Construction or Alteration (Form 7460-1)	Federal Aviation Administration (FAA) Attn: Dan Shoemaker Airspace Specialist Seattle Obstruction Evaluation Group 1601 Lind Ave SW Renton, WA 98057 (425) 227-2791 Dan.shoemaker@faa.gov	Federal Aviation Act of 1958 (14 USC § 44718); 14 CFR § 77 Description: The Applicant proposes construction or alterations that may affect navigable airspace. No permit is issued by the FAA. This federal process is not within the jurisdiction of EFSC and therefore should not be included in or governed by the site certificate.

Permit	Agency	Authority/Description
Supplemental Notice of Actual Construction or Alteration (Form 7460-2)	FAA Attn: Dan Shoemaker Airspace Specialist Seattle Obstruction Evaluation Group 1601 Lind Ave SW Renton, WA 98057 (425) 227-2791 Dan.shoemaker@faa.gov	Federal Aviation Act of 1958 (14 USC § 44718); 14 CFR § 77 Description: If a Notice of Proposed Construction or Alteration with the FAA is required, then submission of the Supplemental Notice of Actual Construction or Alteration form must be filed within 5 days after construction reaches its greatest height as specified in the No Hazard Determination. This federal process is not within the jurisdiction of EFSC and therefore should not be included in or governed by the site certificate.
Incidental Take Permit or Eagle Take Permit	U.S. Fish and Wildlife Service (USFWS) Attn: Jeffrey A Dillon, Endangered Species Division Manager 2600 SE 98th Avenue, Suite 100 Portland, OR 970266 (503) 231-6179 Jeffrey_Dillon@fws.gov	Section 7, 9, and 10 Consultation under the Endangered Species Act; Bald and Golden Eagle Protection Act Description: The Facility is not anticipated to impact federally listed species or protected eagles. However, if impacts to federally listed species or eagles are determined not to be avoidable based on the results of field surveys and ongoing coordination with USFWS, the Applicant will pursue an Incidental Take Permit or Eagle Take Permit with the USFWS as applicable. This federal process is not within the jurisdiction of EFSC and therefore should not be included in or governed by the site certificate.
State Permits		
Energy Facility Site Certificate	Oregon Department of Energy and EFSC Attn: Todd Cornett, Assistant Director 550 Capitol Street NE Salem, OR 97301 (503) 428-2962 todd.cornett@oregon.gov	ORS 469.300 et seq.; Oregon Administrative Rules (OAR) Chapter 345, Divisions 1, 21-24 Description: This site certificate is the subject of this NOI.
Airspace Review	Oregon Department of Aviation Attn: Alex Thomas, Planning, Policy, and Programs Manager 3040 25th Street, SE Salem, OR 97302 (503) 375-2357 Alex.R.THOMAS@odav.oregon.gov	14 CFR § 77; ORS 836.530 and 836.535; OAR Chapter 738, Division 70 Description: The Oregon Department of Aviation provides an airspace review and determination letter following review of Form 7460-1 for structures greater than 200 feet above ground surface or within the distances from airports listed in OAR 738-070-0110. No permit is issued by the Oregon Department of Aviation. The airspace review is useful in understanding the 7460-1 process but is outside EFSC jurisdiction. Therefore, this permit should not be included in or governed by the site certificate.

Permit	Agency	Authority/Description
Removal/Fill Permit (including Individual Permit, General Removal-Fill Permit, and General Authorization)	Oregon Department of State Lands Attn: Richard Fitzgerald, Aquatic Resource Coordinator 951 SW Simpson Avenue, Suite 104 Bend, OR 97702 (503) 910-4565 Richard.W.Fitzgerald@dsl.oregon.gov	Oregon Removal-Fill Law (ORS 196.795 - 196.990); OAR Chapter 141, Divisions 85, 89, 90, 93, 100. Description: A person or utility is required to have a permit if an activity involves filling or removing 50 cubic yards or more of material in a wetland or waterway. For sites within a state designated Essential Indigenous Anadromous Salmonid Habitat (ESH), State Scenic Waterway, or compensatory mitigation site, a permit is required for any amount of removal or fill. If this is proposed or needed, this permit should be included in and governed by the EFSC site certificate under ORS 469.401(3).
National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit 1200-A	Oregon Department of Environmental Quality (ODEQ), Eastern Region Attn: Patty Isaak, Permit Coordinator for Eastern Region 800 SE Emigrant Avenue, Suite 330 Pendleton, OR 97801 (541) 276-4605 Patty.Isaak@deq.oregon.gov	Clean Water Act, Section 402 (33 USC § 1342); 40 CFR § 122; ORS 468 and 468B; OAR Chapter 340, Division 45 Description: The NPDES 1200-A permit is required for concrete and asphalt mix batch plants which discharge stormwater to surface water. If required, the Applicant will obtain this permit directly from ODEQ as it is outside the jurisdiction of EFSC and should not be included in or governed by the site certificate.
NPDES Stormwater Discharge Permit 1200-C	ODEQ, Eastern Region Attn: Patty Isaak, Permit Coordinator for Eastern Region 800 SE Emigrant Avenue, Suite 330 Pendleton, OR 97801 (541) 276-4605 Patty.Isaak@deq.oregon.gov	Clean Water Act, Section 402 (33 USC § 1342); 40 CFR § 122; ORS 468 and 468B; OAR Chapter 340, Division 45 Description: The NPDES permit is required for construction activities that will disturb one or more acres of land. The Applicant will obtain this permit directly from ODEQ as it is outside the jurisdiction of EFSC and should not be included in or governed by the site certificate.
401 Water Quality Certification	ODEQ Attn: Amber Clark, Individual Certifications for Western and Eastern Regions 400 E Scenic Drive, Suite 307 The Dalles, OR 97058 (503) 960-1123 Amber.Clark@deq.oregon.gov	Clean Water Act, Section 401 (33 USC § 1341); OAR Chapter 340, Division 48 Description: Water quality certification is required for projects that are processed under the U.S. Army Corps of Engineers Section 404 Nationwide Permits. The Applicant will obtain this permit, if needed, directly from ODEQ as it is outside the jurisdiction of EFSC and should not be included in or governed by the site certificate.

Permit	Agency	Authority/Description
Air Contaminant Discharge Permit (ACDP)	ODEQ, Eastern Region Attn: Eastern Region Air Quality Permit Coordinator 800 SE Emigrant Avenue, Suite 330 Pendleton, OR 97801 (541) 633-2021 eraqpermits@deq.oregon.gov	OAR Chapter 340, Division 216 Description: Each mobile concrete batch plant used will require an associated ACDP. Depending on the anticipated volume of concrete to be made by each plant, either a Basic or General Air Contaminant Discharge Permit would be required. If a stationary or portable concrete manufacturing plant is required for Facility construction, the Applicant or its construction contractor will obtain the appropriate permit from ODEQ for concrete batch plants used during construction. This permit is outside the jurisdiction of EFSC and should not be included in or governed by the site certificate.
General Water Pollution Control Facilities (WPCF) Permit, WPCF-1700-B	ODEQ, Eastern Region Attn: Patty Isaak, Permit Coordinator for Eastern Region 800 SE Emigrant Avenue, Suite 330 Pendleton, OR 97801 (541) 276-4605 Patty.Isaak@deq.oregon.gov	ORS 468B; OAR Chapter 340, Division 45 Description: If solar panel washing is determined to be needed, the Applicant or a construction contractor who will conduct the solar panel washing activities may seek coverage under the WPCF-1700-B permit from ODEQ following completion of construction and before initiating any washing activities. Therefore, this permit should not be included in or governed by the site certificate.
WPCF Permit, WPCF-1000, Gravel Mining and Batch Plant	ODEQ, Eastern Region Attn: Patty Isaak, Permit Coordinator for Eastern Region 800 SE Emigrant Avenue, Suite 330 Pendleton, OR 97801 (541) 276-4605 Patty.Isaak@deq.oregon.gov	OAR Chapter 340, Division 45 Description: A WPCF-1000 authorizes the permittee to operate a wastewater collection, treatment, control, and disposal system for sand, gravel, and other nonmetallic mineral quarrying and mining operations, including asphalt-mix batch plants, concrete batch plants, and other related activities. If a temporary batch plant is needed for Facility construction, the Applicant's construction contractor will obtain a WPCF-1000 permit from the ODEQ, which would therefore not be included in or governed by the site certificate.
On-site Sewage Disposal Construction-Installation Permit	ODEQ, Eastern Region Water Quality On-site Program Attn: Sean Rochette, Technical Assistance 800 SE Emigrant Avenue, Suite 330 Pendleton, OR 97801 (541) 633-2036 Rochette.Sean@deq.state.or.us	ORS 454 and 468B; OAR Chapter 340, Division 71 Description: Facilities with an on-site sewage disposal system must obtain a Construction-Installation Permit before construction. The Facility will have a daily sewage flow of fewer than 2,500 gallons. If required, the Applicant's construction contractor will obtain the permit from ODEQ for the O&M building(s). Therefore, this permit should not be included in or governed by the site certificate.

Permit	Agency	Authority/Description
Oversize Load Movement Permit/Load Registration	Oregon Department of Transportation (ODOT) Attn: Ken Patterson, Region 5 Manager Region 5 Headquarters 3012 Island Avenue La Grande, OR 97850 (541) 963-1365 kenneth.e.patterson@odot.oregon.gov	ORS 818.030; OAR Chapter 734, Division 82 Description: Authorization for oversized loads. Movement of construction cranes and other equipment and materials may require this permit. If needed, the Applicant's construction contractor will obtain this permit and load registration from ODOT and therefore this permit should not be included in or governed by the site certificate.
Access Management Permit	ODOT Attn: Ken Patterson, Region 5 Manager Region 5 Headquarters 3012 Island Avenue La Grande, OR 97850 (541) 963-1365 kenneth.e.patterson@odot.oregon.gov	OAR Chapter 734, Division 51 Description: Access from Oregon state highways will require an access permit, which may be issued by the local ODOT District Offices. If needed, the Applicant's construction contractor will obtain this permit directly from ODOT and therefore this permit should not be included in or governed by the site certificate.
Permit to Occupy or Perform Operations Upon a State Highway	ODOT Attn: Ken Patterson, Region 5 Manager Region 5 Headquarters 3012 Island Avenue La Grande, OR 97850 (541) 963-1365 kenneth.e.patterson@odot.oregon.gov	OAR Chapter 734, Division 55 Description: Utility installations within the right-of-way of a state highway in Oregon require a permit issued by the ODOT. If needed, the Applicant's construction contractor will obtain this permit directly from ODOT and therefore this permit should not be included in or governed by the site certificate.
Water Right Permit or Water Use Authorization	Oregon Water Resources Department Water Rights Section, District 5 Attn: Greg Silbernagel, Watermaster 116 SE Dorion Avenue Pendleton, OR 97801 (541) 278-5456 Greg.M.Silbernagel@water.oregon.gov	ORS 537; OAR 690 Divisions 310, 340, and 410 Description: If water for construction is not available from permitted sources, the Applicant will obtain the necessary water right permit or use authorization directly from the Oregon Water Resources Department. It is outside the jurisdiction of EFSC and should not be included in or governed by the site certificate.
Archaeological Excavation Permit	Oregon Parks and Recreation Department, State Historic Preservation Office Attn: John Pouley, State Archaeologist 725 Summer Street NE, Suite C Salem, OR 97301 (503) 480-9164 arch.permits@oprd.oregon.gov	ORS Chapter 97, 358, and 390; OAR Chapter 736, Division 51 Description: Ground-disturbing activity that may affect a known or unknown archaeological resource on public or private lands requires a permit issued by the Oregon Parks and Recreation Department. If needed, the Applicant will obtain it from the State Historic Preservation Office and therefore this permit should not be included in or governed by the site certificate.

Permit	Agency	Authority/Description
Electrical Permit	State of Oregon Building Codes Pendleton Field Office Attn: Katherine Denight, Permit Technician 800 SE Emigrant Avenue, Suite 360 Pendleton, OR 97801 (541) 276-7814 Building.department@dcbs.oregon.gov	OAR 918, Division 309 Description: A state electrical permit is required prior to the installation of electric, phone, or cable service to any Facility infrastructure. Electrical permits may be obtained in person at the Building Codes Division Pendleton office, or online through the state's e-permitting system (available at: https://aca-oregon.accela.com/oregon/Default.aspx). A state electrical permit will be obtained by the construction contractor prior to construction of each component for which electrical, phone, or cable service will be required and therefore should not be included in or governed by the site certificate.
Building Permit	State of Oregon Building Codes Pendleton Field Office Attn: Katherine Denight, Permit Technician 800 SE Emigrant Avenue, Suite 360 Pendleton, OR 97801 (541) 276-7814 Building.department@dcbs.oregon.gov	OAR 734, Division 51; Chapter 918, Divisions 309 & 780; Oregon Structural Specialty Code Description: In Morrow County building permits are administered by the State of Oregon Building Codes Pendleton Field Office. A building permit is required for review and approval prior to commencement of construction of energy facilities. A building permit will be obtained by the construction contractor prior to construction of each component for which a building permit would be required; therefore, this permit should not be included in or governed by the site certificate.
Local Permits		
Conditional Use Permit and Zoning Permit	Morrow County Planning Department Attn: Tamra Mabbott, Planning Director P.O. Box 40 215 NE Main Avenue Irrigon, OR 97844 (541) 922-4624 tmabbott@co.morrow.or.us	Morrow County Comprehensive Plan; Morrow County Zoning Ordinance Article 3, Section 3.010; Article 4, Sections 4.010-4.070; Article 6, Sections 06.015-6.050 Description: The Applicant elects to obtain an EFSC determination under ORS Chapter 469.504(1)(b). Under ORS 469.401(3), following issuance of the site certificate, the County, upon the applicant's submission of the proper application and fee, shall issue the permits addressed in the site certificate, subject only to the conditions set forth in the site certificate and without hearings or other proceedings. Because EFSC will make the land use determination, this permit should be included in and governed by the site certificate.

Permit	Agency	Authority/Description
Floodplain Development Permit	Morrow County Planning Department Attn: Tamra Mabbott, Planning Director P.O. Box 40 215 NE Main Avenue Irrigon, OR 97844 (541) 922-4624 tmabbott@co.morrow.or.us	Morrow County Comprehensive Plan; Morrow County Zoning Ordinance, Article 3, Section 3.100 Description: A Floodplain Development Permit is required prior to construction or development within any special flood hazard area, within the overlay zone. If required, this permit will be obtained by the construction contractor prior to construction. Therefore, this permit should not be included in or governed by the site certificate.
Utility and Approach Permits	Morrow County Public Works Attn: Eric Imes, Public Works Director P.O. Box 428 Lexington, OR 97839 (541) 989-9500 eimes@co.morrow.or.us	ORS 374.305 to 374.325; Morrow County Zoning Ordinance Article 4, Section 4.010(B) Description: A Utility Permit is required to install a utility within or across a county road right-of-way. An Approach Permit will be required for new project access points with county roads, or for upgrades to existing county roads. If required, these permits will be obtained by the construction contractor prior to construction. Therefore, this permit should not be included in or governed by the site certificate.
Temporary Access/Work in Road Right-of-Way Permits	Morrow County Public Works Attn: Eric Imes, Public Works Director P.O. Box 428 Lexington, OR 97839 (541) 989-9500 eimes@co.morrow.or.us	Morrow County Zoning Ordinance Article 4, Section 4.010(B) Description: A Work in Road Right-of-Way Permit is required to make improvements to access roads that intersect with county road rights-of-way or to make improvements to existing public roads. If required, this permit will be obtained by the construction contractor prior to construction. Therefore, this permit should not be included in or governed by the site certificate.
Oversize Load Movement Permit	Morrow County Public Works Attn: Eric Imes, Public Works Director P.O. Box 428 Lexington, OR 97839 (541) 989-9500 eimes@co.morrow.or.us	Morrow County Zoning Ordinance Section 4.010(B) Description: An Oversize Load Movement Permit will be required to transport loads that exceed standard size and/or weight limits on county roads. If required, this permit will be obtained by the construction contractor prior to construction. Therefore, this permit should not be included in or governed by the site certificate.

Exhibit F. Property Ownership – OAR 345-020-0011(1)(f)

(f) ***Exhibit F****. A list of the names and mailing addresses of property owners, as described in this rule:*

(A) The list must include all owners of record, as shown on the most recent property tax assessment roll, of property located:

(i) Within 100 feet of property which the subject of the NOI, where the subject property is wholly or in part within an urban growth boundary;

(ii) Within 250 feet of property which is the subject of the NOI, where the subject property is outside an urban growth boundary and not within a farm or forest zone; or

(iii) Within 500 feet of property which is the subject of the NOI, where the subject property is within a farm or forest zone; and

(B) In addition to incorporating the list in the NOI, the applicant must submit the list to the Department in an electronic format acceptable to the Department.

Response:

In accordance with OAR 345-020-0011(1)(f), Attachment 2 is a list of the names and mailing addresses of property owners within 500 feet of the Facility's site boundary. The Facility is located in the Morrow County Exclusive Farm Use zoning district (EFU; see Figure 3); therefore, OAR 345-020-0011(1)(f)(A),(iii) applies to the Facility. Additionally, the Applicant has provided an electronic list of the property owner information to the Department (ODOE) in accordance with OAR 345-020-0011(1)(f)(B). Tax lot boundaries and assessor information for Morrow County were obtained from the Morrow County Assessor on December 16, 2025, and from the Gilliam County Assessor on December 17, 2025.

Exhibit G. Facility Maps – OAR 345-020-0011(1)(g)

(g) ***Exhibit G****. A map or maps showing:*

(A) The proposed locations of the energy facility site, all related or supporting facility sites and all areas that might be temporarily disturbed during construction of the facility in relation to major roads, water bodies, cities and towns, important landmarks and topographic features;

Response:

The components of each figure addressing the above criteria are listed below:

- **Figure 1** shows the vicinity of the Facility site boundary in relation to county boundaries, major roads, highways, cities and towns, and airports.
- **Figure 2** is an overview of the Facility layout in relation to the surrounding area.
- **Figure 3** shows the underlying zoning designation for the Facility. The site boundary is within Morrow County's EFU zoning district.
- **Figure 4** identifies the study areas and their associated mileage that are defined by OAR 345-001-0010(35).
- **Figure 5** shows the topographic features of the surrounding area in comparison to the proposed site boundary.
- **Figure 6** identifies the federal, state, and local protected areas as defined by OAR 345-001-0010(26), within a 20-mile buffer of the proposed site boundary.
- **Figure 7** shows hydrology and wetland data within the vicinity of the Facility from the National Wetlands Inventory (NWI), National Hydrography Dataset (NHD), and Federal Emergency Management Agency (FEMA).
- **Figure 8** shows the permitted energy facilities within 10 miles of the proposed site boundary. Additionally, existing transmission lines and existing substations are shown on the figure.

(B) The proposed locations of the corridors the applicant has identified under subsection (d) in relation to major roads, water bodies, cities and towns, important landmarks and topographic features;

Response:

As previously mentioned, the Facility is not a pipeline or transmission line as defined under OAR 469.300. Additionally, the Facility is not proposing a pipeline or transmission line that would be

considered an energy facility. Therefore, alternate corridors were not identified for the Facility under subsection (d).

(C) The study areas for the proposed facility as defined in OAR 345-001-0010;

Response:

As shown on Figure 4, the study areas defined under OAR 345-001-0010(35) include the area within the site boundary and the area within the following distances from the site boundary: a 0.5-mile study area for land use, wildfire risk, and fish and wildlife habitat; a 5-mile study area for recreational opportunities and threatened and endangered plant and animal species; a 10-mile study area for scenic resources and public services; and a 20-mile study area for protected areas.

(D) The topography of the study areas including streams, rivers, lakes, major roads and contour lines;

Response:

As previously mentioned, Figure 5 shows topographic features of the surrounding area in relation to the proposed site boundary. Local roads, county boundaries, contour lines, and waterbodies also are shown.

(E) All protected areas in the study area as defined in OAR 345-001-0010 for impacts to protected areas;

Response:

Protected areas defined under OAR 345-001-0010(26) are shown and labeled on Figure 6.

(F) The location of any potential waters of the state or waters of the United States that are on or adjacent to the site; and

Response:

Figure 7 shows potential waters of the state and potential waters of the United States using data from the NWI and NHD.

(G) For energy generation facilities, the approximate locations of any other energy generation facilities that are known to the applicant to be permitted at the state or local level within the study area as defined in OAR 345-001-0010 for impacts to public services.

Response:

Several energy generation and transmission facilities permitted or proposed under EFSC are within 10 miles of the proposed site boundary, such as the Sunrise Solar and Storage Project, Wagon Trail Solar Project, Wheatridge Renewable Energy Facility, Carty Generating Station, Montague Wind, Shepherds Flat North, Central, and South, Boardman Solar Energy Facility, Leaning Juniper IIA and IIB, and the Oregon Trail Solar (see Figure 8 for the full list). Existing transmission lines and

substations are also within 10 miles of the Facility (see Figure 8). No other existing energy generation facilities have been identified within 10 miles of the Facility.

Exhibit H. Non-generating Energy Facility – OAR 345-020-0011(1)(h)

(h) ***Exhibit H****. If the proposed facility is a non-generating energy facility for which the applicant must demonstrate need under OAR 345-023-0005, identification of the rule in division 23 of this chapter under which the applicant intends to demonstrate need and a summary statement of the need and justification for the proposed facility.*

Response:

The Facility is not a non-generating energy facility. Therefore, this rule is not applicable.

Exhibit I. Land Use – OAR 345-020-0011(1)(i)

(i) ***Exhibit I****. A statement indicating whether the applicant intends to satisfy the Council's land use standard, OAR 345-022-0030, by obtaining local land use approval under ORS 469.504(1)(a) or by seeking a Council determination under ORS 469.504(1)(b).*

Response:

The proposed Facility site boundary is within Morrow County's EFU zoning district (Figure 3). The Applicant intends to satisfy EFSC's land use standard, OAR 345-022-0030, by seeking an EFSC determination under ORS 469.504(1)(b) of compliance with Morrow County's land use standards for the Facility.

Exhibit J. Environmental Impacts – OAR 345-020-0011(1)(j)

(j) ***Exhibit J****. Identification of potential significant environmental impacts of construction and operation of the proposed facility on resources in the study areas, including those impacts affecting air quality, surface and ground water quality and availability, wildlife and wildlife habitat, threatened and endangered plant and animal species, historic, cultural and archaeological resources, scenic resources, recreation opportunities, land use, and wildfire risk.*

Response:

This exhibit addresses the potential environmental impacts of Facility construction and operation on air quality; surface and groundwater quality and availability (including wetlands and waters of the state or of the United States); wildlife and wildlife habitat; threatened and endangered plant and animal species; historic, cultural, and archaeological resources; scenic and aesthetic areas; recreation; protected areas; land use; and wildfire risk. The following discussions are based on the analysis area for each resource, as defined in OAR 345-001-0010(35) and shown in Figure 4. The analysis area and related regulatory requirements for each resource are identified in Table J-1.

Table J-1. Study Areas for Environmental Impacts

Resource	Study Area	Regulatory Requirement
Air Quality	Facility site boundary	Not applicable
Surface and Groundwater Quality and Availability (includes wetlands and waters of the state)	Facility site boundary	Not applicable
Fish and Wildlife Habitat	0.5 miles from Facility site boundary	OAR 345-001-0010(35)(c)
Threatened and Endangered Plant and Animal Species	5 miles from Facility site boundary	OAR 345-001-0010(35)(a)
Historic, Cultural and Archaeological Resources	Facility site boundary	Not applicable
Scenic Resources	10 miles from Facility site boundary	OAR 345-001-0010(35)(b)
Recreation	5 miles from Facility site boundary	OAR 345-001-0010(35)(d)
Land Use	0.5 miles from Facility site boundary	OAR 345-001-0010(35)(c)
Wildfire Risk	0.5 miles from Facility site boundary	OAR 345-001-0010(35)(c)

Air Quality

The primary sources of air pollution during construction and operation of the Facility are pollutants coming from the emissions of vehicles traveling to and from the Facility and fugitive dust. Solar modules, BESS, and related and supporting components will not produce air contaminants and

therefore will not have a negative impact on air quality in the area. Generally, vehicles traveling to and from the site will include large trucks carrying various materials and employees commuting to the site. Fugitive dust can be generated from vehicles driving on unpaved gravel roads. Dust control best management practices, which will be thoroughly discussed in the ASC, will be implemented during construction to minimize the effects of dust.

Because vehicles and dust generated during construction and operations are mobile, temporary, and non-point sources, they are not subject to air quality permitting. Facility-related vehicles, workers' vehicles, and vehicles used for delivery of construction supplies and equipment, or operational supplies, are subject to ODOT and U.S. Department of Transportation regulations for registration and emissions. Facility construction equipment will be subject to the federal non-road engine standards in 40 CFR Part 89 (National Archives 2025). These standards establish the maximum allowable emission rates for compression ignition non-road engines based on the model year of the engine.

Surface and Groundwater

Surface and Groundwater Quality

The Facility will not discharge pollutants to surface water or groundwater. Temporary impacts due to construction stormwater runoff will be controlled in compliance with a NPDES 1200-C permit to be issued by ODEQ, which will include an Erosion and Sediment Control Plan. If a temporary concrete batch plant is needed for construction, the Facility will also obtain NPDES 1200-A and WPCF-1000 permits from ODEQ. During construction, employees will use on-site portable toilets; waste will be disposed of off-site by a licensed contractor. During operation, restroom facilities within the O&M building(s) will be served by a septic system. Additionally, during operations, the wastewater produced from array cleaning, vehicle washing, and BESS discharge (if Form Energy iron-air batteries are selected) is anticipated to have an extremely high evaporation and infiltration rate at the site; however, any excess BESS wastewater that doesn't evaporate/infiltrate will be collected for transport off-site.

Surface and Groundwater Availability

During construction, water will primarily be required for dust suppression and access road and earthwork compaction. Actual daily water use will vary depending on weather and the final construction schedule. For example, water usage for dust control will be greater during the dry, windy conditions of summer than at other times of year.

Water is anticipated to come from nearby private or municipal sources with existing water rights. The expected water usage during Facility construction will be discussed in the ASC. During construction, the construction contractor will be responsible for identifying water sources, as needed, and ensuring that any needed permits or approval are obtained for construction water use. Water will either be used immediately or stored in tanks. Additionally, the Applicant will confirm

with the appropriate municipality that the anticipated amount of water needed for Facility construction will be available.

During operations, water may be provided to the O&M building(s) by an on-site permit exempt well; the average amount of water used at the O&M building(s) will be less than 5,000 gallons per day during operations. Generally, water during operations will be predominately used for the BESS (if Form Energy iron-air batteries are selected), solar panel washing, sheep drinking water (during grazing periods), and washing Facility vehicles. Water for these uses will be trucked to the Facility from private or municipal sources with existing water rights/licenses. Water will either be used immediately or stored in multiple 10,000-20,000-gallon tanks distributed throughout the Facility site boundary.

Wetlands and Waters of the State of Oregon

Potential wetlands and waters have been identified in Figure 7 using data from the NWI and NHD. Canals/ditches, perennial, intermittent, and ephemeral streams cross through and around the proposed site boundary according to the NHD (USGS 2025). There is also a freshwater pond within the proposed site boundary according to the NWI (USFWS 2025a). Areas that intersect the gen-tie corridor options and eastern boundary of the proposed site boundary contain FEMA-designated flood hazard areas. An in-depth analysis of wetlands and waters will be provided in the ASC including detail on the wetland and waters delineation, discussion of the potential impacts to potentially jurisdictional wetlands and waters, including required mitigation (if any), and identification of necessary permits.

Wildlife and Wildlife Habitat

As shown in Table J-2, land cover within the Facility site boundary is primarily cultivated crops, herbaceous, shrub/scrub, and developed open space (MRLC 2024). The site boundary also contains small areas of low- and medium-intensity development, hay/pasture, and deciduous forest.

Table J-2. Land Cover within the Facility Site Boundary

Land Cover Type	Area (acres)[1]	Percent of Total Area[1]
Cultivated Crops	6,307	85.6%
Herbaceous	487	6.6%
Shrub/Scrub	305	4.1%
Developed, Open Space	183	2.5%
Developed, Low Intensity	40	0.5%
Developed, Medium Intensity	30	0.4%
Hay/Pasture	13	0.2%
Total	**7,365**	**100%**

Land Cover Type	Area (acres)[1]	Percent of Total Area[1]
1. Values may not add up to the total due to rounding. Acreage amount includes the site boundary and all five gen-tie corridor options under consideration.		

Wildlife surveys will be performed to determine what species are present within the site boundary. Habitat surveys are underway to evaluate habitat functions and values present to support wildlife within the Facility site boundary. Habitat surveys will be informed by the Oregon Department of Fish and Wildlife (ODFW) Fish and Wildlife Habitat Mitigation Policy (OAR 635-415-0025), which defines six habitat quality categories ranging from Category 1 habitat (i.e., essential, limited, and irreplaceable habitat) to Category 6 habitat (i.e., habitat that has low potential to become essential or important habitat for fish and wildlife). A more in-depth analysis of specific species and their habitats will be provided in the ASC.

Sensitive, Threatened, and Endangered Species

The Applicant will consider a variety of publicly available resources to determine the threatened, endangered, and sensitive species that may occur within the site boundary and surrounding area. The Applicant is conducting habitat and general wildlife pedestrian surveys (see above), as well as raptor nest surveys within the Facility site boundary and a 0.5-mile buffer. Wildlife observations and wildlife signs (e.g., scat, tracks, burrows, stick nests, etc.) of both special status wildlife and all wildlife in general (e.g., big game) will be documented. An analysis of potential impacts to sensitive, endangered, and threatened species will be provided in the ASC including minimization and mitigation measures developed as necessary in coordination with the ODFW.

Historic, Cultural, and Archaeological Resources

The Applicant is conducting cultural resource surveys within the Facility site boundary. These surveys will evaluate the presence or absence of historic properties and other cultural resources that may or may not meet the threshold of significance necessary to qualify them as historic properties. Oregon State Historic Preservation Office study methodologies will be followed and be consistent with U.S. Secretary of Interior standards for cultural resource surveys under Section 106 of the National Historic Preservation Act (Public Law 89-665).

Any archaeological or historic sites discovered during the field investigation will be officially recorded and filed with the Oregon State Historic Preservation Office. If an archaeological or historic site is identified, the Applicant will undertake the appropriate avoidance or mitigation actions to avoid significant impacts as applicable.

Scenic Resources

The analysis area for scenic and aesthetic resources consists of the area within the Facility site boundary plus a 10-mile buffer around the site boundary in accordance with OAR 345-001-0010(35)(b) (see Figure 4). Pursuant to OAR 345-022-0080(3) and 5(a), scenic resources to be considered are those "identified as significant or important in a land use management plan adopted by one or more local, tribal, state, regional, or federal government or agency applicable to lands within the analysis area for scenic resources."

Land use management plans to be considered include the Morrow County Comprehensive Plan and local comprehensive plans for jurisdictions within 10 miles of the Facility site boundary. The visual assessment included with the ASC will include proposed mitigation measures, if needed, for significant potential impacts identified through the ASC process. A significant scenic resource that is traversed by the project is the Blue Mountain Scenic Byway (i.e., OR-74).

Recreational Opportunities

The recreational opportunities study area consists of the Facility site boundary plus a surrounding 5-mile buffer (Figure 4), in accordance with OAR 345-001-0010(35)(d). Generally, recreational activities in the study area include camping, cycling, fishing, hiking, and biking (Morrow County 2025a). The Recreation Exhibit in the ASC will include a specific analysis of the impacts to recreational opportunities within the study area. These recreational opportunities will be evaluated for several factors including rareness and irreplaceability, as required by OAR 345-022-0100(2).

Land Use

As shown on Figure 4, the study area for land use consists of the area within the Facility site boundary plus a surrounding 0.5-mile buffer in accordance with OAR 345-001-0010(35)(c). As shown in Figure 3, the Facility's site boundary is within Morrow County's EFU zoning district. Applicable development standards for this zone will be addressed in the Land Use Exhibit of the ASC. Land within the site boundary is primarily vacant/undeveloped, but some of it is used for agricultural uses. Impacts to agricultural land will also be further discussed in the Land Use Exhibit of the ASC.

The Facility will potentially use and occupy more than 12 acres of high value farmland and/or 20 acres of arable land, which would require an exception to Oregon Statewide Planning Goal 3, Agricultural Lands. A Goal 3 exception will be evaluated in the Land Use Exhibit of the ASC, as applicable, as required by OAR 345-022-0030.

Wildfire Risk

The study area for wildfire risk consists of the area within the Facility site boundary plus a surrounding 0.5-mile buffer, in accordance with OAR 345-001-0010(35)(c) (see Figure 4). The Oregon Wildlife Risk Explorer shows the study area has a low to high burn probability, with average flame lengths generally ranging from 0 to 12 feet (ODF 2025). During construction, water trucks will be on-site for dust management and can provide water to support fire control if/as needed. The Wildfire Prevention and Risk Mitigation Exhibit of the ASC will provide a detailed analysis of baseline fire risk, seasonal fire risk, heightened risk area, and high fire consequence areas for the study area. Prior to construction, the Applicant will coordinate with the Ione Rural Fire Protection District (RFPD) and continue to do so through all stage of Facility development. The Applicant will develop and implement Wildfire Mitigation Plans in compliance with OAR 345-022-0115(1)(b), which will include appropriate mitigation measures for the proposed Facility infrastructure.

Exhibit K. Community Service Impacts – OAR 345-020-0011(1)(k)

(k) ***Exhibit K****. Information about significant potential adverse impacts of construction and operation of the proposed facility on the ability of communities in the study area to provide the services listed in OAR 345-022-0110.*

Response:

Pursuant to OAR 345-001-0010(35)(b), the public services study area for impacts includes the Facility site boundary plus a surrounding 10-mile buffer. Public services that will be evaluated for potential impacts from the construction and operation of the Facility are listed in OAR 345-022-0110(1) and outlined below:

- Sewers and sewage treatment;
- Water;
- Storm water drainage;
- Solid waste management;
- Housing;
- Traffic safety;
- Police and fire protection;
- Health care; and
- Schools.

Sewers and Sewage Treatment

Sewage treatment in this rural area is limited to on-site septic systems. During construction and operation, sanitary waste will be collected on-site in portable toilets that will be provided and maintained by a licensed subcontractor. The Applicant is proposing up to two O&M buildings that may include a kitchen, restrooms, offices, meeting space, workshops, and supervisory control and data acquisition system. A septic system will be necessary to support the building. Required permits to construct the system will be obtained from Morrow County and ODEQ. The septic system will not rely on community services and will not cause significant adverse impacts to community sewer systems.

Water

During construction, water will primarily be required for dust suppression and access road and earthwork compaction. Actual daily water use will vary depending on weather and the final construction schedule. The need for water for dust control, for example, will be far greater in dry, windy summer conditions than at other times of year. As currently proposed, the anticipated water source is water obtained from existing private or municipal water sources with existing water rights and trucked to the site. The Applicant will confirm the anticipated amount of water required for construction and operation and will provide additional detail on water sourcing and use in the ASC. During Facility construction and operation, water will only be obtained from permitted sources with adequate water rights. Therefore, public water systems will not be adversely affected by construction or operation of the Facility.

During operations, the primary water use will be at the O&M building(s) and could be used for a kitchen, drinking, showers, and toilets. Generally, water used during operations at the O&M building(s) is anticipated to be under 5,000 gallons per day. Additionally, water will be used for the BESS (if Form Energy iron-air batteries are selected), solar panel and vehicle washing, and sheep drinking water as needed; water for these uses will be trucked to the Facility from private or municipal sources with existing water rights/licenses.

Stormwater Drainage

The proposed Facility will not have significant adverse impacts on stormwater drainage services or infrastructure, due to the rural nature of the area and minimal existing stormwater infrastructure in the area. Stormwater from access roads and solar panels is expected to be minimal and will flow to the adjacent ground and infiltrate on-site.

For construction, the Applicant will obtain a NPDES 1200-C Permit and prepare an Erosion and Sediment Control Plan. Construction stormwater will be handled in accordance with the terms of the permit. Stormwater management infrastructure put in place during construction will be left in place as needed, to continue functioning throughout the life of the Facility where impermeable or semi-impermeable surfaces (e.g., access roads) remain to support O&M activities. Such features may include roadside ditches, infiltration swales, or retention basins. These facilities will be located on private land and will not affect the provision of stormwater management services by any public agency. There are no incorporated communities located within the Facility site boundary; therefore, the Facility will have no impact on stormwater drainage services provided in urban areas.

Solid Waste Management

Potential impacts on the ability of communities to provide solid waste management services could occur if the solid waste management needs from the proposed Facility during construction or operations cannot be met through existing facilities or if meeting those demands interferes with the

ability of service providers to meet other community waste management needs (e.g., if local landfill capacity is inadequate to handle the needs of the proposed Facility).

Morrow County provides solid waste disposal and recycling services through franchise agreements with various private providers. The public landfill closest to the Facility is the Finley Butte Regional Landfill, located approximately 10 miles south of Boardman, Oregon, and 12 miles east of the site boundary; Waste Management in Arlington, Oregon is also located 15 miles west of the site boundary. Solid waste generated at the Facility during construction activities will be non-hazardous. Waste materials generated through the construction of the solar array, BESS, and associated infrastructure will consist of scrap metal, concrete waste, and packaging materials. Disposal of this waste will be provided through a private contract with local commercial haulers. Further, the Applicant will coordinate with waste and recycling franchisees servicing the Facility to maintain required records, as mandated by Morrow County's Solid Waste Management Ordinance.

The O&M building(s) will generate small amounts of solid waste during operation of the Facility. Typical waste will include paper, plastic, and food. Replacement of equipment throughout the lifetime of the Facility will produce scrap metal, solar panels, and inverters. Recycling programs if offered by the solar module manufacturer will be utilized if available. The Applicant will contract with a specific hazardous waste disposal for periodic disposal of batteries from the BESS.

The proposed Facility will, therefore, not have any significant adverse impact on the ability of any community in the area to provide solid waste management services.

Housing

Construction

While the construction timeframe and potential phasing of project construction have yet to be determined, the Applicant anticipates a maximum of 500 construction personnel on-site at one time, and this number will fluctuate due to multiple disciplines of contractors that will need to complete their work simultaneously during construction.

The construction workforce will include a wide variety of specialized workers for certain construction tasks such as solar array and BESS installation. Construction workers hired from outside the local area will need temporary housing. The amount of temporary housing will depend on the percentage of workers hired from outside of the local area. The percentage of the construction workforce that is hired locally will depend on the availability of workers with appropriate skills. This percentage is continually growing due to the number of solar energy projects that are being built in eastern Oregon. For employees hired nonlocally, there are several options for temporary housing within a commutable distance to the site, such as Hermiston and Boardman. Since a portion of the temporary workers will be hired locally, the Applicant does not anticipate a significant impact on housing within the 10-mile analysis area. Due to the number of regional communities that workers can choose for housing, their impact to housing in the

immediate vicinity of the Facility is anticipated to be reduced. Workers from outside the area will benefit local businesses with their patronage for housing, food, or other daily needs.

Operation

The Applicant does not anticipate significant impacts to housing in the surrounding community as a result of Facility operations. A typical large-scale solar facility operation may employ up to 15 people for day-to-day operations and maintenance, with staff focused on maintenance tasks like monitoring equipment, cleaning panels, and responding to minor issues.

Traffic Safety

Primary transportation corridors for the Facility include I-84 and OR-74. These primary transportation routes will carry heavy-duty and light-duty delivery vehicles and workforce traffic during construction of the Facility. Heavy-duty trucks will generally hold concrete, gravel, and larger materials needed for construction of the Facility. Light-duty trucks typically carry water and electrical equipment. A traffic management plan will be developed in cooperation with Morrow County to minimize impacts on traffic safety. In addition, the Applicant will pursue a Road Use Agreement with Morrow County to ensure that public roads impacted by construction will be left in "as good or better" condition than that which existed prior to the start of construction.

During operation, significant traffic impacts from the Facility are not anticipated. Facility equipment will be continuously monitored remotely. Operations and maintenance will include periodic inspection and a scheduled maintenance program, along with a minimal number of seasonal vegetation maintenance personnel. Specialized personnel responsible for occasional inspections of the solar array may be hired from outside the area and may travel in light-duty trucks to the Facility. Delivery trucks may also access the Facility during operation on an infrequent basis. A detailed analysis of traffic generation resulting from both construction and operation of the Facility will be included in the ASC.

Police and Fire Protection

The Morrow County Sheriff's Office and Oregon State Police provide police services for Morrow County (Morrow County 2025b). The Applicant will provide on-site security, and effective communications will be established between on-site security personnel and the Morrow County Sheriff's Office. As necessary, back-up law enforcement will be available from the Oregon State Police, with offices in The Dalles, Madras, and Hermiston. Construction and operation of the Facility are not anticipated to place significant new demands on the provision of law enforcement in the vicinity of the Facility site boundary or in nearby communities.

The Facility is within the Ione RFPD coverage area (OOSFM 2025). The Applicant will work with the appropriate RFPD to address any potential needs for a fire prevention and management plan during construction. The Applicant will also develop first-aid and emergency response procedures for the

construction and operation of the Facility. Development of these plans will involve consultation with local emergency response agencies. The Applicant will notify the RFPD of construction plans and identify the location of and access to Facility components. The Facility will be equipped with fire protection equipment in accordance with the Oregon Fire Code. Fire danger during construction will be reduced through implementation of safe working practices, such as maintaining adequate firefighting equipment and water supplies on hand during operations that carry a high fire risk, conducting welding within a cleared or graveled area, and parking of vehicles in designated, unvegetated areas. Fire danger during the operational phase of the Facility will be minimal. Therefore, significant new demands on the fire protection forces that serve the area are not anticipated.

Health Care

Due to the lower population density near the Facility, hospitals and medical centers tend to be regional. The closest hospital is Good Shepherd Medical Center, located approximately 11.3 miles northeast of the Facility site boundary in Hermiston, followed by Pioneer Memorial Hospital, located 22 miles southeast in Heppner. Good Shepherd is also considered a Level III trauma center (Oregon Health Authority 2025). The Morrow County Health District's Emergency Medical Services provides ambulance service in the area (Morrow County Health District 2025). Some of the nearby fire districts also have First Response Vehicles, with equipment and crew trained to stabilize a patient until the arrival of an ambulance for transport. In the event of a serious injury during construction or operation of the Facility, the patient may be flown by helicopter (operated by Life Flight) to one of the two Level I trauma centers located in Portland: Oregon Health & Science University Hospital or Legacy Emanuel Medical Center.

As per the Occupational Safety and Health Administration's regulations for sites with greater than 100 workers on-site, the Applicant anticipates that a safety manager will be on-site during Facility construction. Having site-specific procedures and a dedicated individual on-site to deal with health and safety matters ensures appropriate oversight and timely response to potential incidents that may occur during Facility construction.

Impacts on health care could occur if Facility construction activities or increases in temporary residents during construction were to result in an increase in the use of routine and emergency health care services exceeding the capacity of local providers. Impacts on local health care services will be minimized by careful management of on-site health and safety risks. The small number of new temporary residents is not expected to place significant new demands on the health care facilities that serve the area.

Schools

The site boundary falls within the Ione School District (OHCS 2025). The schools closest to the Facility are Ione High School and Heppner Junior/High School, located 5.6 miles and 22 miles southeast of the Facility site boundary, respectively. Other nearby school districts (most of which

are outside of the analysis area) that may experience an increase in enrollment due to the Facility include the Umatilla, Hermiston, Stanfield, Echo, Pilot Rock, and Pendleton school districts in Umatilla County; and the Richland, Kennewick, Prosser, Kiona-Benton City, and Finley school districts in Benton County, Washington. Construction work for the proposed Facility will be short term and few, if any, workers temporarily relocating to the area are expected to be accompanied by family members. In addition, some of the peak construction work period will occur during the summer months when school is not in session. Therefore, little to no construction-related impacts on schools are expected. Operation of the Facility will require approximately 15 permanent employees. Some employees may be hired locally, and others may relocate from outside the region with their families. Conservatively estimating that a maximum of 15 employees are hired from outside the region and on average, each brings two school-age children, up to approximately 30 children could enroll at area schools. Because children would be different ages, the number of children at any one grade level will be very low. As a result, construction and operation of the Facility is not expected to substantially affect local school enrollment. Additional information will be provided in the ASC.

Exhibit L. Protected Areas – OAR 345-020-0011(1)(L)

(L) ***Exhibit L****. A list of all protected areas in the study area for impacts to protected areas identifying:*

(A) The distance and direction of the protected area from the proposed facility;

(B) The basis for protection of the area, by reference to a specific subsection of OAR 345-001-0010(26); and

(C) The name, mailing address, phone number, and email address of the land management agency or organization with jurisdiction over the protected area;

Response:

The protected areas study area is the Facility site boundary plus a surrounding 20-mile buffer (Figure 6), in accordance with OAR 345-001-0010(35)(e). Protected areas are defined and listed in OAR 345-001-0010(26). Table L-1 lists known protected areas within the study area, which are shown in Figure 6. The Protected Areas Exhibit of the ASC will include more detailed analysis of the potential impacts to protected areas.

Table L-1. Protected Areas Inventory

Protected Areas within 20 Miles of Facility Site Boundary		Distance to Facility Site Boundary (miles)	Direction from Facility	Agency Contact Information	Data Source
Type	**Area Name**				
National Park or other unit of the National Park System OAR 345-001-0010(26)(a)	None	N/A	N/A	N/A	Google Earth 2025, NPS 2025a, USGS 2024
National Monument OAR 345-001-0010(26)(b)	None	N/A	N/A	N/A	Google Earth 2025, NPS 2025a, USGS 2024
Wilderness Area OAR 345-001-0010(26)(c)	None	N/A	N/A	N/A	Google Earth 2025, USFS 2025a, USFS 2025b, USFS 2025c, USGS 2024, Wilderness Connect 2025
Wild, Scenic, or Recreational River included in the National Wild and Scenic River System OAR 345-001-0010(26)(d)	John Day Wild and Scenic River	19.7	SW	Bureau of Land Management (BLM), Prineville District 3050 NE 3rd Street Prineville, OR 97754 (541) 416-6700 BLM_OR_PR_Mail@blm.gov	Google Earth 2025, NPS 2025b, National Wild and Scenic Rivers System 2025, USGS 2024
National Wildlife Refuge included in the National Wildlife Refuge System OAR 345-001-0010(26)(e)	Umatilla National Wildlife Refuge	9.9	NE	U.S. Fish and Wildlife Service (USFWS) 72650 Riverview Lane Irrigon, OR 97844 (509) 546-8300 No email listed	Google Earth 2025, USFWS 2025b, USGS 2024
National Fish Hatcheries OAR 345-001-0010(26)(f)	None	N/A	N/A	N/A	Google Earth 2025, USFWS 2025c
National Recreation area, National Scenic area, or Special Resources Management Unit OAR 345-001-0010(26)(g)	None	N/A	N/A	N/A	Google Earth 2025, USFS 2025a, USFS 2025b, USFS 2025c, USGS 2024
Wilderness Study Area OAR 345-001-0010(26)(h)	None	N/A	N/A	N/A	BLM 2025a, Google Earth 2025, USGS 2024
Area of Critical Environmental Concern OAR 345-001-0010(26)(i)(A)	Horn Butte Curlew Area of Critical Environmental Concern	0.9	NW	BLM P.O. Box 2965 Portland, OR 97208 (503) 808-6001 Blm_or_so_land_office_mail@blm.gov	BLM 2025b, BLM 2025c, BLM 2025d, BLM 2025e, Google Earth 2025, OPRD 2020, USFS 2025b, USGS 2024
Outstanding Natural Area OAR 345-001-0010(26)(i)(B)	None	N/A	N/A	N/A	

Protected Areas within 20 Miles of Facility Site Boundary		Distance to Facility Site Boundary (miles)	Direction from Facility	Agency Contact Information	Data Source
Type	**Area Name**				
Research Natural Area OAR 345-001-0010(26)(i)(C)	Boardman Research Natural Area	6.3	NE	BLM P.O. Box 2965 Portland, OR 97208 (503) 808-6001 Blm_or_so_land_office_mail@blm.gov	
Experimental Forest or Range OAR 345-001-0010(26)(i)(D)	None	N/A	N/A	N/A	
Special Interest Area designated for scenic, geologic, botanic, zoologic, paleontological, archaeological, historic, or recreational values, or combinations of these values OAR 345-001-0010(26)(i)(E)	None	N/A	N/A	N/A	
State park, wayside, corridor, monument, historic, or recreation area under the jurisdiction of the Oregon Parks and Recreation Department OAR 345-001-0010(26)(j)	Cottonwood Canyon State Park	19.2	SW	Oregon Parks and Recreation Department (OPRD) 725 Summer Street NE, Suite C Salem, OR 97301 (541) 394-0002 park.info@oregon.gov	Google Earth 2025, OPRD 2025a, USGS 2024
Willamette River Greenway OAR 345-001-0010(26)(k)	None	N/A	N/A	N/A	Google Earth 2025, OPRD 2025b
Natural area listed in the Oregon Register of Natural Areas OAR 345-001-0010(26)(L)	Lindsay Prairie Preserve	9.5	E	The Nature Conservancy (TNC) 821 SE 14th Avenue Portland, OR 97214 (503) 802-8100 oregon@tnc.org	Google Earth 2025, OPRD 2020, USGS 2024
South Slough National Estuarine Research Reserve OAR 345-001-0010(26)(m)	None	N/A	N/A	N/A	Google Earth 2025, NOAA 2025
State Scenic Waterway OAR 345-001-0010(26)(n)	None	N/A	N/A	N/A	Google Earth 2025, OPRD 2025c, OPRD 2025d, USGS 2024
State Wildlife Refuge or Management Area OAR 345-001-0010(26)(o)	Columbia Basin – Willow Creek Wildlife Area	6.3	NW	Oregon Department of Fish and Wildlife (ODFW) 73471 Mytinger Lane Pendleton, OR 97801 (541) 276-2344 odfw.info@odfw.oregon.gov	Google Earth 2025, ODFW 2025a, USGS 2024

Protected Areas within 20 Miles of Facility Site Boundary		Distance to Facility Site Boundary (miles)	Direction from Facility	Agency Contact Information	Data Source
Type	Area Name				
	Columbia Basin – Coyote Springs Wildlife Area	13.7	NE	ODFW 73471 Mytinger Lane Pendleton, OR 97801 (541) 276-2344 odfw.info@odfw.oregon.gov	
Fish hatchery operated by the Oregon Department of Fish and Wildlife OAR 345-001-0010(26)(p)	Umatilla Hatchery	20.0	NE	ODFW 73959 Riverview Lane Irrigon, OR 97844 (541) 922-5659 odfw.info@odfw.oregon.gov	Google Earth 2025, ODFW 2025b
Agricultural experiment station, experimental area, or research center established by Oregon State University OAR 345-001-0010(26)(q)	None	N/A	N/A	N/A	Google Earth 2025, OSU 2025a
Research forest established by Oregon State University OAR 345-001-0010(26)(r)	None	N/A	N/A	N/A	Google Earth 2025, OSU 2025b

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Exhibit M. Water Sources and Use – OAR 345-020-0011(1)(m)

(m) ***Exhibit M****. Information about anticipated water use during construction and operation of the proposed facility, including:*

(A) A description of each source of water and the applicant's estimate of the amount of water the facility will need from each source;

Response:

Information regarding the anticipated water use during construction and operation of the proposed Facility is described below.

Construction

During construction, water will primarily be required for dust suppression and access road and earthwork compaction. Actual daily water use will vary depending on weather and the final construction schedule. The need for water for dust control, for example, will be far greater in dry, windy summer conditions than at other times of year. As currently proposed, anticipated sources include existing private or municipal water sources with existing water rights. Water from these sources will be trucked to the site. The Applicant will confirm the anticipated amount of water required for construction and operation and will provide additional detail on water sourcing and use in the ASC. Water will only be obtained from permitted sources with adequate water rights.

Operation

During operations, the primary water use will be at the O&M building(s) and may be used for a kitchen, drinking, showers, and toilets. Generally, water used during operations at the O&M building(s) is anticipated to be under 5,000 gallons per day. Additionally, water will be used for the BESS (if Form Energy iron-air batteries are selected), solar panel and vehicle washing, and sheep drinking water as needed. Water for these uses will be trucked to the Facility from private or municipal sources with existing water rights/licenses. Iron-air batteries, such as Form Energy, consume water due to evaporative losses of the water-based electrolyte; a 250 MW iron-air battery could use approximately 20 to 40 million gallons of water per year in operation.

(B) If a new water right is required, the approximate location of the points of diversion and the estimated quantity of water to be taken at each point; and

Response:

At this time, the Applicant does not anticipate that the Facility will require new water rights.

(C) For operation, the source of cooling water and the estimated consumptive use of cooling water, based on annual average conditions.

Response:

The Facility is a solar photovoltaic power generation and storage facility. No cooling water is required for operation.

Exhibit N. Carbon Dioxide Emissions – OAR 345-020-0011(1)(n)

(n) ***Exhibit N****. If the proposed facility would emit carbon dioxide, an estimate of the gross carbon dioxide emissions that are reasonably likely to result from the operation of the facility and a statement of the means by which the applicant intends to comply with the applicable carbon dioxide emissions standard under OAR 345-024-500.*

Response:

The Facility will not emit carbon dioxide. Therefore, these rules are not applicable.

Exhibit O. Evaluation of Statutes, Rules, and Ordinances – OAR 345-020-0011(1)(o)

(o) ***Exhibit O****. Identification, by legal citation, of all state statutes and administrative rules and local government ordinances containing standards or criteria that the proposed facility must meet for the Council to issue a site certificate, other than statutes, rules and ordinances identified in Exhibit E, and identification of the agencies administering those statutes, administrative rules and ordinances. The applicant must analyze and describe any problems the applicant foresees in satisfying the requirements of any such statute, rule or ordinance.*

Response:

The applicable state statutes, administrative rules and ordinances are listed below in Table O-1. These statutes, rules, and local ordinances contain standards or criteria that must be met by the Applicant for EFSC to issue a site certificate beyond what is listed in Exhibit E of this NOI. The Applicant does not anticipate problems in meeting specific requirements.

Table O-1. Statutes, Rules, and Ordinances Containing Relevant Standards or Criteria

Department	Legal Citation	Agency Address
Oregon Department of Agriculture	OAR 345-022-0070 Threatened and Endangered Species Plant Conservation Biology Program—ORS 564.105; OAR Chapter 603, Division 73	Oregon Department of Agriculture 635 Capitol Street NE Salem, OR 97301 (503) 986-4550
Oregon Department of Aviation	OAR 345-022-0000 General Standard of Review ORS 836.530 and 836.535; OAR Chapter 738, Division 70	Oregon Department of Aviation 3040 25th Street SE Salem, OR 97302 (503) 378-4880
Oregon Department of Fish and Wildlife – Habitat Conservation Division	OAR 345-022-0060 Fish and Wildlife Habitat and OAR 345-022-0070 Threatened and Endangered Species Habitat Conservation ORS 496-497; ORS 506, Divisions 109 and 119; OAR Chapter 635, Divisions 100 (Wildlife Management Plan) and 415 (Fish and Wildlife Habitat Mitigation Policy)	Oregon Department of Fish and Wildlife Headquarters The Dalles Fish Screens and Field Office 3561 Klindt Drive The Dalles, OR 97058 (541) 296-8026

Department	Legal Citation	Agency Address
Oregon Water Resources Department —Water Rights Division	OAR 345-022-0160(1) General Standards for Siting Facilities ORS Chapter 537 (Appropriation of Water Generally); ORS Chapter 540 (Distribution and Storage of Water); OAR Chapter 690 (Water Resources Department)	Oregon Water Resources Department Water Rights Section, District 21 221 S Oregon Street Condon, OR 97823 (541) 969-8799
Oregon Department of State Lands	OAR 345-022-0160(1) General Standards for Siting Facilities OAR Chapter 141	Oregon Department of State Lands 775 Summer St. NE, Suite 100 Salem, OR 97301-1279 (503) 986-5200
Oregon Department of Environmental Quality—Water Quality & Stormwater Control	OAR 345-022-0022 Soil Protection ORS 468 and 468B; OAR Chapter 340, Divisions 41, 45, and 55	Oregon Department of Environmental Quality 400 E Scenic Drive, Suite 307 The Dalles, OR 97058 (541) 298-7255
Oregon Department of Environmental Quality—Noise	OAR 345-022-0160(2) General Standards for Siting Facilities ORS 467 (Noise Control) and OAR Chapter 340, Division 35 (Noise Control Regulations)	Oregon Department of Environmental Quality 400 E Scenic Drive, Suite 307 The Dalles, OR 97058 (541) 298-7255
Oregon Department of Environmental Quality—Hazardous Waste Management	OAR 345-022-0120 Waste Minimization ORS Chapters 465 and 466 (Hazardous Waste and Hazardous Materials I and II); and OAR Chapter 340, Divisions 100 through 122 (Hazardous Waste Management)	Oregon Department of Environmental Quality 400 E Scenic Drive, Suite 307 The Dalles, OR 97058 (541) 298-7255
Oregon Department of Environmental Quality—Solid Waste	OAR 345-022-0120 Waste Minimization ORS Chapter 459 (Solid Waste Management) and OAR Chapter 340, Division 93 (Solid Waste General Provisions)	Oregon Department of Environmental Quality 400 E Scenic Drive, Suite 307 The Dalles, OR 97058 (541) 298-7255
Oregon Department of Geology and Mineral Industries	OAR 345-022-0020 Structural Standard OAR Chapter 632, Division 1	Oregon Department of Geology and Mineral Industries 800 NE Oregon Street, Suite 965 Portland, OR 97232 (971) 673-1555

Department	Legal Citation	Agency Address
Oregon Parks and Recreation Department, State Historic Preservation Office—Archaeological	OAR 345-022-0090 Historic, Cultural and Archaeological Resources ORS 97.740-97.760 (Indian Graves and Protected Objects); ORS 358.920-358.955 (Archaeological Objects and Sites); ORS 390.010 (Outdoor Recreation); ORS 390.235 (Archaeological Sites and Historical Material); and OAR 736-051-0090 (Archaeological Permits)	State Historic Preservation Office 725 Summer Street NE, Suite C Salem, OR 97301 (503) 986-0690
Oregon Office of State Fire Marshal—Emergency Planning and Community Right to Know Act	OAR 345-022-0115 Wildfire Prevention and Risk Mitigation ORS 453; OAR Chapter 837, Divisions 85 and 95; Fire and Life Safety Regulations, OAR 837, Division 40	Oregon Office of State Fire Marshal 3991 Fairview Industrial Dr SE Salem, OR 97302 (503) 378-3473
Oregon Office of State Fire Marshal	OAR 345-022-0115 Wildfire Prevention and Risk Mitigation 2022 Oregon Fire Code; OAR Chapter 837, Division 40	Oregon Office of State Fire Marshal 3991 Fairview Industrial Dr SE Salem, OR 97302 (503) 378-3473
Oregon Department of Land Conservation and Development	OAR 345-022-0030(2) and (3) Land Use Oregon Statewide Planning Goals ORS Chapter 195 (Local Government Planning Coordination); ORS Chapter 197 (Comprehensive Land Use Planning Coordination); ORS Chapter 215 (County Planning, Zoning, Housing Codes); ORS Chapter 469 (Energy, Conservation Program, Energy Facilities); OAR Chapter 660 (Department of Land Conservation and Development Administrative Rules)	Department of Land Conservation and Development 635 Capitol Street NE, Suite 150 Salem, OR 97301 (503) 373-0050
Morrow County Planning Department	OAR 345-022-0030(2)(a) Land Use Morrow County Zoning Ordinance	Morrow County Planning Department P.O. Box 40 215 NE Main Avenue Irrigon, OR 97844 (541) 922-4624

Exhibit P. Schedule for Application for Site Certificate – OAR 345-020-0011(1)(p)

(p) ***Exhibit P****. A schedule stating when the applicant expects to submit a preliminary application for a site certificate.*

Response:

The Applicant intends to submit the NOI and Preliminary ASC according to the schedule shown in Table P-1.

Table P-1. Proposed Schedule for Application for Site Certificate Submittal

Activity	Anticipated Date
Applicant submits the NOI to ODOE	Q4 2025
ODOE reviews the NOI, distributes public notice, conducts public information meeting as needed, facilitates comment period, and issues Project Order	Q4 2025 – Q1 2026
Applicant submits Preliminary ASC to ODOE	Q1 2026

Exhibit Q. Evidence of Consultation with State Commission on Indian Services – OAR 345-020-0011(1)(q)

(q) ***Exhibit Q****. Evidence of consultation with the Legislative Commission on Indian Services to identify each appropriate tribe to consult with regarding the proposed facility's possible effects on Indian historic and cultural resources.*

Response:

The Applicant submitted a letter to the Oregon Legislative Commission on Indian Services to identify appropriate Tribes to contact regarding possible effects of the Facility on Indian historic and cultural resources. On July 29, 2025, the Legislative Commission provided a letter identifying the Burns Paiute Tribe, Confederated Tribes of the Umatilla Indian Reservation, and Confederated Tribes of Warm Springs Reservation of Oregon as Tribal governments that should be notified (Attachment 3).

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Figures

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Well Springs Solar Project

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Figure 1
Site Vicinity

MORROW COUNTY, OR

- Facility Site Boundary
- Micrositing Corridor
- Gen-Tie Corridor

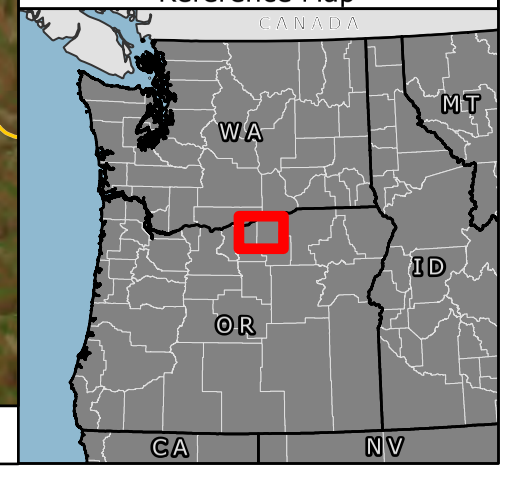
Proposed Gen-Tie

- Option 1
- Option 2
- Option 3
- Option 4
- Option 5
- POI: PacifiCorp Apex
- POI: PGE Grassland
- County Boundary
- State Boundary
- City/Town
- Interstate Highway
- US Highway
- State Highway
- Airport
- Railroad

TETRA TECH

MN

Reference Map



1:250,000 NAD 1983 2011 StatePlane Oregon North FIPS 3601 Ft Intl

0 3 6 12 18 24 Miles

NOT FOR CONSTRUCTION

\\tt.local\GIS\US\CES\Projects\PDX\MN8_Energy\Well_Springs\Maps_NOI_20250718\MN8_WellSprings_NOI_20251215_v2.aprx

Well Springs Solar Project

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Figure 2
Facility Site Overview

MORROW COUNTY, OR

- Facility Site Boundary
- Micrositing Corridor
- Gen-Tie Corridor
- POI: PacifiCorp Apex
- POI: PGE Grassland
- County Boundary
- City/Town
- State Highway
- Local Roads
- Substation
- 115 kV Transmission Line
- 230 kV Transmission Line
- 500 kV Transmission Line
- Railroad

Preliminary Facility Infrastructure

- BESS
- Laydown Area
- Access Roads
- Solar Modules

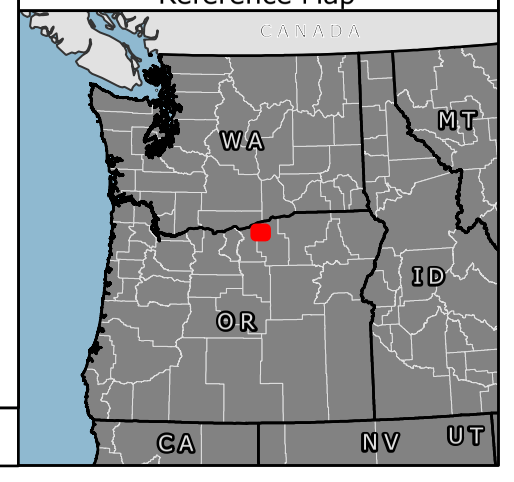
Proposed Gen-Tie

- Option 1
- Option 2
- Option 3
- Option 4
- Option 5

TETRA TECH

MN:

Reference Map



74

Gilliam County

Morrow County

Cecil

1:60,000

NAD 1983 2011 StatePlane Oregon North FIPS 3601 Ft Intl

0 1 2 4 Miles

NOT FOR CONSTRUCTION

\\tt.local\GIS\US\CES\Projects\PDX\MN8_Energy\Well_Springs\Maps_NOI_20250718\MN8_WellSprings_NOI_20251215_v2.aprx

Well Springs Solar Project

Figure 3
Zoning

MORROW COUNTY, OR

- Facility Site Boundary
- Micrositing Corridor
- Gen-Tie Corridor

Proposed Gen-Tie

- Option 1
- Option 2
- Option 3
- Option 4
- Option 5
- POI: PacifiCorp Apex
- POI: PGE Grassland
- County Boundary
- City/Town
- State Highway
- Railroad

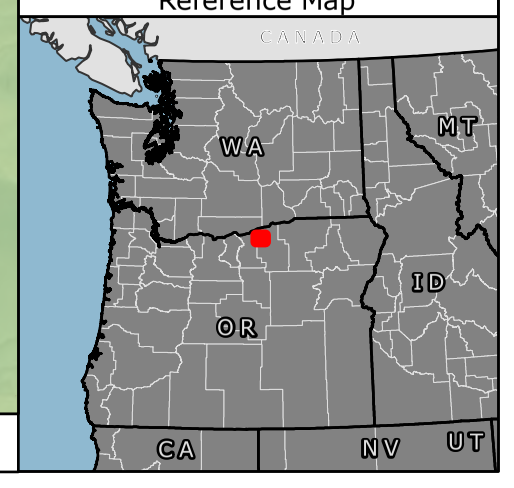
Morrow County Zoning

- Exclusive Farm Use
- General Industrial

TETRA TECH

MN

Reference Map



74

Gilliam County

Morrow County

1:60,000

NAD 1983 2011 StatePlane Oregon North FIPS 3601 Ft Intl

0 1 2 4 Miles

NOT FOR CONSTRUCTION

\\tt.local\GIS\US\CES\Projects\PDX\MN8_Energy\Well_Springs\Maps_NOI_20250718MN8_WellSprings_NOI_20251215_v2.aprx

Well Springs Solar Project

Figure 4
Study Area Boundaries

MORROW COUNTY, OR

- Facility Site Boundary
- Micrositing Corridor
- Gen-Tie Corridor

Proposed Gen-Tie
- Option 1
- Option 2
- Option 3
- Option 4
- Option 5

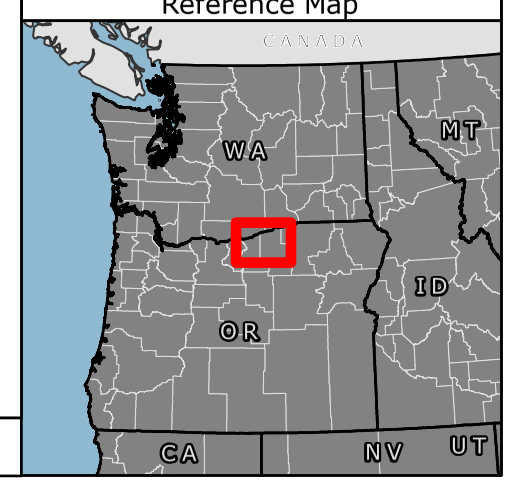
- POI: PacifiCorp Apex
- POI: PGE Grassland
- County Boundary
- State Boundary
- City/Town
- Interstate Highway
- US Highway
- State Highway
- Airport
- Railroad

TETRA TECH

MN:

Study Areas
- 0.5-mile Land Use; Wildfire Risk; Fish and Wildlife Habitat Buffer
- 5-mile Recreational Opportunities; Threatened and Endangered Plant and Animal Species Buffer
- 10-mile Scenic Resources and Public Services Buffer
- 20-mile Protected Areas Buffer

Reference Map



1:330,000

NAD 1983 2011 StatePlane Oregon North FIPS 3601 Ft Intl

0 3 6 12 18 24 Miles

NOT FOR CONSTRUCTION

\\tt.local\GIS\US\CES\Projects\PDX\MN8_Energy\Well_Springs\Maps_NOI_20250718\MN8_WellSprings_NOI_20251215_v2.aprx

Well Springs Solar Project

Figure 5
Topography

MORROW COUNTY, OR

- Facility Site Boundary
- Micrositing Corridor
- Gen-Tie Corridor

Proposed Gen-Tie

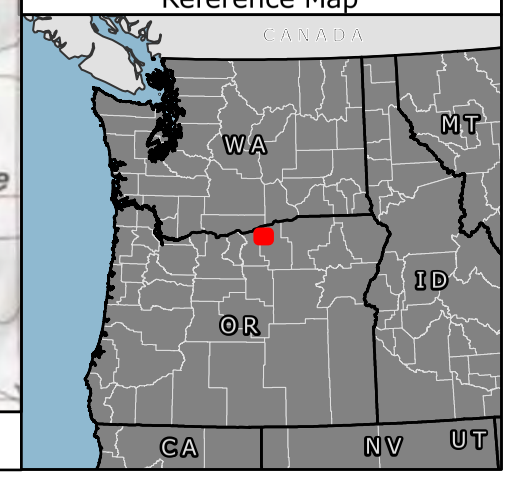
- Option 1
- Option 2
- Option 3
- Option 4
- Option 5

- POI: PacifiCorp Apex
- POI: PGE Grassland

TETRA TECH

MN8

Reference Map



1:60,000

NAD 1983 2011 StatePlane Oregon North FIPS 3601 Ft Intl

0 1 2 4 Miles

NOT FOR CONSTRUCTION

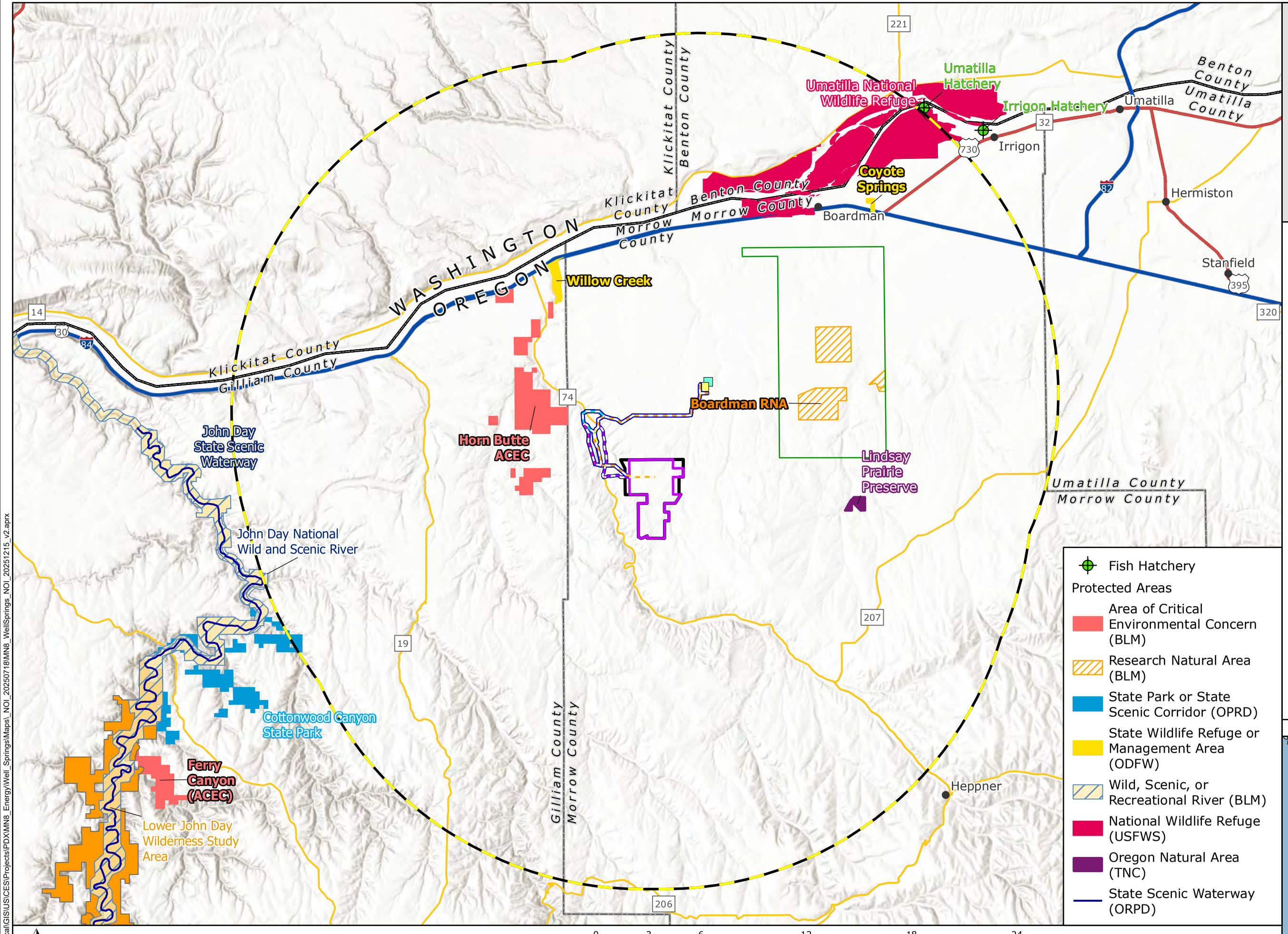
\\tt.local\GIS\US\CES\Projects\PDX\MN8_Energy\Well_Springs\Maps_NOI_20250718\MN8_WellSprings_NOI_20251215_v2.aprx

Well Springs Solar Project

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Figure 6
Protected Areas

MORROW COUNTY, OR



- Facility Site Boundary
- Micrositing Corridor
- Gen-Tie Corridor

Proposed Gen-Tie
- Option 1
- Option 2
- Option 3
- Option 4
- Option 5

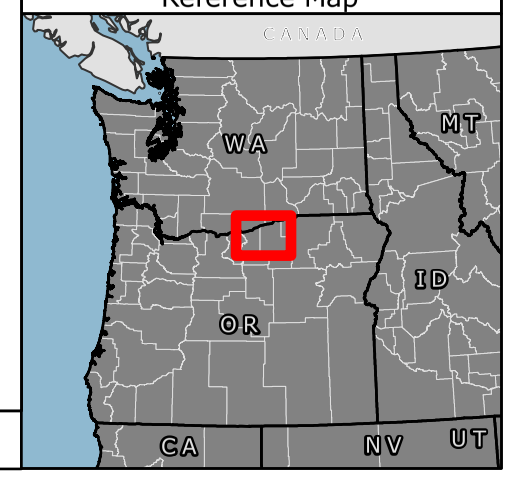
- 20-mile Protected Areas Buffer
- POI: PacifiCorp Apex
- POI: PGE Grassland
- County Boundary
- State Boundary
- City/Town
- Interstate Highway
- US Highway
- State Highway
- Boardman Bombing Range

- Fish Hatchery

Protected Areas
- Area of Critical Environmental Concern (BLM)
- Research Natural Area (BLM)
- State Park or State Scenic Corridor (OPRD)
- State Wildlife Refuge or Management Area (ODFW)
- Wild, Scenic, or Recreational River (BLM)
- National Wildlife Refuge (USFWS)
- Oregon Natural Area (TNC)
- State Scenic Waterway (ORPD)

TETRA TECH

Reference Map



1:330,000

NAD 1983 2011 StatePlane Oregon North FIPS 3601 Ft Intl

0 3 6 12 18 24 Miles

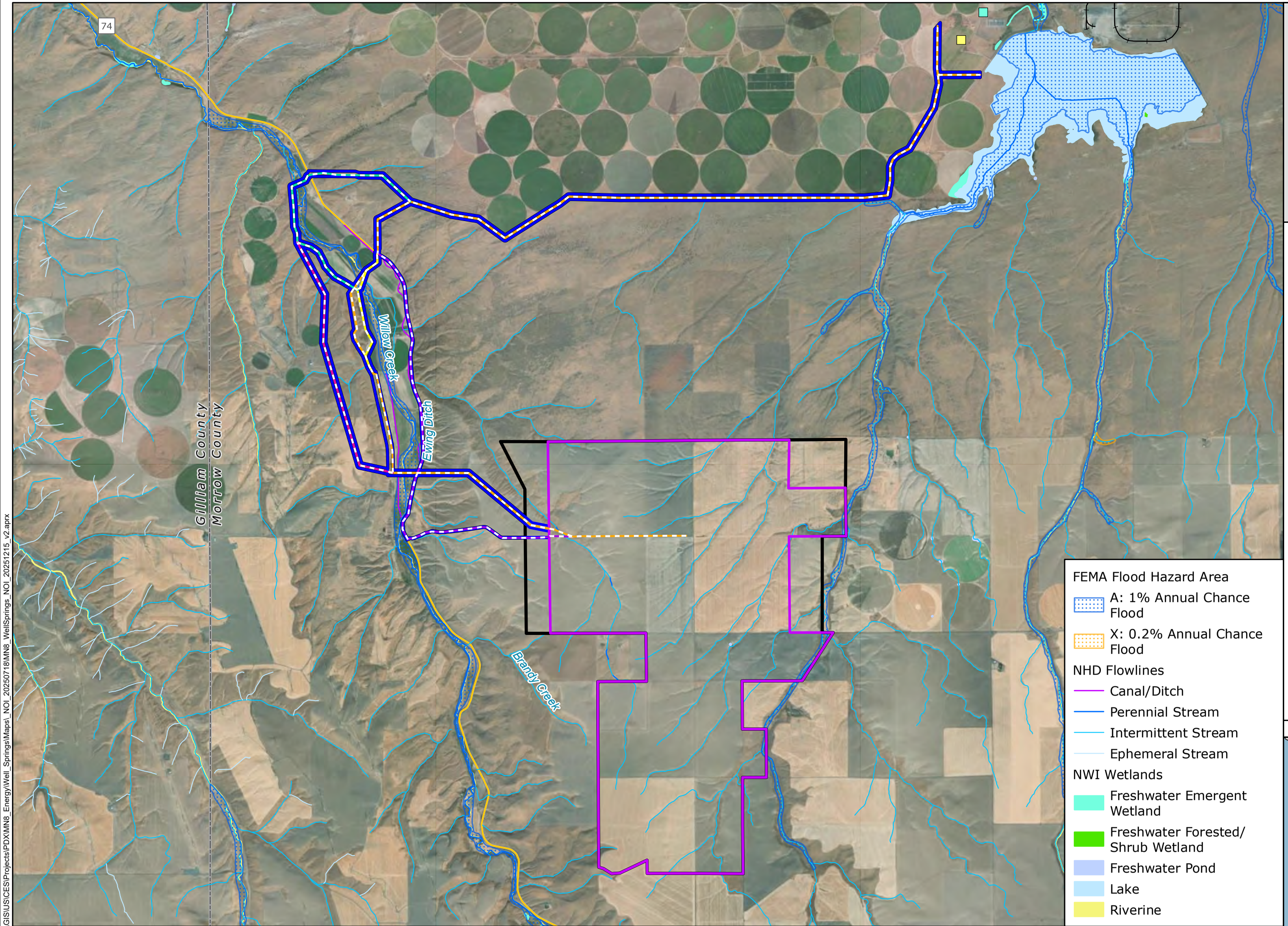
NOT FOR CONSTRUCTION

\\tt.local\GIS\US\CES\Projects\PDX\MN8_Energy\Well_Springs\Maps_NOI_20250718\MN8_WellSprings_NOI_20251215_v2.aprx

Well Springs Solar Project

Figure 7
Wetlands, Waters, and Flood Hazards

MORROW COUNTY, OR



- Facility Site Boundary
- Micrositing Corridor
- Gen-Tie Corridor

Proposed Gen-Tie
- Option 1
- Option 2
- Option 3
- Option 4
- Option 5
- POI: PAC Apex
- POI: PGE Grassland
- County Boundary
- State Highway
- Railroad

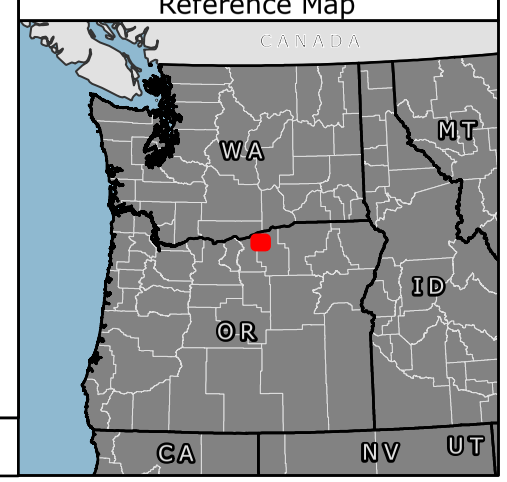
FEMA Flood Hazard Area
- A: 1% Annual Chance Flood
- X: 0.2% Annual Chance Flood

NHD Flowlines
- Canal/Ditch
- Perennial Stream
- Intermittent Stream
- Ephemeral Stream

NWI Wetlands
- Freshwater Emergent Wetland
- Freshwater Forested/ Shrub Wetland
- Freshwater Pond
- Lake
- Riverine

TETRA TECH

Reference Map



1:60,000

NAD 1983 2011 StatePlane Oregon North FIPS 3601 Ft Intl

0 1 2 4 Miles

NOT FOR CONSTRUCTION

\\tt.local\GIS\US\CES\Projects\PDX\MN8_Energy\Well_Springs\Maps_NOI_20250718\MN8_WellSprings_NOI_20251215_v2.aprx

Well Springs Solar Project

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Figure 8
Energy Facilities

MORROW COUNTY, OR

Boardman
WASHINGTON
OREGON
Klickitat County
Morrow County
Klickitat County
Gilliam County
Morrow County
14
74
30
84
207
19

Exisiting Energy Facilities
- Boardman Coal Plant, Decommissioned
- Boardman Solar Energy Facility, Approved
- Carty Generating Station pRFA4, Proposed
- Carty Generating Station, Approved
- Coyote Springs Cogeneration, Operating
- Leaning Juniper IIA Wind Power Facility, Operating; Repowering Under Construction
- Leaning Juniper IIB Wind Power Facility, Operating
- Montague Solar (Pachwáywit Fields), Operating
- Montague Wind, Operating
- Oregon Trail Solar, Approved/ Under Construction
- Shepherds Flat Central, Operating/Under Construction
- Shepherds Flat North, Operating/Under Construction
- Shepherds Flat South, Operating/Under Construction
- Sunrise Solar and Storage Projects, Proposed
- Sunstone Solar Project, Approved
- Wagon Trail Solar Project, Approved
- Wheatridge Renewable Energy Facility East, Approved
- Wheatridge Renewable Energy Facility I, Operating
- Wheatridge Renewable Energy Facility II, Operating
- Wheatridge Renewable Energy Facility III, Operating

Transmission Lines
- 115 kV Transmission Line
- 230 kV Transmission Line
- 500 kV Transmission Line

- Facility Site Boundary
- Micrositing Corridor
- Gen-Tie Corridor

Proposed Gen-Tie
- Option 1
- Option 2
- Option 3
- Option 4
- Option 5
- POI: PacifiCorp Apex
- POI: PGE Grassland
- County Boundary
- State Boundary
- City/Town
- Interstate Highway
- US Highway
- State Highway
- Railroad
- Natural Gas Pipeline
- Substation

TETRA TECH

MN:

Reference Map



1:190,000 NAD 1983 2011 StatePlane Oregon North FIPS 3601 Ft Intl

0 2 4 8 12 16 Miles

NOT FOR CONSTRUCTION

\\tt.local\GIS\US\CES\Projects\PDX\MN8_Energy\Well_Springs\Maps_NOI_20250718\MN8_WellSprings_NOI_20251215_v2.aprx

Attachment 1. Articles of Organization

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APPLICATION FOR AUTHORITY

Corporation Division
sos.oregon.gov/business

E-FILED
Aug 06, 2025
OREGON SECRETARY OF STATE

REGISTRY NUMBER

245008297

TYPE

FOREIGN LIMITED LIABILITY COMPANY

1. ENTITY NAME

WELL SPRINGS SOLAR LLC

2. MAILING ADDRESS

1155 AVENUE OF THE AMERICAS FL 27
C/O MN8 ENERGY LLC
NEW YORK NY 10036 USA

3. NAME & ADDRESS OF REGISTERED AGENT

15872088 - CORPORATION SERVICE COMPANY

1127 BROADWAY ST NE STE 310
SALEM OR 97301 USA

4. MANAGEMENT

This Limited Liability Company will be manager-managed by one or more managers

5. DATE OF ORGANIZATION

08-04-2025

6. DURATION

PERPETUAL

7. JURISDICTION

DE

8. PRIMARY PHYSICAL LOCATION

1155 AVENUE OF THE AMERICAS FL 27
C/O MN8 ENERGY LLC
NEW YORK NY 10036 USA

I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, managers, members or agents of the limited liability company on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

NAME

ASHLEE J. B. EFFLER

TITLE

AUTHORIZED SIGNATORY

DATE

08-05-2025

Delaware

The First State

I, CHARUNI PATIBANDA-SANCHEZ, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF FORMATION OF "WELL SPRINGS SOLAR LLC", FILED IN THIS OFFICE ON THE FOURTH DAY OF AUGUST, A.D. 2025, AT 9:31 O`CLOCK A.M.

C. B. Sanchez

Charuni Patibanda-Sanchez, Secretary of State

10282482 8100
SR# 20253555198

Authentication: 204382428
Date: 08-04-25

You may verify this certificate online at corp.delaware.gov/authver.shtml

CERTIFICATE OF FORMATION
OF
WELL SPRINGS SOLAR LLC

This Certificate of Formation is filed pursuant to Section 18-201 of the Delaware Limited Liability Act (the "***Act***") to form a limited liability company under the Act.

1. The name of the limited liability company is Well Springs Solar LLC (the "***Company***").

2. The address of the Company's registered office in the State of Delaware is:

Corporation Service Company
251 Little Falls Drive,
Wilmington, New Castle County, Delaware 19808

3. The name and address of the registered agent for service of process on the Company in the State of Delaware are:

Corporation Service Company
251 Little Falls Drive,
Wilmington, New Castle County, Delaware 19808

IN WITNESS WHEREOF, this Certificate of Formation has been executed on August 4, 2025, by the undersigned organizer.

By: _____
Name: Ashlee J. B. Effler
Title: Authorized Person

State of Delaware
Secretary of State
Division of Corporations
Delivered 09:31 AM 08/04/2025
FILED 09:31 AM 08/04/2025
SR 20253555198 - File Number 10282482

Attachment 2. Tax Lots and Property Owner Information

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Map Tax Lot	Owner	Additional Owner	Address	City	State	Zip Code	County
04N24E000000121	THREEMILE CANYON FARMS, LLC		75906 MARTY MYERS RD	BOARDMAN	OR	97818	Morrow
04N23E000000110	BEEF NORTHWEST BOARDMAN, INC		PO BOX 209	NORTH POWDER	OR	97867	Morrow
04N23E000000110	BEEF NORTHWEST FEEDERS, LLC		PO BOX 209	NORTH POWDER	OR	97867	Morrow
04N23E000000110	NORTHWEST PASTURE BEEF, LLC	BEEF NORTHWEST FEEDERS	PO BOX 209	NORTH POWDER	OR	97867	Morrow
04N23E000000110	OFFUTT, R D, COMPANY		75906 MARTY MYERS RD	BOARDMAN	OR	97818	Morrow
04N23E000000110	R D OFFUTT COMPANY		75906 MARTY MYERS RD	BOARDMAN	OR	97818	Morrow
04N23E000000110	SIMTAG FARMS	THREEMILE CANYON FARMS, LLC	75906 MARTY MYERS RD	BOARDMAN	OR	97818	Morrow
04N23E000000110	TAGGARES FARMS, INC	THREEMILE CANYON FARMS, LLC	75906 MARTY MYERS RD	BOARDMAN	OR	97818	Morrow
04N23E000000110	Threemile Canyon Farms LLC		75906 Marty Myers RD	BOARDMAN	OR	97818	Morrow
04N23E000000110	THREEMILE CANYON FARMS, LLC		75906 MARTY MYERS RD	BOARDMAN	OR	97818	Morrow
04N25E000001600	USA (DEPT OF NAVY)	ATTN: RANGE MANAGEMENT, N00RM	3730 N CHARLES PORTER AVE	OAK HARBOR	WA	98278	Morrow
03N23E000000111	THREEMILE CANYON FARMS, LLC		75906 MARTY MYERS RD	BOARDMAN	OR	97818	Morrow
03N23E000000100	THREEMILE CANYON FARMS, LLC		75906 MARTY MYERS RD	BOARDMAN	OR	97818	Morrow
03N23E000000100	OFFUTT, R D, COMPANY		75906 MARTY MYERS RD	BOARDMAN	OR	97818	Morrow
03N23E000000100	COLUMBIA RIVER DAIRY	THREEMILE CANYON FARMS, LLC	75906 MARTY MYERS RD	BOARDMAN	OR	97818	Morrow
03N23E000000100	OFFUTT, R D, COMPANY		75906 MARTY MYERS RD	BOARDMAN	OR	97818	Morrow
03N23E000000100	COMMERCIAL EQUIPMENT LEASE	BEEF NORTHWEST BOARDMAN, INC	66407 TAGGARES LN	BOARDMAN	OR	97818	Morrow
03N24E000000117	PORTLAND GENERAL ELECTRIC COMPANY ETAL	CORPORATE TAX DEPARTMENT	121 SW SALMON ST	PORTLAND	OR	97204	Morrow
03N24E000000102	PORTLAND GENERAL ELECTRIC COMPANY ETAL	CORPORATE TAX DEPARTMENT	121 SW SALMON ST	PORTLAND	OR	97204	Morrow
03N24E000000113	PORTLAND GENERAL ELECTRIC	CORPORATE TAX DEPARTMENT	121 SW SALMON ST	PORTLAND	OR	97204	Morrow
03N24E000000120	THREEMILE CANYON FARMS, LLC		75906 MARTY MYERS RD	BOARDMAN	OR	97818	Morrow
03N24E000000112	THREEMILE CANYON FARMS, LLC		75906 MARTY MYERS RD	BOARDMAN	OR	97818	Morrow
03N25E000000100	USA (BOMBING RANGE)					0	Morrow
02N23E000003701	ART MINOR PROPERTY, LLC		68171 KUNZE LN	BOARDMAN	OR	97818	Morrow
02N23E000003900	MILLER, APRIL, 1/2 & MILLER, LORI, 1/2	C/O PDS TAX SERVICES	777 TAYLOR ST 1A	FORT WORTH	TX	76102	Morrow
02N23E000003700	ART MINOR PROPERTY, LLC		68171 KUNZE LN	BOARDMAN	OR	97818	Morrow
02N23E000004200	MILLER, APRIL, 1/2 & MILLER, LORI, 1/2	C/O PDS TAX SERVICES	777 TAYLOR ST 1A	FORT WORTH	TX	76102	Morrow
02N23E000002300	ART MINOR PROPERTY, LLC		68171 KUNZE LN	BOARDMAN	OR	97818	Morrow
02N23E000003500	HEIDEMAN, LOREN A, TRUSTEE ETAL		22948 FAIRVIEW LN	IONE	OR	97843	Morrow
02N23E000003500	HEIDEMAN, LOREN A ETAL	PROPERTY TAX DEPT	125 E JEFFERSON ST	SYRACUE	NY	13202	Morrow
02N23E000003200	ART MINOR PROPERTY, LLC		68171 KUNZE LN	BOARDMAN	OR	97818	Morrow
02N23E000003100	STATE OF OREGON		417 TRANSPORTATION BLDG	SALEM	OR	97310	Morrow
02N23E000002301	MILLER, APRIL, 1/2 & MILLER, LORI, 1/2	C/O PDS TAX SERVICES	777 TAYLOR ST 1A	FORT WORTH	TX	76102	Morrow
02N23E000003000	MILLER, APRIL, 1/2 & MILLER, LORI, 1/2	C/O PDS TAX SERVICES	777 TAYLOR ST 1A	FORT WORTH	TX	76102	Morrow
02N23E000000102	THREEMILE CANYON FARMS, LLC		75906 MARTY MYERS RD	BOARDMAN	OR	97818	Morrow
02N23E000002400	CAL HOLDINGS, LLC	AMBROSE CALCAGNO	17251 S CLACKAMAS RIVER DR	OREGON CITY	OR	97045	Morrow
02N23E000003501	JANSEN, VIC		PO BOX 579	MOSES LAKE	WA	98837	Morrow
02N23E000003501	SADDLE BUTTE WIND, LLC	PROPERTY TAX DEPT	125 E JEFFERSON ST	SYRACUSE	NY	13202	Morrow
02N23E000001600	CAL HOLDINGS, LLC	AMBROSE CALCAGNO	17251 S CLACKAMAS RIVER DR	OREGON CITY	OR	97045	Morrow
02N23E000001604	CAL HOLDINGS, LLC	AMBROSE CALCAGNO	17251 S CLACKAMAS RIVER DR	OREGON CITY	OR	97045	Morrow
02N23E000002200	CAL HOLDINGS, LLC	AMBROSE CALCAGNO	17251 S CLACKAMAS RIVER DR	OREGON CITY	OR	97045	Morrow
02N23E000002201	CAL HOLDINGS, LLC	AMBROSE CALCAGNO	17251 S CLACKAMAS RIVER DR	OREGON CITY	OR	97045	Morrow
02N23E000001602	CAL HOLDINGS, LLC	AMBROSE CALCAGNO	17251 S CLACKAMAS RIVER DR	OREGON CITY	OR	97045	Morrow
02N23E000001400	EUBANKS, ADAM		71533 HWY 74	IONE	OR	97843	Morrow
02N23E000001402	EUBANKS, ADAM		71533 HWY 74	IONE	OR	97843	Morrow
02N23E000002100	CAL HOLDINGS, LLC	AMBROSE CALCAGNO	17251 S CLACKAMAS RIVER DR	OREGON CITY	OR	97045	Morrow
02N23E000002101	CAL HOLDINGS, LLC	AMBROSE CALCAGNO	17251 S CLACKAMAS RIVER DR	OREGON CITY	OR	97045	Morrow
02N23E000001401	CAL HOLDINGS, LLC	AMBROSE CALCAGNO	17251 S CLACKAMAS RIVER DR	OREGON CITY	OR	97045	Morrow
02N23E000001605	CAL HOLDINGS, LLC	AMBROSE CALCAGNO	17251 S CLACKAMAS RIVER DR	OREGON CITY	OR	97045	Morrow
02N23E000001200	PERRY, DANIEL L & JEFFRIES, BETSY		72097 HIGHWAY 74	IONE	OR	97843	Morrow

Map Tax Lot	Owner	Additional Owner	Address	City	State	Zip Code	County
02N23E000001202	PERRY, DANIEL L & JEFFRIES, BETSY		72097 HWY 74	IONE	OR	97843	Morrow
02N23E000001100	STATE OF OREGON		417 TRANSPORTATION BLDG	SALEM	OR	97310	Morrow
02N23E000001201	CAL HOLDINGS, LLC	AMBROSE CALCAGNO	17251 S CLACKAMAS RIVER DR	OREGON CITY	OR	97045	Morrow
02N23E000001300	CAL HOLDINGS, LLC	AMBROSE CALCAGNO	17251 S CLACKAMAS RIVER DR	OREGON CITY	OR	97045	Morrow
02N23E000001000	EATON, MICHAEL & SHERRY		72396 HWY 74	IONE	OR	97843	Morrow
02N23E000000900	DUELING J'S LIGHTNING BAR, LLC	JANETTE BURGESS	72512 HIGHWAY 74	IONE	OR	97843	Morrow
02N23E000000700	STRZELEWICZ, KURTIS C		72782 HWY 74	IONE	OR	97843	Morrow
02N23E000004400	MORROW COUNTY		PO BOX 788	HEPPNER	OR	97836	Morrow
02N23E000000100	THREEMILE CANYON FARMS, LLC		75906 MARTY MYERS RD	BOARDMAN	OR	97818	Morrow
03N24E000000100	INSITU INC	PWC US TAX LLP	PO BOX 30026	TAMPA	FL	33630	Morrow
02N23E000001603	CAL HOLDINGS, LLC	AMBROSE CALCAGNO	17251 S CLACKAMAS RIVER DR	OREGON CITY	OR	97045	Morrow
02N23E000002900	MILLER, APRIL, 1/2 & MILLER, LORI, 1/2	C/O PDS TAX SERVICES	777 TAYLOR ST 1A	FORT WORTH	TX	76102	Morrow
02N23E000001001	TAYLOR, RODERICK H & TAYLOR, GLENDA S		72447 HWY 74	IONE	OR	97843	Morrow
03N24E000000122	PORTLAND GENERAL ELECTRIC	CORPORATE TAX DEPARTMENT	121 SW SALMON ST	PORTLAND	OR	97204	Morrow
03N24E000000121	PORTLAND GENERAL ELECTRIC	CORPORATE TAX DEPARTMENT	121 SW SALMON ST	PORTLAND	OR	97204	Morrow
03N24E000000114	PORTLAND GENERAL ELECTRIC COMPANY ETAL	CORPORATE TAX DEPARTMENT	121 SW SALMON ST	PORTLAND	OR	97204	Morrow
03N24E000000114	BOARDMAN RURAL FIRE PROTECTION DISTRICT		300 SW WILSON LN	BOARDMAN	OR	97818	Morrow
02N24E000001500	MILLER, APRIL, 1/2 & MILLER, LORI, 1/2	C/O PDS TAX SERVICES	777 TAYLOR ST 1A	FORT WORTH	TX	76102	Morrow
02N24E000001400	IMMIGRANT LANE, LLC		64982 BAKER LN	IONE	OR	97843	Morrow
02N24E000001300	NUFERROUS, CATHERINE M		65444 IMMIGRANT LN	IONE	OR	97843	Morrow
02N24E000001100	HOLTZ, TIM & HOLTZ, DEBBIE		65151 TEWS LN	IONE	OR	97843	Morrow
02N24E000000600	CRAWFORD, KYLE ET AL		5645 HWY 201	ONTARIO	OR	97914	Morrow
02N24E000000300	KLINGER, KENNETH MICHAEL		68280 IMMIGRANT LN	IONE	OR	97843	Morrow
02N24E000000302	PECK, MARILYN & MORGAN, GARY		1042 NW 12TH ST APT C	PENDLETON	OR	97801	Morrow
02N24E000000200	ELLA RANCH, LLC	DOHERTY, RICHARD	3588 NW LEHMAN PL	BEAVERTON	OR	97006	Morrow
02N24E000000102	PORTLAND GENERAL ELECTRIC	CORPORATE TAX DEPARTMENT	121 SW SALMON ST	PORTLAND	OR	97204	Morrow
02N24E000000105	PORTLAND GENERAL ELECTRIC COMPANY ETAL	CORPORATE TAX DEPARTMENT	121 SW SALMON ST	PORTLAND	OR	97204	Morrow
02N24E000000100	THREEMILE CANYON FARMS, LLC		75906 MARTY MYERS RD	BOARDMAN	OR	97818	Morrow
02N24E000000101	THREEMILE CANYON FARMS, LLC		75906 MARTY MYERS RD	BOARDMAN	OR	97818	Morrow
02N24E000000107	THREEMILE CANYON FARMS, LLC		75906 MARTY MYERS RD	BOARDMAN	OR	97818	Morrow
02N24E000000103	PORTLAND GENERAL ELECTRIC	CORPORATE TAX DEPARTMENT	121 SW SALMON ST	PORTLAND	OR	97204	Morrow
02N24E000000700	ELLA RANCH, LLC	DOHERTY, RICHARD	3588 NW LEHMAN PL	BEAVERTON	OR	97006	Morrow
02N23E000004300	MILLER, APRIL, 1/2 & MILLER, LORI, 1/2	C/O PDS TAX SERVICES	777 TAYLOR ST 1A	FORT WORTH	TX	76102	Morrow
02N23E000004000	MILLER, APRIL, 1/2 & MILLER, LORI, 1/2	C/O PDS TAX SERVICES	777 TAYLOR ST 1A	FORT WORTH	TX	76102	Morrow
02N23E000004000	MILLER, PAUL	MILLER-LEPAGE, APRIL	770 GLEN CREEK RD NW	SALEM	OR	97304	Morrow
02N23E000004100	MILLER, APRIL, 1/2 & MILLER, LORI, 1/2	C/O PDS TAX SERVICES	777 TAYLOR ST 1A	FORT WORTH	TX	76102	Morrow
02N24E000001200	MORTER, RALPH L		66221 DIRT RD	IONE	OR	97843	Morrow
02N24E000001201	MORTER, RALPH		66221 DIRT RD	IONE	OR	97843	Morrow
02N25E000000701	ELLA RANCH, LLC	DOHERTY, RICHARD	3588 NW LEHMAN PL	BEAVERTON	OR	97006	Morrow
02N25E000000200	USA (BOMBING RANGE)					0	Morrow
02N24E000000106	PORTLAND GENERAL ELECTRIC	CORPORATE TAX DEPARTMENT	121 SW SALMON ST	PORTLAND	OR	97204	Morrow
01N23E000005100	IONE-LEXINGTON CEMETERY MAINTENANCE DIST					0	Morrow
01N23E000004900	TURNER, JENNIFER & RICKY		68498 HWY 74	IONE	OR	97843	Morrow
01N23E22A001002	SULLIVAN, J P		PO BOX 205	DURKEE	OR	97905	Morrow
01N23E22A001000	SULLIVAN, J P		PO BOX 205	DURKEE	OR	97905	Morrow
01N23E22A001003	SULLIVAN, J P		PO BOX 205	DURKEE	OR	97905	Morrow
01N23E22A001001	TURNER, JENNIFER & RICKY		68498 HWY 74	IONE	OR	97843	Morrow
01N23E22A000400	TURNER, JENNIFER & RICKY		68498 HWY 74	IONE	OR	97843	Morrow
01N23E000002902	GALBREATH, DANIEL SCOTT ET AL		67505 HIGHWAY 74	IONE	OR	97843	Morrow
01N23E000007404	BAR PLUS SEVEN CATTLE COMPANY, LLC		68498 HWY 74	IONE	OR	97843	Morrow

Notice of Intent to Apply for a Site Certificate for the Well Springs Solar Project

Property Owner List and Tax Lot Map - Morrow County (12/16/2025), Gilliam County (12/17/2025)

Map Tax Lot	Owner	Additional Owner	Address	City	State	Zip Code	County
01N23E000002901	BAR PLUS SEVEN CATTLE COMPANY, LLC		68498 HWY 74	IONE	OR	97843	Morrow
01N23E000002800	CROWELL, HOWARD EUGENE, JR & KRISTY JO		68104 HWY 74	IONE	OR	97843	Morrow
01N23E000002300	BRIDSTON, CHRISTINA		8020 57TH ST W	UNIVERSITY PLACE	WA	98467	Morrow
01N23E000000900	HEIDEMAN, LOREN A, TRUSTEE ETAL		22948 FAIRVIEW LN	IONE	OR	97843	Morrow
01N23E000000900	HEIDEMAN, LOREN A ETAL	PROPERTY TAX DEPT	125 E JEFFERSON ST	SYRACUE	NY	13202	Morrow
01N23E000001601	TURNER, JENNIFER & RICKY		68498 HWY 74	IONE	OR	97843	Morrow
01N23E000002200	BRIDSTON, CHRISTINA J		8020 57TH ST W	TACOMA	WA	98467	Morrow
01N23E000000401	TWO R FARM, INC		70338 RIETMANN LN	IONE	OR	97843	Morrow
01N23E000002100	TWO R FARM, INC		70338 RIETMANN LN	IONE	OR	97843	Morrow
01N23E000001800	PROUDFOOT, PAUL, PRESIDENT	PROUDFOOT RANCHES, INC	69849 PROUDFOOT RD	IONE	OR	97843	Morrow
01N23E000002000	RYE RIDGE LLC		70595 DAVE RIETMANN RD	IONE	OR	97843	Morrow
01N23E000000200	PROUDFOOT RANCHES, INC		69849 PROUDFOOT RD	IONE	OR	97843	Morrow
01N23E000000201	RYE RIDGE LLC		70595 DAVE RIETMANN RD	IONE	OR	97843	Morrow
01N23E000000400	RYE RIDGE LLC		70595 DAVE RIETMANN RD	IONE	OR	97843	Morrow
01N23E000000500	NELSON, BARBARA A 1/2 ETAL		72521 TUTUILLA CREEK RD	PENDLETON	OR	97801	Morrow
01N23E000000300	PROUDFOOT RANCHES, INC		69849 PROUDFOOT RD	IONE	OR	97843	Morrow
01N23E000000101	MILLER, JUSTIN C & MILLER, NICOLE MARIE		65096 BAKER LN	IONE	OR	97843	Morrow
01N23E000000100	MILLER, APRIL, 1/2 & MILLER, LORI, 1/2	C/O PDS TAX SERVICES	777 TAYLOR ST 1A	FORT WORTH	TX	76102	Morrow
01N23E000000100	MILLER, NANCY L		64982 BAKER LN	IONE	OR	97843	Morrow
01N23E000000800	ART MINOR PROPERTY, LLC		68171 KUNZE LN	BOARDMAN	OR	97818	Morrow
01N23E000002400	TURNER, JENNIFER & RICKY		68498 HWY 74	IONE	OR	97843	Morrow
01N23E000002600	TURNER, JENNIFER & RICKY		68498 HWY 74	IONE	OR	97843	Morrow
01N23E000002700	TURNER, JENNIFER & RICKY		68498 HWY 74	IONE	OR	97843	Morrow
01N23E000002601	TWO R FARM, INC		70338 RIETMANN LN	IONE	OR	97843	Morrow
01N23E000002500	TWO R FARM, INC		70338 RIETMANN LN	IONE	OR	97843	Morrow
01N23E000002001	TWO R FARM, INC		70338 RIETMANN LN	IONE	OR	97843	Morrow
01N24E000001003	BRIDSTON, CHRISTINA J		8020 57TH ST W	TACOMA	WA	98467	Morrow
01N24E000001000	PROUDFOOT RANCHES, INC		69849 PROUDFOOT RD	IONE	OR	97843	Morrow
01N24E000001100	LINDSTROM, ELIZABETH K		6412 N 31ST ST	TACOMA	WA	98407	Morrow
01N24E000000900	ELLA BUTTE LLC		70595 DAVE RIETMANN RD	IONE	OR	97843	Morrow
01N24E000000800	ELLA BUTTE LLC		70595 DAVE RIETMANN RD	IONE	OR	97843	Morrow
01N24E000000700	ELLA BUTTE LLC		70595 DAVE RIETMANN RD	IONE	OR	97843	Morrow
01N23E000005200	PROUDFOOT RANCHES, INC ETAL		69849 PROUDFOOT RD	IONE	OR	97843	Morrow
01N23E000004800	TURNER, JENNIFER & RICKY		68498 HWY 74	IONE	OR	97843	Morrow
01N23E22A000200	SULLIVAN, J P		PO BOX 205	DURKEE	OR	97905	Morrow
01N23E22A000100	STATE OF OREGON		417 TRANSPORTATION BLDG	SALEM	OR	97310	Morrow
01N23E22A000201	PROUDFOOT RANCHES, INC		69849 PROUDFOOT RD	IONE	OR	97843	Morrow
02N24E000000701	ELLA RANCH, LLC	DOHERTY, RICHARD	3588 NW LEHMAN PL	BEAVERTON	OR	97006	Morrow
03N24E000000123	ROWAN PERCHERON LLC	BIRCH INFRASTRUCTURE	120 STATE ST STE 120	TRAVERSE CITY	MI	49684	Morrow
03N22E0000-02100	THREEMILE CANYON FARMS LLC		75906 THREEMILE RD	BOARDMAN	OR	97818	Gilliam
02N22E0000-01301	JANSEN VIC		PO BOX 579	MOSES LAKE	WA	98837	Gilliam
02N22E0000-01300	HEIDEMAN DEACON J & ERIN E		22946 FAIRVIEW LN	IONE	OR	97843	Gilliam
02N22E0000-00100	KREBS KIP H & SARAH M		75398 HWY 74	IONE	OR	97843	Gilliam
02N22E0000-02000	JANSEN VIC		PO BOX 579	MOSES LAKE	WA	98837	Gilliam
02N22E0000-01900	CAL HOLDINGS LLC		17251 S CLACKAMAS RIVER DR	OREGON CITY	OR	97045	Gilliam
02N22E0000-01200	CAL HOLDINGS LLC		17251 S CLACKAMAS RIVER DR	OREGON CITY	OR	97045	Gilliam

Well Springs Solar Project

Attachment 2
Figure 1
Taxlots

MORROW COUNTY, OR

Figure 1.1

Figure 1.2

Figure 1.3

Figure 1.4

Gilliam County

Morrow County

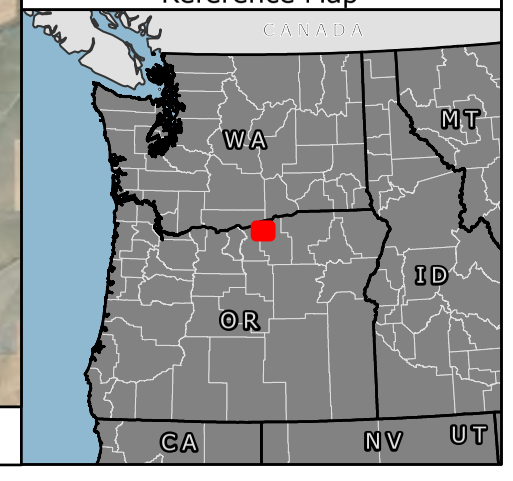
- Map Grid
- Facility Site Boundary
- County Boundary
- Morrow County Taxlot Boundary[1]
- Gilliam County Taxlot Boundary[2]

[1]Data obtained from Morrow County on 12/16/2025
[2]Data obtained from Gilliam County on 12/17/2025

TETRA TECH

MN

Reference Map



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NAD 1983 2011 StatePlane Oregon North FIPS 3601 Ft Intl

0 1 2 Miles

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Well Springs Solar Project

Attachment 2
Figure 1.1
Taxlots

MORROW COUNTY, OR

03N22E0000-02100
03N23E000000100
02N22E0000-00100
02N22E0000-00100
02N23E000004400
02N23E000000700
02N23E000000900
02N23E000001001
02N23E000001000
02N23E000001100
02N23E000001202
02N23E000000100
02N23E000001300
02N23E000001201
02N23E000001200
Gilliam County
Morrow County
02N23E000001402
02N23E000001401
02N23E000002101
02N23E000001400
02N22E0000-01200
02N23E000001603
02N23E000002100
02N23E000002201
02N23E000002200
02N23E000000102
02N23E000001604
02N23E000001602
02N22E0000-01301
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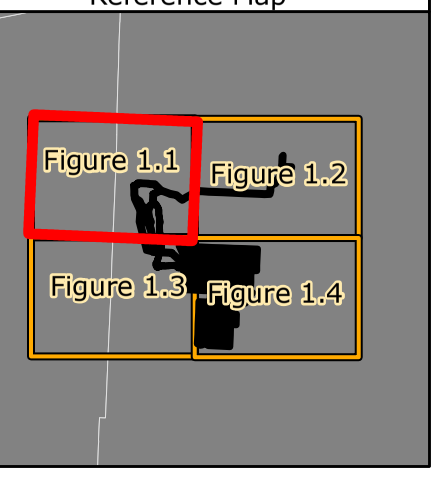
- Facility Site Boundary
- County Boundary
- Morrow County Taxlot Boundary[1]
- Gilliam County Taxlot Boundary[2]

[1]Data obtained from Morrow County on 12/16/2025
[2]Data obtained from Gilliam County on 12/17/2025

TETRA TECH

MN

Reference Map



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Well Springs Solar Project

Attachment 2
Figure 1.2
Taxlots

MORROW COUNTY, OR

03N24E000000112
03N24E000000123
03N24E000000100
03N23E000000100
03N24E000000121
03N24E000000102
03N24E000000113
03N24E000000122
03N24E000000114
03N24E000000117
02N24E000000106
02N24E000000101
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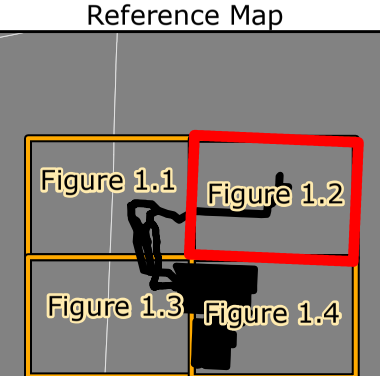
- Facility Site Boundary
- County Boundary
- Morrow County Taxlot Boundary[1]
- Gilliam County Taxlot Boundary[2]

[1]Data obtained from Morrow County on 12/16/2025
[2]Data obtained from Gilliam County on 12/17/2025

TETRA TECH

MN:

Reference Map



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Well Springs Solar Project

Attachment 2
Figure 1.3
Taxlots

MORROW COUNTY, OR

02N22E0000-02000
02N22E0000-01301
02N22E0000-01300
02N23E000002400
02N23E000000102
02N23E000003100
02N23E000002300
02N23E000002301
02N23E000003501
02N23E000003200
02N23E000003701
02N23E000003500
02N23E000003700
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01N23E000000800
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01N23E000000900
01N23E000001601
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01N23E000002901

Gilliam County
Morrow County

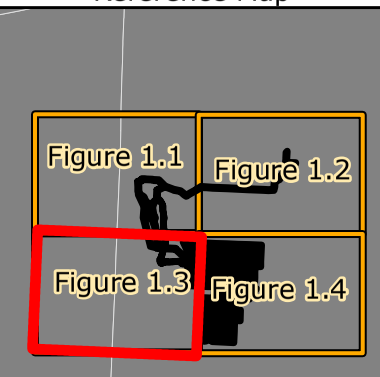
- Facility Site Boundary
- County Boundary
- Morrow County Taxlot Boundary[1]
- Gilliam County Taxlot Boundary[2]

[1]Data obtained from Morrow County on 12/16/2025
[2]Data obtained from Gilliam County on 12/17/2025

TETRA TECH

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Reference Map



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Well Springs Solar Project

Attachment 2
Figure 1.4
Taxlots

MORROW COUNTY, OR

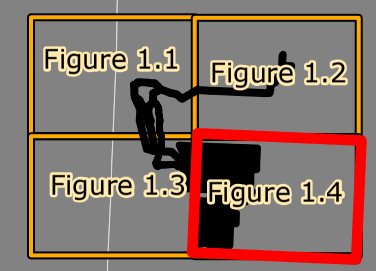
- Facility Site Boundary
- County Boundary
- Morrow County Taxlot Boundary[1]
- Gilliam County Taxlot Boundary[2]

[1]Data obtained from Morrow County on 12/16/2025
[2]Data obtained from Gilliam County on 12/17/2025

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Reference Map



02N23E000000102
02N24E000000107
02N24E000000600
02N24E000000302
02N24E000000300
02N24E000000701
02N24E000001400
02N24E000001300
02N24E000001100
02N24E000000700
02N23E000003000
02N23E000002900
02N24E000001500
N23E000002301
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N23E000002700
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0 1 2 Miles

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Attachment 3. Correspondence with Legislative Commission on Indian Services

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From: Bullion Elissa
To: Gulick, Kristen
Cc: Konkol, Carrie
Subject: RE: Area Tribal Contacts for the Proposed Well Springs Solar Project, Morrow County, Oregon
Date: Tuesday, July 29, 2025 3:14:37 PM
Attachments: image007.png
image008.png
image009.png
image010.png
image011.png

Some people who received this message don't often get email from elissa.bullion@oregonlegislature.gov. Learn why this is important

CAUTION: This email originated from an external sender. Verify the source before opening links or attachments.

Good afternoon Kristen,

Thank you for reaching out to our office. For this project location in Morrow Co., I recommend contacting the following Tribes:

Burns Paiute Tribe
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of Warm Springs Reservation of Oregon

Contact information for culture and heritage Tribal staff can be found on our website: Commission on Indian Services archaeology (oregonlegislature.gov) . Please let me know if you have any further questions..

Cheers,
Elissa

Dr. Elissa Bullion, PhD (she/her/hers)
State Physical Anthropologist
Legislative Commission on Indian Services
Oregon State Capitol Building
900 Court Street, NE, Room 167
Salem, Oregon 97301
Phone: 971-707-1372
LCIS Office: 503-986-1067
Elissa.Bullion@oregonlegislature.gov

From: Gulick, Kristen <Kristen.Gulick@tetratech.com>
Sent: Thursday, July 24, 2025 12:35 PM
To: LCIS <LCIS@oregonlegislature.gov>
Cc: Konkol, Carrie <Carrie.Konkol@tetratech.com>
Subject: Area Tribal Contacts for the Proposed Well Springs Solar Project, Morrow County, Oregon

CAUTION: This email originated from outside the Legislature. Use caution clicking any links or attachments.

You don't often get email from kristen.gulick@tetratech.com. Learn why this is important

Good afternoon/morning,

We are working with a client exploring the development of a photovoltaic (PV) solar power generation project in Morrow County, Oregon. The proposed 750-megawatt Well Springs Solar Project is located on approximately 5,600 contiguous acres east of Cecil and OR-74. See the attached preliminary figure of the site vicinity. The project proponent will conduct cultural resource file searches through the State Historic Preservation Office (SHPO) and field surveys within the proposed project area.

We are seeking your assistance in identifying the appropriate tribal contacts to consult with regarding tribal historic and cultural resources in the vicinity of this proposed project area.

Thank you very much for your time.

Regards,

Kristen Gulick, MS (she/her) | Senior Associate Environmental Scientist/Planner | Tetra Tech
Mobile (**541) 740-3316** | kristen.gulick@tetratech.com

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PUBLIC NOTICE

Well Springs Solar Facility

Notice of Intent and Public Informational Meeting

Summary

Notice Date:
February 4, 2026

Proposed Facility:
A proposed solar power generating facility located on approximately 7,365 acres (11.5 sq. miles) of private land zoned for exclusive farm use. The proposed facility would include up to 750 megawatts (MW) of generation capacity, up to 500 MW of battery storage, and other related or supporting facilities including an up to 14-mile 230 kilovolt (kV) overhead transmission line.

Proposed Facility Location:
Morrow County, approximately 5 miles northwest of Ione.

Applicant:
Well Springs Solar LLC (applicant), a subsidiary of MN8 Energy Development Company LLC (parent company).

Notice of Intent:
On December 22, 2025, the applicant submitted a Notice of Intent (NOI) to submit an Application for Site Certificate (ASC) to the Energy Facility Siting Council (EFSC or Council). The Oregon Department of Energy (ODOE or Department) is staff to EFSC and conducts review of the NOI and ASC.

Public Comment Period and Informational Meeting:

The public comment period on the NOI is from February 4 to March 26, 2026. **Comments must be received by 5:00 pm Pacific Time (PT) on March 26, 2026,** to be considered in the development of the Project Order. More information about how to submit comments is provided below.

The Department will host a public informational meeting on the NOI to provide additional opportunities for the public to learn about the proposed facility and the state siting review process, provide written or oral comments, and ask questions.

Public Information Meeting:

Date:	Thursday, March 19, 2026
Start Time:	6:15 p.m. Pacific Time (PT)
In Person:	SAGE Event Center 101 Olson Road Boardman, OR 97818

You may also participate in the public meeting online or by phone

Join Online:
https://tinyurl.com/2k9sp6ds
Webinar Number: 2660 692 4545
Webinar Password: EFSC (3372 from phones and video systems)

Please use your full name to sign in to help staff manage public comments.

Join by phone:
Phone Number: +1-650-479-3208
Access code: 2660 692 4545

The public information meeting is *not* a public hearing and will not include public testimony or on the record public comments. Opportunity for written or oral testimony will be provided at a later date – during the draft proposed order (DPO) public comment period and public hearing – following issuance of the DPO as described below. This informational meeting will be recorded and posted on the Department's project webpage after the meeting.

Description of the Proposed Facility:

Energy Facility

- Up to 750 MW generating capacity solar facility constructed in 2 or more phases
- 197 Inverters and Transformers

Related or Supporting Facilities

- Up to 500 MW of battery energy storage
- Up to 14 miles of 230-kilovolt (KV) overhead transmission line along one of five alternative routes
- Operations & Maintenance Building(s)
- 34.5 kV Collection System
- Up to two Collector substation(s)
- Site service and access roads
- Perimeter fencing and gates
- Temporary construction and laydown areas.

More information about the proposed energy facility and the related or supporting facilities is available in the NOI.

Location of Proposed Facility:

The proposed facility would be located on 7,365 acres of privately owned land zoned for Exclusive Farm Use located approximately 5 miles northwest of Ione, in Morrow County.

Maps of the proposed facility and site boundary and proposed layout are included at the end of this notice. Specific locational maps can be found in the NOI at: https://www.oregon.gov/energy/facilities-safety/facilities/Pages/WSS.aspx and on ODOE's Online Mapping Tool

EFSC Review Process:

The proposed facility would include a solar power generation facility located on over 3,840 acres of land and therefore is an energy facility subject to EFSC jurisdiction under the definition in ORS 469.300(11). As such, the proposed facility must receive approval from EFSC for a site certificate prior to construction.

The EFSC review is a consolidated, comprehensive permitting process. The applicant must demonstrate that the proposed facility meets all applicable EFSC standards established under Oregon Revised Statute (ORS) 469.501 and set forth in Oregon Administrative Rule (OAR) chapter 345, divisions 22 and 24, as well as all other applicable Oregon statutes, rules and standards.

ASC Process Overview:

Notice of Intent:

On December 22, 2026, the Department received an NOI to file an ASC for the proposed facility.

Submitting the NOI is the first step in the process of obtaining a site certificate. The NOI includes information about the site and characteristics of the proposed facility and discusses potential impacts from construction and operation of the proposed facility.

Land Use Standard:

The applicant may choose to meet the Council's Land Use standard, OAR 345-022-0030, by obtaining land use approval from the affected local governments (ORS 469.504(1)(a)) or by seeking a determination of compliance from Council (ORS 469.504(1)(b)). In the NOI, the applicant has indicated that it intends to seek a determination from Council under ORS 469.504(1)(b). If the applicant chooses to obtain local land use approval later in the process, any person interested in land use issues should participate in the affected local governments' land use processes if they are not yet complete.

Submission of Comments on the NOI:

This Notice initiates the public comment period on the NOI. Comments are encouraged to help the Department and the applicant identify issues and concerns early in the process. **Comments must be received by 5:00 pm PT on March 26, 2026,** to be considered in the development of the Project Order**.** Comments may be submitted:

1. By mail or email to the Department's Representative:
   Chris Clark, Senior Siting Analyst
   550 Capitol Street NE
   Salem, OR 97301
   Phone: 503-871-7254
   Email:
   christopher.clark@energy.oregon.gov
2. Online Comment Portal - https://odoe.powerappsportals.us/SitingPublicComment/
   Choose "Well Springs Solar Facility" from the drop-down menu. Click "Next" and follow the instructions on the screen. You will receive an email confirmation after submitting your comment.
3. Orally during the informational meeting. If using Webex or telephone, additional instructions will be provided at the meeting. Please note that individual commentors may be limited to 7 minutes. However, the time may be decreased (or increased) based on the number of commentors.
4. Hand Delivered at the address listed above or during the public meeting.

Please note: Comment submission does not register your contact information to receive future notices. If you would like to receive notices for this facility or any other EFSC facility, and have not already done so, please follow the ClickDimensions link included in the More Information section below.

All comments submitted to ODOE may be disclosed to the public, subject to Oregon Public Records Laws (ORS Chapter 192). Public comments are made available via the systems described in this Notice.

Project Order
Based on the Department's review of the NOI and all comments received during the NOI comment timeframe, the Department will issue a Project Order establishing the state and local standards and criteria that must be met for Council to issue a site certificate.

Preliminary Application for Site Certificate
An applicant has two years from the date of submitting the NOI to submit their preliminary application for site certificate (pASC). The applicant indicates that it intends to submit the pASC in Q1 2026.

During this phase, the Department, along with applicable state agencies, local governments and tribal governments will review the pASC to ensure it is complete, and request additional information, if necessary.

Complete Application
An application for site certificate (ASC) is complete when the Department finds that the applicant has submitted information adequate for Council to make findings or impose conditions on all applicable Council standards.

This phase includes another Public Notice and public informational meeting. However, there is no public comment timeframe associated with this phase.

Draft Proposed Order
The DPO contains the Department's initial recommendation to Council, the final decision maker, on whether each applicable standard is met. The DPO will include staff's analysis of the ASC as well as comments received from state agencies, local governments, and tribal governments. The DPO will include recommended findings of facts, conclusions of law and site certificate conditions of approval.

Issuance of the DPO will initiate a public comment period. In addition to the written public comment period, there will be an opportunity for oral comments at one or more public hearings to be held in the vicinity of the proposed facility. In order to preserve your right to request to participate in the contested case proceeding and

any subsequent appeal of the Council's decision, you must comment either orally at the public hearing or in writing during the comment period on the DPO.

Following the conclusion of the comment period, Council will review the DPO, all submitted comments, any applicant responses to comments, and will provide their comments to the Department.

Proposed Order
Taking into consideration all the comments received, applicant responses, and Council's comments, the Department will issue a Proposed Order, staff's second recommendation to Council. Council will appoint a Hearing Officer to conduct a contested case proceeding on the Proposed Order.

Contested Case
The purpose of the contested case proceeding is for an impartial hearing officer to evaluate properly raised issues and make recommendations to Council on those issues. Only people who commented on the DPO may request to participate in the contested case proceeding.

Final Order
Following a contested case proceeding, Council shall issue a Final Order either approving or denying the ASC for the proposed facility.

Receipt of this Notice:

You are receiving this notice for one or more of the following reasons:

1. You own property within or adjacent to (e.g. within 500 feet) the property on which the facility is proposed to be located. You will automatically receive all future Council notices for this proposed facility.
2. You have previously signed up to receive email notices related to the proposed facility or all EFSC project-related notices. You will automatically receive all future email notices per your request unless you unsubscribe or contact the Department and request to be removed from the email list.
3. You are the contact for a land management agency or organization with jurisdiction over a protected area identified in the NOI.

More Information:

1. More details on the proposed facility, including the NOI are available on the facility webpage at: https://www.oregon.gov/energy/facilities-safety/facilities/Pages/WSS.aspx
2. Additional resources to help you participate in the state siting process can be found at: http://www.oregon.gov/energy/facilities-safety/facilities/pages/default.aspx
3. The Siting Division's Public Guide contains additional information on the EFSC process. The guide can be found at: http://tinyurl.com/EFSCPublicGuide
4. Subscribe to receive email updates on the proposed facility as well as any or all other energy facilities and events under EFSC jurisdiction at: https://tinyurl.com/ODOE-EFSC. To receive notices by U.S. Mail, please contact the Department's representative identified above and request to be added to the hardcopy notice list.
5. Physical copies of the NOI are available for public inspection at the Department's Salem office. Please contact the Department's representative to arrange a viewing. Copies will be provided at reasonable cost upon request.
6. Additional information about the proposed facility can also be obtained by contacting the following Department representative above:

Accessibility information:

ODOE is committed to accommodating people with disabilities. For the review of the NOI or attendance at the information meeting, if you require any special physical or language accommodations, or need information in an alternate format, please contact Nancy Hatch at

503-428-7905, toll-free in Oregon at 800-221-8035, or by email at nancy.hatch@energy.oregon.gov. For any other accommodation needed to attend the public meeting, please contact ODOE as soon as possible so we may provide the accommodation.

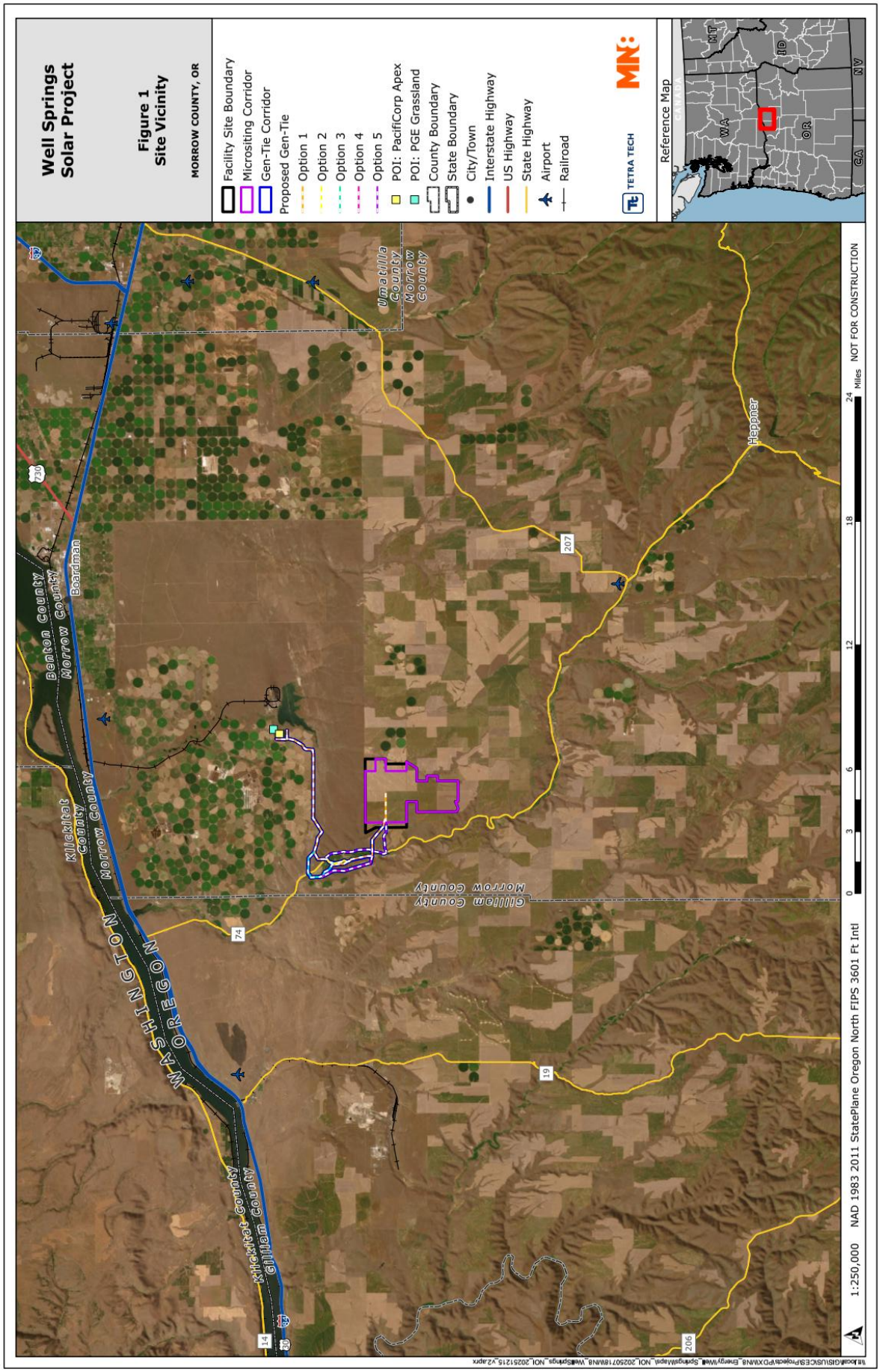


Figure 1: Proposed Facility Location and Site Boundary with Transmission Alternatives.

PLANNING DEPARTMENT

PO Box 40 • Irrigon, Oregon 97844
(541) 922-4624

December 11, 2025

Tim Seck, Wells Springs Solar LLC
1155 Avenue of the Americas
27th Floor
New York, New York 10036

RE: Final Approval and Notice of Decision
Land Use Decision Application LUD-N-087-25
Morgan Substation

Dear Mr. Seck:

A Land Use Decision has been made on property described as **Tax Lot 201** of Assessor's Map Number **1N 23**. The approval allows the siting of a **substation** on land zoned **Exclusive Farm Use (EFU).**

The request has been authorized by the Planning Director as Land Use Decision **LUD-N-087-25**, effective December 11, 2025.

DECISION OF THE PLANNING DIRECTOR: The Planning Director has **approved** Land Use Decision LUD-N-087-25, subject to the following CONDITIONS OF APPROVAL.

CONDITIONS OF APPROVAL:

1. The applicant shall obtain access approval from Morrow County Public Works prior to the issuance of a Zoning Permit.

2. The applicant shall submit a reclamation plan.

3. The applicant shall coordinate with the Morrow County Weed Supervisor and submit a weed management plan approved by the Weed Supervisor.

4. The applicant shall obtain a Zoning Permit from the Planning Department prior to construction. The Zoning Permit site plan shall identify the project and properties the substation will serve.

5. If a new access road is constructed, the development standard shall be approved by the Morrow County Public Works Director.

6. The applicant shall comply with all recommendations of the Ione Fire District.

SUBSEQUENT CONDITIONS OF APPROVAL

1. Comply with the recommendations of the Watermaster regarding water rights and water use, if any.

2. Applicant shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the substation.

If you do not agree with this decision, an appeal to the Morrow County Planning Commission may be filed within 15 days of this letter. The appeal deadline is 5:00 p.m., December 26, 2025.

This approval is valid for two years from the final approval date. This approval expires December 26, 2027. An option to file for a one-year extension is available; extension requests must be submitted in writing prior to the close of business on the date of expiration.

Please contact me if you have any questions. I can be reached at 541-922-4624 or by email at tmabbott@morrowcountyor.gov.

Cordially,

Tamra Mabbott
Planning Director

enc: Signed LUD-N-087-25 Findings w/Attachments

cc: Sarah Polacheck, Permitting Manager MN8
Linsey McLane-Godwin, Tetratech
Carrie Konkol, Tetratech
Matthew Hutchinson, MN8
Cameron Krebs, landowner
Agency and adjacent property owner list (available upon request)

FINAL FINDINGS OF FACT
LAND USE DECISION
LUD-N-087-25
Morgan Substation

REQUEST: The applicant requests approval for a stand-alone substation as a 'utility facility necessary for public service" within an 8-acre area on a 158-acre parcel, located in Ione, OR (Morgan Substation). The land is zoned Exclusive Farm Use (EFU).

APPLICANT:	Tim Seck Well Springs Solar LLC, Subsidiary of MN8 Energy Development Company LLC 1155 Avenue of the Americas, 27th Floor New York, 10036
PROPERTY OWNER:	Rye Ridge LLC 70595 Dave Rietmann Rd. Ione, OR 97843
PROPERTY DESCRIPTION:	Tax lot 201 of Assessor's Map 1N 23E
PROPERTY LOCATION:	The parcel is located on Morgan Road near Ione, approximately 0.5 miles south of Baker Lane and 3.6 miles west of Dave Reitman Road, Ione, OR 97843.

I. BACKGROUND INFORMATION:

The applicant proposes to construct a standalone 230-kilovolt (kV) substation, to be known as the Morgan Substation, within an 8-acre portion of an approximately 158-acre parcel located northwest of Ione, Oregon. The property is zoned Exclusive Farm Use (EFU). The substation is proposed as a "utility facility necessary for public service" and is intended to support the integration of future renewable energy development in northwest Morrow County into the regional electrical grid, given its proximity to existing and future infrastructure. In this application, *'Northwest Morrow County' is defined as land west of Bombing Range Road and North of Ione.* The application did not identify a specific renewable energy project the substation is intended to provide and presently there are no applications with Morrow County or State of Oregon (Energy Facility Siting Council) for a new energy project in this vicinity.

II. APPROVAL CRITERIA:

Morrow County Zoning Ordinance Article 3 Section 3.010, Exclusive Farm Use, EFU Zone and Oregon Revised Statutes (ORS) 215.275(4) will apply. Criteria are listed below in **bold type**, followed by a response in standard type.

SECTION 3.010, EXCLUSIVE FARM USE, EFU ZONE.

D. Uses Subject to Administrative Review

9. Utility facilities necessary for public service, including associated transmission lines as defined in Article 1 and wetland waste treatment systems, but not including commercial facilities for the purpose of

generating electrical power for public use by sale or transmission towers over 200 feet in height as provided in Subsection F.10
The substation is subject to the review criteria below.

F. Use Standards:

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

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

(1) To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:

(a) Technical and engineering feasibility;
In selecting the site for the Morgan Substation, the applicant states that they evaluated technical and engineering requirements, including suitable ground conditions, stable soils, and access to an existing public right-of-way. A geotechnical desktop review was completed, and the proposed site has direct access to Morgan Road, an existing graveled public road within a public right-of-way. The applicant identifies that most of Northwest Morrow County is zoned EFU. Land not zoned EFU is not available, is already developed, contains irrigated agriculture, the Boardman Airport, or the land is approved for a data center or in close proximity to an existing or proposed substation. Further, the applicant noted that the Boardman Willow Creek Managed Area, under a conservation easement, prevents a direct connection to the proposed Apex Substation from the south. Given the above analysis, this criterion has been met.

(b) The proposed facility is locationally- dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
The applicant states that the siting of the Morgan Substation is locationally dependent, requiring near proximity to future renewable energy development and electrical infrastructure. According to the applicant, the substation is intended to serve a future renewable energy project that is proposed to be located on land zoned EFU which necessitates locating the substation on land zoned EFU. The applicant identified the limits to connectivity directly north of Ione and west of the Bombing Range Naval Weapons Systems Training Facility Boardman (NWSTFB), an approximately 47,000-acre tract of land that prohibits development within its boundaries. The proposed Morgan Substation location avoids the NWSTFB and provides the opportunity for a more direct route for the transmission of power from an anticipated energy generation project to the grid. While the application appears to meet this standard generally, where there is no end user for which the substation would serve, the analysis for this

standard is somewhat hypothetical. If a renewable energy project were permitted, and this substation would serve that project, then the analysis would be relevant. To address this conundrum, the county recommends a condition of approval requiring the applicant to identify the renewable energy project in the site plan for the Zoning Permit, which is required before construction. As a condition of approval, applicant will be required to obtain an access permit from Public Works prior to submitting a Zoning Permit application. County may find the applicant can comply with this criterion.

(c) Lack of available urban and nonresource lands;
The applicant identifies that there is no non-EFU, urban, or non-resourced land in northwest Morrow County where future renewable energy and transmission development are anticipated. The subject area is surrounded by EFU zoned property. This criterion has been met.

(d) Availability of existing rights of way;
The applicant states, "the proposed substation was sited in this specific location due to the availability of existing public road rights-of-way. The substation will take access from Morgan Road and will not require construction of additional rights-of-way for access." As noted above, as a condition of approval, applicant will be required to obtain an access permit from Public Works. This criterion has been met.

(e) Public health and safety; and
The applicant states they are "not contributing this as a factor for determining why the facility needs to be located in the EFU zone." The county may find the applicant complies with this standard.

(f) Other requirements of state and federal agencies.
The application states that the requirements of state and federal agencies are not a contributing factor for determining the location. This criterion is met.

(2) Costs associated with any of the factors listed in Subsection (1) may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.
The application stated that cost is not the primary factor in the siting of the project and that the location of the Morgan Substation was determined by the applicant's consideration of available space for facilities, landowner preference, and the locationally dependent nature of anticipated energy and transmission development to the northwest Morrow County. Application complies with this standard.

(3) The owner of a utility facility approved under Subsection (a) shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this Subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.
In the application, the applicant "acknowledges that they are responsible for restoring any agricultural land disturbed by the siting of the substation. The Applicant will develop a weed management plan in compliance with the regulations and directives provided by the Morrow County Weed Program Manager. The weed management plan will include best management practices to effectively prevent and mitigate the presence of noxious weeds during construction and operation of the substation." As a Condition of Approval, the applicant submit a weed management plan that is approved by the Morrow County Weed Supervisor. Additionally, the applicant shall provide proof that they will be responsible for the restoration of land disturbed by the construction and development of this substation. The application complies with this standard.

(4) The county shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmlands.
Conditions of Approval are identified throughout the Findings and listed below. The applicant shall be responsible for the restoration of lands disturbed by the construction. The application complies with this standard.

(5) Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use under the EFU Zone or other statute or rule when project construction is complete. Off-site facilities allowed under this Subsection are subject to Article 6. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall have no effect on the original approval.
The applicant is not proposing any on-site or off-site workforce housing as part of this substation project. However, housing will be addressed as part of the application for a renewable energy project and can be addressed at that time. County may find this criterion is met.

(6) In addition to the provisions of Subsection F.10.a(1) through (4), the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the provisions of 660-011-0060.

The applicant is not proposing the establishment or extension of a sewer system to this substation. This criterion is not applicable.

(7) The provisions of Subsection a do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.
The proposed substation is neither a gas pipeline nor an associated facility. This criterion is not applicable.

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

(1) An applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements:
- **(a) The associated transmission line is not located on high-value farmland, as defined in ORS 195.300, or on arable land;**
- **(b) The associated transmission line is co-located with an existing transmission line;**
- **(c) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or**
- **(d) The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad that is located above the surface of the ground.**

(2) After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to Subsections F.10.b(3) and (4), two or more of the following criteria:
- **(a) Technical and engineering feasibility;**
- **(b) The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;**
- **(c) Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;**
- **(d) Public health and safety; or**
- **(e) Other requirements of state or federal agencies.**

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

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

The application does not involve an associated transmission line. This criterion is not applicable.

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

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

The applicant states the substation will be setback at least 20 feet from the adjacent right-of-way and all property lines. When submitted, the Zoning Permit application will be required to include a site plan that illustrates that the development will comply with setback standards. This criterion is met

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

The applicant states the substation shall be a minimum of 20' from each side yard. The substation will be more than 30' from the street. This criterion is met. When submitted, the Zoning Permit application will be required to include a site plan that illustrates the development will comply with setback standards.

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

The applicant states the substation will be more than 25' from the rear yard. This criterion is met. When submitted, the Zoning Permit application will be required to include a site plan that illustrates the development will comply with setback standards.

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

The applicant states no streams are located within 100 feet of the substation project boundary. The setbacks will be documented on the site plan submitted with the Zoning Permit. This criterion is met.

P. Transportation Impacts

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

standards. (MC-C-8-98)
The proposed substation will not be open to the public and will only be visited by staff to perform maintenance or repairs on an as-needed basis. As a result, no TIA will be required. This criterion has been met.

ORS 215.275 UTILITY FACILITIES NECESSARY FOR PUBLIC SERVICE

(4) The owner of a utility facility approved under ORS 215.213 (Uses permitted in exclusive farm use zones in counties that adopted marginal lands system prior to 1993) (1)(c)(A) or 215.283 (Uses permitted in exclusive farm use zones in nonmarginal lands counties) (1)(c)(A) shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this section shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.
The applicant shall be responsible for restoring agricultural land as required by this criterion. This is listed as a Condition of Approval.

III. **AGENCIES NOTIFIED:** Department of Agriculture- Lisa Hanson; DLCD Salem – Jon Jinings; DLCD Eastern Oregon – Dawn Hert; Department of Energy – Sarah Esterson; Fire Marshal– Marty Broadbent; U.S. Naval Weapons Air Station, Whidbey Island – Kimberly Peacher; Oregon Military Department – Todd Farmer; Fish and Wildlife Heppner – Steve Cherry; Fish and Wildlife Pendleton – Jeremy Thompson; Ione IRFD – Virgil Morgan; Morrow County Emergency Manager – Steve Freeland; Ione City Manager – Elizabeth Peterson; Gilliam County – Stephanie Case, Planning Director; Assessors Office – Mike Gorman; Building Official – Glenn McIntire / Toni Connell; Public Works – Eric Imes; Weed Coordinator – Corey Sweeney; County Surveyor – Matt Kenny; Applicant- Tim Seck; Owner- Rye Ridge LLC.

IV. **PUBLIC COMMENTS:**

a. Cameron Krebs submitted written objections dated November 12, 2025. The comments are directed at a proposed transmission line and do not apply to the subject substation.

V.	**PROPERTY OWNERS NOTIFIED:**	November 7, 2025
VI.	**14 DAY COMMENT PERIOD ENDED:**	November 21, 2025
VII.	**NOTICE OF DECISION MAILED:**	December 11, 2025
VIII.	**END OF 14 DAY APPEAL PERIOD:**	December 26, 2025 (accounting for Christmas Holiday)

IX. DECISION OF THE PLANNING DIRECTOR: The Morrow County Planning Director has **approved** Land Use Decision LUD-N-087-25 subject to the following **CONDITIONS OF APPROVAL**:

PRECEDENT CONDITIONS OF APPROVAL:

1. The applicant shall obtain access approval from Morrow County Public Works prior to the issuance of a Zoning Permit.

2. The applicant shall submit a reclamation plan.

3. The applicant shall coordinate with Morrow County Weed Supervisor and submit a weed management plan approved by Weed Supervisor.

4. The applicant shall obtain a Zoning Permit from the Planning Department prior to construction. Zoning Permit site plan shall identify the project and properties the substation will serve.

5. If a new access road is constructed, the development standard shall be approved by Morrow County Public Works Director.

6. The applicant shall comply with all Ione Fire District recommendations

SUBSEQUENT CONDITIONS OF APPROVAL

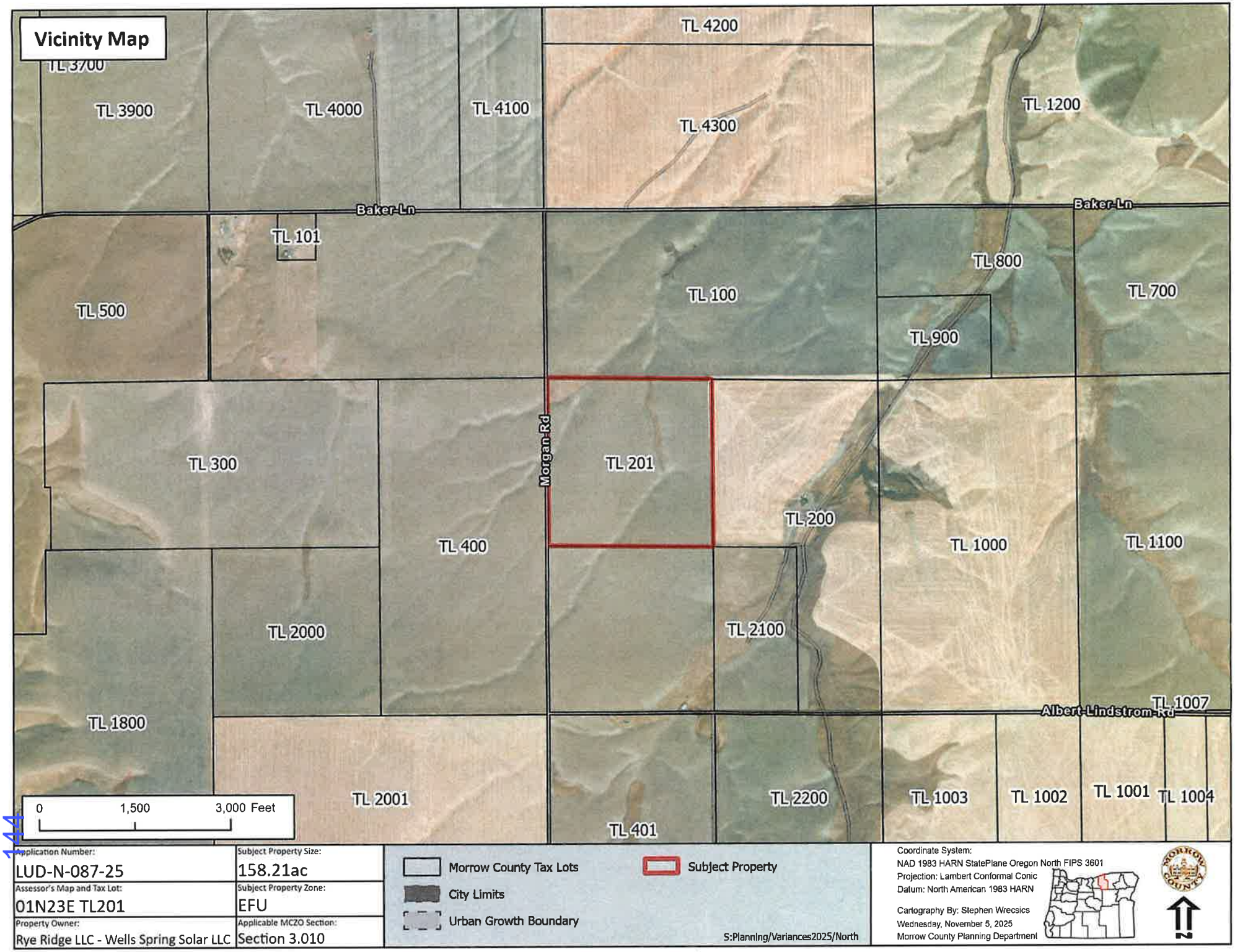
1. Comply with the recommendations of the Watermaster regarding water rights and water use, if any.

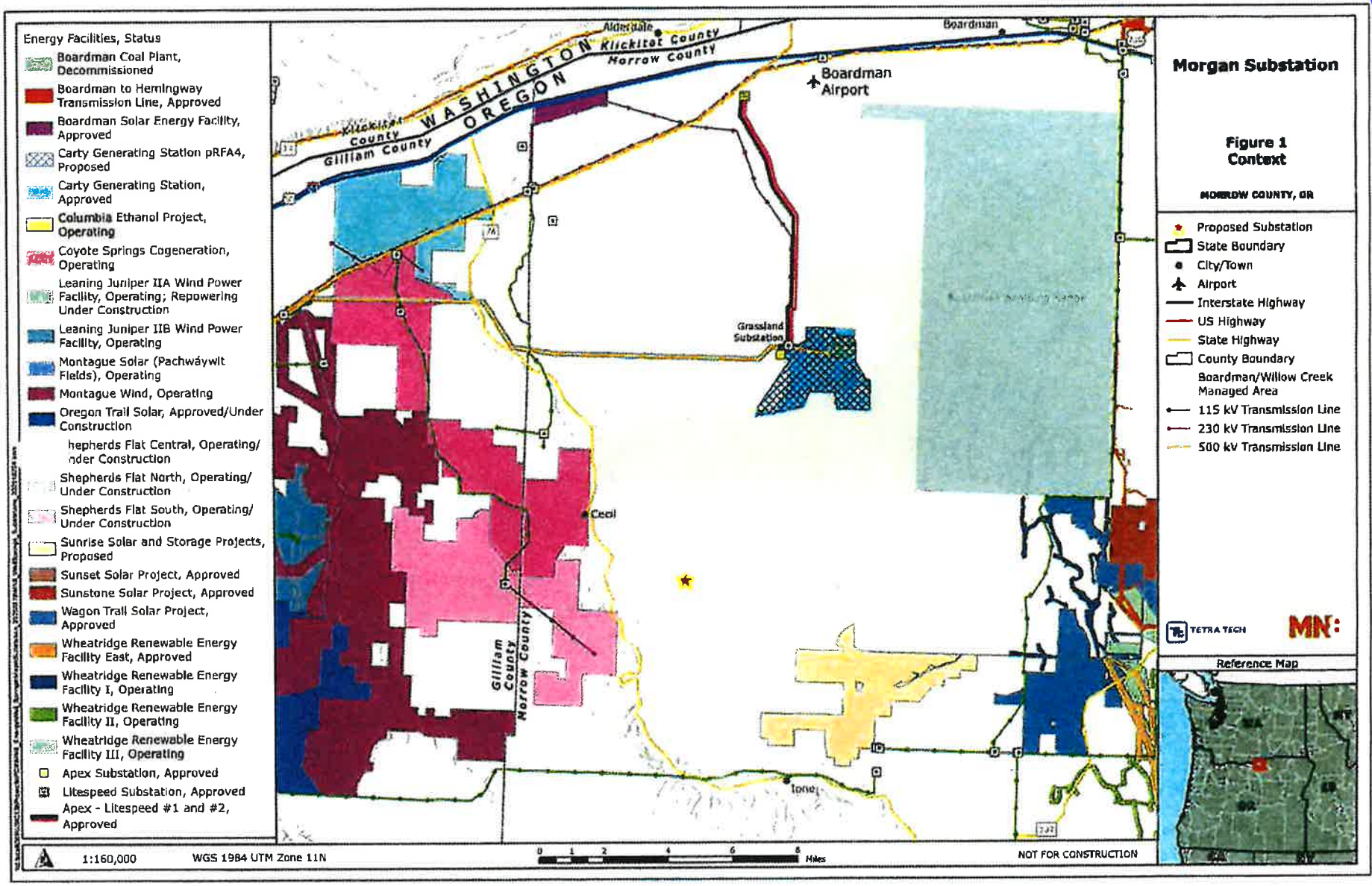
2. Applicant shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the substation.

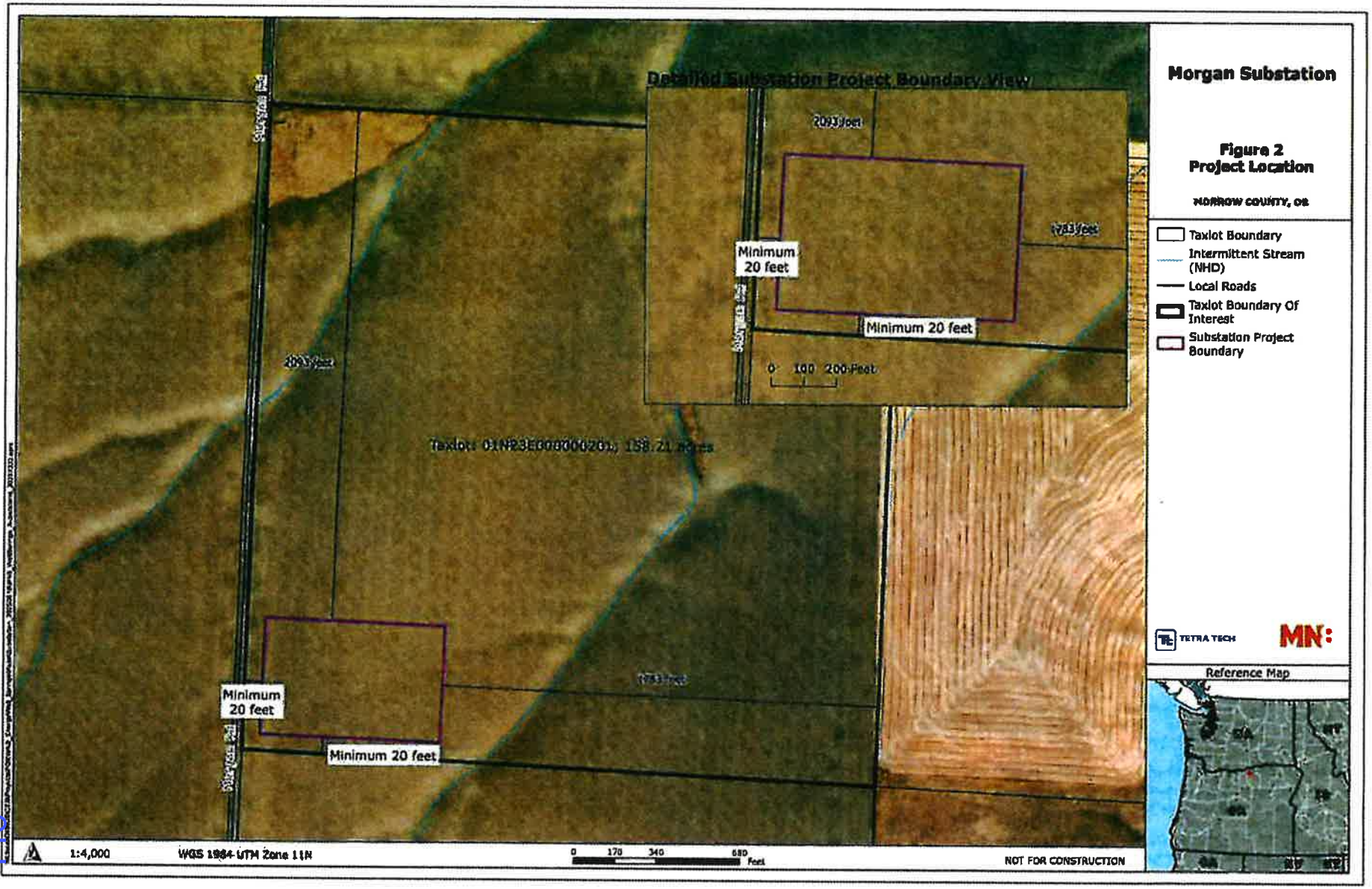
Tamra Mabbott 12-11-25

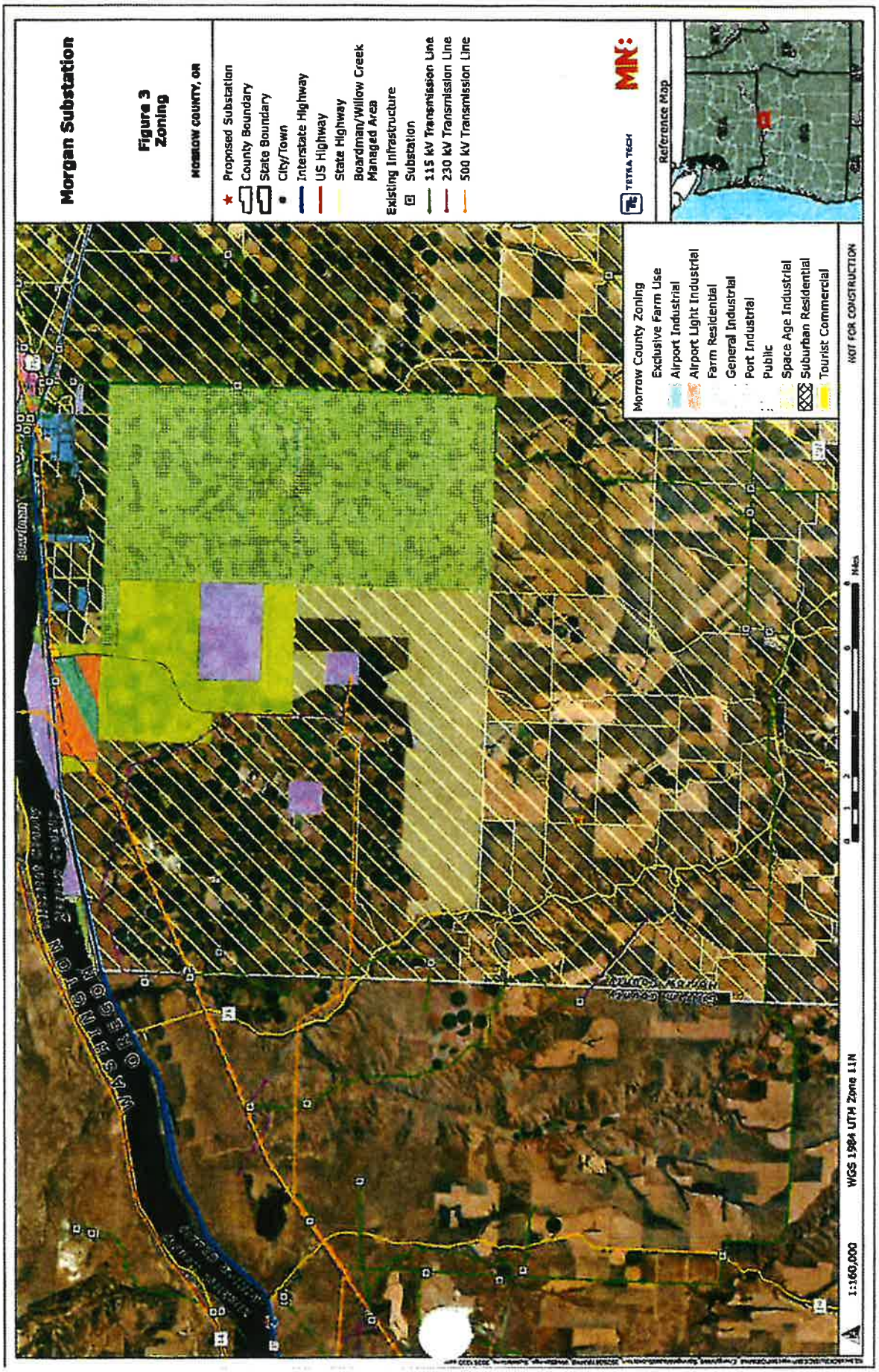
Tamra Mabbott — Date
Planning Director

ATTACHMENTS:
Vicinity Map
Site Plan


Vicinity Map
TL 3700
TL 3900
TL 4000
TL 4100
TL 4200
TL 4300
TL 1200
Baker-Ln
Baker-Ln
TL 101
TL 500
TL 100
TL 800
TL 700
TL 900
TL 300
Morgan-Rd
TL 201
TL 200
TL 400
TL 1000
TL 1100
TL 2000
TL 2100
TL 1800
Albert-Lindstrom-Rd
TL 1007
TL 2001
TL 401
TL 2200
TL 1003
TL 1002
TL 1001
TL 1004
0
1,500
3,000 Feet
Application Number:
LUD-N-087-25
Subject Property Size:
158.21ac
Assessor's Map and Tax Lot:
01N23E TL201
Subject Property Zone:
EFU
Property Owner:
Rye Ridge LLC - Wells Spring Solar LLC
Applicable MCZO Section:
Section 3.010
Morrow County Tax Lots
City Limits
Urban Growth Boundary
Subject Property
S:Planning/Variances2025/North
Coordinate System:
NAD 1983 HARN StatePlane Oregon North FIPS 3601
Projection: Lambert Conformal Conic
Datum: North American 1983 HARN
Cartography By: Stephen Wrecsics
Wednesday, November 5, 2025
Morrow County Planning Department
N


Energy Facilities, Status
Boardman Coal Plant, Decommissioned
Boardman to Hemingway Transmission Line, Approved
Boardman Solar Energy Facility, Approved
Carty Generating Station pRFA4, Proposed
Carty Generating Station, Approved
Columbia Ethanol Project, Operating
Coyote Springs Cogeneration, Operating
Leaning Juniper IIA Wind Power Facility, Operating; Repowering Under Construction
Leaning Juniper IIB Wind Power Facility, Operating
Montague Solar (Pachwáywit Fields), Operating
Montague Wind, Operating
Oregon Trail Solar, Approved/Under Construction
hepherds Flat Central, Operating/ nder Construction
Shepherds Flat North, Operating/ Under Construction
Shepherds Flat South, Operating/ Under Construction
Sunrise Solar and Storage Projects, Proposed
Sunset Solar Project, Approved
Sunstone Solar Project, Approved
Wagon Trail Solar Project, Approved
Wheatridge Renewable Energy Facility East, Approved
Wheatridge Renewable Energy Facility I, Operating
Wheatridge Renewable Energy Facility II, Operating
Wheatridge Renewable Energy Facility III, Operating
Apex Substation, Approved
Litespeed Substation, Approved
Apex - Litespeed #1 and #2, Approved
Alderdale
Klickitat County
Morrow County
WASHINGTON
OREGON
Klickitat County
Gilliam County
Boardman
Boardman Airport
Grassland Substation
Cecil
Gilliam County
Morrow County
Ione
1:160,000
WGS 1984 UTM Zone 11N
0 1 2 4 6 8 Miles
NOT FOR CONSTRUCTION
Morgan Substation
Figure 1
Context
MORROW COUNTY, OR
Proposed Substation
State Boundary
City/Town
Airport
Interstate Highway
US Highway
State Highway
County Boundary
Boardman/Willow Creek Managed Area
115 kV Transmission Line
230 kV Transmission Line
500 kV Transmission Line
TETRA TECH
Reference Map


Detailed Substation Project Boundary View
Minimum 20 feet
Minimum 20 feet
0 100 200 Feet
Minimum 20 feet
Minimum 20 feet
Morgan Substation
Figure 2
Project Location
MORROW COUNTY, OR
Taxlot Boundary
Intermittent Stream (NHD)
Local Roads
Taxlot Boundary Of Interest
Substation Project Boundary
TETRA TECH
Reference Map
1:4,000
WGS 1984 UTM Zone 11N
0 170 340 680 Feet
NOT FOR CONSTRUCTION


Morgan Substation
Figure 3
Zoning
MORROW COUNTY, OR
Proposed Substation
County Boundary
State Boundary
City/Town
Interstate Highway
US Highway
State Highway
Boardman/Willow Creek Managed Area
Existing Infrastructure
Substation
115 kV Transmission Line
230 kV Transmission Line
500 kV Transmission Line
TETRA TECH
MNK
Reference Map
Morrow County Zoning
Exclusive Farm Use
Airport Industrial
Airport Light Industrial
Farm Residential
General Industrial
Port Industrial
Public
Space Age Industrial
Suburban Residential
Tourist Commercial
1:160,000
WGS 1984 UTM Zone 11N
NOT FOR CONSTRUCTION

Office of the Governor
State of Oregon

EXECUTIVE ORDER NO. 25-25

ACCELERATING WIND AND SOLAR ENERGY DEVELOPMENT IN ADVANCE OF ELIMINATION OF FEDERAL CLEAN ENERGY TAX CREDITS

WHEREAS, the State of Oregon recognizes the critical role of clean energy development in advancing community resilience and reducing greenhouse gas emissions while promoting a diverse and inclusive economy; and

WHEREAS, demand for clean electricity is rising rapidly across the region, and development of solar and wind energy facilities in Oregon aligns with the state's goals and values by producing clean and affordable electricity, supporting jobs and economic growth, generating property tax revenue for local communities, and advancing progress towards Oregon's clean energy and climate goals; and

WHEREAS, federal clean energy production and investment tax credits reduce the development costs of solar and wind energy projects; and

WHEREAS, the Trump Administration is taking multiple actions to impede development of renewable solar and wind energy resources, driving up electricity costs and constraining economic development; and

WHEREAS, the federal budget reconciliation bill adopted by Congress eliminated the clean electricity production and investment tax credits for solar and wind projects that begin construction after July 4, 2026 and are placed into service after December 31, 2027; and

WHEREAS, if wind or solar energy projects cannot meet the tax credit deadlines, it will mean lost property tax revenues for Oregon communities and lost construction jobs in 2026 and 2027 and could lead to increases in electricity rates and setbacks to Oregon's climate goals; and

WHEREAS, immediate action is needed to help shovel-ready renewable solar and wind energy projects utilize soon-to-be-terminated federal clean energy production and incentive tax credits; and

WHEREAS, temporary changes must be made to Oregon's energy siting and permitting processes to position shovel-ready solar and wind projects to begin construction by July 4, 2026 and demonstrate compliance with federal requirements for clean energy tax credits.

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Office of the Governor
State of Oregon

NOW, THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. **Directives for Expediting Executive Branch Agency Siting and Permitting Processes.**
    - Executive branch agencies identified by this Order are directed to take any and all steps necessary and authorized by existing statutes to accelerate and prioritize siting and permitting reviews, approvals, and processes necessary to expedite the permitting and development of solar and wind energy projects in Oregon that seek to qualify for federal clean energy tax credits that require construction to commence by July 4, 2026 and impose a four-year deadline for projects to be placed into service.
    - Agencies or their respective boards or commissions shall exercise discretionary authority up to and including adoption of temporary emergency rules to carry out the directives described in this Order.
    - These directives apply to the following state agencies and boards and commissions:
        - Department of Land Conservation and Development and the Land Conservation and Development Commission;
        - Department of Energy and the Energy Facility Siting Council;
        - Department of Environmental Quality and the Environmental Quality Commission;
        - Department of Fish and Wildlife and the Fish and Wildlife Commission;
        - Department of Forestry and the Board of Forestry;
        - Department of State Lands and the Land Board;
        - Department of Transportation and the Oregon Transportation Commission;
        - Public Utility Commission; and
        - State Historic Preservation Office.

2. **Specific Directives to the Oregon Department of Energy and the Energy Facility Siting Council.**
    - Consult with solar and wind projects seeking state siting approvals that demonstrate the need to begin construction by July 4, 2026, to be eligible for federal tax credits. For those projects, identify process changes within existing statutory authority that, if implemented, would be of greatest assistance to meeting the deadline for federal tax credits and determine the feasibility of making those changes consistent with this Order.

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- Where applicable, forego consultation with or review by federal agencies unless required by Oregon state statute.
- Prioritize siting approval processes for projects that must commence construction by the federal deadline on July 4, 2026, and accelerate permit reviews and processes, including but not limited to contracting third party expertise to process applications at additional cost to the applicant. The highest priority should be given to projects that have secured power purchase agreements to serve electricity customers in Oregon, have secured interconnection agreements, and can demonstrate the project will provide benefits to Oregon ratepayers.
- As necessary, schedule additional Council meetings to expedite application reviews and site certificate approvals.
- The Director of the Oregon Department of Energy and the Energy Siting Council shall exercise the enforcement discretion granted under ORS 469.992 to waive civil penalties for any solar or wind energy project that meets the following criteria:
    - The applicant has submitted a complete application for a site certificate and begins construction prior to July 5, 2026, for the purpose of meeting the Physical Work Test described in IRS Notice 2025-42 to qualify for the federal clean energy investment or production tax credit;
    - The applicant demonstrates financial assurance as required by OAR 345-022-0050 by supplying a letter of credit prior to commencing construction on the facility, in a form approved by Council in December 2024, naming the State of Oregon, acting by and through the Council, as the beneficiary or payee. The letter of credit must be issued by a financial institution that is included on the Council's pre-approved financial institution list upon submission of a site certificate application, and in an amount totaling no less than $150,000 per megawatt of aggregate generating and storage capacity specified in the site certificate application;
    - Violation of existing statutory or rule provisions must be limited to the minimum disturbance necessary to satisfy the Physical Work Test prior to July 4, 2026; and
    - In meeting the Physical Work Test, the applicant must avoid all natural, historical, archeological, and cultural resources identified in the application or by agencies reviewing the preliminary application.

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Office of the Governor
State of Oregon

Civil penalties may be waived for up to four years.

Nothing in this Order exempts a solar or wind facility from complying with the energy facility siting standards established under Chapter 345 of the Oregon Administrative Rules. This Order does not limit or affect the Department's or the Council's discretion to issue civil penalties for violations unrelated to the scope and intent of this Order.

3. **Specific Directives to the Public Utility Commission.**
   - To the extent practicable, accelerate Request for Proposal timelines and support expedited public utility procurement of clean energy resources.
   - Commission Staff shall propose for the Commission's adoption provisions of House Bill 2065 (2025) that if applied will allow use of interconnection studies conducted by third parties to solar or wind projects subject to this Order.

4. This Order is effective as of 8:00 a.m. on October 6th ,2025 and shall remain in effect until July 4, 2030.

Done at Salem, Oregon, this 6th day of October, 2025.

Tina Kotek
GOVERNOR

ATTEST:

Tobias Read
SECRETARY OF STATE

Office of the Governor
State of Oregon

EXECUTIVE ORDER NO. 25-29

EXECUTIVE ORDER ON REDUCING GREENHOUSE GAS EMISSIONS AND ADVANCING OREGON'S CLEAN ENERGY FUTURE

WHEREAS, Oregon faces increasing risks from climate change, including extreme weather events, wildfires, water scarcity, and rising energy costs, which threaten public health, safety, outdoor recreation, and economic stability; and

WHEREAS, affordable, abundant, and reliable clean energy is key to Oregon's economic future, and the state needs to deploy new energy infrastructure to enable sustained economic growth and to meet rising energy demands; and

WHEREAS, Oregon has adopted ambitious climate goals to reduce greenhouse gas emissions and transition to a clean energy economy, including targets established under House Bill 2021(2021) and other legislative and executive actions; and

WHEREAS, energy efficiency improvements across all sectors are among the most cost-effective strategies to reduce emissions and lower energy bills while maintaining economic productivity; and

WHEREAS, ensuring access to affordable, abundant, and reliable clean energy requires accelerated investment in electricity infrastructure, including renewable energy, energy storage, and grid modernization; and

WHEREAS, grid resilience is increasingly vital to support public safety in the face of climate-related disruptions, and investments in microgrids, battery storage, and grid hardening have a role to play in building greater resilience in Oregon's energy future; and

WHEREAS, Oregon can help reduce energy development costs and accelerate deployment of clean energy infrastructure needed to grow the economy by streamlining permitting, siting, and interconnection processes for clean energy projects; and

WHEREAS, public-private partnerships can mobilize investment, spur innovation, and create jobs that will be key to Oregon's growing clean energy economy; and

WHEREAS, a coordinated, statewide approach to planning and designating transmission corridors is essential to long-term infrastructure development that will support economic growth and ensure clean energy can be delivered efficiently and reliably to consumers.

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NOW, THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

I. FOSTER THE TRANSITION TO A CLEAN ENERGY ECONOMY

1. **Prioritize Implementation of the Oregon Energy Strategy Pathways.** Executive branch agencies listed in Section II.1.a ("Agencies") are directed to adopt and implement greenhouse gas reduction strategies and align their decisions, activities, and investments as appropriate to advance the five least-cost pathways identified in the Oregon Energy Strategy. As appropriate, agencies will modify or add to current work plans and performance indicators to track and report on implementation activities to achieve the following objectives:

   a. **Advance Energy Efficiency Across All Sectors.** Agencies shall take appropriate actions within existing authorities and budgets to align decisions, activities, and investments to increase cost-effective energy efficiency in new and existing buildings, including providing cost savings through retrofits of building appliances and equipment.

   b. **Support Investment in Clean Electricity Infrastructure.** Agencies shall take appropriate actions within their existing authorities to accelerate investment in and deployment of least-cost and least-risk renewable energy resources, energy storage, demand response, and grid infrastructure in order to maintain and expand access to affordable and reliable clean electricity for Oregon ratepayers.

   c. **Increase Strategic Electrification of Vehicles and Buildings.** Agencies shall take appropriate actions necessary within their existing authorities to align programs, decisions, and investments to advance the state's interest in increasing cost-effective, strategic electrification of vehicles, buildings, and water heating systems while also supporting affordable and reliable energy for Oregon ratepayers.

   d. **Increase Supply and Use of Low-Carbon Fuels.** DEQ and the EQC shall evaluate the status and projected growth of the clean fuels market and update Oregon Clean Fuels Program rules to strengthen the Low-Carbon Fuels Standard (LCFS) to establish a reduction in carbon intensity of not less than 50% by 2040. DEQ is directed to evaluate the scope and stringency of the LCFS programs in neighboring states in proposing the new targets and

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propose additional rule revisions if needed to better align the Oregon Clean Fuels Program with those neighboring jurisdictions based on that evaluation. DEQ shall establish an agreed upon workplan within three months of this Order that sets forth a timeline for completing the required rulemaking.

e. **Strengthen Resilience Across all Levels of the Energy System.** The PUC shall exercise its existing authority to evaluate and value grid resiliency benefits in electric utility resource planning processes. The PUC shall establish transparent criteria or processes for appropriately valuing the enhanced resiliency benefits from utility investments at all levels of the energy system, such as microgrids, energy storage, flexible loads, virtual power plant resources, and grid hardening, while also avoiding shifting costs from high-income ratepayers to energy burdened ratepayers.

2. **Get Clean Energy Projects Built.** Agencies are directed to develop and implement a coordinated, proactive approach to streamline land use and environmental reviews, siting and permitting, and interconnection processes for clean energy projects, energy storage, and associated transmission and distribution infrastructure, with particular focus on those that contribute to energy affordability and reliability. This includes but is not limited to the following initiatives:

   a. **Reduce Barriers to Clean Energy Deployment.** The Oregon Department of Energy (ODOE), in coordination with the PUC and the Department of Land Conservation and Development (DLCD), shall inventory, assess, and analyze barriers to the permitting, construction and interconnection of clean energy projects and associated infrastructure. ODOE will recommend actions to overcome those barriers while balancing opportunities for public participation with the state's interest in accelerating deployment of clean energy infrastructure that benefits Oregon ratepayers. Recommended actions will be brought for discussion by ODOE to the Energy Facility Siting Council. ODOE will report its findings and recommendations to the Governor no later than September 1, 2026.

   b. **Accelerate Clean Energy Deployment Through Oregon's Land Use Planning Framework.** The Department of Land Conservation and Development (DLCD) shall evaluate opportunities and barriers to clean energy development under Oregon's land use planning goals. DLCD will review existing rules and practices, including best practices from other

jurisdictions, and recommend actions and rule changes as needed to accelerate deployment of clean energy resources and grid infrastructure needed to deliver reliability and clean energy to Oregon consumers. Recommended actions will be brought for discussion and direction by DLCD to the Land Conservation and Development Commission. DLCD will report its findings and recommendations to the Governor no later than July 1, 2026.

c. **Streamline Clean Energy Siting.** Agencies identified in Section II.1.b of this Order shall evaluate and recommend actions to update siting and permitting processes to facilitate deployment of renewable energy, energy storage, and grid infrastructure needed to deliver reliable and affordable clean energy to Oregon consumers.

   i. Agencies shall evaluate existing authorities, rules, and practices to identify opportunities to streamline or increase the efficiency of siting and permitting processes within their jurisdiction for projects that:

      1. Benefit Oregon ratepayers and enable clean energy projects to interconnect onto the grid; and/or
      2. Involve upgrades to existing grid infrastructure and transmission expansion or co-location of renewable energy resources in existing rights of way.

   ii. Where opportunities are found to exist, agencies shall recommend actions to:

      1. Streamline existing processes;
      2. Establish parallel paths that enable required studies, reviews, and approval processes to occur contemporaneously; and/or
      3. Facilitate or accelerate interconnections for projects that reduce emissions, improve reliability, and benefit Oregon ratepayers.

   iii. Agencies shall bring recommended proposed actions for discussion with their Boards or Commissions and will report their findings and recommendations to the Governor no later than September 1, 2026.

d. **Identify Pathways to Facilitate Development of Clean Energy Infrastructure.** PUC staff, in partnership with ODOE and the Governor's Office, shall convene utilities, key agency leaders, local permitting authorities, and other interested parties to review progress toward achieving HB 2021's clean energy targets and explore opportunities for public-private partnerships

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to facilitate development of clean energy infrastructure that is needed to achieve clean energy targets and will provide benefits to Oregon ratepayers.

e. **Develop a Framework for Strategic Transmission Siting.** ODOE, in coordination with the PUC and the Governor's Office, shall undertake a process to evaluate and propose a framework to strategically accelerate:

   i. Identification and designation of transmission corridors, including on public lands (state and federal);
   ii. Streamlined partial siting and permitting approvals for future projects in those corridors or within existing transmission rights-of-way; and
   iii. Targeting direct financial support for projects that are determined to benefit the public interest.

f. **Deploy Energy Storage.** To support grid reliability and resilience, this Order establishes a goal of deploying 8 gigawatts of energy storage capacity in Oregon by 2045.

3. **Build a Resilient Clean Energy Economy:** Agencies listed in Section II.1.c of this Order shall align programs, decisions, and investments to advance the state's interest in growing a resilient clean energy economy that attracts and supports climate-friendly industries, creates jobs, and aligns with Oregon's climate goals. This includes but is not limited to the following initiatives:

   a. **Develop Public-Private Partnerships.** Agencies shall explore and prioritize opportunities for public-private partnerships to support development and deployment of clean energy technologies that align with Oregon's carbon-free energy and economic development priorities. Agencies will highlight those opportunities for the Governor's Office for review and consideration on a quarterly basis.

   b. **Evaluate Emerging Clean Energy Technologies.** ODOE, DEQ, Business Oregon, the PUC, the Department of Geology and Mineral Industries (DOGAMI), and the Governor's Office, shall collaborate to identify and assess opportunities for advanced and emerging carbon-free energy technologies to play a role in Oregon's clean energy future; evaluate risks and barriers; and propose cross-agency frameworks to support development and deployment of advanced technologies that increase access to affordable, safe, and reliable clean energy. ODOE will report progress and key findings in its

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Biennial Energy Reports, including the Report that must be submitted to the legislature by December 1, 2026, and in each subsequent iteration of the Report.

II. ACCOUNTABILITY, COORDINATION, AND PROGRESS ON IMPLEMENTATION

1. **Executive Branch Agencies Subject to this Order.** Progress on the direction and commitments of this Order will take focused and coordinated planning and execution by Oregon's natural resource agencies and their respective Boards or Commissions.

   a. The following state agencies are subject to the goals and directives outlined in Section I.1 of this Order:

      i. Oregon Department of Administrative Services (DAS);
      ii. Oregon Department of Energy (ODOE), including the Oregon Climate Action Commission and the Energy Facility Siting Council;
      iii. Oregon Department of Environmental Quality (DEQ);
      iv. Oregon Department of Land Conservation and Development (DLCD);
      v. Oregon Department of Transportation (ODOT); and
      vi. Oregon Public Utility Commission (PUC).

   b. The following state agencies are subject to the goals and directives outlined in Section I.2.c of this Order:

      i. Oregon Department of Energy (ODOE), including the Oregon Climate Action Commission and the Energy Facility Siting Council;
      ii. Oregon Department of Environmental Quality (DEQ);
      iii. Oregon Department of Geology and Mineral Industries (DOGAMI); and
      iv. Oregon Public Utility Commission.

   c. The following state agencies are subject to the goals and directives outlined in Section I.3 of this Order:

      i. Business Oregon;
      ii. Oregon Department of Energy (ODOE), including the Oregon Climate Action Commission;
      iii. Oregon Department of Environmental Quality (DEQ);

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iv. Oregon Department of Geology and Mineral Industries (DOGAMI); and
v. Oregon Public Utility Commission.

d. The following state agencies shall provide information and consultation to assist other agencies with the implementation of this Order as needed:

i. Business Oregon;
ii. Oregon Department of Fish and Wildlife (ODFW);
iii. Oregon Department of State Lands;
iv. Oregon Department of Transportation (ODOT);
v. Oregon Parks and Recreation Department; and
vi. Oregon Water Resources Department (OWRD).

2. **Reporting and Accountability.** State agencies must deliver transparent, accurate reporting on public programs, maintain accountability to citizens and stakeholders, and establish clear feedback loops that enable public input and demonstrate responsive government action.

a. Agency plans. Each of the following agencies shall develop (or incorporate into an existing planning process) a biennial plan that includes targets and metrics appropriate to the agency's intersection with this Order with the goal of focusing existing and new resources, programs and incentives to advance the goals and actions in Part I of this Order as applicable:

i. Oregon Department of Energy (ODOE), including the Oregon Climate Action Commission and the Energy Facility Siting Council;
ii. Oregon Department of Environmental Quality (DEQ); and
iii. Oregon Public Utility Commission (PUC).

b. Public Feedback and Oversight. Agencies will present their biennial plans to their respective board or commission for discussion, review, and comment at a public meeting where public testimony can be received.

c. Recommendations for Governor's Recommended Budget. Biennial plans will be developed on a schedule and in a format to inform the development of the Governor's Recommended Budget starting with the 2029-2031 Agency Request Budget biennial cycle. Actions for consideration for the development of the 2027-2029 Governor's Recommended Budget will be expedited as needed.

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d. **Implementation Workplan.** Agencies shall immediately begin developing implementation timelines and pathways to comply with this Order.

3. **Coordination and Oversight of Implementation.** The Governor's Office will take a leadership role in advancing the efforts associated with this Order. It is the responsibility of each respective agency director to ensure appropriate coordination and implementation contemplated by this Order is integrated into agency programs and initiatives.

4. **Legislative & Public Engagement.** As requested, agencies shall provide updates and presentations on implementation work to relevant Boards, Commissions, Councils, Local Governments, Federal Agencies, and the Oregon State Legislature.

5. **Engagement with Oregon's Nine Federally Recognized Sovereign Tribal Governments.** The State, through the Governor's Office and the State Agencies, shall collaborate with Oregon's nine federally recognized sovereign tribal governments to build, sustain, and enhance relationships to find common ground in support of the implementation of this Order.

Done at Salem, Oregon, this 18th day of November, 2025.

Tina Kotek
GOVERNOR

ATTEST:

Tobias Read
SECRETARY OF STATE

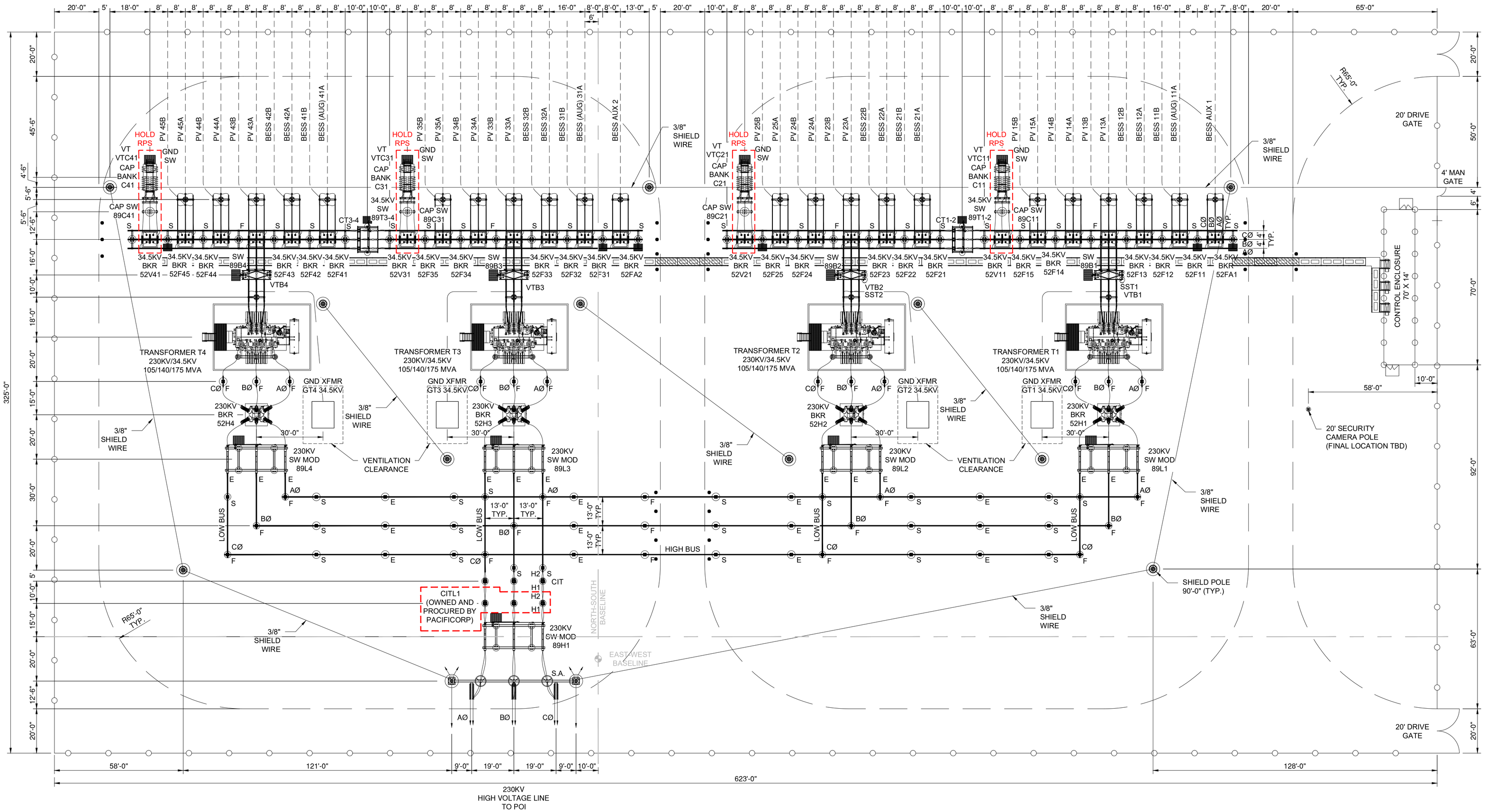
WELL SPRINGS 1
PV & BESS

MORROW COUNTY, OREGON

REV.	DATE	DESCRIPTION	BY
A	12/15/2025	30% DESIGN PACKAGE	UEI
B	01/16/2026	30% DESIGN PACKAGE	UEI

CLEARANCES

VOLTAGE		MINIMUM METAL-TO-METAL DISTANCE (BETWEEN PHASES) (ANSI C37.32-2002, TABLE 5)	CLEARANCE TO GROUND FOR RIGID PARTS (ANSI C37.32-2002, TABLE 5)		MINIMUM CLEARANCE BETWEEN OVERHEAD CONDUCTORS AND GROUND FOR PERSONAL SAFETEY (NESC C2-2023, TABLE 124-1)	MINIMUM CLEARANCE FROM LIVE PARTS TO STATION FENCE (NESC C2-2023, TABLE 110-1)
kV	BIL		MINIMUM	RECOMMENDED		
34.5	200	1'-6"	1'-1"	1'-3"	9'-6"	10'-7"
230	900	7'-5"	5'-11"	6'-4"	13'-9"	15'-5"



SCALE 1" = 25'

25' 0' 25' 50'

PRELIMINARY

NOT FOR CONSTRUCTION

THIS DRAWING IS PRELIMINARY AND IS NOT TO BE USED FOR CONSTRUCTION. FOR REVIEW PURPOSES ONLY.

LEGEND:

- F FIXED FITTING
- S SLIP FITTING
- E EXPANSION FITTING
- BASE LINE INTERSECTION
- YARD LIGHTING
- BOLLARD
- FENCE
- GROUNDING PLATFORM
- PEDESTRIAN TRENCH
- DRIVEABLE TRENCH

Ulteig
3350 38TH AVE S
FARGO, ND 58104
PHONE: (888) 858-3441
ULTEIG.COM

PROJECT NUMBER: 25.03128
DESIGN BY: A. MISTRY
DRAWN BY: T.BILOTTA
APPROVED BY: A. MEYER

34.5KV-230KV EQUIPMENT PLAN

DRAWING NUMBER: WLS-EQ1-001

REVISION: B

2006-01-14

To limit file size, the packet containing complete LUD-N-088-25 application materials from the February 24, 2026, Planning Commission Meeting can be accessed at this link:

https://morrowcoor.portal.civicclerk.com/event/1346/files/agenda/3139

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PLANNING DEPARTMENT

P.O. Box 40 • 215 NE Main Ave. Irrigon, Oregon 97844
(541) 922-4624 • www.morrow.or.us/planning

March 20, 2026

TO: Planning Commission

FROM: Tamra Mabbott, Planning Director and Clint Shoemake, Planning Tech

RE: LUD-N-089-25, Tower Road East (Bristow Lane) Data Center Campus

March 31, 2026, Final Hearing and Decision

On February 24, 2026, the Planning Commission held a hearing to review the above application for a data center campus near the Boardman Airport. The Planning Commission closed the public hearing and kept the record open in accordance with MCZO 9.050(H)(8) and voted unanimously to keep the record open in accordance with MCZO 9.050(J) and ORS 197.797.

The role of the Planning Commission at the March 31, 2026, meeting is to open the hearing, deliberate on information contained in the record, and then close the hearing and make a final decision. You may ask staff questions during the hearing.

Documents submitted during each of the three seven-day periods are attached and summarized in the exhibit list. Planning Commission will be asked to accept these documents into the record.

Staff have revised the Findings of Fact to include information presented during the February 24th hearing and during the open record period.

The Planning Commission has two options: one to approve and another to deny. Based on evidence in the record, staff prepared Findings in support of the application. However, the Planning Commission may disagree and identify standards that the project does not comply with and staff would then draft Findings to deny the project.

PRELIMINARY FINDINGS OF FACT
LAND USE DECISION
LUD-N-089-25

REQUEST: To approve a new data center campus on land zoned Airport Light Industrial (ALI).

APPLICANT:	Lief Van Acker Kimley-Horn 1 SW Columbia St., Suite 650 Portland, OR 97204
PROPERTY OWNER:	Amazon Data Services, Inc. 410 Terry Ave. North Seattle, WA 98109
PROPERTY DESCRIPTION:	Tax lot 136 of Assessor's Map 4N 24E
PROJECT LOCATION:	Approximately 3.7 miles west of Boardman's Urban Growth Boundary, southeast of the Boardman Airport and southwest of the Tower Road/I-84 interchange. Property is also known as Parcel 3 of Partition Plat 2022-15.

I. BACKGROUND INFORMATION:

The subject parcel is zoned Airport Light Industrial (ALI) and is located outside of the City of Boardman's existing Urban Growth Boundary (UGB). The site is approximately 98.01 acres in size and located on the south side of Bristow Lane (originally referred to as 'Airport Road B' on application materials).

The application includes the following improvements:

1. Four (4) single-story data center buildings; two at approximately 190,000 square feet in size and two at approximately 218,000 square feet in size
2. One (1) single-story 7,260 square-foot industrial water building with two associated water tanks and two associated generators
3. One (1) single-story 179 square-foot guard shack
4. Accessory site elements including security fencing, one (1) approximately 8-acre stormwater evaporation pond, two (2) approximately 2-acre wastewater evaporation pond bays, and one (1) approximately 1.4-acre septic drain field
5. Parking, loading docks, and site circulation features

A conceptual footprint for a future electrical substation is reflected in design documents. The substation is not a proposed component of this application, and a future application is anticipated from the utility provider.

II. APPROVAL CRITERIA:

Morrow County Zoning Ordinance Article 3 Section 3.076 Airport Light Industrial Zone, ALI, Section 3.092, Airport Safety and Compatibility Overlay Zone, ASC, Article 4 Supplementary Provisions, and Article 5 Section 5.020, Site Plan Review will apply. Criteria are listed below in **bold type**, followed by a response in standard type.

DRAFT

SECTION 3.076 AIRPORT LIGHT INDUSTRIAL ZONE, ALI

A. Airport Safety and Compatibility. Uses permitted within the ALI zone that are also located within the Airport Safety and Compatibility Overlay Zone shall comply with applicable standards in the Airport Safety and Compatibility Overlay Zone.

The site is south of the Boardman Airport runway, outside the approach corridor, and no proposed structure penetrates an airport imaginary surface. However, because County's Airport Safety and Compatibility (ASC) Overlay applies to land beneath any FAA imaginary surfaces (regardless of whether buildings or structures penetrate an imaginary surface) and the site is beneath the Boardman Airport's mapped horizontal surface and conical surfaces, these findings address standards of MCZO Section 3.092.

B. Notice: Timely notice of applications for permits in the ALI zone shall be provided to the Oregon Department of Transportation, the Oregon Department of Aviation, and the United States Department of Navy.

The Oregon Department of Transportation (ODOT), Oregon Department of Aviation (ODAV), and the United States Department of the Navy were included on the notification list and provided an opportunity to comment on the application.

ODOT provided comments, as discussed in the response to Section 4.010(F) below. The applicant provided supplemental email correspondence from the Navy approving the site plan and cut sheet for the proposed light fixtures. No comments have been received to date from ODAV.

D. Uses Subject to Administrative Review. In the ALI zone, the following uses and activities and their accessory buildings and uses are permitted upon demonstration of compliance with the standards in this section through the Site Plan Review process provided in MCZO 5.020, if determined by the Planning Director to satisfy the applicable criteria and provisions of law. Notice and an opportunity to file an appeal must be provided in the manner described in ORS 215.416. These uses may be referred to the Planning Commission for review if deemed appropriate by the Planning Director.

1. **Data Center**
   This application requests approval for a new data center campus, which is an allowed use per subsection D.1.

E. Dimensional Requirements. In the ALI zone, the following dimensional standards shall apply:

1. **Minimum lot size: No limitation.**
   This application does not include the creation or reconfiguration of existing lot lines. This criterion is not applicable.
2. **Minimum lot coverage. No limitation.**
   There is not an established maximum lot coverage requirement for the ALI zone, this criterion does not apply.
3. **Minimum lot frontage. Minimum lot frontage shall be 300 feet on an arterial or collector street and 200 feet on a local street.**
   The proposal does not include the creation or reconfiguration of existing lot lines, however the subject site will have 2,244 feet of street frontage along Tower Road

and 1,851 feet of street frontage along Bristow Lane. Planning Commission may find this criterion is met.

4. **Minimum setbacks.**
   a. **Front yard setbacks. The minimum front yard setback between a structure and a street right-of-way shall be 50 feet for an arterial street, 30 feet for a collector street, and 20 feet for a local street. Structures on corner lots shall observe the minimum front yard setback for both streets.**
   The site plan identifies a 323-foot setback separating Bristow Lane from the nearest building and a 127-foot setback between Tower Road and the nearest site structure. Fences are exempt from setback requirements, provided that they don't interfere with the vision clearance requirements, per MCZO Article 7.100(B).
   b. **Side and rear yard setbacks. There is no side or rear yard setback except as may be required by the Building Code or other siting requirements. Where so required, the requirements may be waived on common lot lines when adjoining lot owners enter into a joint agreement for coordinating vehicular access and parking. Party wall or adjoining building walls must meet fire separation requirements of the State of Oregon Structural Specialty Code and Fire and Life Safety Code. The joint development agreement must be approved by the Port of Morrow as to form and content and recorded in the Morrow County Clerk's office, and a copy must be provided to the Planning Department.**
   Site features are setback a sufficient distance from the side and rear property lines. No additional standards are required, this criterion is not applicable.
   c. **Railroad spur. There is no structure setback from a railroad spur where the spur will be utilized by the permitted use. Otherwise the setback shall be 20 feet.**
   There is no railroad spur near the property. This criterion does not apply.
5. **Maximum building height: No maximum height. However, no structure shall be allowed to penetrate an airport imaginary surface.**
   The four proposed data center buildings will have a roof height of 33'-0", height of 36'-7" to top of exterior parapet walls, and all proposed water tanks are anticipated to be approximately 60'-6" in height. The proposed structures will not exceed any of the airport's imaginary surfaces—in particular, the horizontal surface and the conical surfaces which lie over the site, as shown on the site plan.

   The Oregon Department of Aviation (ODAV) and Federal Aviation Administration (FAA) have been provided notice of this application, and no comments have been received to date. A Condition of Approval provides that, if FAA notice is required pursuant to the FAA Notice Criteria Tool for any building, applicant shall provide confirmation of the resulting aeronautical determination letters from the FAA prior to final Certificate of Occupancy for such building~~All structures will require confirmation that they are compliant with the ODAV standards before County issues a Zoning Permit. This is included as a Condition of Approval~~.

F. Transportation Impacts. Upon request by ODOT or Morrow County, a Traffic Impact Analysis (TIA) shall be required when projects on lands zoned ALI, cumulatively, have generated more than 400 passenger car equivalent trips per day on the local street network. Heavy vehicles – trucks, recreational vehicles

and buses – will be defined as 2.2 passenger car equivalents. The TIA shall include: daily vehicle trips generated by existing projects and projects that are reasonably likely to occur within the ALI zone during the planning period, peak hour trip distribution at affected intersections, analysis of compliance with applicable roadway performance standards, recommended mitigation measures necessary to achieve or retain compliance with applicable roadway performance standards, and identification of triggers addressing the timing of future mitigation.
A traffic impact analysis (TIA) has been provided with this application for review by Morrow County and ODOT. According to the applicant, employees accessing the site will be coming from either eastbound I-84 or westbound I-84 and exiting onto Tower Road south to Airport Road B (Bristow Lane). Traffic counts were collected at key locations along this route and a traffic study was completed to forecast the added trips to the site through the estimated construction schedule. The results of the traffic study indicate that offsite intersection or roadway improvements are not warranted at this time, based on level of service thresholds, to accommodate the added trips from the development.

The county traffic engineer of record, Todd Mobley, reviewed the TIA and found that the project meets trip generation thresholds generally, however, he also made several recommendations summarized here:

1. Trip Generation: An estimate of construction traffic volumes, car/truck mix, and duration should be provided so that the County and surrounding stakeholders can better understand construction impacts.
2. Trip Distribution: Based on the 2024 traffic counts, for inbound traffic, approximately 45% travels from the west along I-84 and 55% travels from the east along I-84. For outbound traffic, approximately 35% travels to the west and 75% travels to the east. Provide justification for the assumed east/west split on I-84 – 90% traveling to and from the east, and 10% traveling to and from the west.
3. Trip Distribution: Existing volumes, particularly at Tower Road at Kunze Lane intersection, show some trips traveling to and from the south on Tower Road, but the assumed site trip distribution is 100% traveling to and from the north. Provide justification for the assumed north/south split on Tower Road.
4. Operational Analysis: Only PM peak hour analysis was provided but AM peak trip rates are higher. Provide justification for omitting the AM peak hour.
5. Safety Analysis: No left-turn lane warrant analysis was included. We recognize that volumes (particularly in January) are low, but other considerations are heavy vehicles, farm equipment, and peak harvest conditions. Provide a left-turn warrant analysis based on the PM peak hour build volumes.

AWS submitted a memo and revised TIA, attached to these findings, addressing the issues identified by Todd Mobley. Public Works, Planning and Todd Mobley discussed the revised TIA and continue to see the value in a right-turn lane to mitigate traffic impacts during the construction phase. ~~Planning Commission could request a~~There is a Condition of Approval to enter into a Road Improvement Agreement requiring the applicant to reimburse the County for the County's construction of a right-turn lane ~~analysis to ensure queuing does not impede construction traffic flow to the south~~southbound on Tower onto Bristow Lane. ~~This is listed as a Condition of Approval for Planning Commission to consider.~~

Additionally, ~~T~~the Morrow County Public Works Director has requested a Road Use Agreement (RUA) to address impacts to the transportation system, specifically Tower Road, anticipated during project construction. AWS has agreed to entering into a RUA. This is recommended and included as a Condition of Approval.

An email from the Oregon Department of Transportation dated December 30, 2025, is attached to these findings, indicating no mitigation is recommended for ODOT facilities, although they also suggest a Road Use Agreement with the county to mitigate impacts during the construction phase.

This area of Tower Road is part of an Interchange Area Management Plan (IAMP) that is currently underway.

SECTION 3.092 AIRPORT SAFETY AND COMPATIBILITY OVERLAY ZONE, ASC

D. Notice of Land Use and Permit Applications within Overlay Zone Area. Except as otherwise provided, written notice of applications for land use or limited land use decisions in the area within this overlay zone, including comprehensive plan or zoning amendments, shall be provided to the airport sponsor and the Department of Aviation in the same manner as notice is provided to property owners entitled by law to written notice of land use or limited land use applications.

1. **Notice shall be provided to the airport sponsor and the Department of Aviation when the property or a portion thereof that is subject to the land use or limited land use application is within 5,000 feet of the sides or ends of the runway.**
   Notice and an opportunity to comment were provided to the Oregon Department of Aviation and the Port of Morrow, which is the airport sponsor. The applicant also intends to submit Form 7460-1 Notice of Construction to the FAA within 45 days of construction. This is recommended and included as a Condition of Approval.
2. **Notices required by this section need not be provided to the airport sponsor or the Department of Aviation where the land use or limited land use application:**
   a. **would only allow structures less than 35 feet in height, measured from grade;**
   b. **involves property located entirely outside the approach surface;**
   c. **does not involve uses that emit smoke dust, or steam; sanitary landfills or water impoundments; or radiotelephone, television or similar transmission facilities or electrical transmission lines; and**
   d. **does not involve wetland mitigation, creation, enhancement or restoration.**
      The applicant will be required to provide evidence of conformance with the policies and procedures of ODAV and the FAA as applicable prior to the Certificate of Occupancy. This is recommended and included as a Condition of Approval.

E. Height Limitations on Allowed Used in Underlying Zone. All uses permitted by the underlying zone shall comply with the height limitations in the Section unless standards of the underlying zone are more restrictive.

1. **Except as provided in paragraph 2, no structure or tree or other object of natural growth shall be allowed to penetrate an airport imaginary surface.**
2. **For areas within airport imaginary surfaces but outside of the approach and transition surfaces, where terrain is at higher elevations than the airport runway surfaces where existing structures and permitted development penetrate the airport imaginary surfaces, a local government may authorize structures up to 35 feet in height.**
   No proposed structure, buildings or vegetation penetrates an airport imaginary surface. The proposed buildings and tanks are outside the airport's approach zone, the runway protection zone, and the transitional surfaces. No proposed structures exceed the horizontal surface of 150 feet above the runway elevation, as shown in the site plan, nor any conical surface. Planning Commission may find these criteria are met.

F. Procedures. An application for a land use or limited land use approval on property within this overlay zone shall provide the following information in addition to any other required information:

1. **A map or drawing showing the location of the property in relation to the airport imaginary surfaces.**
2. **Elevation profiles and a site plan, drawn to scale, including the location and height of all existing and proposed structures, measured from existing grade.**
   A site plan drawing has been provided showing the subject property location in relation to the airport imaginary surfaces, including elevation profiles. In addition, the applicant provided a map that shows the location of the site in relation to the airport imaginary surfaces using the County's GIS mapping tool, which maps the FAR Part 77 Airspace surfaces for this airport. Notice and an opportunity to comment was provided to ODAV and FAA.

G. Land Use Compatibility Requirements. Any land use allowed in the underlying zone may be permitted in the overlay zone, subject to the following standards:

1. **The user shall comply with the height standards in Section (E) of this Chapter.**
   The height standards of this chapter are addressed above. Planning Commission may find this criterion is met.
2. **The use shall not include a place of public assembly.**
   The application does not include a place of public assembly as defined in MZCO 3.092, which defines such facilities as structures "where concentrations of people gathered in reasonably close quarters"~~OAR 660-013-020~~. The facility is a highly-restricted data center campus with controlled access, limited staffing, and shift-based operations leading to dispersed occupancy without concentrated, close-quarter gatherings characteristic of assembly uses. Planning Commission may find this criterion is met.
3. **The uses shall not create a bird attractant. If the airport sponsor determines that there is a potential for attracting birds, the applicant shall include a study demonstrating that any hazard to use of the airport is mitigated.**
   The applicant provided a bird hazard analysis report prepared by Craig Turner, PWS at Pacific Habitat Services, Inc., that is attached to these findings ("PHS Report"). ~~The applicant states this report demonstrates~~The PHS Report explains

that the proposed project has been designed to incorporate measures recommended by the FAA's Advisory Circular No. 150/5200-33C, and such measures are sufficient to mitigate any potential bird-related hazards to aviation operations at the Boardman Airport, based on Mr. Tumer's professional experience and his review of the proposed project and applicable regulatory materials ~~that any potential hazard to use of the airport is mitigated through design measures incorporated into the project~~. Mr. Tumer's resume is attached to the report. The applicant ~~also~~ shared the PHS Memo with the airport sponsor (Port of Morrow), Oregon Department of Aviation, and the Federal Aviation Administration. The record includes ~~provided~~ correspondence ~~attached to these findings~~ from the Port of Morrow, ~~the airport sponsor,~~ agreeing with the conclusions of this report~~; , and~~ ODAV, indicating the proposal appears to meet the state-level requirements; and the FAA, requesting the applicant work with the airport sponsor and comply with the FAA's Advisory Circular No. 150/5200-33C. As noted, the applicant has conferred with the Port of Morrow and the PHS Memo recommends mitigation measures that are consistent with the FAA Advisory Circular.

PHS submitted a supplemental memorandum on March 3, 2026, in response to public comments. The supplemental memo further explains that the proposed mitigation measures are not designed to change existing bird behaviors or reduce current bird populations in the area; rather, they are designed to ensure that the proposed ponds do not create additional hazards at the airport compared to existing conditions. The supplemental memo reaffirms PHS' professional judgment that the proposed pond design (e.g., vegetation management, netting over the stormwater pond, and steep slopes) mitigate any additional hazards to nearby airport operations.~~Notice and an opportunity to comment has been provided to the FAA accordingly.~~

Based on the professional reports submitted by the applicant and letters from ODAV, the airport sponsor, and FAA, Planning Commission finds that Applicant has submitted a study demonstrating that any hazard to the airport due to the proposed project is mitigated through the design measures described in the PHS Report. And i~~I~~t is recommended and listed as a Condition of Approval that the proposed water impoundments must incorporate the mitigation measures set forth in the PHS Report; compliance with this condition of approval will be evidenced by providing written confirmation by Pacific Habitat Services, or another qualified wildlife biologist, prior to issuance of a certificate of occupancy for the first building.~~applicant shall obtain written approval from (1) the Port of Morrow, as airport sponsor; (2) ODAV, and (3) the FAA regarding the proposed water impoundments. For purposes of this condition, written lack of objection or concurrence with the Pacific Habitat Services, Inc. memorandum dated January 28, 2026, shall constitute written approval~~

4. **The use shall not cause light or glare that projects lighting directly onto a runway or taxiway, or imitates airport lighting.**
The applicant states this use will not cause light or glare to be cast directly onto a runway or imitate airport lighting, because all site lighting proposed on the site will be downcast and shielded from emitting light upwards. Light pole locations are shown on the site plan. The applicant also provided an email from Kimberly Peacher, Liaison Officer, NAS Whidbey Island, confirming the lighting design

should not interfere with Naval aircraft operations. Notice and an opportunity to comment has been provided to the ODAV and FAA accordingly.

It is recommended and included as an ongoing Condition of Approval that the applicant shall comply with this standard throughout construction and operation. Additionally, it is recommended and included as a Condition of Approval that the applicant shall submit a photometric lighting plan and glare analysis prior to Zoning Permit approval.

5. **The use shall not be a source of smoke, dust, or steam.**
   The planned facility is not anticipated to create smoke, dust, or steam, as described further in the applicant's February 6, 2026, supplemental memo. Notice and an opportunity to comment has been provided to the ODAV and FAA accordingly.
6. **The use shall not cause electrical interference with the airport operations, or in the case of proposed or expanded communications or transmission facilities, the Department of Aviation and the FAA shall approve the facility.**
   The applicant states the planned datacenter facility does not emit electrical signals that could interfere with the airport operations. Notice and an opportunity to comment has been provided to the ODAV and FAA accordingly. The proposed on-site substation and any transmission lines serving this datacenter campus will be owned and operated by Umatilla Electric Cooperative and will be under a separate application coordinated with the FAA.
7. **The use shall not create a new or expanded water impoundment within 5,000 feet of the edge or end of a runway larger than one-quarter acre in size unless necessary for airport operations or approved in writing by the airport sponsor, the Department of Aviation, and the FAA.**
   The applicant states the proposed stormwater evaporation pond is approximately 3,620 to 4,550 feet from the airport runway and the proposed non-contact cooling water ponds are approximately 4,700 to 5,280 feet from the airport runway.

   As noted above, the applicant has shared the project proposal and the PHS Report with the airport sponsor, the Department of Aviation, and FAA; no agency has objected; and the correspondence with each agency are described above and included in the recordIt is recommended and listed as a Condition of Approval that the applicant shall obtain written approval from (1) the Port of Morrow, as airport sponsor; (2) ODAV, and (3) the FAA regarding the proposed water impoundments. For purposes of this condition, written lack of objection or concurrence with the Pacific Habitat Services, Inc. memorandum dated January 28, 2026, shall constitute written approval.

H. Prohibited Uses. Notwithstanding the underlying zoning, the following uses are prohibited in the Airport Safety and Compatibility Overlay Zone:

1. **New residential development.**
   The application does not include new residential development. Planning Commission may find this criterion is met.
2. **New Public Assembly Facilities.**
   The application does not include a new public assembly facility as defined in OAR 660-013-020. Planning Commission may find this criterion is met.

I. Nonconforming Uses.

1. **The regulations prescribed by this Zone shall not be construed to require the removal, lowering, or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date of this Section, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure that was approved under the requirements of the previous Airport Approach or Airport Hazard zones, including those approvals that expired or that became void. Such approvals are hereby validated as consistent with this Airport Safety and Compatibility Overlay and no further approval is required under the terms of the zoning ordinance.**
2. **Marking and Lighting - Notwithstanding the preceding provision of this Section, the owner of any existing non-conforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Morrow County Court, to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the owner of the public use airport.**
   The subject site does not contain any existing nonconforming uses, structures, or vegetation that were lawfully established. Any unlawful structures or vegetation identified by the applicant or outside agencies shall be brought into conformance with these standards. This requirement is included as an ongoing Condition of Approval.

ARTICLE 4 SUPPLEMENTARY PROIVISIONS

SECTION 4.010. ACCESS

A. Minimum Lot Frontage Requirement. Every lot shall abut a street, other than an alley, for at least 50 feet, except on cul-de-sacs where the frontage may be reduced to 30 feet.
The subject site will have 2,244 feet of street frontage along Tower Road and 1,851 feet of street frontage along Bristow Lane. Planning Commission may find this criterion is met.

B. Access Permit Requirement. Where access to or construction on a county road is needed, an access permit or right-of-way permit from Morrow County Public Works department is required subject to the requirements in this Ordinance. Where access to a state highway is needed, an access permit from ODOT is required as part of the land use application. Where access is needed to a road managed by the Forest Service or other entity, an access permit or other authorization from the appropriate entity shall be required as part of the land use application.
Access to the site will be provided from Bristow Lane, which is owned by the Port of Morrow. Morrow County Public Works Director has requested both the construction and production entrance(s) be at least 300 feet west of Tower Road (a county owned road) to align with Morrow County access management standards. Preliminary site plans indicate the entrance closest to Tower Road is approximately 850 feet west.

C. **Emergency Vehicle Access. It is the responsibility of the landowner to provide appropriate access for emergency vehicles at the time of development. A dead-end private street exceeding one hundred-fifty (150) feet in length shall have an adequate turn around facility approved by the appropriate Fire Marshal or, if the Fire Marshal fails to review the private street, approval by the Building Official or his designee.**
Bristow Lane connects Tower Road and Boeing Road and is not a dead-end private street. Notice and an opportunity to comment has been provided to the Fire Marshal as well as the Boardman Rural Fire Protection District.

D. **Easements and Legal Access. All lots must have access onto a public right of way. This may be provided via direct frontage onto an existing public road, a private roadway, or an easement. Minimum easement requirements to provide legal access shall be as follows:**
   1. **1000' or less, a minimum easement width of 20'**
   2. **More than 1000', a minimum easement width of 40'**
   3. **Parcels where 3 or more lots share an access (current or potential), a minimum easement of 60'.**
      This lot has direct frontage and approved access onto Bristow Lane, which complies with the minimum TSP standards for the anticipated traffic volume.

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

TABLE 4.040-1 MINIMUM PARKING REQUIREMENTS
Use- Industrial- Storage warehouse, manufacturing establishment, rail or trucking freight terminal (F.1): One space per employee on the largest shift.
Each data center building is anticipated to require a maximum of 50 employees during the largest shift, totaling 200 required spaces, with 12 ADA-compliant. The application proposes 251 spaces adjacent to the applicable buildings. The site plan includes 3 standard ADA spaces per datacenter building, 1 ADA-compliant electric vehicle (EV) space per datacenter building, 1 ADA space at the industrial wastewater building, and 1 ADA space at the guard shack. In total, 18 ADA-compliant spaces are proposed, adequate to meet this requirement.

SECTION 4.045. BICYCLE PARKING REQUIREMENT.

This chapter also provides standards for bicycle parking, because children as well as adults need safe and adequate spaces to park their bicycles throughout the community. All uses subject to Design Review that are located within an Urban Growth Boundary shall provide bicycle parking in conformance with the following guidelines. Uses outside an Urban Growth Boundary are encouraged to provide bicycle parking based on these guidelines.

A. **Number of Parking Spaces. A minimum of two bicycle parking spaces is recommended for each use with greater than 10 vehicle parking spaces. The following additional standards apply to uses within an Urban Growth Boundary, and are recommended for other areas of the County:**
The applicant did not identify bicycle parking spaces on the proposed site plan. However, because the subject site is not within an Urban Growth Boundary, bicycle parking is not required, therefore these provisions do not apply.

SECTION 4.050. OFF-STREET PARKING AND LOADING. Buildings or structures to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading berths in sufficient number and size to handle adequately the needs of the particular use. Off-street parking areas used to fulfill the requirements of this Ordinance shall not be used for loading and unloading operations except during periods of the day when not required to care for parking needs. General provisions are as follows:

A. **The provisions and maintenance of off-street parking and loading space is a continuing obligation of the property owner. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking and loading requirements, it shall be a violation of this Ordinance to begin or maintain such altered use until such time as the increased off-street parking or loading requirements are complied with.**
The site plan identifies parking and loading spaces sufficient to accommodate the number of employees expected during the largest shift adjacent to each of the proposed buildings. Final Zoning Permit approval for each of the future buildings will require compliance with the standards of this chapter.

B. **Requirements for types of buildings and uses not specifically listed in this Ordinance shall be determined by the Planning Commission based upon the requirements for comparable use listed.**
Planning commission may concur with the applicant's analysis that the proposed use is most similar to "industrial: storage warehouse, manufacturing establishment, rail or trucking freight terminal." Unless otherwise determined by the Planning Commission, the applicant shall provide a minimum of one parking space per employee during the largest shift.

C. **In the event multiple uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of each use computed separately.**
This application does not include multiple uses. This criterion does not apply.

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D. **Owners of two or more uses, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the County in the form of deeds, leases, or contracts to establish the joint use.**
This application does not propose joint use. This criterion does not apply.

E. **Off-street parking spaces for dwellings shall be located on the same parcel with the dwelling. Other required parking spaces for residential uses shall be located not farther than 500 feet from the building or use they are required to serve, measured in a straight line from the building.**
This application does not propose residential use. This criterion does not apply.

F. **Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.**
Vehicle or material storage is not a permitted use of the proposed parking spaces. Planning Commission may find this criterion is met.

G. **Parking designated exclusively for people with disabilities shall be provided in conformance with the Americans with Disabilities Act.**
Each data center building is anticipated to require a maximum of 50 employees during the largest shift, totaling 200 required spaces, with 12 ADA-compliant. The application proposes 251 spaces adjacent to the applicable buildings. The site plan includes 3 standard ADA spaces per datacenter building, 1 ADA-compliant electric vehicle (EV) space per datacenter building, 1 ADA space at the industrial wastewater building, and 1 ADA space at the guard shack. In total, 18 ADA-compliant spaces are proposed, adequate to meet this requirement.

SECTION 4.060. DESIGN AND IMPROVEMENT STANDARDS – Parking Lots

A. **Except for single-family and duplex dwellings, areas used for parking for more than two vehicles shall have durable and dustless surfaces adequately maintained.**
The proposed parking areas will be paved. Planning Commission may find this criterion is met.

B. **Except for parking in connection with single-family and duplex dwellings, parking and loading areas adjacent to or within a residential zone or adjacent to a dwelling shall be designed to minimize disturbance to residents by the erection between the uses of a sight obscuring fence or planted screen of not less than six (6) feet in height except where vision clearance is required.**
The subject site is not within a residential zone or adjacent to a dwelling. This criterion is not applicable.

C. **Parking spaces along the outer boundaries of a parking lot shall maintain a minimum setback from the property line of five feet, unless a greater setback**

is specified for a structure in the zoning district and shall be contained by a bumper rail or by a curb which is at least four inches high.
The proposed parking areas are not located within five feet of the property line, or within the designated setbacks within the ALI zone. Planning Commission may find this criterion is met.

D. **Artificial lighting which may be provided shall not shine or create glare in any residential zone or on any adjacent dwelling.**
The subject site is not located adjacent to a residential zone or lawfully established dwelling. This criterion is not applicable. A copy of this notice was provided to Naval Air Station Whidbey Island due to the proximity to the Naval Weapons Systems Training Facility (U.S. Navy Bombing Range). Although the Bombing Range is NOT a residential zone, lighting can conflict with air traffic. Navy jets fly over this area, and the range is in active use.

E. **Access aisles shall be a minimum of 24 feet wide for two-way traffic. The minimum aisle width for emergency vehicle access (with one-way traffic) is 20 feet.**
The applicant states the proposed two-way drive aisles are a minimum of 30 feet in width and one-way drive aisles are a minimum of 21 feet in width. Planning Commission may find this criterion is met.

F. **Except for single-family and duplex dwellings, groups of more than two parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.**
The proposed parking areas do not require vehicle maneuvering within a street right-of-way. Planning Commission may find this criterion is met.

G. **Service drives to off-street parking areas shall be a minimum of 24 feet wide for two-way traffic flow, and 20 feet wide for one-way traffic flow. The number of service drives shall be limited to the minimum that will accommodate anticipated traffic.**
The site layout accommodates vehicular circulation throughout the development. These service drives are approximately 30-feet in width. The proposed locations of service drives appear to be reasonable. Planning Commission may find the application complies with this criteria.

H. **Driveways shall maintain minimum sight distance per the standards of Section 4.020 of this Ordinance.**
The applicant's TIA finds that the proposed access intersection sight distances will meet AASHTO intersection requirements and are not a concern. Planning Commission may find this criterion is met.

I. **The standards set forth in the table below shall be the minimum for parking lots approved under this Ordinance (all figures are in feet except as noted). The letters in the first row of the table correspond to the letters in the following diagram.**

TABLE 4.060-1 OFF-STREET PARKING DESIGN STANDARDS

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The proposed development incorporates 30-degree parking, which is not dimensionally specified in the MCZO. However, these parking spaces provide 9 feet by 19 feet minimum of vehicular space without encroaching into the drive aisles. Planning Commission may find this criterion is met.

ARTICLE 5 DEVELOPMENT PERMITS

SECTION 5.020 SITE PLAN REVIEW

E. Review Criteria. Applications processed under this section shall comply with the following criteria, as applicable:

1. **The standards listed in MCZO 5.010(D) are, or can be, met.**
   These standards are addressed in the criteria above and will be reviewed as part of the Zoning Permit process.

2. **Water is or will be available to the site at a quantity and quality adequate for the proposed use. New developments must either (1) provide an estimated annual water usage, and identify the necessary OWRD authorizations required to serve the estimated water need or (2) submit a letter, notice, or memorandum of understanding from the service provider evidencing a commitment to serve the site, which shall indicate the source of the water (e.g., surface water, existing water right, etc.) and a targeted delivery for water to the site.**
   The applicant states adequate water service will be provided by the Port of Morrow through a water main along Airport Road B (Bristow Lane). The applicant provided the attached letter of intent from the Port of Morrow, dated December 21, 2023, to provide up to 26 million gallons of water annually. The applicant indicated this is adequate for the site. Planning Commission may find this criterion is met.

3. **Adequate sewage disposal and wastewater management can be provided for the proposed use as determined by the service provider or by demonstrating compliance with applicable review authority standards, as set forth below. For new developments that will rely on third-party service providers for sewer and/or wastewater disposal, the applicant may satisfy this criterion by submitting a letter, notice, or memorandum of understanding from the service provider evidencing a commitment to serve the site. For new developments that will rely on on-site septic and/or industrial wastewater and/ or non-contact cooling water disposal and/or treatment, the applicant may satisfy this criterion by identifying the necessary ODEQ permits, as required by the state regulations, to be obtained prior to commencement of the proposed use or certificate of occupancy being granted.**
   Sanitary Sewer:
   There is currently no sanitary sewer service to the site. The applicant proposes an on-site septic field to handle the domestic sewer flows. Since the project generates more than 2,500 gallons per day of domestic sanitary sewer, the septic system will be permitted through the Oregon Department of Environmental Quality (ODEQ). The applicant provided the attached letter from the ODEQ,

dated June 11, 2025, with the determination that a septic field is feasible in the location specified.

Industrial Wastewater:
The application states the Port of Morrow is currently designing a wastewater treatment facility in the vicinity of the site which is planned to handle industrial wastewater (cooling water) discharge from this campus by 2027. Evidence of this agreement was not provided, regardless, the applicant states on-site wastewater pond storage will be permitted through ODEQ and is adequate to manage the site's contact cooling water needs until such time that the Port of Morrow is able to deliver an off-site discharge system. Applicant has not provided evidence that this permit has been filed.

Applicant shall provide evidence that all applicable state agency permits have been granted for the planned onsite water, wastewater, and septic facilities prior to the Certificate of Occupancy. This is included as a Condition of Approval.

4. **Applicant's proposed plans for electrical services and solid waste disposal are adequate for the proposed use, as demonstrated by complying with applicable submittal requirements in Section F.**
The applicant states electrical services will be provided by a substation in the northwest corner of the property as conceptually reflected in site plans. The applicant provided the attached email from Umatilla Electric Cooperative (UEC), dated May 7, 2025, indicating UEC's intent to construct electrical facilities to serve the project.

   The applicant indicates they will utilize onsite compactor(s) and dumpsters. Commercial solid waste disposal services are available in this area. Planning Commission may find this criterion is met.

5. **Development in hazard areas identified in the Morrow County Comprehensive Plan, Natural Hazard Mitigation Plan, or Community Wildfire Protection Plan shall comply with all applicable requirements.**
The applicant states there is an existing wetland located on the southeast corner of the site, adjacent to Tower Road that is approximately 1.3 acres in size. The wetland delineation was submitted to the U.S. Army Corps of Engineers (USACE) and it was determined that it is not considered a waters of the United States and an AJD was issued on April 2, 2025 (Corps No. NWP-2025-105).

   Additionally, the wetland delineation was submitted to the Oregon Department of State Lands (DSL) and received approval on September 17, 2025, for WD# 2025-0112. DSL concurred with the wetland boundaries as mapped and identified that the wetland is subject to permit requirements of the state Removal-Fill Law. The project proposes no impacts to the existing wetland and maintains a 50' buffer from any improvements, therefore no additional wetland permitting is expected. Planning Commission may find this criterion is met.

6. **Development shall comply with Section 3.200 Significant Resources Overlay Zone or 3.300 Historic Buildings and Sites protecting inventoried significant natural and historic resources, if applicable.**

No Goal 5 resources are inventoried on this property. No other information or evidence about the presence of these resources is known. However, the applicant provided the attached letter from the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), dated September 27, 2024, indicating mitigation efforts have been agreed upon regarding any property of religious and cultural significance to the CTUIR. Notice of this application and an opportunity to comment were provided to the CTUIR.

7. **Development in flood plains shall comply with MCZO Section 3.100 Flood Hazard Overlay Zone.**
   Per FEMA firm map #41049C0125D effective 12/18/2007 the site is located in Flood Zone X, designated as an area outside the 0.2% annual chance floodplain. The nearest floodways are the Columbia River approximately 1.7miles to the north, and Sixmile Canyon approximately 3.1 miles to the southwest. Therefore, this site is not anticipated to be affected by floodwaters. Planning Commission may find this criterion is met.

8. **Development in the Airport Safety and Compatibility Overlay Zone (ASC) is compliant with the standards and notice requirements identified in Section 3.092.**
   Development on the site will comply with all standards of MCZO Section 3.092, Airport Safety and Compatibility Overlay Zone (ASC) as previously discussed.

9. **The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately to achieve consistency with adopted County standards. County transportation facilities shall be located, designed, and constructed in accordance with the design and access standards in the Morrow County Transportation System Plan. This review criterion is satisfied if the applicant has entered into a development and/or mitigation agreement(s) pursuant to ORS 94.504, executed by the Board of Commissioners, under which applicant has agreed to (i) provide mitigation proportional and reasonably related to the traffic impacts caused by the proposed development or (ii) pay a fee-in-lieu of mitigation, equal to the estimated cost of designing and constructing the identified mitigation.**
   See discussion on transportation system impacts in the response to MCZO Section 3.076(F) above.

III. AGENCIES & OTHERS NOTIFIED: Mike Gorman, Tax Assessor; Glenn McIntire, Building Official; Toni Connell, City of Boardman; Steve Freeland, Emergency Manager; Eric Imes, Public Works Director; Corey Sweeney, Weed Supervisor; Morrow County Sheriff's Office; Oregon Department of Environmental Quality, Eastern Oregon Region Office & Bend Office; Leigh McIlvaine and Dawn Hert, Oregon Department of Land Conservation & Development; Marty Broadbent, Fire Marshal; Oregon Health Authority – Drinking Water; Brandon Pike, Oregon Department of Aviation; Teresa Penninger, Oregon Department of Transportation; Chris Kowitz; Oregon Water Resources Department; Greg Silbernagel, Watermaster; Jessica Wuttke-Campoamor, Federal Aviation Administration; Kimberly Peacher, Liaison Officer, NAS Whidbey Island;

Brandon Hammond, City of Boardman; Teara Farrow Ferman, CTUIR; Jacob Cain, Port of Morrow; Mary Killion, Friends of Morrow County; Kelly Doherty

IV. PROPERTY OWNERS & AGENCIES NOTIFIED OF APPLICATION: December 10, 2025

V. 14-DAY COMMENT PERIOD ENDED: December 24, 2025

VI. COMMENTS RECEIVED:

Email comments were received from Kelly Doherty on December 24, 2025, prior to the deadline Planning Commission hearing on February 24, 2026~~(see attached)~~. ~~These comments concern MCZO Section 3.076 Airport Light Industrial Zone and 3.092 Airport Safety and Compatibility Overlay Zone criteria as well as groundwater contamination and include FAA Advisory Circular 150/5200-33C as reference. The comments were based on the information mailed during the initial Administrative Review process.~~

The Planning Commission held a public hearing on February 24, 2026. At the hearing, Kelly Doherty submitted oral and written testimony, and Kaleb Lay submitted oral testimony.

At the close of the hearing, the Planning Commission left the record open pursuant to ORS 197.797(6) and MCZO Article 9, Section 9.050(J). During the open record period, Kaleb Lay and Jim Doherty submitted written testimony. The record closed on March 17, 2026.

All comments are incorporated into the record for this proceeding and are included in the list of attachments below.

VII. PROPERTY OWNERS & AGENCIES NOTIFIED OF HEARING: February 4, 2026

VIII. LEGAL NOTICE PUBLISHED: February 4, 2026
East Oregonian

February 4, 2026
Heppner Gazette-Times

IX. HEARING DATE: February 24, 2026
Bartholomew Building
Heppner, OR

X. NOTICE OF DECISION: *(To be determined)*

XI. DECISION OF THE PLANNING COMMISSION:

Option #1: The Planning Commission may deny Land Use Decision LUD-N-089-25.

Option #2: The Planning Commission may approve Land Use Decision LUD-N-089-25 subject to the following **CONDITIONS OF APROVAL**:

1. **Precedent Conditions.** Prior to building permit approval, a Rural Address and final Zoning Permit is required for each building. The ministerial Zoning Permit may be granted if the following conditions of approval are met:
    a. Final site layout and features are consistent with the site plan approved herein.
    b. A Road Use Agreement, approved by the Morrow County Public Works Director, must be completed to address and coordinate impacts to the transportation system anticipated during project construction.
    ~~c. Construct a temporary right-turn lane to mitigate construction traffic or provide a right-turn lane analysis to show a right-turn lane is not warranted during construction.~~
    ~~d.~~c. Applicant shall submit a photometric lighting plan and glare analysis.

2. **Subsequent Conditions.** Prior to the final Certificate of Occupancy for the first building, the following conditions of approval must be met:
    a. Facilities for potable, industrial, and emergency suppression water have been permitted by applicable agencies and are constructed and operational.
    b. Electric service is operational and is serving the approved use.
    c. If FAA notice is required pursuant to the FAA Notice Criteria Tool for any building, applicant shall provide confirmation of the resulting aeronautical determination letters from the FAA and ODAV prior to final Certificate of Occupancy for such building.
    d. The proposed water impoundments must incorporate the mitigation measures set forth in the PHS Report, dated January 28, 2026, including netting over the stormwater evaporation pond, liners on all pond surfaces and side slopes, non-vegetated buffers around the ponds, and 4:1 slopes on all sides; compliance with this condition of approval will be evidenced by providing written confirmation by Pacific Habitat Services, or another qualified wildlife biologist, that the final design of the ponds is consistent with the proposed mitigation in the PHS Report~~Applicant shall obtain written approval from (1) the Port of Morrow, as airport sponsor; (2) ODAV, and (3) the FAA regarding the proposed water impoundments. For purposes of this condition, written lack of objection or concurrence with the Pacific Habitat Services, Inc. memorandum dated January 28, 2026, shall constitute written approval~~.
    e. A Road Improvement Agreement, approved by the Morrow County Public Works Director, must be completed to require the applicant to reimburse the County for the County's costs to design and construct a right-turn lane southbound on Tower Road onto Bristow Lane.
    ~~d.~~

3. **Ongoing Conditions.** The following conditions of approval are ongoing, and must be adhered to for the duration of facility operations:
    a. The facility shall at no point during construction or operation cause light or glare that project lighting directly onto the Boardman Airport runway or taxiway or imitates airport lighting.
    b. Any unlawful structures or vegetation identified by the applicant or outside agencies shall be brought into conformance with the current standards of MCZO Section 3.092(I).

DRAFT

Stacie Ekstrom, Chair Date

ATTACHMENTS:
Vicinity Map
Property Owner List
Application
Site Plan
Airport Elevation Profile
Airport Overlay Map
Application Narrative (Administrative Review Memo), dated November 20, 2025
Completeness Review Response from Kimley-Horn, dated December 5, 2025
TIA Review Letter from AKS Engineering & Forestry, LLC, dated January 22, 2026
TIA Review Response Letter from Kimley-Horn, dated February 5, 2026
Revised Transportation Impact Analysis (TIA), dated February 2026
Email from the Oregon Department of Transportation, dated December 30, 2025
Letter of Intent to Serve Water from the Port of Morrow, dated December 21, 2023
On-site Septic Evaluation from the Oregon DEQ, dated June 11, 2025
Email of Intent to Serve Power from Umatilla Electric Cooperative, dated May 7, 2025
Pacific Habitat Services Bird Mitigation Study, dated January 28, 2026
Letter from the Port of Morrow re: Bird Mitigation Study, dated February 10, 2026
Letter from Brandon Pike, ODAV, re: Bird Mitigation Study, dated February 12, 2026
Email from Kimberly Peacher, US Navy, re: Lighting, dated November 21, 2025
Email comments from Kelly Doherty, dated December 24, 2025
Letter from Perkins Coie, attorney for applicant, dated February 6, 2026
Email from Todd Mobley, AKS Engineering, dated February 17, 2026
Memo from Joey Miller, Kimley Horn, dated February 20, 2026
FlightAware Data for Boardman Airport, submitted February 20, 2026
Email from Chris Kowitz, Oregon Water Resources Department, dated February 24, 2026
Letter from Kelly Doherty, dated February 24, 2026
Email from Jacob Cain, Port of Morrow, dated February 24, 2026
Powerpoint presentation from Perkins Coie, attorney for applicant, dated February 24, 2026
Letter from Kaleb Lay, Oregon Rural Action, dated February 25, 2026
Letter from Perkins Coie, attorney for applicant, dated March 3, 2026
Supplemental Memo from Kimley Horn, dated March 3, 2026
Supplemental Memo from Pacific Habitat Services, dated March 3, 2026
Letter from Jim Doherty, dated March 3, 2026
Rebuttal Memo from Kimley Horn, dated March 10, 2026
Email from Steve Cherry, Oregon Department of Fish and Wildlife, dated March 12, 2026
Email from Jessica Campoamor, Federal Aviation Administration, dated March 16, 2026
Final Letter from Perkins Coie, attorney for applicant, dated March 17, 2026

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Exhibit list

LUD-N-089-25 - AWS Tower Road East (Bristow Lane)

Exhibits added during February 24, 2026, Planning Commission Meeting, after packet:

Exhibit #	Pages	Date	Agency/Person	Exhibit Description
1	11	2/6/26	Megan Lin, Perkins Coie LLP	Cover memo re: 2/6/26 Supplemental Submission
2	3	2/17/26	Todd Mobley, AKS Engineering & Forestry, LLC	Email comments re: February 2026 Revised TIA
3	5	2/20/26	Joey Miller, Kimley-Horn and Associates, Inc.	Memo in response to Todd Mobley Revised TIA comments
4	4	2/20/26	Leif Van Acker, Kimley-Horn and Associates, Inc.	FlightAware data for Boardman Airport
5	2	2/24/26	Chris Kowitz, Oregon Water Resources Department	Email re: Port of Morrow Water Rights
6	3	2/24/26	Kelly Doherty	Public Comments
7	14	2/24/26	Megan Lin, Perkins Coie LLP	LUD-N-089-25 Powerpoint Presentation
8	1	2/24/26	Jacob Cain, Port of Morrow	Email response re: Port of Morrow Water Rights

Exhibits added during first 7-7-7 Period, February 25, 2026, to March 3, 2026:

Exhibit #	Pages	Date	Agency/Person	Exhibit Description
9	64	2/25/26	Kaleb Lay, Oregon Rural Action	Public Comments
10	7	3/3/26	Megan Lin, Perkins Coie LLP	Applicant Response to Testimony & Comments
11	6	3/3/26	Leif Van Acker, Kimley-Horn and Associates, Inc.	Applicant Response to Testimony & Comments
12	3	3/3/26	Craig Turner, Pacific Habitat Services, Inc.	Response to Comments on Bird Hazard Mitigation
13	3	3/3/26	Jim Doherty	Public Comments

Exhibits added during second 7-7-7 Period, March 4, 2026, to March 10, 2026:

Exhibit #	Pages	Date	Agency/Person	Exhibit Description
14	2	3/10/26	Leif Van Acker, Kimley-Horn and Associates, Inc.	Applicant's Rebuttal to Public Comments

Exhibits added during third (final) 7-7-7 Period, March 11, 2026, to March 17, 2026:

Exhibit #	Pages	Date	Agency/Person	Exhibit Description
15	2	3/12/26	Steve Cherry, Oregon Dept. of Fish & Wildlife	ODFW Email Response to Planning Staff Inquiry
16	14	3/17/26	Omar Cardenas, Amazon	Email Correspondence History with FAA
17	3	3/17/26	Megan Lin, Perkins Coie LLP	Applicant's Final Argument

February 6, 2026

Morrow County Planning Department
Attn: Tamra Mabbot and Clint Shoemake
215 NE Main Avenue
PO Box 40
Irrigon, OR 97844
tmabbott@morrowcountyor.gov
cshoemake@morrowcountyor.gov

VIA EMAIL

Re: Tower Road East Data Center (LUD-N-089-25)—Supplemental Submission

Dear Ms. Mabbott and Mr. Shoemake:

We write to address the above-referenced land use application for a proposed data center located southeast of the Boardman Airport (LUD-N-089-25). On behalf of the Applicant, we submit this letter and the attached supplemental materials to provide additional information in support of the application. As explained below and in our submitted materials, the application complies with each of the applicable review criteria, based on a reasonable, text- and purpose-based interpretation of the ordinance, and this conclusion is supported by substantial evidence and documented agency coordination. We, therefore, request the County approve the application, with conditions as appropriate. Please include this submittal and related attachments in the record of this review proceeding.

1. Required site plan submittals under MCZO 3.092(F)

In response to comments received, the application materials included "a map or drawing showing the location of the property in relation to the airport imaginary surfaces," as required by MCZO 3.092(F)(1). The map is in the top right corner of the site plan available in the record. In addition, and to support your review, we are providing the attached additional map that shows the location of the site in relation to the airport imaginary surfaces mapped using the County's GIS mapping tool, which maps the FAR Part 77 Airspace surfaces for this airport.

The application materials also included "elevation profiles and a site plan, drawn to scale, including the location and height of all existing and proposed structures, measured from

existing grade," as required by MCZO 3.092(F)(2). The submitted site plan is drawn to scale and shows the location of all proposed structures; there are no existing structures. At the bottom of that site plan, there is an elevation profile showing the existing grade, the height of all proposed structures, and the Boardman Airport's horizontal surface and 20:1 conical surfaces. Based on this elevation profile, it is apparent that none of the proposed structures penetrates an imaginary surface. Again, for your convenience, an enlarged excerpt of the elevation profile is attached to this letter.

2. Height compliance — MCZO 3.092(E) and (G)(1)

As noted above, the submitted application materials show that the proposed development will not violate any of the ASC Overlay's applicable height limits. Pursuant to MZCO 3.076(E)(5), there is no maximum height limitation in the Airport Light Industrial base zone. Under the ASC Overlay designation, the applicable standard states that "[n]o structure or tree or other object of natural growth shall be allowed to penetrate an airport imaginary surface." MCZO 3.092(E)(1). But "where terrain is at higher elevations than the airport runway surfaces where existing structures and permitted development penetrate the airport imaginary surfaces, a local government may authorize structures up to 35 feet in height." MZCO 3.092(E)(2).

In other words, the most reasonable interpretation of this development standard is that structures cannot penetrate an airport imaginary surface. However, if the existing terrain is already so high that it penetrates a surface and there are existing structures, the County may authorize additional structures up to 35 feet in height—that is not the case here. *See also* MZCO 3.092(G)(1) (development "shall comply with the height standards in Section (E)…").

This development complies with the above standard via the demonstration that the proposed development does not penetrate any imaginary surfaces. The site plan's elevation profile shows the existing grade is below the imaginary surfaces, as are all proposed structures. The four data center buildings will be approximately 33 feet high at the roofline; 37 feet high at the parapets; and 48 feet high at the penthouse. The four building tanks will be approximately 60.5 feet. All structures will remain below the horizontal surface (150 feet above runway elevation) and do not penetrate approach, transitional, horizontal, or conical surfaces. Thus, the proposed development complies with 3.092(E) and, by incorporation, 3.092(G)(1).

3. "Place of public assembly" — MCZO 3.092(G)(2)

In further response to a public comment, the proposed data center is not a "place of public assembly". The overlay definition provides:

> "Public Assembly Facility or Location. A permanent or temporary structure or facility, place or activity **where concentrations of people gather in reasonably close quarters for purposes** such as deliberation, education, worship, shopping, employment, entertainment, recreation, sporting events, or similar activities. Public assembly facilities **include, but are not limited to, schools, churches, conference or convention facilities, employment and shopping centers, arenas, athletic fields, stadiums, clubhouses, museums, and similar facilities and places**, but do not include parks, golf courses or similar facilities unless used in a manner where people are concentrated in reasonably close quarters. Public assembly facilities also do not include air shows, structures or uses approved by the FAA in an adopted airport master plan, or places where people congregate for short periods of time such as parking lots or bus stops." MCZO 3.092(B)(16).

As explained below, the most reasonable interpretation of this provision is that restricted-access data center facilities, like the ones proposed here, are not a "public assembly facility or location" within the meaning of MCZO 3.092(G)(2).
First, the adopted Code definition turns on whether one of the listed facilities involves concentrations of people gathered "*in reasonably close quarters*." And the County's interpretation of the part of the definition that distinguishes "places of public assembly" as a place where people are gathered "*in reasonably close quarters*" does not implement state law and, therefore, deference will be given to the County's interpretation of this exclusively local requirement, if at all plausible.[1]

Specifically, state law only prohibits "places of public assembly" within the Runway Protection Zone, which are not applicable to this Application. OAR 660-013-0080. And state law defines "places of public assembly" without reference to the "in reasonably close quarters" qualifier. *See* OAR 660-013-0020. Thus, the County has significant authority to interpret this provision as it applies to data centers, as long as the interpretation is plausible and not inconsistent with the express language of the ordinance or its apparent purpose or policy.

[1] LUBA is required to affirm final a determination by the County unless it is not "plausible," i.e., unless it is inconsistent with "*all* of the 'express language' that is relevant to the interpretation, or inconsistent with the purposes or policies underpinning the regulations." *Siporen v. City of Medford*, 349 Or 247, 259, 243 P3d 776 (2010) (emphasis in original); *see also* ORS 197.829(1). A local government's interpretation of its own code is not rendered implausible by the existence of a stronger or more logical interpretation. *Siegert v. Crook County*, 246 Or App 500, 509, 266 P3d 170 (2011); *see also Clark v. Jackson Cnty.*, 313 Or 508, 515, 836 P2d 710 (1992) (LUBA lacks authority to substitute its own interpretation of the ordinance unless the county's interpretation is inconsistent with that ordinance, including its context).

As explained below, the most plausible interpretation of the language and purpose of this provision as applied to this Application is that highly-restricted, dispersed occupancy data centers are not “places of public assembly.” Specifically, the proposed campus is approximately 816,000 square feet across four main buildings, with controlled access, limited staffing, and shift-based operations, leading to dispersed occupancy without concentrated, close-quarters gatherings characteristic of assembly uses such as schools, arenas, or convention centers.

Second, while the definition lists “employment and shopping centers” as examples, this must be read in context and in light of its purpose. The definition goes on to provide illustrative examples: “schools, churches, conference or convention facilities, employment and shopping centers, arenas, athletic fields, stadiums, clubhouses, museums, and similar facilities and places.” MCZO 3.092(B)(16). The common thread among these examples is that they involve facilities designed to attract concentrations of the general public in close quarters for activities where *members of the public* congregate. A secured data center facility is fundamentally different from these enumerated uses. Data centers are industrial facilities that restrict access to authorized personnel only. The proposed use is not “a place of public assembly” because it is a data center that allows only badged employees and visitors on-site, at a level of occupancy that is significantly lesser and more dispersed. There is no *public* access and, instead, access is highly restricted to authorized personnel.

The Oregon building code definition of “structures of public assembly” is also instructive: it defines such structures as “structures which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement or awaiting transportation." ORS 455.640(5). This definition likewise emphasizes public access—precisely what a secured data center lacks.

Third, the purpose of prohibiting public assembly uses in the ASC Overlay is “to protect and support the continued operation of the Boardman public use airport by establishing compatibility and safety standards and to reduce potential safety hazards for persons living, working or recreating near that airport.” MZCO 3.092(A). This purpose is served by prohibiting uses that concentrate large numbers of the general public in close quarters in areas where, in the event of an aviation incident, significant casualties could occur. A secured industrial facility with a modest workforce of 35 employees per shift does not present the concentrated public safety risk that the regulation is designed to address. And the existence of parking capacity in order to comply with code requirements does not transform an industrial facility into a public assembly use.

In sum, Morrow County is entitled to interpret its own code so long as the interpretation is plausible and consistent with the code’s text, context, and purpose. Indeed, the Land Use Board of Appeals has affirmed County deference under ORS 197.829(1)(a) in

Boardman-area airport overlay disputes, holding that the County's interpretation of its terms is controlling where the term does not implement a state law. *See Devin Oil Co., Inc. v. Morrow County*, LUBA No. 2015-033 (Oct. 6, 2015) (affirming County's interpretation of "meeting place" in its airport overlay and rejecting arguments to import the state "public assembly uses" definition where the local code was adopted prior to the state law).

Consistent with this reasoning, the County can and should interpret "public assembly" to exclude this secure, industrial data facility given its low, dispersed occupancy and the ASC Overlay's stated purpose to prevent uses that "limit the airport's ability to operate," not to bar all employment in the general vicinity of the airport.

4. Bird attractants and water impoundments — MCZO 3.092(G)(3) and (G)(7)

With this letter, the Applicant submits supplemental materials, including a bird hazard analysis report prepared by Craig Tumer, PWS at Pacific Habitat Services, Inc., and has shared that report with the Oregon Department of Avation ("ODAV"), the Port of Morrow (the airport sponsor), and the Federal Aviation Administration ("FAA"). As explained below, this further demonstrates compliance with Morrow County's two above-referenced standards relating to bird attractants and addresses the limited public comments expressing any concerns about potential bird attraction and required agency approval.

First, under MCZO 3.092(G)(3), a use "shall not create a bird attractant. If the airport sponsor determines that there is a potential for attracting birds, the application shall include a study demonstrating that any hazard to use of the airport is mitigated."
The Applicant has proactively commissioned a comprehensive bird mitigation study prepared by Pacific Habitat Services, Inc. ("PHS"), which is being submitted as a supplemental report with this response. The PHS memorandum further addresses MCZO Section 3.092(G)(3) and demonstrates that any potential hazard to use of the airport is mitigated through design measures incorporated into the project.

The PHS memorandum explains that existing conditions—in particular, the Umatilla National Wildlife Refuge to the northeast—already attracts certain species of birds to the vicinity of the site. Because the proposed project includes an approximately 8-acre stormwater evaporation pond and two approximately 2-acre non-contact cooling water evaporation ponds, these features could further attract birds if not mitigated. Specifically, the proposal includes:

(1) An 8-acre stormwater pond located between 3,620 feet and 4,550 feet south of the airport runway and north of the data center buildings. The stormwater pond is designed to contain surface water approximately four to nine feet deep, with variable water levels depending on the time of year. Due to shallow bedrock on

the site, infiltration if not feasible, so this pond functions as an evaporation pond to fully capture and retain stormwater on-site.

(2) Two 2-acre non-contact cooling water evaporation ponds located approximately 4,700 feet and 5,280 feet south of the runway and south of the proposed data center buildings near the southeastern corner of the site (furthest from the airport). These are designed to contain surface water up to approximately three feet deep; however, water will only be present during warmer months (April through October) when water is needed to cool the facility.

PHS has evaluated both the stormwater pond and the two smaller cooling ponds in light of FAA Advisory Circular 150/5200-33C, which provides non-mandatory guidance on land uses that have the potential to attract hazardous wildlife on or near public-use airports. It is important to note that this Advisory Circular "does not constitute a regulation, is not mandatory, and is not legally binding in its own right." Rather, it provides guidance and recommendations that may inform site-specific analysis. PHS has relied upon and considered these recommendations in preparing its site-specific analysis and conclusions.

PHS's analysis concludes that, while the proposed ponds cannot be designed to remain dry (with a maximum 48-hour detention period) due to on-site conditions and the purposes of the ponds, other mitigation measures recommended by the FAA Advisory Circular should be adopted to mitigate any potential bird attractant hazard posed by the ponds. As explained by the PHS study, the included measures include:

Vegetation management: All of the ponds and their side slopes will be lined with high-density polyethylene geomembrane liners, which will prevent the establishment of any vegetation that might attract birds or other wildlife. Areas adjacent to the ponds will have gravel or paved surface cover and will not be planted or vegetated in any way. For all identified bird species, the absence of vegetation within and adjacent to the ponds will make the ponds less attractive to birds (e.g., for vegetative cover), and also minimize the accumulation of organic matter, which could provide habitat for insects and other invertebrates that could provide a food resource for birds. This addresses the FAA's recommendation that "all vegetation in or around detention basins that provide food or cover for hazardous wildlife should be eliminated."

Physical barriers: Because the stormwater pond will contain an 8-acre area of surface water during the time of year when the largest number of waterfowl frequent

> nearby agricultural fields,[2] it will be covered with netting to prevent birds from accessing the water and ensure that the feature does not attract birds. The netting will be suspended over the water with supports to allow for maintenance, and the netting will have a mesh size of less than two inches to avoid entangling and killing birds, as recommended by the FAA Advisory Circular. This approach is consistent with the FAA's guidance that "airport operators may use physical barriers, such as bird balls, wire grids, floating covers, vegetation barriers (bottom liners), or netting, to prevent access of hazardous wildlife" when it is not possible to drain a detention pond completely.

The PHS memorandum concludes that these design elements meet the requirements of MCZO Section 3.092(G) by mitigating any potential hazard to the airport that arises from the stormwater and cooling ponds and follow the guidelines recommended in FAA Advisory Circular 150/5200-33C.

Second, MCZO 3.092(G)(7) provides that the use shall not create a new or expanded water impoundment within 5,000 feet of the edge or end of a runway larger than one-quarter acre unless necessary for airport operations or approved in writing by the airport sponsor, ODAV, and FAA. As noted above, the Applicant has shared the PHS Memo with the Port of Morrow, ODAV, and FAA. The Port of Morrow has indicated via email that it has reviewed the PHS Memo and concurs that the "professional recommendations from Mr. Tumer are adequate to meet mitigation requirements"; the Port expects to provide a formal letter shortly. The Applicant is also actively communicating with FAA and ODAV to solicit feedback (if any) and confirm concurrence with the mitigation strategy outlined in the PHS Memo.

In the event that the required concurrences is not available prior to final decision, it is important to note that the County may elect to comply with this standard by imposing a mandatory condition of approval requiring that the Applicant obtain written approvals from ODAV and FAA prior to occupancy. If the County chooses this route, the Applicant recommends the following condition:

> "Prior to occupancy, the Applicant shall obtain written approval from (1) the Port of Morrow, as airport sponsor; (2) the Oregon Department of Aviation, and (3) the Federal Aviation Administration. For purposes of this condition,

[2] By contrast, the non-contact cooling water ponds will not retain surface water the time of year when flocking waterfowl would present the most risk to airport safety, primarily in the fall and spring migrating season (October through April). And while small numbers of waterfowl may remain in the project vicinity April through October to nest, these birds would not be attracted to the non-contact cooling ponds due to lack of nearby vegetative cover and food resources, which is even more important because waterfowl molt all of their flight feathers for much of June and July.

written concurrence with the Pacific Habitat Services, Inc. memorandum dated January 28, 2026 shall constitute written approval."

5. Lighting — MCZO 3.092(G)(4)

The ASC Overlay prohibits lighting that projects "directly onto a runway or taxiway, or imitates airport lighting." MZCO 3.092(G)(4). The site plan and record specify that exterior lighting will be downcast and shielded to prevent upward emission and glare onto the airfield, and light-pole locations are shown in site plan. Additionally, the application has been reviewed and approved by the Navy in regards to lighting and glare, which provides further assurance that the lighting design will not interfere with airport operations. The email from Kimberly Peacher at the Navy dated 11/21/2025, is attached. Thus, the record demonstrates compliance with this criteria.

6. Smoke, dust, or steam — MCZO 3.092(G)(5)

Section 3.092(G)(5) provides that "[t]he use shall not be a source of smoke, dust or steam." And again, the purpose of this ordinance is to "protect an airport from encroachments or other uses *that could limit the airport's ability to operate*." *See* ORD-2016-4.

As explained in the application materials, regarding steam, cooling water discharged to the evaporation pond is not at a high temperature and is therefore not anticipated to generate a significant amount of steam that could limit the airport's ability to operate. Additionally, cooling water is only discharged during the summer season when ambient air temperatures exceed the discharge temperature, further reducing any potential for visible vapor.

Regarding smoke from generator testing, the data center generators do not create a substantial amount of smoke. Moreover, the site is located over 4,000 feet from the airport, and any minimal smoke from occasional generator testing is not anticipated to be a source of hazard to air traffic at that distance.

During construction, the Applicant will undertake necessary measures to control dust, consistent with OAR 340-208-0201, including compliance with the required ODEQ 1200-C permit. The Oregon DEQ 1200-C permit is a National Pollutant Discharge Elimination System construction stormwater permit required for sites disturbing one or more acres. It requires an Erosion and Sediment Control Plan that will include measures to prevent wind-blown soils, which in this case will include application of water during earth moving activities.

Thus, the Applicant has provided sufficient information to address compliance with MCZO 3.092(G)(5).

7. Electrical interference — MCZO 3.092(G)(6)

Section 3.092(G)(6) provides that "[t]he use shall not cause electrical interference with the airport operations, or in the case of proposed or expanded communications or transmission facilities, the Department of Aviation and the FAA shall approve the facility." This standard has two components. First, the proposed use should not cause electrical interference with airport operations. For the data center campus itself, this standard is met because the buildings do not emit electrical signals that could interfere with this airport's operations. Second, the FAA approval requirement applies specifically to "proposed or expanded communications or transmission facilities." The proposed on-site substation and any transmission lines serving this data center campus will be owned and operated by Umatilla Electric Cooperative and will be under a separate application coordinated with the FAA.

8. Domestic wastewater and nitrate concerns

As shown in ODEQ's septic evaluation, the site will generate a maximum of 5,000 gallons per day of domestic sanitary wastewater. The onsite septic system will meet all applicable regulatory requirements and will use advanced secondary treatment prior to disposal. The proposed design will be submitted to the Oregon Department of Environmental Quality for review and approval before installation and operation. A corrected copy of ODEQ's septic evaluation, which corrects the site reference number, is attached with this cover letter.

9. Cooling water and stormwater management

Although no relevant review criteria address this issue, the Applicant provides the following information in response to a comment. Non-contact cooling water ("NCCW") will be managed via on-site evaporative ponds until the Port of Morrow's offsite conveyance infrastructure becomes available. Once the Port of Morrow's offsite conveyance infrastructure is available, NCCW will be conveyed to the Port of Morrow. Short-term, peak flows will be attenuated via on-site evaporative ponds to regulate offsite conveyance. The NCCW is not expected to contain any chemicals that will evaporate into the air under normal operating conditions.

10. Traffic and Parking

The Applicant provided a Traffic Impact Analysis, dated October 2025 ("TIA") which concluded that none of the analyzed intersections would fall below acceptable levels of service due to increased traffic generated by the proposed project. AKS Engineering &

Forestry, LLC, the County's traffic engineer, provided a Memo re "East Tower Road Campus – TIA Review" dated January 22, 2026 ("TIA Review") requesting clarifications and additional analysis regarding construction traffic.

Attached is an updated Traffic Impact Analysis ("Updated TIA") and supplemental response ("Supplemental Traffic Memo"), prepared by Applicant's traffic engineers at Kimley-Horn and Associates, Inc., that address the specific technical comments and requests raised by the County. The initial TIA, Updated TIA, and Supplemental Traffic Memo demonstrate compliance with the applicable transportation standards under MCZO Article 4 and the Site Plan Review criteria under MCZO Article 5, including Section 5.020(E)(9), which requires that "the transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development."

With respect to the County's comments relating to construction traffic, the Applicant respectfully submits that the appropriate mechanism for addressing construction-related traffic impacts is through a Road Use and Maintenance Agreement rather than a detailed construction traffic analysis within the TIA. This approach is consistent with Morrow County's past practice and the express provisions of MCZO Section 5.020(F)(3), which identifies a "road use agreement, as applicable" as an appropriate submittal for Site Plan Review.

Accordingly, the Applicant proposes to enter into a Road Use and Maintenance Agreement with the County substantially in the form of the template previously utilized for similar data center developments in Morrow County. This approach ensures that construction-related impacts to County roads are appropriately mitigated through coordinated routing, traffic management, inventory documentation, and post-construction restoration, without the need for speculative projections of construction traffic volumes that may vary significantly based on final contractor scheduling and phasing.

Finally, the Applicant is also submitting a revised parking site plan to comply with length and depth requirements in the code. There are now a total of 250 parking spaces proposed on the campus, with 3 standard ADA parking spaces per data center building, 1 electric vehicle charging ADA parking space per building, 1 ADA parking space for the water building and 1 ADA parking space at the security entrance, for a total of 18 ADA parking spaces on the campus. This is consistent with MCZO Article 4 Section 4.040 Minimum Parking Requirements and Section 4.060 (I) Parking Dimensional Requirements.

* * * *

For the reasons set forth above, the Applicant respectfully submits that the Tower Road East Data Center application complies with all applicable approval criteria. The application materials, supplemented by this response letter and its enclosures, provide relevant and uncontroverted substantial evidence supporting approval of the application. We respectfully request that the County approve the application. Please do not hesitate to contact us if you have any questions or require additional information.

Sincerely,



Megan Lin

Enclosed:

- Updated Site Plan to Revise Parking
- Site Map Showing Airport Imaginary Surface and Elevation Profile Maps
- Pacific Habitat Services, Inc. – Bird Attractant Mitigation Study, dated January 28, 2026
- Corrected Septic Evaluation
- Kimley-Horn and Associates, Inc. – Updated Traffic Impact Analysis, dated February 2026
- Kimley-Horn and Associates, Inc. – Memo in Response to AKS, dated February 5, 2026
- Email Correspondence with the Navy

195

Clint Shoemake

From: Todd Mobley <todd.mobley@aks-eng.com>
Sent: Tuesday, February 17, 2026 3:42 PM
To: Tamra Mabbott; Clint Shoemake
Cc: Myla Cross
Subject: AWS Tower Road E LUD-N-089-25

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL EMAIL] - STOP and VERIFY - This message came from outside of Morrow County Gov

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Tamra and Clint,

I have reviewed the comment response letter for the subject application, dated February 5, 2026, and the updated Traffic Impact Analysis, dated February 2026, both prepared by Kimley Horn. My comments are below:

Trip Generation & Construction Traffic
The applicant proposes to address construction traffic impacts via a Road Use Agreement with Morrow County. They also state that peak construction volumes for the site are anticipated to be around 600 trips per day. The updated TIA shows that at build out, the site is expected to generate a total 595 trips per day.

However, other sources indicate that data center construction traffic volumes could be considerably higher. Below is an excerpt from the Traffic Impact Study for the Monarch Data Center in Lyon County, Nevada, dated May 2025 and also prepared by Kimley Horn. That report quantifies both construction trip generation and trip generation for typical operations. As you can see by comparing Table 1 and Table 2, construction traffic is up to three times higher than typical operations. This is not consistent with the submitted materials for the subject Tower Road East data center.

Kimley»Horn

3.6. Trip Generation

The proposed Monarch Data Center is expected to have more trip generation during the construction phase than after full project buildout. At the request of NDOT and Lyon County, trip generation calculations and analysis were conducted for the project in both the construction phase and project buildout.

The Monarch Data Center trip generation for construction was calculated using data collected from previously completed studies for data centers. The construction trip generation used in those studies was scaled appropriately for the Monarch Data Center based on overall project building square footage. It is anticipated that the proposed project will generate 1,221 AM construction trips and 1,268 PM construction trips at peak levels during the construction phase, as shown in **Table 1**. It is anticipated that the Monarch Data Center will have approximately 4.6 million square feet of floor space after completion. Calculations are provided in **Appendix C**.

Table 1 – Trip Generation – Construction

ITE Code	Description	Size	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
NA	Data Center Construction	4.6 million SF	1,163	58	1,122	81	1,188	1,268

Source: Previously completed data center studies

ITE Trip Generation Manual, 11th Edition (ITE Land Use Code 160 – Data Center) was used to estimate the trips generated by the proposed project at project buildout. The ITE Trip Generation Manual is a standard reference used by jurisdictions throughout the United States and is based on actual trip generation studies performed at numerous locations in areas of various populations.

The proposed project is anticipated to generate 506 AM and 414 PM peak hour trips, as summarized in **Table 2**. Calculations are provided in **Appendix C**.

Table 2 – Trip Generation – Typical Operations

ITE Code	Description	Size	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
160	Data Center	4.6 million SF	278	228	506	124	290	414

Source: ITE Trip Generation Manual, 11th Edition

While ITE has a data center land use code, the size of this proposed development is significantly larger than the sites studied and reported in the trip generation manual. The trip generation calculated in **Table 2**, is expected to be a conservative estimate as the consolidation of multiple data centers onto one campus is expected to create efficiencies that result in less overall trip generation. For a conservative evaluation, the ITE rates are used for this study.

AM Peak Hour Counts

Additional data was provided to demonstrate that the morning peak hour traffic volumes in the project study area are generally 20-25% lower than the evening peak hour. This is sufficient evidence to support the study of only evening peak hour conditions.

Trip Distribution

Justification was provided for the assumed trip distribution pattern, which reflects expected commuter and data center traffic, which will differ from existing interchange volumes that are heavily influenced by the Love's Travel Stop. This is sufficient.

Operational Analysis
Small discrepancies pointed out in the prior comments were corrected and the updated operational analysis results were substantially similar to the prior analysis. No revised findings ore recommendations were made.

Turn Lane Warrants
The updated analysis examined left-turn lane warrants and for build-out conditions, it was found that no left-turn lanes would be warranted. It is noted that findings from the Tower Road Interchange Area Management Plan (IAMP) do show considerable future growth in traffic volumes that would result in turn lanes and other possible mitigation being necessary at intersections along Tower Road south of the interchange. However, traffic volumes after completion of the proposed Tower Road East data center will not satisfy applicable warrants.

Summary
The updated Traffic Impact Analysis and comment response letter are sufficient to respond to our prior review comments. Based on build out conditions, no recommendations are made for offsite mitigation or intersection improvements. However, the conflicting information regarding construction traffic creates uncertainties regarding conditions during construction.

Please let me know if you have any questions. Thank you,

-Todd

Todd E. Mobley, PE
Principal
AKS ENGINEERING & FORESTRY, LLC
1130 SW Morrison Street, Suite 318 | Portland OR 97205
P: 503-248-0313 | www.aks-eng.com | todd.mobley@aks-eng.com
Offices in: Arizona | Nevada | Oregon | Washington

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MEMORANDUM

To:	Tamra Mabbott, Morrow County Senior Planner
From:	Joey Miller Kimley-Horn and Associates, Inc.
Date:	February 20, 2026
Subject:	Tower Road East Data Center – LUD-N-089-25 Comment Response

Kimley-Horn and Associates, Inc. has been retained to address comments identified in the Preliminary Findings of Fact Land Use Decision dated February 17, 2026 regarding the East Tower Road Campus (Development). The specific comment from Morrow County (County), on behalf of the recommendation from Todd Mobley, PE, is listed below and a response has been provided for this comment.

1 RIGHT-TURN LANE WARRANT

Comment:

> *Construct a temporary right-turn lane to mitigate construction traffic or provide a right-turn lane analysis to show a right-turn lane is not warranted during construction.*

Response:

The right-turn channelization warrant analysis shows that the right-turn channelization would not be warranted at the study intersection of Tower Road and Bristow Road under the 2028 build conditions. Right-turn warrant analysis has been provided in **Appendix A** for both the AM and PM peak hours. The volumes used in the AM peak hour warrant analysis are based on volumes from the I-84 Exit 159 Tower Road IAMP, while the PM peak hour warrant analysis is based on the seasonally adjusted volumes used in the recently provided TIA for the Tower Road East Data Center.

Comment:

> *The [TIA] state[s] that peak construction volumes for the site are anticipated to be around 600 trips per day. However, other sources indicate that data center construction traffic volumes could be considerably higher (construction traffic up to three times higher than typical operations)*

Response:

Construction traffic information from a different development does not imply a direct correlation between operational traffic and construction traffic. The other sources in question are for a data center development with substantially larger building square footage, and concurrent construction traffic. The data provided by the applicant notes the highest projected volume of construction trips to occur during the 20th month of construction of the four buildings with 13,200 total construction trips. Using an average of 22 working days per month, the projected daily volume of construction trips is 600 daily trips. In theory, the construction trips could be doubled during both the AM and PM peak hours and still remain under the threshold for warranting a right-turn lane. The applicant provided data for project construction trip volumes by month, per building, is provided in **Appendix B**.

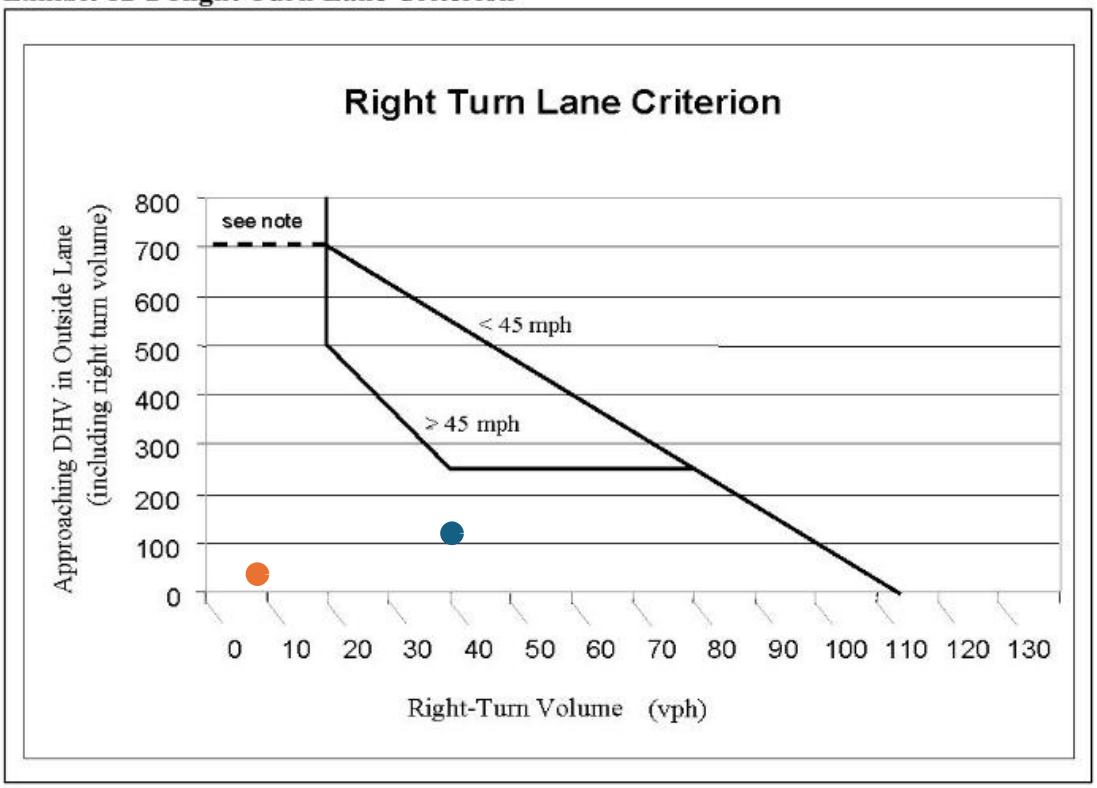
APPENDIX A

Right-Turn Warrant Analysis

Kimley»Horn

Tower Road at Bristow Road - 2028 Build Conditions

Exhibit 12-2 Right Turn Lane Criterion



Note: If there is no right turn lane, a shoulder needs to be provided. If this intersection is in a rural area and is a connection to a public street, a right turn lane is needed.

AM Southbound Right Turns PM Southbound Right Turns

Posted Speed Limit	=	55 mph

		Vehicles
AM Southbound Right Turns	=	40
Approaching Design Hourly Volume	=	121

PM Southbound Right Turns	=	8
Approaching Design Hourly Volume	=	38

Based on ODOT Analysis Procedures Manual Version 2: Exhibit 12-2, Page 12-6

APPENDIX B

Applicant Provided Construction Traffic Volume Data

Tower Road

	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11	Month 12	Month 13	Month 14
BLDG 1	1260	1470	1680	1600	1840	1760	1840	3520	3520	3960	4400	4840	5280	3960
BLDG 2											1260	1260	1760	3960
BLDG 3														1260
BLDG 4														

Month 15	Month 16	Month 17	Month 18	Month 19	Month 20	Month 21	Month 22	Month 23	Month 24	Month 25	Month 26
3960	3960	3960	3960	3960	3080	2640	1760	1760	1760	1760	
3960	3520	3080	3080	2640	3080	2640	1760	1760	1760	1760	1760
1260	1760	3960	3960	3520	3080	3080	2640	1760	1760	1760	1760
		1260	1260	1760	3960	3960	3520	3080	3080	2200	1760
	Total	12260	12260	11880	13200	12320	9680				

Peak Month

Average Daily Trips = 13200 / 22 working days = 600 Trips

Month 27	Month 28	Month 29	Month 30	Month 31	Month 32	Month 33	Month 34	Month 35	Month 36	Month 37	Month 38
1760	1760										
1760	1760	1760	1760	1760							
1760	1760	1760	1760	1760	1760	1760	1760				

FlightAware Data for Boardman Airport

Compiled using data for Airport M50 (Boardman Airport) from FlightAware.com, https://www.flightaware.com/live/airport/M50 (last visited February 20, 2026)

About FlightAware, https://www.flightaware.com/about/

About FlightAware

FlightAware is a digital aviation company and operates the world's largest flight tracking and data platform. With global connectivity to every segment of aviation, FlightAware provides over 10,000 aircraft operators and service providers as well as over 13,000,000 passengers with global flight tracking solutions, predictive technology, analytics, and decision-making tools.

FlightAware receives data from air traffic control systems in over 45 countries, FlightAware's network of ADS-B ground stations in 195 countries, Aireon global space-based ADS-B, and datalink (satellite/VHF) via every major provider, including ARINC, SITA, Satcom Direct, Garmin, and Honeywell GoDirect.

FlightAware's HyperFeed engine seamlessly fuses thousands of real-time, global data sources with FlightAware's proprietary AI models and algorithms. Leveraging this data with FlightAware's powerful, intuitive, responsive, and reliable web-based interfaces and APIs yields the world's most comprehensive, capable, and useful flight tracking and digital aviation data platform.

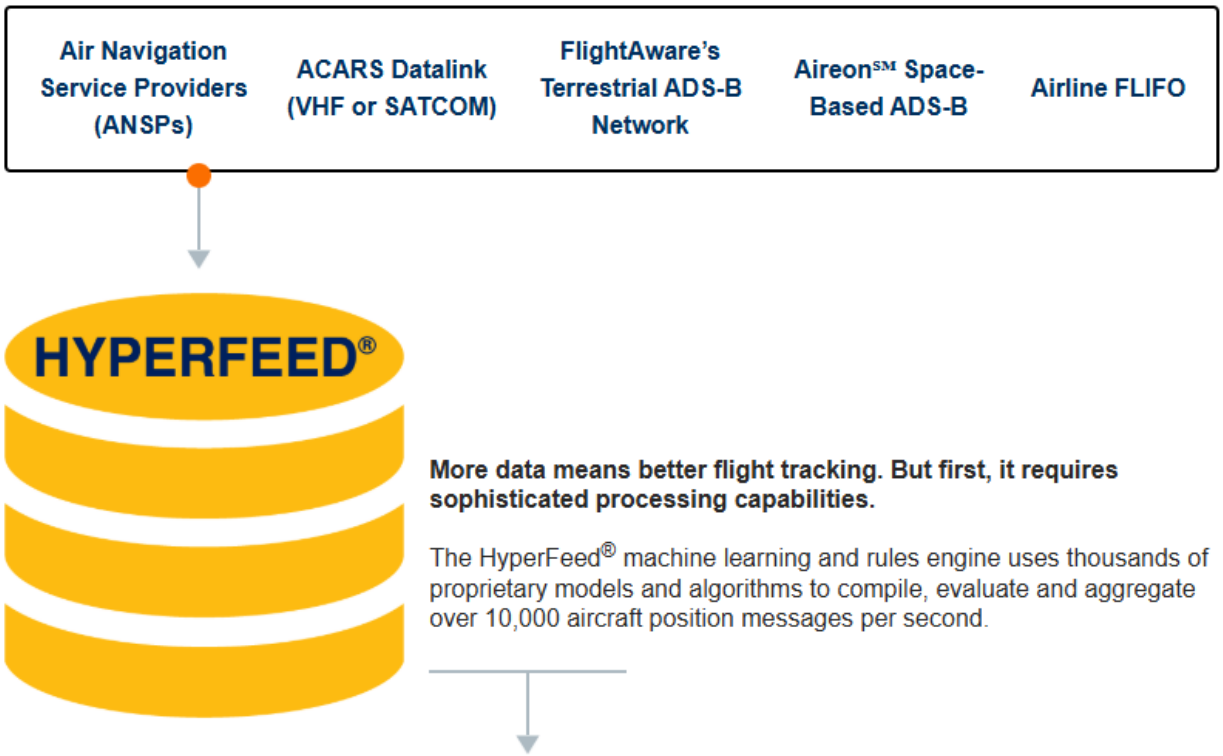
Founded in 2005, FlightAware was acquired by Collins Aerospace in 2021.

FlightAware Data Sources, https://www.flightaware.com/about/datasources/

FlightAware's Data Sources

FlightAware began as a free interface into a single data feed from the FAA. Today, FlightAware provides the most accurate and comprehensive flight tracking by fusing data from thousands of sources around the world.

Data Sources



FlightAware Live Map of M50 (Boardman Airport),
https://www.flightaware.com/live/airport/M50



Compiled data from FlightWare's chart showing number of arrival/departures in 2024-2026 for M50 (Boardman Airport), https://www.flightaware.com/live/airport/M50

Date	Flights
Jan 8, 2026	2
Jan 14, 2026	1
Jan 27, 2026	1
Jan 28, 2026	1
Total for 2026: 5 flights	
Feb 26, 2025	1
March 1, 2025	2
April 11, 2025	2
April 17, 2025	2

April 22, 2025	2
May 17, 2025	2
June 5, 2025	2
June 6, 2025	1
June 27, 2025	2
July 23, 2025	2
July 24, 2024	1
Aug 3, 2025	1
Sept 3, 2025	1
Sept 10, 2025	1
Sept 12, 2025	2
Oct 1, 2025	1
Oct 2, 2025	2
Oct 23, 2025	2
Nov 18, 2025	2
Total for 2025: 31 flights	
Feb 14, 2024	1
Feb 17, 2024	2
Feb 24, 2024	2
March 12, 2024	2
April 9, 2024	2
April 26, 2024	1
May 3, 2024	2
May 7, 2024	2

May 10, 2024	1
May 28, 2024	1
June 13, 2024	2
June 18, 2024	2
June 20, 2024	2
July 1, 2024	2
July 2, 2024	2
July 8, 2024	2
July 9, 2024	2
July 11, 2024	1
July 23, 2024	1
July 25, 2024	1
Aug 20, 2024	1
Aug 22, 2024	1
Sept 10, 2024	2
Sept 25, 2024	2
Sept 26, 2024	2
Total for 2024: 41 flights	

Outlook

RE: LUD-N-089-25, AWS Tower Road East / Bristow Lane (PDX154)

From KOWITZ Chris C * WRD <chris.c.kowitz@water.oregon.gov>
Date Tue 2/24/2026 4:06 PM
To Clint Shoemake <cshoemake@morrowcountyor.gov>
Cc Tamra Mabbott <tmabbott@morrowcountyor.gov>

[EXTERNAL EMAIL] - STOP and VERIFY - This message came from outside of Morrow County Gov

Clint and Tamra,

I have reviewed the attached application to determine if the water use described therein is compliant with Oregon water law and within the Port of Morrow's water right portfolio. The Port's portfolio includes many rights, including surface and groundwater sources which allow for municipal, irrigation, and other uses. Within this application and the Port's LOI, there is no mention to which right the water would be delivered under, therefore the Department is not able to fully assess whether the use is allowable. We would be happy to review any supplemental materials that may be provided in the future that may clarify which right this water would be appropriated under.

Thank you,
Chris

OREGON WATER RESOURCES DEPARTMENT

Chris Kowitz (*he/him*)
North Central Region Manager
Oregon Water Resources Department
116 SE Dorion Ave | Pendleton, OR 97801
Phone: (541) 278-5456 | (971) 600-6137
https://www.oregon.gov/owrd/

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From: Clint Shoemake <cshoemake@morrowcountyor.gov>
Sent: Monday, February 23, 2026 3:56 PM
To: KOWITZ Chris C * WRD <chris.c.kowitz@water.oregon.gov>
Cc: Tamra Mabbott <tmabbott@morrowcountyor.gov>
Subject: LUD-N-089-25, AWS Tower Road East / Bristow Lane (PDX154)

Chris,

Attached per Tamra's request is the packet for tomorrow's Planning Commission meeting, which includes the subject Land Use Decision for the proposed AWS Campus (Tower Road

East / Bristow Lane, PDX154).

This data center campus application starts on page 79 of the packet.

Our findings state:
The applicant states adequate water service will be provided by the Port of Morrow through a water main along Airport Road B (Bristow Lane). The applicant provided the attached letter of intent from the Port of Morrow, dated December 21, 2023, to provide up to 26 million gallons of water annually. The applicant indicated this is adequate for the site.
Reference: MCZO 6.020(E)(2) – Pg. 91

See also POM Letter of Intent – Pg. 268

Clint Shoemake
Land Use Planning Technician *(Mon-Thu)*
Morrow County Planning Department - *Web*
cshoemake@morrowcountyor.gov
(541) 922-4624 | *x5517*

In a memorandum supplied by the Oregon Department of Environmental quality dated August 28th of 2025 the modeling suggests that the septic system will be an LOSS type of system. It appears that this system By definition falls more under the category of LCSS therefore the modeling that was used in the departments health level 1 nitrate balance for large-scale on-site systems is inaccurate as they used default values for LOSS systems. The consultants also did not do any site visitations and it's well log data is based off of Oregon Water Resources Department's well log database which is largely inaccurate as we all know. I personally have three wells within one mile radius which are shallow aquifer wells and subject to nitrate contamination. Currently a public well on site at loves travel Plaza is experiencing nitrate contamination at the 1000-foot range, never seen. Loves has an on-site septic system and may provide substantive evidence that on-site septic systems of this magnitude have the capacity to pollute ground water at any depth.

Given these considerations, it is essential to revise the application to accurately reflect the requirements for a Large Capacity Septic System (LCSS). The relevant standards and compliance measures set forth by the EPA must be addressed, ensuring that all modeling and risk assessments are based on the correct system classification. This will help guarantee that groundwater protection measures are adequate and in line with both federal and state regulations regarding contaminant limits.

The report details and predicts 10.05 at the point of compliance. EPA contaminate limit is 10 ppm and in Oregon it is 7ppm. Clearly above the threshold even using the wrong system type. ODEQ does not have the authority to approve a LCSS System.

A letter dated December 21 of 2023 describes a letter of intent for the Port of Morrow to supply water. To my knowledge there is no potable water at the airport.

Pacific Habitat Services suggested bird hazard mitigation, the sponsor has signed off. How ever common sense tells us none of these mitigation techniques will stop the attraction. Netting will prevent birds landing on the water, however the river is between the landing strip and the hazzard. The poly liner removes exactly none of the hazzard and should not included in mitigation. Vegetation management is not to viable as the area is paved. There is no reason to believe that the ponds will be empty at any point during the year as the ponds are lined and subject to weather conditions and storm water.

The airport is a valuable public asset. These mitigation strategies fall short on protecting human and animal welfare. The safety hazard zone conditions have not been adequately addressed. I would like to see letters from the FFA and other related agencies. Not from the Port of Morrow that may have conflicts of interest, NDA's and contract agreements that prohibit them from neutrality.

Goal 11 applies to this application As it generally prohibits the extension of urban level services like high capacity sewer or water systems to rural lands to prevent urban sprawl. The goal 11 requirements to provide timely orderly and efficient arrangement of public visibilities and services applies to this application. Even if, the use itself is allowed on rural industrial land the level of service required to support a modern data center exceeds rural levels and that providing these services constitutes a de facto urban expansion requiring a formal exemption to prove that the facility cannot be reasonably accommodated within an existing UGB.

No public facility plan city or county supports this development. OAR 660 011 0010 1 f Requires a public facility plan to include an estimate when each facility project will be needed a public facility plan that identifies each project as a short term project or a long term project satisfies the requirement of the rule, Central Oregon land watch versus the city of Bend, 68 Or LUBA 173 / 2013

Goal 14 urbanization has not been met either. Goal 14 is in place for the transition from rural to urban land use and requires that urban level development stay within GB's. Data centers are intensely a urban industrial use due to its energy and infrastructure demands. Placing data centers on rural land is urbanization. Even if the zoning code lists it as a permitted use a goal 14 exception should be taken to justify why this specific urban use must be located on rural resource land rather than inside a city it would require the "need" for this specific site that outweighs the state policy for preserving rural and agricultural lands.

It is apparent that the use versus the impact and this scale of its impact on public infrastructure goal 11 and the rural landscape goal 14 triggers state oversight. In 2016 the only goal exception that was taken was for goal 3. The planning commission should require a hard look at goal 11 and 14.

The Port of Morrow has ample land that could be developed without goal exceptions. New lands at the Columbia development authority are also available and zoned industrial. For example the east beach complex has over 900 acres zoned and available with some sites specifically ready for build out and sizes up to several 100 acres. The Boardman industrial

park is a major hub with existing fiber and utility access with additional water and wastewater systems in place.

The placement of this data center is also within the bounds of the lower Columbia basin groundwater management area. An area that has been labeled for management for nitrate pollution. This data center and its wastewater capacity at 5000 gallons per day at a rate of 10.05 parts per million is a recipe for disaster for the residents of Morrow County. Data centers of this scale should be located within urban growth boundaries that have adequate septic sewer services and facilities. Adequate reasons and findings need to be met to address why these can't be located in UGB's.

Please take into consideration these comments as elected officials that are entrusted with the livability of the residents who elected you. Today it's an encroachment of my rural lifestyle, tomorrow it will be an encroachment on your lifestyle. We have young lives to protect from air pollution, water pollution, noise pollution, and light pollution. We also have livestocks that deserve the same protection. And today in this application we have in a very important public asset to protect our public airport and those who use it.

Please deny this application unless specific meaningful mitigation efforts are addressed for the airports safety zone. Please deny this application unless goal 11 and goal 14 state oversight findings are met.

Please keep the record open as the full packet was given to us a week ago. Not enough time to properly address such a large scale application. Thank You

Kelly Doherty

68812 Wilson Lane

Boardman, OR. 97818

Land Use Decision
LUD-N-089-25

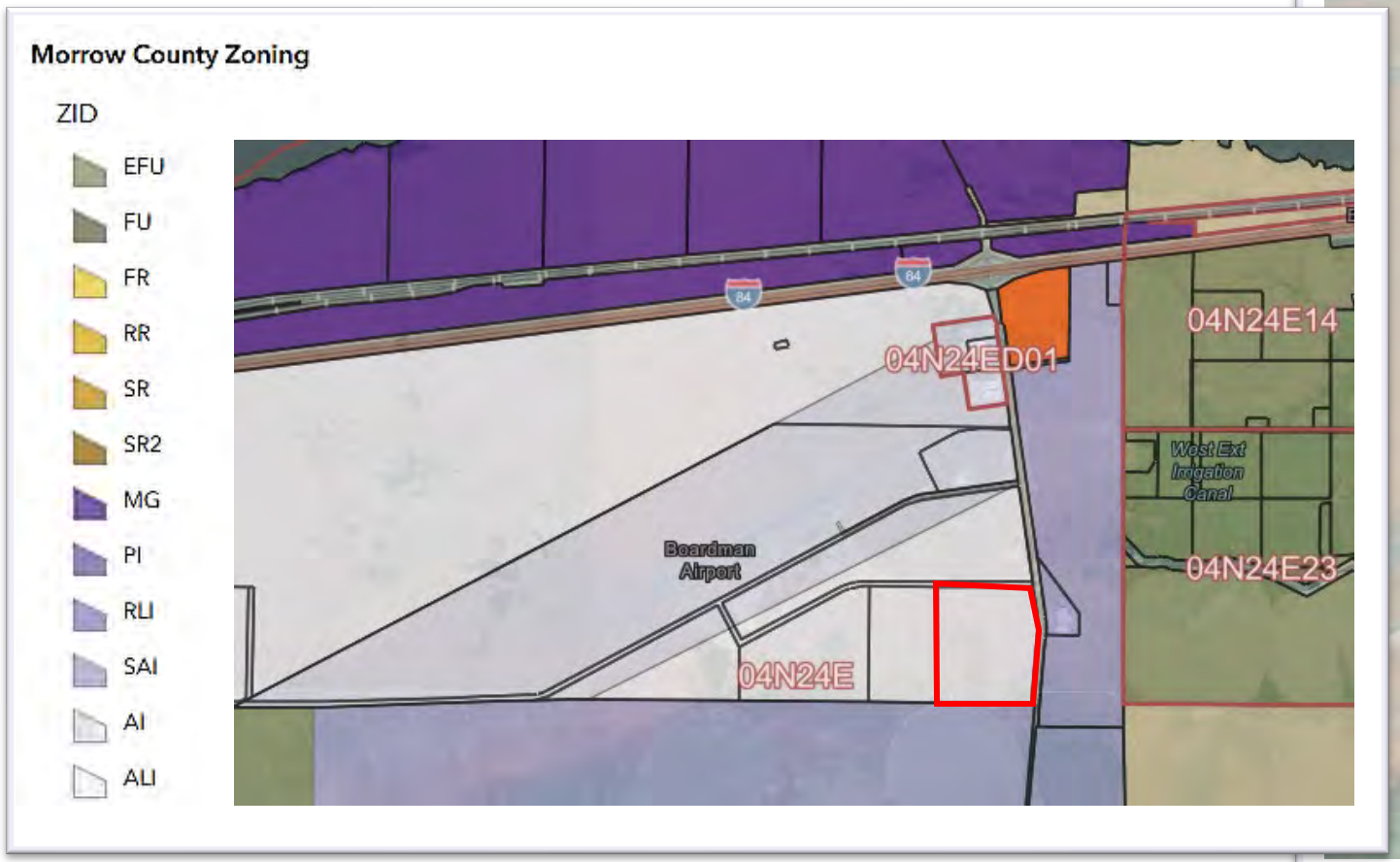


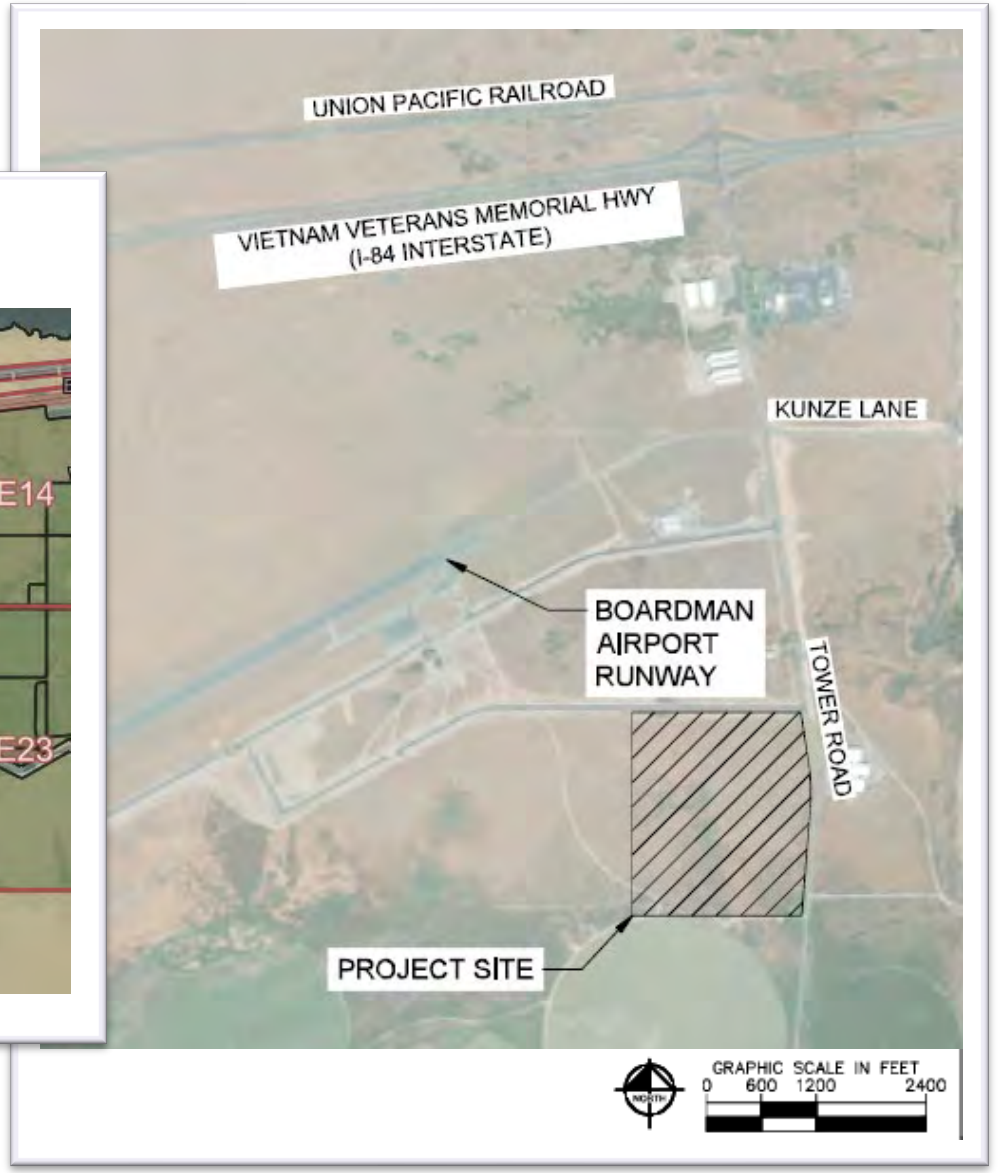
February 24, 2026

Morrow County Planning Commission Hearing

Review Criteria

Vicinity Maps

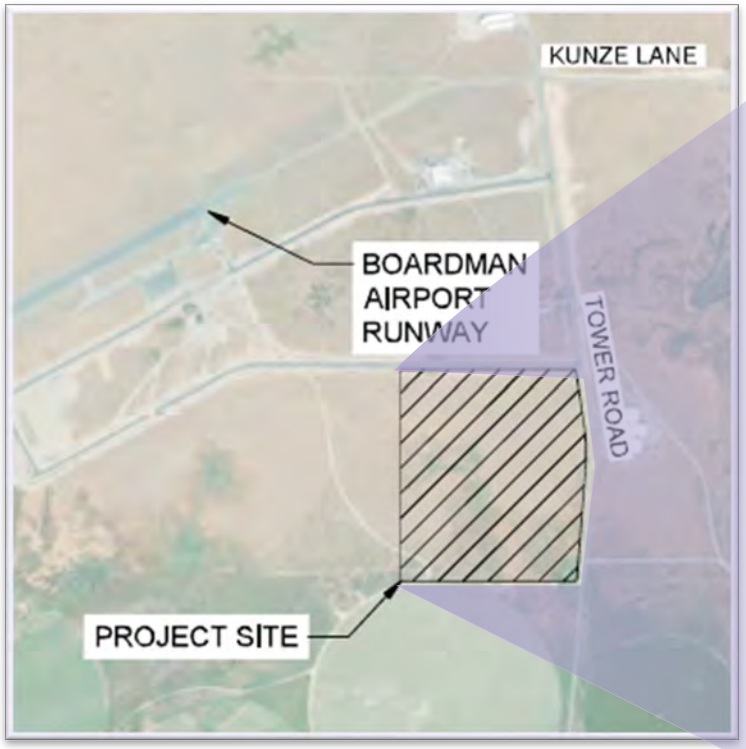




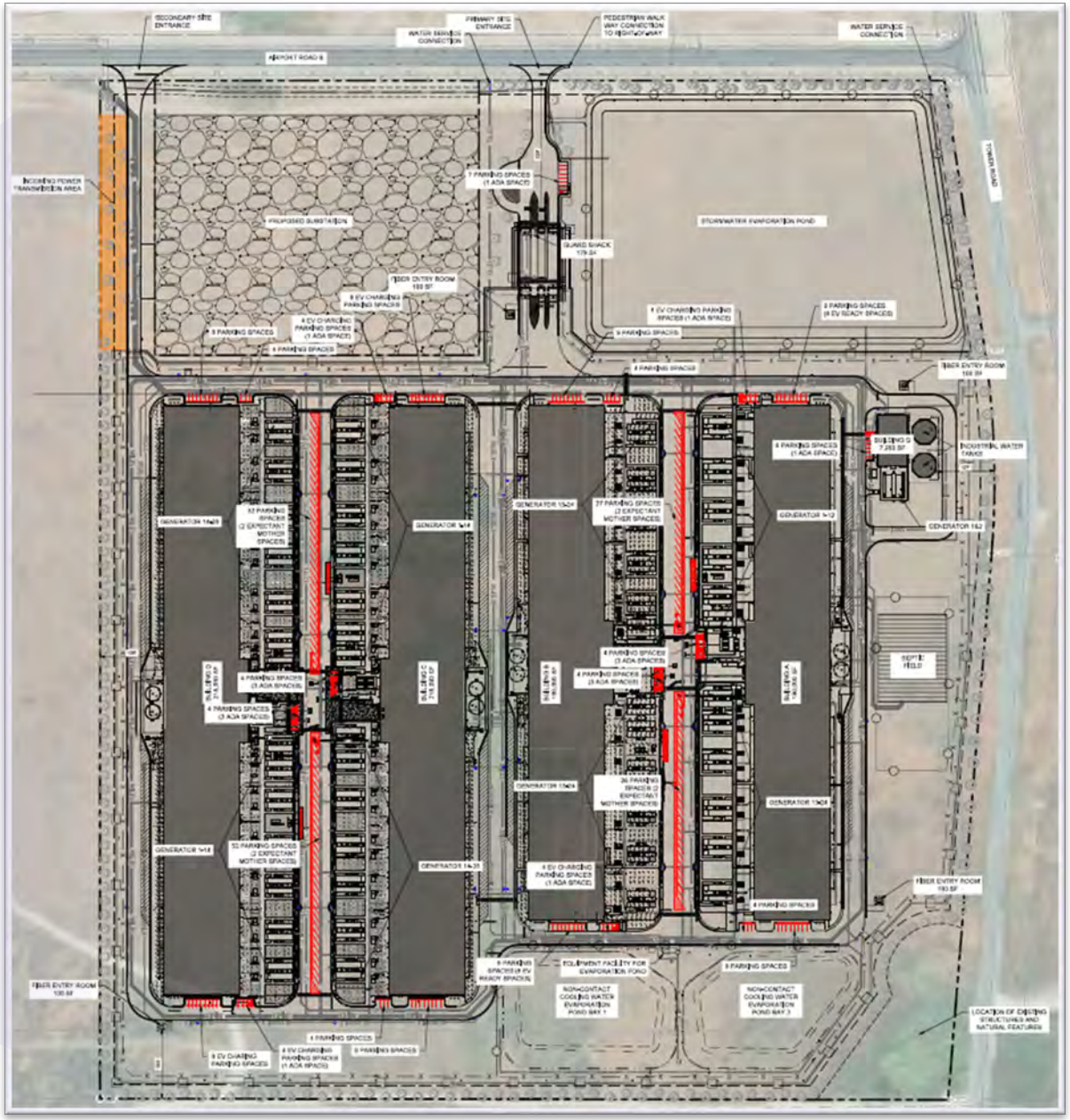
Project Overview

- Two buildings ~190,000 SF
- Two buildings ~218,000 SF
- Total data center floor area: ~ 816,000 SF

Site Plan



TOWER ROAD EAST DATA CENTER



Utilities

Water

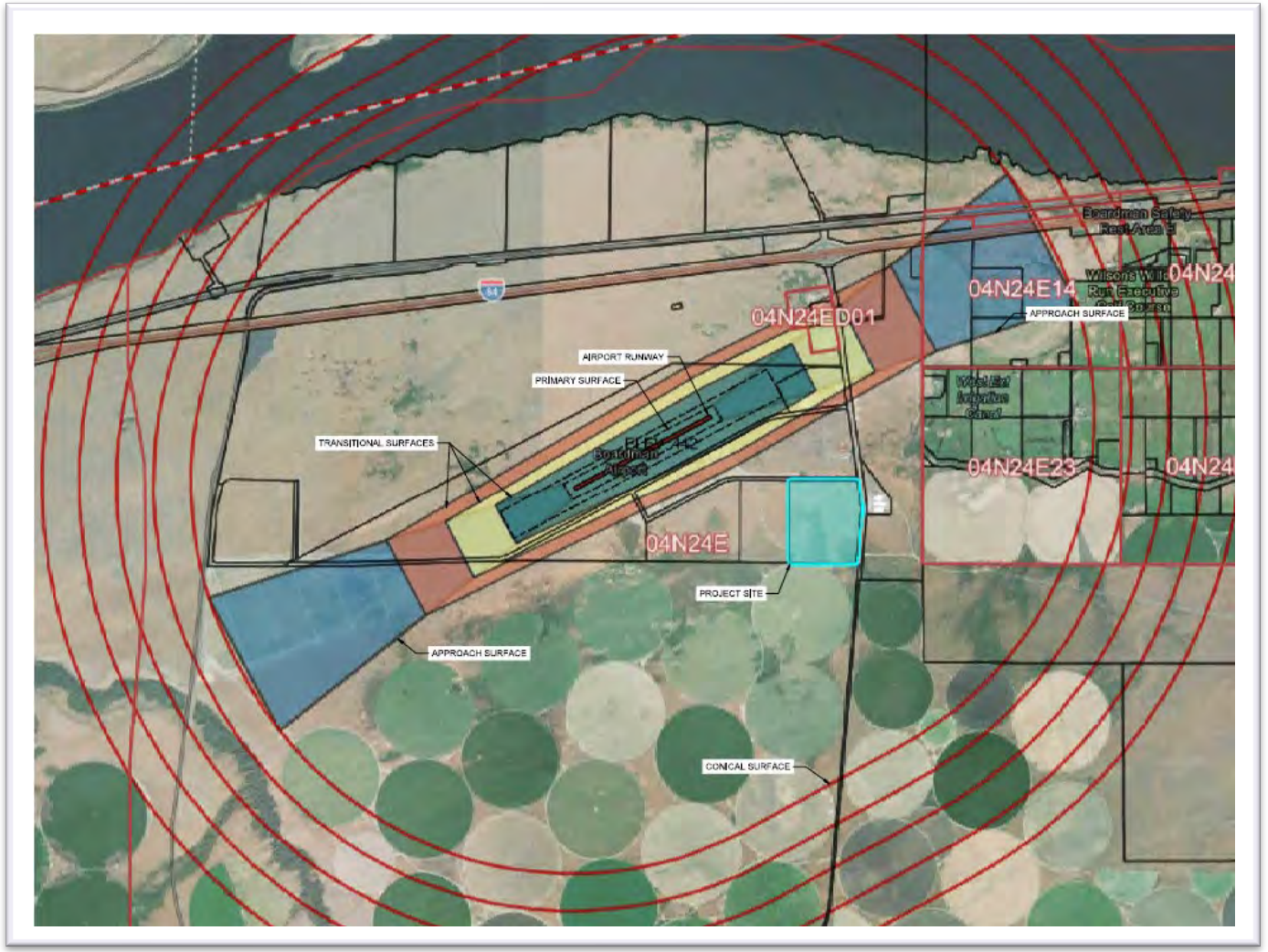
– Water service to be provided by the Port of Morrow through a recently installed water main along Bristow.

Electrical

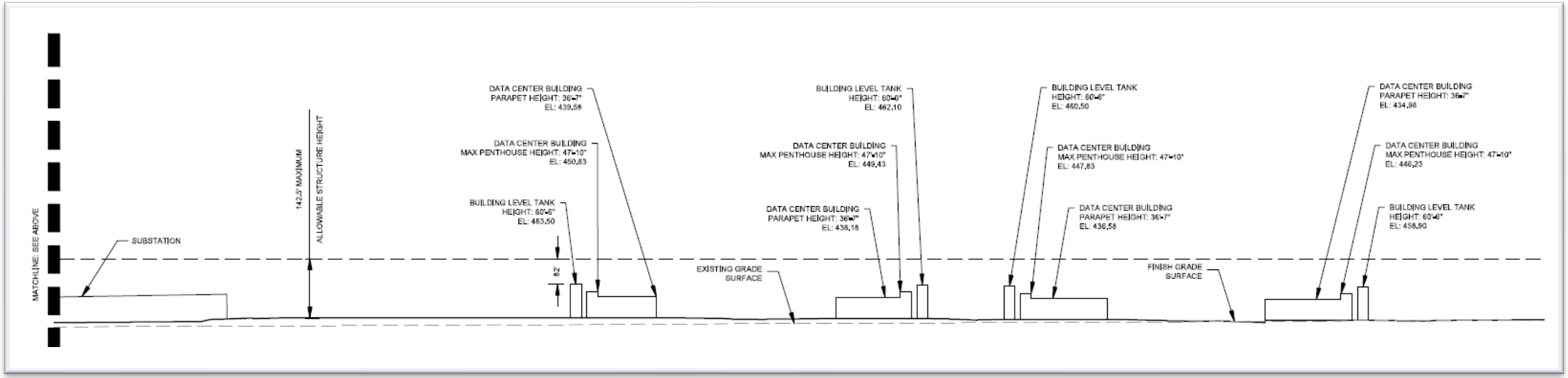
– Electrical service to be provided by Umatilla Electric Cooperative.


84
84
1
2
3
4
5
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TOWER ROAD
KUNZE LANE
ED KUNZE ROAD
BOARDMAN AIRPORT LANE
FRONTAGE ROAD
SITE
Study Intersection
Development Site

Airport Safety & Compatibility Overlay



Height & Airspace Protection



Notice & Agency Coordination

Perkins Coie

221

No objections:

- U.S. Navy (Naval Air Station Whidbey Island) reviewed and confirmed lighting plan
- ODAV and Port of Morrow review and confirmed mitigation for the ponds
- FAA has not responded, but the County has proposed a condition of approval, and the applicant will submit an FAA Form 7460-1 prior to construction

Bird Mitigation

- vegetation management—all ponds lined with high-density polyethylene and no vegetation on or adjacent to ponds
- pond design—4:1 slopes
- non-contact cooling ponds empty during fall/spring migration (October–April) when waterfowl risk is highest
- stormwater pond will be fully netted.

Questions?

Section 5.020(E) (Review Criteria):

E. **Review Criteria.** Applications processed under this section shall comply with the following criteria, as applicable:

1. The standards listed in MCZO 5.010(D) are, or can be, met.
2. Water is or will be available to the site at a quantity and quality adequate for the proposed use. New developments must either (1) provide an estimated annual water usage, and identify the necessary OWRD authorizations required to serve the estimated water need or (2) submit a letter, notice, or memorandum of understanding from the service provider evidencing a commitment to serve the site, which shall indicate the source of the water (e.g., surface water, existing water right, etc.) and a targeted delivery for water to the site.
3. Adequate sewage disposal and wastewater management can be provided for the proposed use as determined by the service provider or by demonstrating compliance with applicable review authority standards, as set forth below. For new developments that will rely on third-party service providers for sewer and/or wastewater disposal, the applicant may satisfy this criterion by submitting a letter, notice, or memorandum of understanding from the service provider evidencing a commitment to serve the site. For new developments that will rely on on-site septic and/or industrial wastewater and/ or non-contact cooling water disposal and/or treatment, the applicant may satisfy this criterion by identifying the necessary ODEQ permits, as required by the state regulations, to be obtained prior to commencement of the proposed use or certificate of occupancy being granted.
4. Applicant's proposed plans for electrical services and solid waste disposal are adequate for the proposed use, as demonstrated by complying with applicable submittal requirements in Section F.
5. Development in hazard areas identified in the Morrow County Comprehensive Plan, Natural Hazard Mitigation Plan, or Community Wildfire Protection Plan shall comply with all applicable requirements.
6. Development shall comply with Section 3.200 Significant Resources Overlay Zone or 3.300 Historic Buildings and Sites protecting inventoried significant natural and historic resources, if applicable.
7. Development in flood plains shall comply with MCZO Section 3.100 Flood Hazard Overlay Zone.
8. Development in the Airport Safety and Compatibility Overlay Zone (ASC) is compliant with the standards and notice requirements identified in Section 3.092.
9. The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately to achieve consistency with adopted County standards. County transportation facilities shall be located, designed, and constructed in accordance with the design and access standards in

the Morrow County Transportation System Plan. This review criterion is satisfied if the applicant has entered into a development and/or mitigation agreement(s) pursuant to ORS 94.504, executed by the Board of Commissioners, under which applicant has agreed to (i) provide mitigation proportional and reasonably related to the traffic impacts caused by the proposed development or (ii) pay a fee-in-lieu of mitigation, equal to the estimated cost of designing and constructing the identified mitigation.

F. **Submittal Requirements.** In addition to the applicable submittal requirements identified in Section 5.010, applications requiring Site Plan Review must include the following, as applicable:

1. Project information including: name of project, company, and/or property owner.
2. A Trip Generation Estimate identifying the number of anticipated passenger car equivalent trips per day expected to access the site during construction and during regular operations.
3. Proposed road improvement plans and/or road use agreement, as applicable.
4. Electric, water, septic, and industrial wastewater services plans, including a description of any existing services and the applicant's proposal for provision of such utility services to the site.
5. To demonstrate that electric, water, and sanitary sewer/wastewater services are available or can be made available at the site, either: (a) evidence that facilities with adequate capacity are permitted, or can be permitted, to serve the proposed development, or (b) a will serve letter from the providing utility demonstrating that service is available or can be made available to serve the proposed development.
6. Parking plans during construction and permanent parking plan with layout.
7. A Traffic Impact Analysis consistent with the requirements of Section 4.035 if traffic impacts are anticipated to exceed the thresholds identified in MCZO Section 4.035, unless an approved development and/or mitigation agreement executed by the Board of Commissioners that addresses traffic impacts from the proposed development is provided.

G. **Conditions of Approval.**

1. Site Plan Review approval may include clear and objective conditions of approval necessary (precedent or subsequent to Zoning Permit approval) to ensure compliance with the applicable review criteria. All subsequent conditions of approval, including construction of improvements (if any) shall be met prior to the issuance of a certificate of occupancy.
2. The Planning Director may require an applicant to provide traffic mitigation (or a fee-in-lieu of mitigation) as identified in or supported by the Traffic Impacts Analysis and/or County Transportation System Plan. Mitigation shall only be required to address level-of-service failures or safety concerns and must be

proportionate to the anticipated traffic impact from the proposed development being reviewed. Traffic mitigation may include improvements to on- or off-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, street crossing improvements, and transit improvement plans.

H. **Minimum Standards for Roadway Design Plans Submitted for County Review.** Any transportation facility or transportation improvement to be constructed as part of a private development and subsequently dedicated to the County or the Public must first receive design approval by the Morrow County Public Works Department, based on applicable design criteria. Design approval may also include all other pertinent issues related to roadway construction and operations, including but not limited to drainage, maintenance, serviceability, and pavement design. Street design plans submitted for County approval shall be stamped by a registered professional engineer with appropriate experience.

5.020-1 Development Application Review Process Flowchart



Section 3.092 Airport Safety and Compatibility Overlay Zone, ASC

when the property or a portion thereof that is subject to the land use or limited land use application is within 5,000 feet of the sides or ends of the runway.

2. Notices required by this section need not be provided to the airport sponsor or the Department of Aviation where the land use or limited land use application:
   a. would only allow structures less than 35 feet in height, measured from grade;
   b. involves property located entirely outside the approach surface;
   c. does not involve uses that emit smoke dust, or steam; sanitary landfills or water impoundments; or radiotelephone, television or similar transmission facilities or electrical transmission lines; and
   d. does not involve wetland mitigation, creation, enhancement or restoration.

E. Height Limitations on Allowed Used in Underlying Zone. All uses permitted by the underlying zone shall comply with the height limitations in the Section unless standards of the underlying zone are more restrictive.

1. Except as provided in paragraph 2, no structure or tree or other object of natural growth shall be allowed to penetrate an airport imaginary surface.

2. For areas within airport imaginary surfaces but outside of the approach and transition surfaces, where terrain is at higher elevations than the airport runway surfaces where existing structures and permitted development penetrate the airport imaginary surfaces, a local government may authorize structures up to 35 feet in height.

F. Procedures. An application for a land use or limited land use approval on property within this overlay zone shall provide the following information in addition to any other required information:

1. A map or drawing showing the location of the property in relation to the airport imaginary surfaces.

2. Elevation profiles and a site plan, drawn to scale, including the location and height of all existing and proposed structures, measured from existing grade.

G. Land Use Compatibility Requirements. Any land use allowed in the underlying zone may be permitted in the overlay zone, subject to the following standards:

1. The user shall comply with the height standards in Section (E) of this Chapter.

2. The use shall not include a place of public assembly.

3. The uses shall not create a bird attractant. If the airport sponsor determines that there is a potential for attracting birds, the application shall include a study demonstrating that any hazard to use of the airport is mitigated.

4. The use shall not cause light or glare that projects lighting directly onto a runway or taxiway, or imitates airport lighting.

5. The use shall not be a source of smoke, dust or steam.

6. The use shall not cause electrical interference with the airport operations, or in the case of proposed or expanded communications or transmission facilities, the Department of Aviation and the FAA shall approve the facility.

7. The use shall not create a new or expanded water impoundment within 5,000 feet of the edge or end of a runway larger than one-quarter acre in size unless necessary for airport operations or approved in writing by the airport sponsor, the Department of Aviation, and the FAA.

H. Prohibited Uses. Notwithstanding the underlying zoning, the following uses are prohibited in the Airport Safety and Compatibility Overlay Zone:

1. New residential Development.

2. New Public Assembly Facilities.

I. Nonconforming Uses.

1. The regulations prescribed by this Zone shall not be construed to require the removal, lowering, or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date of this Section, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure that was approved under the requirements of the previous Airport Approach or Airport Hazard zones, including those approvals that expired or that became void. Such approvals are hereby validated as consistent with this Airport Safety and Compatibility Overlay and no further approval is required under the terms of the zoning ordinance.

2. Marking and Lighting - Notwithstanding the preceding provision of this Section, the owner of any existing non-conforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Morrow County Board of Commissioners , to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the owner of the public use airport.

5. The use shall not be a source of smoke, dust or steam.

6. The use shall not cause electrical interference with the airport operations, or in the case of proposed or expanded communications or transmission facilities, the Department of Aviation and the FAA shall approve the facility.

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Morrow County Zoning Ordinance Article 3 Section 3.092 (01.08.25) Page 5 of 5

Outlook

Fwd: Water right

From Jacob Cain <JacobC@portofmorrow.com>
Date Tue 2/24/2026 5:31 PM
To Tamra Mabbott <tmabbott@morrowcountyor.gov>
Cc Clint Shoemake <cshoemake@morrowcountyor.gov>

[EXTERNAL EMAIL] - STOP and VERIFY - This message came from outside of Morrow County Gov

Here are the water rights that will serve the application being discussed tonight.

-Jake
Sent from my iPhone

Begin forwarded message:

From: Miff Devin <MiffD@portofmorrow.com>
Date: February 24, 2026 at 2:25:06 PM PST
To: Jacob Cain <JacobC@portofmorrow.com>
Subject: Water right

Summer (April 14th thru Sept 30) - T-13107 (limit of 5,164 AF/year)

Winter (Oct 1st thru April 14th) - Permit S-55338 (up to 29.9 cfs)

-Miff Devin
Operations Manager
Port of Morrow

Oregon Rural Action
P.O. Box 1231
La Grande, OR 97850
Phone (541) 975-2411
www.oregonrural.org

OREGONrural ACTION
SOWING SEEDS OF CHANGE

February 25, 2026

Members of the Planning Commission,

My name is Kaleb Lay and I'm Director of Policy & Research with Oregon Rural Action, a community-led grassroots nonprofit organization that works with community members in northeast Oregon, including here in Morrow County.

I'm writing on behalf of ORA to express opposition to the proposed location of the PDX 154 data center campus, the siting of which would create numerous potential hazards to the Boardman community. Our concerns are detailed below:

1. Air pollution hazard

Data center campuses emit significant amounts of air toxics by using massive arrays of diesel generators. PDX 178 on Bombing Range Rd., for instance, estimated it could consume up to nearly 300,000 gallons of diesel fuel per year in its Cleaner Air Oregon modeling. It's worth noting that other Amazon DC's have been fined recently for violating the terms of their air quality permits.

Other similar data center campuses in the Boardman area have submitted air toxics inventories under their air contaminant discharge permits (ACDPs). The ACDP for PDX 202, the new campus at the end of Airport Lane, indicates the following chemicals will be released from that facility each year: *1,3-Butadiene, Acetaldehyde, Acrolein, Antimony, Arsenic, Benzene, Beryllium, Cadmium, Chlorobenzene, Cobalt, Ethyl Benzene, Formaldehyde, Hexane, Hexavalent Chromium, Hydrochloric acid, Lead, Manganese, Mercury, Naphthalene, Nickel, Polyaromatic Hydrocarbons, Phosphorus, Selenium, Toluene, and Xylenes*. **All of these chemicals are listed as Hazardous Air Pollutants by the U.S. EPA.**

These pollutants pose a very real risk to the wellbeing of those who live downwind. The cumulative effects of chronic exposure to air pollution from so many data center campuses across the Lower Umatilla Basin, which is prone to atmospheric inversions and air stagnation, are concerning. At the same time, the proposed site of PDX 154 is almost

perfectly upwind of most of residential Boardman, raising immediate concerns about the effects that emissions from this facility would have on the community as a whole.

2. Potential impacts to local water quality

There are multiple concerns related to potential impacts on water quality from this proposed facility.

Firstly, the public water system at Love's is directly downgradient from the proposed site of the septic drainfield for PDX 154. Because the system is expected to be large and the site generally sits on bedrock, this poses a potential contamination risk for that drinking water supply. This is true not only for contaminants like nitrate, which are already an urgent concern in the Lower Umatilla Basin Groundwater Management Area, but also for other contaminants like PFAS.

While the effect of small residential onsite septic systems on groundwater in the region appears to be very small (or perhaps even negligible, according to DEQ studies and draft reports from the EPA), the effect of a much larger system at this location could pose a risk. As the meeting packet states, the location sits largely on bedrock, which is far from an ideal medium for plant growth and nutrient absorption.

Additionally, septic systems do not remove PFAS contaminants, and it is unclear to what degree PFAS are being utilized in data centers. There has been widespread speculation that PFAS chemicals may be used in data center operations, and the potential for PFAS contaminants to leach from this large industrial system is a risk that must be addressed.

Secondly, evaporation ponds generally create solid wastes. It is unclear if the wastes created by this facility would be transported to an appropriate waste disposal site, or if they would instead be land applied in the manner that many other industrial wastes are in the region. Spreading solid wastes from a data center could increase nitrogen loading or could load other contaminants (again, such as PFAS) onto local farmland, which threatens both soil health and water quality if not managed with great care.

3. Hazards posed to air traffic

The presence of two non-contact cooling water ponds and a stormwater runoff retention pond at this facility could pose a significant safety risk to the nearby Boardman airport.

Surface waters attract birds, particularly during annual migration. This facility would include three surface water bodies – two evaporation ponds that would likely be filled in the summer, and a stormwater catchment that would likely fill with seasonal precipitation during the fall, winter, and spring months. This would essentially mean a surface water body is likely or at least plausible to be present year-round.

According to diagrams of PDX 154's proposed design, these surface water bodies would be directly south of the lowest point of the airport runway approach. Migratory birds travel north and south, and bird strikes are a major safety concern for aircraft generally. It is unwise and unsafe to site bird attractants like wastewater or stormwater lagoons this close to an airport.

The proposed mitigation measure of simply placing a net over the lagoons is not sufficient. Netting would prevent birds from landing on the lagoons, but would not prevent the birds from being attracted to them. It is the presence of the visible bird attractant that creates the hazard, not the ability for birds to interact with the attractant. Common sense would suggest that waterfowl being drawn to a waterbody, but not being able to land on it once it reaches it, may actually create a higher risk to local aircraft.

Simply put, this is not a suitable site for a facility that requires onsite wastewater storage in an open lagoon, such as this proposed data center campus.

4. Drinking water for industry prioritized before people

This is perhaps the most important point of all – hundreds of individuals and families in Boardman are unable to drink the water in their homes due to drinking water contamination. Entire communities are affected. Local and state officials insist that it will take years of waiting and millions in taxpayer funding, plus ever-increasing monthly bills, to develop infrastructure for long-term connections to safe drinking water sources.

Meanwhile, local officials have ensured PDX 154 some 26 million gallons of clean, potable water each year for a data center that hasn't even broken ground. Families with polluted drinking water are watching in real time as the wants of billion- or trillion-dollar corporations are prioritized over their own needs. This dynamic of putting profits before people is unconscionable, and it is being repeated over and over again across the Lower Umatilla Basin. The cumulative impacts of these decisions are not only morally questionable – they have real-world impacts on public health, property values, and the futures of those who call this place home.

There are ample reasons to choose not to allow PDX 154 to be built at this location: threats to air quality, to water quality, to aviation safety, and the generally unsustainable rate of industrial growth are among the more pressing reasons. We urge the Planning Commission to reject this proposal.

Respectfully,

Kaleb Lay
Director of Policy & Research
Oregon Rural Action

OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY

STANDARD

AIR CONTAMINANT DISCHARGE PERMIT

Eastern Region
475 NE Bellevue Drive, Suite 110
Bend, OR 97701

This permit is being issued in accordance with the provisions of ORS 468A.040 and based on the land use compatibility findings included in the permit record.

ISSUED TO:

Amazon Data Services, Inc.
8350 W Grandridge Blvd, Suite 200, # 443
Kennewick, WA 99336

PLANT SITE LOCATION:

AWS Environmental – PDX202
80609 Boardman Airport Lane
Boardman, OR 97818

INFORMATION RELIED UPON:

Application No.: 035694
YDO Submittal No.: 056906
Date Received: 05/28/24

LAND USE COMPATIBILITY FINDING:

Approving Authority: Morrow County
Approval Date: 05/10/23

ISSUED BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY

Ania Loyd
Ania Loyd (Dec 2, 2025 12:58:37 PST)

Ania Loyd, Eastern Region Air Quality Manager

12/02/2025
Date

Source(s) Permitted to Discharge Air Contaminants (OAR 340-216-8010):

Table 1 Code	Source Description	SIC/NAICS
N/A	Data Processing	7374 / 518210
Part B, 87	Emergency Power Generation	4911 / 221112

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1.0 DEVICE, PROCESS AND POLLUTION CONTROL DEVICE (PCD) IDENTIFICATION

The devices, processes, and pollution control devices regulated by this permit are the following:

Devices and Processes Description	Device ID	Pollution Control Device Description	PCD ID
Fifty-two (52) diesel-fired emergency generator engines, CAT 3516E, rated at 2,750 kW and 4,043 hp, each	PDX203-1.1A through 1.6A, PDX203-1.1B through 1.6B, and PDX203-1C PDX203-2.1A through 2.6A, PDX203-2.1B through 2.6B, and PDX203-2C PDX204-1.1A through 1.6A, PDX204-1.1B through 1.6B, and PDX204-1C PDX204-2.1A through 2.6A, PDX204-2.1B through 2.6B, and PDX204-2C	None	N/A
Fifty-two (52) diesel-fired emergency generator engines, CAT 3516E, rated at 2,750 kW and 4,043 hp, each	PDX202-1.1A through 1.6A, PDX202-1.1B through 1.6B, and PDX202-1C PDX202-2.1A through 2.6A, PDX202-2.1B through 2.6B, and PDX202-2C PDX205-1.1A through 1.6A, PDX205-1.1B through 1.6B, and PDX205-1C PDX205-2.1A through 2.6A, PDX205-2.1B through 2.6B, and PDX205-2C	Each engine is equipped with Selective Catalytic Reduction (SCR) and catalyzed Diesel Particulate Filters (cDPF)	PDX202-1.1A through 1.6A, PDX202-1.1B through 1.6B, and PDX202-1C PDX202-2.1A through 2.6A, PDX202-2.1B through 2.6B, and PDX202-2C PDX205-1.1A through 1.6A, PDX205-1.1B through 1.6B, and PDX205-1C PDX205-2.1A through 2.6A, PDX205-2.1B through 2.6B, and PDX205-2C

Devices and Processes Description	Device ID	Pollution Control Device Description	PCD ID
One (1) portable diesel-fired emergency generator engine, Caterpillar 3516C Trans, rated at 1,825 kW and 2,721 hp	PDX202-Trans	None	N/A
Four (4) diesel-fired emergency generator engines, CAT C18, rated at 750 kW and 1,112 hp, each	PDX202-HS01 PDX203-HS01 PDX204-HS01 PDX205-HS01	None	N/A
One (1) diesel-fired emergency generator engine, CAT C18, rated at 750 kW and 1,112 hp	PDX202-IW01	Selective Catalytic Reduction (SCR) and catalyzed Diesel Particulate Filters (cDPF)	PDX202-IW01
One (1) diesel-fired emergency generator engine, CAT C9, rated at 250 kW and 398 hp	PDX202-SEC01	None	N/A

2.0 GENERAL EMISSION STANDARDS AND LIMITS

2.1 Visible Emissions

The visible emission limits from devices and processes, other than fugitive emission sources, must not equal to or exceed 20% opacity. Opacity must be measured as a six-minute block average using EPA Method 9 or an alternative monitoring method approved by DEQ that is equivalent to EPA Method 9. [OAR 340-208-0110]

2.2 Fugitive Emissions

a. The permittee may take reasonable precautions to prevent fugitive dust emissions from leaving the property of the source. Reasonable precautions include, but are not limited to: [OAR 340-208-0210(1)]

   i. Using, where possible, water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or

the clearing of land;

ii. Applying water or other suitable chemicals on unpaved roads, materials stockpiles, and other surfaces which can create airborne dusts;

iii. Enclosing (full or partial) materials stockpiles in cases where application of water or other suitable chemicals are not sufficient to prevent particulate matter, including dust, from becoming airborne;

iv. Installing and using hoods, fans, and fabric filters to enclose and vent the handling of dusty materials;

v. Installing adequate containment during sandblasting or other similar operations;

vi. Covering, at all times when in motion, open bodied trucks transporting materials likely to become airborne; and

vii. Promptly removing earth or other material that does or may become airborne from paved streets.

b. In no case may the permittee allow fugitive dust emissions to leave the property of a source for a period or periods totaling more than 18 seconds in a six-minute period. Fugitive emissions must be measured by EPA Method 22 with the minimum observation time of six minutes. [OAR 340-208-0210(2)]

c. If requested by DEQ, the permittee must: [OAR 340-208-0210(3)]

i. Prepare and submit a fugitive emission control plan within 60 days of the request;

ii. Implement the DEQ approved plan whenever fugitive emissions leave the property for more than 18 seconds in a six-minute period; and

iii. Keep the plan on site and make the plan available upon request.

2.3 Particulate Matter Emissions

The particulate matter emission limits from emergency generator engines and any device or process (other than fugitive emissions source, fuel burning equipment, refuse burning, equipment, or solid fuel burning devices certified under OAR 340-262-0500) that is installed, constructed or modified after April 16, 2015 must not exceed 0.10 grains per dry standard cubic foot. [OAR 340-226-0210(2)(c)]

2.4 Particulate Matter Fallout

The permittee must not cause or permit the deposition of any particulate matter larger than 250 microns in size at sufficient duration or quantity, as to create an observable deposition upon the real property of another person. [OAR 340-208-0450]

2.5 Nuisance and Odors

The permittee must not cause or allow the emission of odorous or other fugitive emissions so as to create nuisance conditions off the permittee's property. Nuisance conditions will be verified by DEQ personnel. [OAR 340-208-0300]

2.6 Complaint Log

The permittee must maintain a log of all complaints received by the permittee in person, in writing, by telephone or through other means that specifically refer to air pollution, odor, or nuisance concerns associated with the permitted facility. Documentation must include: [OAR 340-214-0114]

a. The date the complaint was received;

b. The date and time the complaint states the condition was present;

c. A description of the pollution or odor condition;

d. The location of the complainant/receptor relative to the plant site;

e. The status of plant operation or activities during the complaint's stated time of pollution or odor condition; and

f. A record of the permittee's actions to investigate the validity of each complaint and a record of actions taken for complaint resolution.

2.7 Fuels and Fuel Sulfur Content

a. The permittee must not use any fuels other than ASTM grade ultra-low sulfur diesel (ULSD) fuel. The sulfur content of diesel fuel used in emergency generator engines cannot exceed 0.0015% by weight per 40 CFR 60.4207(b).

b. The permittee is allowed to use renewable diesel which is registered as a motor vehicle fuel or fuel additive under 40 Part 79 and meets the requirements of the ASTM D975. [OAR 340-228-0130(2)]

2.8 Emergency Engine Operations

The total amount of fuel used in all emergency engines during combined emergency and non-emergency operations must be limited such that the resulting NOx emission must not exceed 99 tons, annually on a rolling 12-month basis. Calculations of total 12-month rolling NOx emissions from all emergency engines must be determined using methods specified in Conditions 7.2, 7.3, and 16.0 and substituting total fuel use where applicable.

3.0 SPECIFIC PERFORMANCE AND EMISSION STANDARDS

3.1 New Source Performance Standards

The permittee must comply with the following requirements of 40 CFR Part 60 Subpart IIII– Standards of Performance for Stationary Compression Ignition (CI) Internal Combustion Engines (ICE) for all Emergency CI RICE. [40 CFR 60.4200(a)(2)]

a. Emission Standards:

i. Generator engines must comply with the emission standards for new nonroad CI engines in 40 CFR 60.4202, for all pollutants, for the same model year and maximum engine power. [40 CFR 60.4205(b)]

b. Fuel Requirements:

i. The permittee must use diesel fuel that meets the following requirements: [40 CFR 60.4207(b)]

A. Sulfur content: 15 ppm maximum.

B. Cetane index or aromatic content, as follows:

1. A minimum cetane index of 40; or

2. A maximum aromatic content of 35 volume percent.

c. Monitoring Requirements:

i. The permittee must install a non-resettable hour meter on each emergency engine prior to startup of the engine. [40 CFR 60.4209(a)]

d. Operation and Maintenance Requirements:

i. The permittee must comply by purchasing engines certified to the emission standards in Condition 3.1a, as applicable, for the same model year and maximum engine power. The engines must be installed and configured according to the manufacturer's emission-related specifications, except as permitted in Condition 3.1d.v. [40 CFR 60.4211(c)]

ii. The permittee must operate and maintain stationary engines that achieve the emission standards as required in Condition 3.1a over the entire life of the engines. [40 CFR 60.4206]

iii. The permittee must do all of the following, except as permitted under Condition 3.1d.v: [40 CFR 60.4211(a)]

A. Operate and maintain the engines and control devices according to the manufacturer's emission-related written instructions;

B. Change only those emission-related settings that are permitted by the manufacturer; and

C. Meet the requirements of 40 CFR Part 1068, as they apply to the permittee.

iv. The permittee must operate the emergency stationary engines according to the following operational limitations: [40 CFR 60.4211(f)]

A. There is no time limit on the use of emergency stationary engines in emergency situations. [40 CFR 60.4211(f)(1)]

B. The permittee may operate the emergency stationary engines for the purposes specified in Condition 3.1d.iv.B.1 for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by Condition 3.1d.iv.C counts as part of the 100 hours per calendar year allowed by this Condition. [40 CFR 60.4211(f)(2)]

1. Emergency stationary engines may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The permittee may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the permittee maintains records indicating that federal, state or local standards require maintenance and testing of emergency engines beyond 100 hours per calendar year.

C. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in Condition 3.1d.iv.

v. If not installing, configuring, operating and maintaining the engines and control devices according to the manufacturer's emission-related written instructions, or changing emission-related settings in a way that is not permitted by the manufacturer, the permittee must demonstrate compliance as described in 40 CFR 60.4211(g).

e. Recordkeeping Requirements:

i. The permittee must keep records of the operation of the engine in emergency and non-emergency service that are recorded through the non-resettable hour meter. The permittee must record the time of operation of the engine and the reason the engine was in operation during that time. [40 CFR 60.4214(b)]

f. Other Requirements:

i. The permittee must comply with any other requirements of 40 CFR Part 60 Subpart IIII applicable to emergency stationary engines that are not specifically listed in Condition 3.1.

3.2 National Emissions Standards for Hazardous Air Pollutants

The permittee must comply with all applicable requirements of NSPS Subpart IIII for emergency ICE in order to comply with the requirements of 40 CFR Part 63 Subpart ZZZZ—NESHAP for Stationary Reciprocating ICE. [40 CFR 63.6590(c)]

3.3 General Provisions

The permittee must comply with the applicable General Provisions as noted in Condition 19.0 at the end of this permit. [40 CFR 60.4218]

4.0 OPERATION AND MAINTENANCE REQUIREMENTS

4.1 Highest and Best Practicable Treatment and Control

The permittee must provide the highest and best practicable treatment and control of air contaminant emissions in every case so as to maintain overall air quality at the highest possible levels, and to maintain contaminant concentrations, visibility reduction, odors, soiling, and other deleterious factors at the lowest possible levels as provided below. [OAR 340-226-0100]

a. Change oil and filter every 500 hours of operation or annually, whichever comes first. The permittee has the option to utilize an oil analysis program as described in 40 CFR Part 63.6625(i) in order to extend this specified oil change requirement. The oil analysis must be performed at the same frequency specified for changing the oil and filter in this Condition 4.1a;

b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary;

c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary;

d. Operate and maintain each emergency engine according to the manufacturer's emission-related written instructions, including operation and maintenance instructions. If the permittee develops their own maintenance plan and it is approved by DEQ, that plan may substitute for the manufacturer's instructions; and

e. During periods of startup, minimize the emergency engine's time spent at idle and minimize the emergency engine's startup time to a period needed for appropriate and safe loading of the emergency engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.

4.2 Operation of Pollution Control Devices and Processes

The permittee must install, calibrate, operate and maintain selective catalytic reduction (SCR) and catalyzed diesel particulate filters (cDPF) according to the manufacturer's written instructions. [OAR 340-216-0066(3) and 340-226-0120]

a. The permittee must operate the SCR and cDPF emissions control system at all times when the associated emission source is operating for non-emergency reasons, as described in Condition 3.1d.iv.

b. The permittee must monitor the differential pressure drop across the SCR and cDPF emissions control system to demonstrate proper function. The backpressure monitor must notify the permittee when the high backpressure limit of the engine is approached. The differential pressure drop must be recorded by the permittee with a frequency as recommended by the process/control equipment manufacturer.

c. The permittee must monitor the exhaust temperature at the outlet of the SCR and cDPF emissions control system. The information must be recorded by the permittee with a frequency as recommended by the process/control equipment manufacturer. Urea must be injected upon reaching manufacturer's specified operating temperature during non-emergency operation.

d. The permittee must take corrective action to return to the appropriate ranges recommended by the process/control equipment manufacturer for the SCR and cDPF

emissions control system. Corrective action must be initiated as expeditiously as practical after discovery of a parameter excursion.

4.3 National Ambient Air Quality Standards (NAAQS) Impact Analysis Conditions

The permittee must comply with the following conditions based on the short-term NAAQS impact analysis approved by the DEQ. [ORS 468A.025(4); OAR 340-226-0140(1); OAR 340-202-0050(2)]

a. All maintenance and readiness testing of the emergency generator engines must only occur between the hours of 6:00 a.m. and 4:00 p.m.

b. The permittee must prepare and implement a testing and maintenance (T&M) plan consistent with the assumptions and limitations of the NAAQS impact analysis. The T&M plan must be submitted to DEQ for review within 90 days of permit issuance. The permittee must submit any subsequent revisions to the parts of the T&M plan related to the NAAQS impact analysis to DEQ for review prior to implementation. Any revisions to the T&M plan that are not consistent with the NAAQS impact analysis, must be approved by DEQ in writing prior to implementation and might require a revised NAAQS impact analysis. The plan must be kept on site.

5.0 PLANT SITE EMISSION LIMITS

5.1 Plant Site Emission Limits (PSEL)

The permittee must not cause or allow plant site emissions to exceed the following: [OAR 340-222-0041]

Pollutant	Limit	Units
PM	2	ton per year
PM_{10}	2	
$PM_{2.5}$	2	
NO_X	39	
CO	11	
VOC	2	
GHGs (CO_2e)	3,177	

5.2 Annual Period

The annual plant site emissions limits apply to any 12-consecutive calendar month period. [OAR 340-222-0035]

6.0 SOURCE RISK LIMITS

6.1 Chronic Source Risk Limits

The total amount of fuel used annually in all emergency engines for the purposes of all non-emergency operations as described in Condition 3.1d.iv, including commissioning, must not exceed 281,373 gallons per year. [OAR 340-245-0110(2)(a)]

6.2 Annual Period

The annual source risk limits apply to any 12-consecutive calendar month period. [OAR 340-245-0110(1)(a)]

6.3 Emission and Operational Limits

a. The permittee must not exceed the toxic air contaminant (TAC) emission limits in Condition 17.0 for all non-emergency operations as described in Condition 3.1d.iv. [OAR 340-245-0110(2)(a)]

b. All maintenance and readiness testing of the emergency generator engines must only occur between the hours of 6:00 a.m. and 4:00 p.m. [OAR 340-245-0110(2)(a)]

7.0 COMPLIANCE DEMONSTRATION

7.1 Monitoring Requirements

The permittee must monitor the operation and maintenance of the facility and associated air contaminant control devices as follows: [OAR 340-216-0066(3) and OAR 340-226-0120]

a. The emergency and non-emergency hours of operation;

b. The emergency and non-emergency fuel use, in gallons, hourly;

c. Differential pressure drop across the SCR and cDPF emissions control system for CAT 3516E emergency engines with add-on controls, at a frequency recommended by manufacturer;

d. Exhaust temperature at the outlet of the SCR and cDPF emissions control system for CAT 3516E emergency engines with add-on controls, at a frequency recommended by manufacturer;

e. SCR hours of operation for CAT 3516E emergency engines with add-on controls, including start and end times when the SCR is operating as determined based on the presence of urea injection;

f. Fuel use in CAT 3516E emergency engines with add-on controls during times when SCR is injecting urea, in gallons, hourly; and

g. Fuel use in CAT 3516E emergency engines with add-on controls during times when SCR is not injecting urea, in gallons, hourly.

h. Differential pressure drop across the SCR and cDPF emissions control system for CAT C18 emergency engines with add-on controls, at a frequency recommended by manufacturer;

i. Exhaust temperature at the outlet of the SCR and cDPF emissions control system for CAT C18 emergency engines with add-on controls, at a frequency recommended by manufacturer;

j. SCR hours of operation for CAT C18 emergency engines with add-on controls, including start and end times when the SCR is operating as determined based on the presence of urea injection;

k. Fuel use in CAT C18 emergency engines with add-on controls during times when SCR is injecting urea, in gallons, hourly; and

l. Fuel use in CAT C18 emergency engines with add-on controls during times when SCR is not injecting urea, in gallons, hourly.

7.2 PSEL Compliance Monitoring using Emission Factors

The permittee must calculate the emissions for each 12-consecutive calendar month period, by the end of last day of the following month, based on the following calculation for each pollutant except GHGs: [OAR 340-222-0080]

$$E = \sum (EF \times P) \times \frac{1\ ton}{2{,}000\ lb}$$

where:

E = pollutant emissions (tons/year);

Σ = symbol representing "summation of";

EF = pollutant emission factor (see Condition 16.0);

P = fuel use during non-emergency operations, as described in Condition 3.1d.iv (gallons)

7.3 Emission Factors

The permittee must use the default emission factors provided in Condition 16.0 for calculating pollutant emissions. [OAR 340-222-0080]

7.4 Greenhouse Gas Emissions

The permittee must calculate greenhouse gas emissions in metric tons and short tons for each 12-consecutive calendar month period, by the end of last day of the following month, to determine compliance with the GHG PSEL by using the following: [OAR 340-215-0040]

a. DEQ Fuel Combustion Greenhouse Gas Calculator https://www.oregon.gov/deq/FilterDocs/ghgCalculatorFuelCombust.xlsx;

b. https://ccdsupport.com/confluence/display/help/Optional+Calculation+Spreadsheet+Instructions; or

c. An alternative calculation method approved in writing by DEQ.

7.5 PSEL Compliance Monitoring

The permittee must demonstrate compliance with the PSEL by totaling the emissions from all devices and processes calculated under Conditions 7.2 and 7.4. [OAR 340-222-0080]

8.0 SOURCE TESTING

8.1 Source Testing Requirements

The permittee must perform the following source tests of one (1) of the 2,750 kW diesel-fired emergency generator engines, CAT 3516E, and one (1) of the 2,750 kW diesel-fired emergency generator engines with add-on controls, CAT 3516E equipped with SCR and cDPF, to verify emission factors used to determine compliance with the PSEL of Condition 5.1 and to verify compliance with the DPM TAC emission limit in Condition 17.0. [OAR 340-212-0120 & OAR 340-245-0100(6)(e)]

a. The permittee must perform an initial source test of the CAT 3516E emergency generator engine within twelve (12) months of the permit issuance or the first phase of construction is placed into operation (i.e., power forward hand-off, PFHO) for the first CAT 3516E generator engine, whichever is later, unless an extension is approved by DEQ. The permittee must perform subsequent recurring source test(s) every five (5) years after the initial sources test, each time on a different engine of the CAT 3516E model. Testing must consist of three (3) 60-minute test runs for PM and three (3) 20-minute test runs for NOx and CO at each load condition, at the minimum. During the source test, the following parameters must be monitored and recorded:

   i. Generator engine ID;

   ii. Opacity readings on the exhaust stack following the procedures of EPA Method 9;

   iii. Quantity of fuel combusted per run and rate in gal/hr;

   iv. Fuel specification sheet;

   v. The engine load (%) and the generator electrical output (kW);

   vi. Concentrations and emission rates of pollutants as follows:

      A. NO_x, CO and PM in pounds/hour and pounds/gallon of fuel combusted; and

      B. PM in gr/dscf;

b. The permittee must perform an initial source test of the CAT 3516E with add-on controls within twelve (12) months of the permit issuance or the first phase of construction is placed into operation (i.e., power forward hand-off, PFHO) for the first CAT 3516E generator engine, whichever is later, unless an extension is approved by

DEQ. The permittee must perform subsequent recurring source test(s) every five (5) years after the initial sources test, each time on a different engine of the CAT 3516E model. Testing must consist of three (3) 60-minute test runs for PM and three (3) 20-minute test runs for NOx and CO at each load condition, at the minimum. During the source test, the following parameters must be monitored and recorded:

i. Generator engine ID;

ii. Opacity readings on the exhaust stack following the procedures of EPA Method 9;

iii. Quantity of fuel combusted per run and rate in gal/hr;

iv. Fuel specification sheet;

v. The engine load (%) and the generator electrical output (kW);

vi. Control device operating parameters;

vii. Concentrations and emission rates of pollutants as follows:

A. NO_x, CO and PM in pounds/hour and pounds/gallon of diesel fuel combusted; and

B. PM in gr/dscf;

c. All tests must be conducted in accordance with DEQ's Source Sampling Manual and the approved source test plan. The source test plan must be submitted in 'Your DEQ online' at least 30 days in advance and approved by the Regional Source Test Coordinator. The source test report must be submitted to DEQ through the 'Your DEQ Online' system within 60 days of the test unless otherwise approved in the source test plan.

Tested Pollutant	Reference Test Method*
PM	DEQ Method 5
NOx	EPA Method 7E
CO	EPA Method 10
Opacity	EPA Method 9

*Substitution of alternative test methods must be pre-approved by the DEQ.

d. Only regular operating staff may adjust the combustion system or production processes and emission control parameters during the source test and within two hours prior to the source test. Any operating adjustments made during the source test, which are a result of consultation with source testing personnel, equipment vendors or consultants, may render the source test invalid.

e. Unless otherwise specified by permit condition or DEQ approved source test plan, all compliance source tests must be performed as follows:

i. At 90% of the engine's rated capacity or higher; and

ii. At 10% of the engine's rated capacity or lower.

9.0 SPECIAL CONDITIONS

9.1 Special Conditions

The permittee must comply with the following special conditions:

a. When operating the emergency generator engines for the purposes of maintenance, routine readiness testing, and commissioning, the permittee is encouraged, to the extent practicable, to limit the number of engines operated at one time in any one location and the total number of engines operated on any given day to minimize the short-term (hourly and daily) air contaminant concentrations generated. [OAR 340-226-0110]

b. The permittee is encouraged to limit the operation of stationary emergency engines, excluding fire pump engines, for the purpose of maintenance, routine readiness testing, and commissioning on air quality advisory days. [OAR 340-226-0110]

c. The permittee must maintain copies of the manufacturer's certifications and specifications for each emergency generator engine type and size at the facility. The manufacturer's specifications must include emission factors for all operating loads if variable emission rates were used for the permit application. The manufacturer's specifications must be available for review during DEQ inspections.

d. The permittee must maintain records showing the date of installation for each emergency generator engine and make them available for review during DEQ inspections.

e. Emergency generator engines cannot be used for peak shaving, non-emergency demand response, or to generate income by supplying power to an electric grid or to another entity.

9.2 Cleaner Air Oregon Special Conditions

a. The permittee must demonstrate that the acute risk does not exceed the Community Engagement Risk Action Level specified in OAR 340-245-8010 Table 1 if the permittee uses more than 20,000 gallons of fuel in all emergency engines for the purposes of all non-emergency operations as described in Condition 3.1d.iv, including commissioning, in any 24-hour period. If the permittee exceeds this threshold, the permittee must submit a revised risk assessment to DEQ and apply for a permit modification, as applicable, in accordance with Condition 15.0. [OAR 340-245-0100(6) and (8)]

b. The permittee may relocate an emergency generator from its approved location to any other location modeled in the approved risk assessment for up to 180 days by providing notice to DEQ within 15 days of the relocation. The permittee must also provide notice of relocation back to the engine's original approved location within 15 days of the relocation. If the permittee does not relocate that engine back to its original approved

location within 180 days, the permittee must reassess risk before the expiration of 180 days.

10.0 RECORDKEEPING REQUIREMENTS

10.1 Operation and Maintenance

The permittee must maintain the following records related to the operation and maintenance of the facility and associated air contaminant control devices: [OAR 340-214-0114]

a. For each emergency engine without add-on control devices:

   i. Fuel use for non-emergency operations, in gallons, monthly;

   ii. Fuel use for emergency operations, in gallons, monthly;

   iii. Total fuel use, in gallons, monthly;

   iv. Hours of non-emergency operations, monthly and calendar year;

   v. Hours of emergency operations, monthly;

   vi. Total hours of operations, monthly;

   vii. Date, start time, end time, hours of operation, fuel usage, reason for each operation event in accordance with Conditions 3.1e, 4.2, and 7.1.

b. For each emergency engine with add-on control devices:

   i. Fuel use for non-emergency operations when SCR is in operation, in gallons, monthly;

   ii. Fuel use for non-emergency operations when SCR is not in operation, in gallons, monthly;

   iii. Fuel use for emergency operations when SCR is in operation, in gallons, monthly;

   iv. Fuel use for emergency operations when SCR is not in operation, in gallons, monthly;

   v. Total fuel use when SCR is in operation, in gallons, monthly;

   vi. Total fuel use when SCR is not in operation, in gallons, monthly;

   vii. Hours of non-emergency operations, monthly and annually (per calendar year);

   viii. Hours of emergency operations, monthly;

   ix. Total hours of operations, monthly;

   x. Records of differential pressure drop across the SCR and cDPF emissions control system, at frequency recommended by the process/control equipment manufacturer;

   xi. Records of exhaust temperature at the outlet of SCR and cDPF emissions control system, at a frequency recommended by the process/control equipment

manufacturer;

xii. Records of any corrective action taken when operating outside of the recommended differential pressure drop;

xiii. Records of any corrective action taken when operating outside of the recommended exhaust temperature;

xiv. Date, start time, end time, hours of operation, fuel usage, reason for each operation event in accordance with Conditions 3.1e, 4.2, and 7.1.

c. For all emergency engines:

i. Fuel use for non-emergency operations, in gallons, monthly and 12-month rolling;

ii. Fuel use for emergency operations, in gallons, monthly and 12-month rolling;

iii. Total fuel use, in gallons, monthly and 12-month rolling.

d. For any month in which the total monthly non-emergency fuel usage in all engines exceeds 20,000 gallons of fuel, the permittee must calculate 24-hour rolling fuel usage and keep records of the maximum 24-hour fuel usage and any 24-hour fuel usage exceeding 20,000 gallons per Condition 9.2a. [OAR 340-245-0100(6)(e)]

e. Documentation from each renewable fuel supplier, to certify that all renewable fuel supplied to PDX202, meets standards specified in Condition 2.7b.

f. Records of operation and maintenance and manufacturer's instructions for control devices specified Condition 4.2.

g. Records of operation and maintenance and copy of T&M plan specified in Condition 4.3b.

h. Manufacturer certifications and specifications and other records as specified in Conditions 9.1c and 9.1d.

10.2 Excess Emissions

a. The permittee must maintain the records of excess emissions listed below and as defined in OAR 340-214-0300 through 340-214-0340, recorded on occurrence. Typically, excess emissions are caused by process upsets, startups, shutdowns, or scheduled maintenance. In many cases, excess emissions are evident when visible emissions are greater than 20% opacity as a six-minute block average.

i. The date and time of the beginning of the excess emissions event and the duration or best estimate of the time until return to normal operation;

ii. The date and time the permittee notified DEQ of the event;

iii. The equipment involved;

iv. Whether the event occurred during planned startup, planned shutdown, scheduled maintenance, or as a result of a breakdown, malfunction, or emergency;

v. Steps taken to mitigate emissions and corrective action taken, including whether

the approved procedures for a planned startup, shutdown, or maintenance activity were followed;

vi. The magnitude and duration of each occurrence of excess emissions during the course of an event and the increase over normal rates or concentrations as determined by continuous monitoring or best estimate (supported by operating data and calculations); and

vii. The final resolution of the cause of the excess emissions;

b. If there is an ongoing excess emission caused by an upset or breakdown, the permittee must immediately take action to minimize emissions to the greatest extent practicable by reducing or ceasing operation of the equipment or facility, unless doing so could result in physical damage to the equipment or facility, cause injury to employees, or result in higher emissions associated with shutdown and subsequent start up than those emissions resulting from continued operation. The permittee may:

i. Cease operation of the equipment or facility within 8 hours of the beginning of the period of excess emissions;

ii. Request to continue operation by submitting to DEQ a written request to continue operation within 8 hours of the beginning of the period of excess emissions;

iii. Continue operation only if approved by DEQ in accordance with OAR 340-214-0330(4)(b). Otherwise, the permittee must cease operation within one hour of receiving DEQ's disapproval of continued operation.

c. In the event of any excess emissions which are of a nature that could endanger public health and occur during non-business hours, weekends, or holidays, the permittee must immediately notify DEQ by calling the Oregon Emergency Response System (OERS). The current number is 1-800-452-0311.

d. If startups or shutdowns may result in excess emissions, the permittee must submit startup/shutdown procedures used to minimize excess emissions to DEQ for prior authorization, as required in OAR 340-214-0310. New or modified procedures must be received by DEQ in writing at least 72 hours prior to the first occurrence of the excess emission event. The permittee must abide by the approved procedures and have a copy available at all times.

e. If permittee anticipates that scheduled maintenance may result in excess emissions, the permittee must submit scheduled maintenance procedures used to minimize excess emissions to DEQ for prior authorization, as required in OAR 340-214-0320. New or modified procedures must be received by DEQ in writing at least 72 hours prior to the first occurrence of the excess emission event. The permittee must abide by the approved procedures and have a copy available at all times.

f. The permittee must maintain a log of all excess emissions in accordance with OAR 340-214-0340(3).

10.3 Complaints

The permittee must maintain a log of all complaints received by the permittee in person, in writing, by telephone or through other means according to Condition 2.6. Documentation must include all information identified in Condition 2.6. [OAR 340-214-0114]

10.4 Retention of Records

Unless otherwise specified, the permittee must retain all records for a period of at least five (5) years from the date of the monitoring sample, measurement, report, or application and make them available to DEQ upon request. The permittee must maintain the two (2) most recent years of records onsite. [OAR 340-214-0114]

11.0 REPORTING REQUIREMENTS

11.1 Excess Emissions

a. The permittee must notify DEQ of excess emissions events if the excess emission is of a nature that could endanger public health. Initial notice must be provided as soon as possible, but never more than one hour after becoming aware of the problem. Notice must be made using DEQ's online Environmental Data Management System, 'Your DEQ Online' (https://www.oregon.gov/deq/permits/Pages/AQP-inYDO.aspx).

b. When required by DEQ, the permittee must also submit follow-up reports summarizing records of excess emissions as required in Condition 10.2 within 15 days of the date of the event.

11.2 Annual Report

For each year this permit is in effect, the permittee must submit to DEQ by **February 15** using the 'Your DEQ Online' system one (1) electronic copy of the following information for the previous calendar year unless otherwise approved in writing by DEQ. If February 15 falls on a weekend or holiday, the permittee must submit their annual report on the next business day.

a. Operating parameters (for all engines combined):

   i. Fuel use for non-emergency operations, in gallons, monthly and 12-month rolling;

   ii. Fuel use for emergency operations, in gallons, monthly and 12-month rolling; and

   iii. Total fuel use, in gallons, monthly and 12-month rolling.

b. Emergency operation:

   i. Date and time emergency started and ended, description of the emergency, and if known, the cause of the emergency;

   ii. Identification of each engine operated during the emergency, hours of emergency

operation and fuel consumption; and

iii. Total emissions of each criteria pollutant with PSEL listed in Condition 5.1 from all emergency generator engines operated for emergency purpose during the emergency event, calculated using the formula in Condition 7.2 and substituting emergency fuel use for "P" value.

c. Calculations of 12-month rolling pollutant emissions from non-emergency operations determined each month period in accordance with Conditions 7.2 and 7.4.

d. Calculations of 12-month rolling pollutant emissions from emergency operations determined each month using methods specified in Conditions 7.2 and 7.4 and substituting emergency fuel use where applicable.

e. Calculations of total 12-month rolling pollutant emissions from all emergency engines determined each month in Conditions 11.2c and 11.2d.

f. A brief summary listing the date, time, and the affected emergency generator engines of deviations from the operational requirements in Condition 4.3a.

g. List any deviations from the T&M plan in Condition 4.3b.

h. List of emergency generator engines installed during the reporting period, including model and date of installation.

i. A brief summary of listing date, time and any corrective action taken if operating outside of the recommended parameters in Condition 4.2.

j. A brief summary listing the date, time, and the affected device/process for each excess emission that occurred during the reporting period.

k. List renewable diesel fuel supplier that facility used during the reporting period, and renewable diesel fuel certification per Condition 10.1e from any renewable diesel fuel supplier that has changed since the last reporting period.

l. Summary of complaints relating to air quality received by permittee during the year in accordance with Condition 10.3.

m. List permanent changes made in facility process, production levels, and pollution control equipment which affected air contaminant emissions, including permanent removal of a device or emission unit that does not include an air pollution control device.

n. List major maintenance performed on pollution control equipment.

o. Exceedances of 20,000 gallons of fuel per 24-hour period, as specified in Condition 9.2a, including date, 24-hour period start time, and fuel use. [OAR 340-245-0100(7)]

p. CAO Annual Zoning and Exposure Location Verification Form AQ540 (https://www.oregon.gov/deq/aq/cao/Documents/AQ540Form.pdf) or other DEQ approved forms that include statements verifying if the following have occurred within

1.5 kilometers of the source: [OAR 340-245-0100(7)(c-e)]

i. Changes in zoning and whether those changes increase risk; and

ii. Changes in land use and whether those changes increase risk.

11.3 Greenhouse Gas Registration and Reporting

a. If the calendar year greenhouse gas emissions (CO_2e) are ever greater than or equal to 2,756 tons (2,500 metric tons), the permittee must annually register and report its greenhouse gas emissions with DEQ in accordance with OAR 340 Division 215.

b. If the calendar year greenhouse gas emissions (CO_2e) are less than 2,756 tons (2,500 metric tons) for three consecutive years, the permittee may stop reporting greenhouse gas emissions but must retain all records used to calculate greenhouse gas emissions for the five years following the last year that they were required to report. The permittee must resume reporting its greenhouse gas emissions if the calendar year greenhouse gas emissions (CO_2e) are greater than or equal to 2,756 tons (2,500 metric tons) in any subsequent calendar year.

11.4 Initial Startup Notice

The permittee must notify DEQ in writing within seven (7) days of the following using the 'Your DEQ Online' system: [OAR 340-214-0110]

a. The date the first engine is brought onsite; and

b. The dates the first phase of construction is placed into operation (i.e., PFHO) for the first CAT 3516E generator engine without add-on controls and CAT 3516E generator engine with add-on controls.

11.5 Notice of Change of Ownership or Company Name

The permittee must notify DEQ in writing using a DEQ 'transfer' permit action submittal in 'Your DEQ Online' within 60 days after the following:

a. Legal change of the name of the company as registered with the Corporations Division of the State of Oregon; or

b. Sale or exchange of the activity or facility.

11.6 Construction or Modification Notices

The permittee must notify DEQ in writing using a DEQ Notice of Construction submittal in 'Your DEQ Online', or other permit application form and obtain approval in accordance with OAR 340-210-0205 through 340-210-0250 and OAR 340-245-0060(4)(c) before:

a. Construction or modification that will cause an increase, on an hourly basis at full production, in any regulated air pollutant emissions;

b. Replacement of a device or activity that emits any regulated air pollutants; or

c. Construction, modification, or replacement of any air pollution control device.

12.0 ADMINISTRATIVE REQUIREMENTS

12.1 Permit Renewal Application

The permittee must submit the completed application package for renewal of this permit **180 days prior to the expiration date**. One (1) electronic copy of the application must be submitted to the DEQ using the 'Your DEQ Online' system. Failure to submit a timely renewal application, or obtain a different ACDP prior to the permit expiration date, may result in permit termination

12.2 Permit Modifications

Application for a modification of this permit must be submitted at least 60 days prior to the source modification. When preparing an application, the applicant should also consider submitting the application 180 days prior to allow DEQ adequate time to process the application and issue a permit before it is needed. The application must be submitted to DEQ using the 'Your DEQ Online' system. A specific activity fee will be assessed after DEQ has reviewed the permit modification application. One (1) electronic copy of the application must be submitted to the DEQ unless otherwise approved in writing by DEQ. [OAR 340-216-0040].

12.3 Annual Compliance Fee

The permittee must pay the annual fees specified in OAR 340-216-8020, Table 2, Parts 2 and 3 by **December 1** of each year this permit is in effect. An invoice indicating the amount, as determined by DEQ regulations will be provided to the permittee prior to the above date. **Late fees in accordance with Part 5 of the table will be assessed as appropriate.**

12.4 Change of Ownership or Company Name Fee

The permittee must pay the non-technical permit modification fee specified in OAR 340-216-8020, Table 2, Part 4 with an application for changing the ownership or the name of the company. Name changes and ownership changes are processed in the 'Your DEQ Online' system as a ‘transfer’.

12.5 Specific Activity Fees

The permittee must pay the specific activity fees specified in OAR 340-216-8020, Table 2, Part 4 with an application to modify the permit.

13.0 DEQ CONTACTS / ADDRESSES

13.1 Where to Submit Fees

Fees must be paid within DEQ's 'Your DEQ Online' system at https://ydo.oregon.gov. Fees can be paid by ACH, credit card, or check by following the instructions on the invoice or within the 'Your DEQ Online' system.

13.2 Report Submittals

Unless otherwise notified, the permittee must submit all reports (annual reports, source test plans and reports, etc.) via DEQ's 'Your DEQ Online' system for this permit.

13.3 Permit Coordinator

If you have questions about your permit, you can contact the permit coordinator:

Oregon Dept. of Environmental Quality
Eastern Region
Air Quality Permit Coordinator
475 NE Bellevue Drive, Suite 110
Bend, OR 97701-7415
eraqpermits@deq.oregon.gov
phone: (541) 388-6146

13.4 Web Site

Information about air quality permits and DEQ's regulations may be obtained from the DEQ web page at www.oregon.gov/deq/.

14.0 GENERAL CONDITIONS AND DISCLAIMERS

14.1 Permitted Activities

a. Until this permit expires or is modified or revoked, the permittee is allowed to discharge air contaminants from the following:

   i. Processes and activities directly related to or associated with the devices/processes listed in Condition 1.0 of this permit;

   ii. Any categorically insignificant activities, as defined in OAR 340-200-0020, at the source;

   iii. Any activities designated as exempt toxic emissions units under OAR 340-245-0060(3), at the source; and

   iv. Construction or modification changes that are Type 1 or Type 2 changes under OAR 340-210-0225 that are approved by DEQ in accordance with OAR 340-210-0215 through 0250, if the permittee complies with all of the conditions of DEQ's approval to construct and all of the conditions of this permit.

b. Discharge of air contaminants from any other equipment or activity not identified herein is not authorized by this permit.

14.2 Other Regulations

In addition to the specific requirements listed in this permit, the permittee must comply with all other applicable legal requirements enforceable by DEQ.

14.3 Conflicting Conditions

In any instance in which there is an apparent conflict relative to conditions in this permit, the most stringent conditions apply. [OAR 340-200-0010]

14.4 Masking of Emissions

The permittee must not cause or permit the installation of any device or use any means designed to mask the emissions of an air contaminant that causes or is likely to cause detriment to health, safety, or welfare of any person or otherwise violate any other regulation or requirement. [OAR 340-208-0400]

14.5 DEQ Access

The permittee must allow DEQ's representatives access to the plant site and pertinent records at all reasonable times for the purposes of performing inspections, surveys, collecting samples, obtaining data, reviewing and copying air contaminant emissions discharge records and conducting all necessary functions related to this permit in accordance with ORS 468.095.

14.6 Permit Availability

The permittee must have a copy of the permit available at the facility at all times. [OAR 340-216-0020(3)]

14.7 Open Burning

The permittee may not conduct any open burning except as allowed by OAR 340, Division 264.

14.8 Asbestos

The permittee must comply with the asbestos abatement requirements in OAR 340, Division 248 for all activities involving asbestos-containing materials, including, but not limited to, demolition, renovation, repair, construction, and maintenance.

14.9 Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

14.10 Permit Expiration

a. A source may not be operated after the expiration date of the permit, unless any of the following occur prior to the expiration date of the permit: [OAR 340-216-0082]

   i. A timely and complete application for renewal of this permit or for a different

ACDP has been submitted; or

ii. A timely and complete application for renewal or for an Oregon Title V Operating Permit has been submitted, or

iii. Another type of permit (ACDP or Oregon Title V Operating Permit) has been issued authorizing operation of the source.

b. For a source operating under an ACDP or Oregon Title V Operating Permit, a requirement established in an earlier ACDP remains in effect notwithstanding expiration of the ACDP, unless the provision expires by its terms or unless the provision is modified or terminated according to the procedures used to establish the requirement initially.

14.11 Permit Termination, Revocation, or Modification

DEQ may terminate, revoke, or modify this permit pursuant to OAR Chapter 340 Division 216. [OAR 340-216-0082].

14.12 Construction Approval

a. The construction of the source must be in strict conformance with the plans and specifications submitted by the applicant and approved by the DEQ, including the dates of commencement and completion of the project. No changes or deviations that would increase the quantity or alter the impacts of emissions may be made without prior written approval from DEQ. [OAR 340-216-0020, 340-216-0040, 340-210-0230]

b. For phased construction projects, the start dates for each phase of construction that were listed in the application and received construction approval from DEQ will be treated as the construction approval date for the applicable phase. [OAR 340-216-0040(1)(Q) & (R)]

c. Construction approval issued by DEQ, including this permit, terminates and is invalid for the following reasons: [OAR 340-216-0082(3)]

i. Construction is not commenced within 18 months after DEQ issues this permit, by an alternative deadline established by DEQ, or by the deadline approved by DEQ in an extension;

ii. Construction is discontinued for a period of 18 months or more; or

iii. Construction is not completed within 18 months of the anticipated date of construction completion included in the application.

d. A written request for an extension to the construction commencement deadline must be submitted to DEQ, detailing why the source could not commence construction within the initial 18-month period. The request: [OAR 340-216-0082(3)]

i. Must be received before the 18-month construction commencement deadline passes in order to avoid termination of the construction approval; or

ii. If the request for an extension is received after the 18-month construction commencement deadline, a new application and new permit application fees are

required for reinstatement of the terminated construction approval.

14.13 Air Quality Modeling Analysis

The permittee may be required to submit an updated air quality modeling analyses to DEQ for the following:

a. The permittee becomes aware that corrections or additional information are needed to revise or update the most recent air quality analysis submitted to DEQ. DEQ must be notified in writing of such corrections within 30 days of becoming aware of the discrepancies; or

b. The permittee proposes to add or modify any physical or operational feature that was used as a modeling parameter in the air quality analysis submitted to DEQ and that results in an increase of the pollutant(s) ambient concentration(s), including but not limited to a new device or activity, new emission location of an existing device or activity, lower stack height, slower exhaust gas velocity, cooler exhaust temperature, or construction of a new or modified building that could impact downwash. DEQ must be notified in writing at least 30 days prior to implementing the proposed physical modifications. [ORS 468A.025, ORS 468A.040, ORS 468A.050, OAR 340-202-0050, OAR 340-214-0110 and OAR 340-226-0140]

15.0 CLEANER AIR OREGON GENERAL CONDITIONS AND DISCLAIMERS

15.1 Risk Reassessment and Permit Modifications

a. The permittee must submit a revised risk assessment and apply for a permit modification as applicable before making any of the following changes: [OAR 340-245-0100(8)(a)(A)]

i. Construct or modify a TEU that is:
   A. Exempt under OAR 340-245-0060(4)(c)(A);
   B. Aggregated under OAR 340-245-0060(4)(c)(B)(iii); or
   C. Significant under OAR 340-245-0060(4)(c)(C)(i);

ii. Modify an established Source Risk Limit or any risk limits or conditions required by OAR Chapter 340 Division 245; [OAR 340-245-0100(8)(a)(B)]

iii. Request an extension to a compliance date as outlined in OAR 340-245-0100(8)(a)(C);

iv. Modify any physical feature of the source that was used as a modeling parameter in the risk assessment that affects the results of the Risk Assessment; [OAR 340-245-0100(8)(a)(D)]

v. Terminate postponement of risk reduction established under OAR 340-245-0150 [OAR 340-245-0100(8)(a)(E)]; or

vi. Modify air monitoring requirements established under OAR 340-245-0230. [OAR

340-245-0100(8)(a)(G)]

b. The permittee must submit a revised risk assessment and apply for a permit modification as applicable by no later than 60 days after the following:

i. Zoning changes were approved and made effective within 1.5 kilometers of the source that could increase risk; [OAR 340-245-0100(8)(a)(F)]

ii. Land use has changed in a way that could increase risk in areas where alternative land use was previously approved for use in the risk assessment under OAR 340-245-0210(1)(a)(F) [OAR 340-245-0100(8)(a)(F)]; or

iii. The permittee becomes aware that corrections or additional information are needed to revise or update the original risk assessment [OAR 340-245-0100(8)(a)(H)].

c. The permittee must submit a revised risk assessment and apply for a permit modification as applicable by no later than 90 days after being notified by DEQ that: [OAR 340-245-0100(8)(c)]

i. A previous risk assessment contains errors or omissions that, when corrected, could increase the risk; [OAR 340-245-0100(8)(b)(A)]

ii. A Risk Based Concentration in OAR 340-245-8010 Table 2 for a Toxic Air Contaminant that is emitted by this source has been added or the value lowered, leading to a substantial increase in risk [OAR 340-245-0100(8)(b)(B)]; or

iii. The risk assessment procedures in OAR Chapter 340 Division 245 have changed in a way that would substantially increase risk, or substantially impact the implementation or effectiveness of the Risk Reduction Plan. [OAR 340-245-0100(8)(b)(C)]

15.2 Procedures and Fees

a. When required to submit a revised risk assessment under Condition 15.1, the permittee must follow the procedures in OAR 340-245-0100(8)(e) and submit fees as required under OAR 340-216-8030 Table 3 and Condition 13.1.

b. When a permit modification is required under Condition 15.1, the permittee must apply for an operating permit modification under OAR 340 Division 216 using the procedures in OAR Chapter 340 Division 245 and submit fees as required under OAR 340-245-0100(8)(g) and Condition 13.1.

15.3 CAO Submittal Deadline Extensions

The permittee may request an extension for submittals required under Condition 15.1 in accordance with OAR 340-245-0030(3) by submitting a written request no fewer than 15 days prior to the submittal deadline. [OAR 340-245-0100(8)(d)]

16.0 EMISSION FACTORS

Emissions Device	Pollutant	Emission Factor (lb/gallon of diesel fuel)	EF Reference
CAT 3516E_Tier 2; Bigger Blocks Main; 2,750 kW	NOx	2.84E-01	Manufacturer's Specification and 2021 Source Test Data
	$PM/PM_{10}/PM_{2.5}$	1.70E-02	
	CO	1.14E-01	
	VOC	1.52E-02	
CAT 3516E_Tier 2 with SCR and cDPF; Bigger Blocks Main; 2,750 kW	NOx Uncontrolled	2.84E-01	Manufacturer's Specification and 2021 Source Test Data
	NOx Controlled	2.36E-02	
	$PM/PM_{10}/PM_{2.5}$	1.06E-02	
	CO	3.43E-02	
	VOC	8.38E-03	
CAT 3516C_Trans; Tier 2; 1,825 kW	NOx	2.78E-01	Manufacturer's Specification and 2021 Source Test Data
	$PM/PM_{10}/PM_{2.5}$	1.70E-02	
	CO	1.51E-01	
	VOC	3.71E-02	
CAT C18; Tier 2; 750 kW	NOx	2.65E-01	Manufacturer's Specification and 2021 Source Test Data
	$PM/PM_{10}/PM_{2.5}$	2.35E-01	
	CO	4.98E-01	
	VOC	2.01E-01	
CAT C18_Tier 2 with SCR and cDPF; 750 kW	NOx Uncontrolled	2.65E-01	Manufacturer's Specification and 2021 Source Test Data
	NOx Controlled	2.25E-02	
	$PM/PM_{10}/PM_{2.5}$	9.28E-02	
	CO	9.96E-02	
	VOC	8.04E-02	
CAT C9; Tier 2; 250 kW	NOx	1.43E-01	Manufacturer's Specification
	$PM/PM_{10}/PM_{2.5}$	5.58E-02	
	CO	1.37E-01	
	VOC	3.72E-02	

17.0 TOXIC AIR CONTAMINANT EMISSION LIMITS

Emissions Device	Pollutant	Emission Limit (lb/1000 gallon of fuel)
CAT 3516E_Tier 2; Bigger Blocks Main; 2,750 kW	Diesel Particulate Matter (DPM)	16.98
CAT 3516E_Tier 2 with SCR and cDPF; Bigger Blocks Main; 2,750 kW	DPM	10.55
CAT 3516C_Trans; Tier 2; 1,825 kW	DPM	16.98
CAT C18_House; Tier 2; 750 kW	DPM	234.74
CAT C18_IW; Tier 2 with SCR and cDPF; 750 kW	DPM	92.78
CAT C9; Tier 2; 250 kW	DPM	**17.81**

18.0 ABBREVIATIONS, ACRONYMS AND DEFINITIONS

ACDP	Air Contaminant Discharge Permit
ASTM	American Society for Testing and Materials
AQMA	Air Quality Maintenance Area
calendar year	The 12-month period beginning January 1st and ending December 31st
CAO	Cleaner Air Oregon
CFR	Code of Federal Regulations
CO	carbon monoxide
CO_2e	carbon dioxide equivalent
DEQ	Oregon Department of Environmental Quality
dscf	dry standard cubic foot
EPA	US Environmental Protection Agency
EU	Emissions Unit
FCAA	Federal Clean Air Act
Gal	gallon(s)
GHG	greenhouse gas
gr/dscf	grains per dry standard cubic foot
HAP	Hazardous Air Pollutant as defined by OAR 340-244-0040
I&M	inspection and maintenance
lb	pound(s)
MMBtu	million British thermal units
NA	not applicable
NESHAP	National Emissions Standards for Hazardous Air Pollutants
NO_X	nitrogen oxides
NSPS	New Source Performance Standard
NSR	New Source Review
O_2	oxygen
OAR	Oregon Administrative Rules
ORS	Oregon Revised Statutes
O&M	operation and maintenance
Pb	lead
PCD	pollution control device
PM	particulate matter
PM_{10}	particulate matter less than 10 microns in size
$PM_{2.5}$	particulate matter less than 2.5 microns in size
ppm	part per million
PSD	Prevention of Significant Deterioration
PSEL	Plant Site Emission Limit
PTE	Potential to Emit
RACT	Reasonably Available Control Technology
scf	standard cubic foot
SER	Significant Emission Rate
SIC	Standard Industrial Code
SIP	State Implementation Plan
SO_2	sulfur dioxide
Special Control Area	as defined in OAR 340-204-0070
TACT	Typically Achievable Control Technology
VE	visible emissions
VOC	volatile organic compound
year	A period consisting of any 12-consecutive calendar months

19.0 APPLICABILITY OF GENERAL PROVISIONS TO 40 CFR 60, SUBPART IIII.

General Provisions Citation	Subject of Citation	Applies to Subpart	Explanation
§60.1	General applicability of the General Provisions	Yes	
§60.2	Definitions	Yes	Additional terms defined in §60.4219.
§60.3	Units and abbreviations	Yes	
§60.4	Address	Yes	
§60.5	Determination of construction or modification	Yes	
§60.6	Review of plans	Yes	
§60.7	Notification and Recordkeeping	Yes	Except that §60.7 only applies as specified in §60.4214(a).
§60.8	Performance tests	Yes	Except that §60.8 only applies to stationary CI ICE with a displacement of (≥30 liters per cylinder and engines that are not certified.
§60.9	Availability of information	Yes	
§60.10	State Authority	Yes	
§60.11	Compliance with standards and maintenance requirements	No	Requirements are specified in subpart IIII.
§60.12	Circumvention	Yes	
§60.13	Monitoring requirements	Yes	Except that §60.13 only applies to stationary CI ICE with a displacement of (≥30 liters per cylinder.
§60.14	Modification	Yes	
§60.15	Reconstruction	Yes	
§60.16	Priority list	Yes	
§60.17	Incorporations by reference	Yes	
§60.18	General control device requirements	No	
§60.19	General notification and reporting requirements	Yes	

State of Oregon
Department of
Environmental
Quality

STANDARD AIR CONTAMINANT DISCHARGE PERMIT REVIEW REPORT

Amazon Data Services, Inc., AWS Environmental – PDX202
80609 Boardman Airport Lane
Boardman, OR 97818

Source Information:

SIC	7374, 4911
NAICS	518210, 221112
EPA ICIS-Air ID	

Source Categories (Table 1 Part, code)	Part B, 87
Public Notice Category	III

Compliance and Emissions Monitoring Requirements:

FCE	
Compliance schedule	
Unassigned emissions	
Emission credits	
Special Conditions	Yes

Source test	Yes
COMS	
CEMS	
PEMS	
Ambient monitoring	

Reporting Requirements

Annual report (due date)	2/15
Semiannual report (due date)	
Quarterly report (due dates)	

Monthly report (due dates)	
Excess emissions report	15 days
Other (specify)	

Air Programs

Synthetic Minor (SM)	Yes
SM -80	
NSPS (list subparts)	IIII
NESHAP (list subparts)	ZZZZ
CAO	Yes
NSR (by pollutant)	

PSD (by pollutant)	
Type A or B State NSR	
GHG	
RACT	
TACT	
Other (specify)	

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PERMITTING

PERMITTEE IDENTIFICATION

1. Amazon Data Services, Inc. (ADS), AWS Environmental – PDX202 campus, located at 80609 Boardman Airport Lane, Boardman, OR, 97818, Tax Lot # 04N24E-TL138.

PERMITTING ACTION

2. The proposed Standard ACDP permit is a new permit for an existing source. Even though the permit will have PSELs below the significant emission rates, DEQ has determined, given the complexity of the source and the rules applicable to the source, that the facility is more appropriately regulated under a Standard ACDP in accordance with OAR 340-216-0025(6)(a)(B).

   Currently, DEQ does not regulate emissions from emergency operations. Therefore, the proposed permit regulates only emissions from non-emergency operations. There are no limits on the use of emergency stationary internal combustion engines in emergency situations established in applicable New Source Performance Standards (NSPS) or National Emissions Standards for Hazardous Air Pollutants (NESHAP). The applicant has requested a voluntary 12-month rolling fuel limit for the combined non-emergency and emergency operations.

3. PDX202 has been determined to be a new source for the purposes of Cleaner Air Oregon in accordance with OAR 340-245-0020 because the construction of this facility will commence after November 16, 2018. As a new source the permittee is required to perform a risk assessment in accordance with OAR 340-245-0050, and demonstrate compliance with the Risk Action Levels for a “New and Reconstructed Source” in OAR 340-245-8010 Table 1.

OTHER PERMITS

4. Other permit issued or required by the DEQ for this source includes WPCF-2501 General wastewater permit which is expired at the time of issuance, but it is covered via Mutual Agreement and Order (MAO) WQ/I-ER-2025-019.

ATTAINMENT STATUS

5. The source is located in an attainment area for all pollutants.

6. The source is not located within 10 kilometers of any Class I Air Quality Protection Area.

SOURCE DESCRIPTION

OVERVIEW

7. The permittee is proposing to construct and operate a new datacenter which will house computer systems and associated components, such as communications and data storage systems. The facility will include data communications equipment, security systems, environmental controls, and diesel-fueled emergency backup generators. The principal use of this facility will be storage, management and dissemination of electronic data. Sources of air pollutants include diesel-fueled emergency backup generators that will be used in the event of a loss of utility power. Emergency backup power is the only intended purpose for the generators. The generators will operate for short periods on a bi-weekly basis for readiness testing and as required for scheduled maintenance. Additionally, a portable generator will be used in backup service during maintenance and commissioning of stationary generators.

PROCESS AND CONTROL DEVICES

8. This permit regulates the operations and emissions from the one hundred and eleven (111) emergency generator engines during times of readiness testing, routine maintenance checks, and other approved non-emergency use (e.g., commissioning).

9. Several different sized emergency engine-generator sets will be installed at the datacenter. The primary sources of backup power are the fifty-two (52) 2,750 kW generator sets without add-on controls and fifty-two (52) 2,750 kW generator sets with add-on controls including selective catalytic reduction (SCR) and catalyzed diesel particulate filters (cDPF) that will be installed at the PDX202 facility. The following table lists the types and power generation ratings of these units. While the generators may be operated at varying load levels, the permit establishes compliance with plant site emission limits (PSELs) using maximum (most conversative) emission factors from the manufacturer's specification sheets and source test data for all loads for each specific emergency engine-generator set type.

10. Device/Process:

Devices and Processes Description	Device ID	Pollution Control Device Description	PCD ID
Fifty-two (52) diesel-fired emergency generator engines, CAT 3516E, rated at 2,750 kW and 4,043 hp, each	PDX203-1.1A through 1.6A, PDX203-1.1B through 1.6B, and PDX203-1C PDX203-2.1A through 2.6A, PDX203-2.1B	None	N/A

Devices and Processes Description	Device ID	Pollution Control Device Description	PCD ID
	through 2.6B, and PDX203-2C PDX204-1.1A through 1.6A, PDX204-1.1B through 1.6B, and PDX204-1C PDX204-2.1A through 2.6A, PDX204-2.1B through 2.6B, and PDX204-2C		
Fifty-two (52) diesel-fired emergency generator engines, CAT 3516E, rated at 2,750 kW and 4,043 hp, each	PDX202-1.1A through 1.6A, PDX202-1.1B through 1.6B, and PDX202-1C PDX202-2.1A through 2.6A, PDX202-2.1B through 2.6B, and PDX202-2C PDX205-1.1A through 1.6A, PDX205-1.1B through 1.6B, and PDX205-1C PDX205-2.1A through 2.6A, PDX205-2.1B through 2.6B, and PDX205-2C	Each engine is equipped with Selective Catalytic Reduction (SCR) and catalyzed Diesel Particulate Filters (cDPF)	PDX202-1.1A through 1.6A, PDX202-1.1B through 1.6B, and PDX202-1C PDX202-2.1A through 2.6A, PDX202-2.1B through 2.6B, and PDX202-2C PDX205-1.1A through 1.6A, PDX205-1.1B through 1.6B, and PDX205-1C PDX205-2.1A through 2.6A, PDX205-2.1B through 2.6B, and PDX205-2C
One (1) portable diesel-fired emergency generator engine, Caterpillar 3516C Trans, rated at 1,825 kW and 2,721 hp	PDX202-Trans	None	N/A
Four (4) diesel-fired emergency generator engines, CAT C18, rated at 750 kW and 1,112 hp, each	PDX202-HS01 PDX203-HS01 PDX204-HS01 PDX205-HS01	None	N/A
One (1) diesel-fired emergency generator engine, CAT C18, rated at 750 kW and 1,112 hp	PDX202-IW01	Selective Catalytic Reduction (SCR), and catalyzed Diesel Particulate Filters (cDPF)	PDX202-IW01

Devices and Processes Description	Device ID	Pollution Control Device Description	PCD ID
One (1) diesel-fired emergency generator engine, CAT C9, rated at 250 kW and 398 hp	PDX202-SEC01	None	N/A

CONTINUOUS MONITORING DEVICES

11. Non-resettable hour meters must be installed on each emergency engine to record emergency and non-emergency run times.

COMPLIANCE HISTORY

12. The facility will be inspected by DEQ personnel to ensure compliance with the permit conditions.

SPECIAL CONDITIONS

13. Since the permittee has some flexibility regarding the timing, number and location of emergency engines that are operated at a given time for non-emergency purposes (readiness testing, maintenance and commissioning), DEQ encourages the permittee to exercise that flexibility to minimize short-term air contaminant concentrations emitted. This voluntary pollution prevention condition is being placed into the permit in accordance with OAR 340-226-0110.

14. The permittee is encouraged to limit the operation of stationary emergency engines, excluding fire pump engines, for the purpose of maintenance, routine readiness testing, and commissioning on air quality advisory days. [OAR 340-226-0110]

15. The permittee must maintain the copies of the manufacturer certifications and specifications for each engine-generator set type and size at the facility. The manufacturer specifications are to be made available for review during DEQ inspections. The manufacturer specifications must include emission factors for all operating loads if variable emission rates were used for the permit application.

16. The permittee is prohibited from using the stationary emergency generator engines for peak shaving, non-emergency demand response, or to generate income by supplying power to an electric grid or to another entity.

17. This source has the potential to exceed major source levels for NOx during emergency operations; however, the permit will limit the fuel use such that the resulting facility-wide NOx emissions do not exceed 99 tons, on a rolling 12-month basis (see permit Condition 2.8). The source has also accepted PSELs below Significant Emission Rate (SER) levels by limiting facility-wide NOx emissions to less than 39 tpy for non-emergency operations (See permit Condition 5.1).

EMISSIONS

18. Proposed PSEL information:

Pollutant	Baseline Emission Rate (tons/yr)	Netting Basis		Plant Site Emission Limits (PSEL)		
		Previous (tons/yr)	Proposed (tons/yr)	Previous PSEL (tons/yr)	Proposed PSEL (tons/yr)	PSEL Increase (tons/yr)
PM	0	0	0	NA	2	2
PM_{10}	0	0	0	NA	2	2
$PM_{2.5}$	NA	0	0	NA	2	2
NO_x	0	0	0	NA	39	39
CO	0	0	0	NA	11	11
VOC	0	0	0	NA	2	2
GHG (CO_2e)	0	0	0	NA	3,177	3,177

a. The baseline emission rates are zero since this facility will be constructed after the baseline period for criteria pollutants (1977 – 1978) and for GHG (2000 through 2010). [OAR 340-222-0048(1)(a) and (b)]

b. For Standard ACDPs, the netting basis is equal to the baseline emission rate minus emission reductions required by rule plus emission increases approved in accordance with OAR 340, Division 224 (NSR rules). The previous and proposed netting bases are set at zero because the baseline is zero (see Section a. above) and the facility did not have any emission increases approved through Major NSR or Type A State NSR action. [OAR 340-222-0046]

c. The basis for the PSEL is as follows:
   i. SO_2 emissions are below 1 ton/year de minimis level; therefore, the PSEL for SO_2 is excluded in the permit in accordance with OAR 340-222-0020(3)(a); and
   ii. PM, PM_{10}, $PM_{2.5}$, NO_x, CO, VOC and GHG emissions are set equal to the source's potential to emit in accordance with OAR 340-222-0041(3).

d. The basis for the PSEL is presented in the Emission Detail Sheets attached to this Review Report.

e. The PSEL is a federally enforceable limit on the potential to emit.

SIGNIFICANT EMISSION RATE ANALYSIS

19. For each pollutant, the proposed Plant Site Emission Limit is less than the sum of the Netting Basis and the significant emission rate, thus no further air quality analysis is required at this time.

AMBIENT AIR QUALITY ANALYSIS

20. Per September 1, 2021, Internal Management Directive, all new construction sources applying for a Standard ACDP must assess potential impacts on short-term National Ambient Air Quality Standards (NAAQS). The permittee submitted an air dispersion modeling analysis of potential impacts on the following short-term NAAQS: 1-hour NO_2 and 24-hour $PM_{2.5}$. The permittee was below the Significant Emission Threshold (SET) of 3 lbs/hr for SO_2, therefore no modeling was required for 1-hour SO_2.

21. The air quality impact analysis for the proposed PDX202 datacenter shows that impacts for NO_2 are below the NAAQS. The $PM_{2.5}$ analysis shows that the facility is below the Significant Impact Level (SIL) of 1.2 $\mu g/m^3$ and cumulative analysis is not needed. The results of the NAAQS impact analysis for NO_2 are summarized in the table below:

Pollutant	Avg. Period	Total Impact ($\mu g/m^3$)	NAAQS ($\mu g/m^3$)	Exceed NAAQS?	Percent of NAAQS
NO_2	1-hour	126	188	No	67%

22. The NAAQS impact analysis uses specific modeling inputs and assumptions, such as emission rates, stack parameters, unit locations, and operating scenarios and schedule for testing and maintenance of the emergency generator engines. Permit includes conditions to ensure that the permittee follows modeling assumptions to protect NAAQS. Specifically, all maintenance and readiness testing of the emergency generator engines must only occur between hours of 6:00 a.m. and 4:00 p.m. The permittee must prepare and implement testing and maintenance plan consistent with the assumptions and limitations of the NAAQS impact analysis.

23. The permittee is required to provide information needed to reassess impacts on NAAQS and might be required to submit a revised NAAQS impact analysis if corrections or additional information is needed to the original analysis, or when the permittee proposes to make physical or operational changes.

CONTROL DEVICES

24. Fifty-two (52) CAT 3516E generator engine sets, rated at 2,750 kW, are equipped with SCR and cDPF, each. The permittee assumes the following control efficiency, which is based on manufacturer's projected values: NOx – 92%, PM/DPM – 69%, VOC – 45% and CO – 70%. Catalyzed DPF is always functional when the engine is running which is indicated in the control efficiency for PM/DPM, HAPs/TACs, VOC and CO. SCR is not fully functional at low exhaust temperatures thus is not effective at lower engine loads and short operating times. The permittee made the following assumptions for the SCR operation, shown in the following table, to estimate NOx emissions.

Operating Scenario	Duration (min/gen/test)	SCR Uncontrolled (minutes)	SCR Controlled (minutes)
Confidence Testing	6	6	0
Preventative Maintenance Testing	10	10	0
Annual Live Load Testing	30	15	15
Load Bank Testing	42	30	12

TITLE V MAJOR SOURCE APPLICABILITY

25. A major source is a facility that has the potential to emit 100 tons/year or more of any criteria pollutant or 10 tons/year or more of any single HAP or 25 tons/year or more of combined HAPs.

26. A source that has potential to emit at the major source levels but accepts a PSEL below major source levels is called a synthetic minor (SM).

CRITERIA POLLUTANTS

27. This facility is a synthetic minor source of criteria pollutant emissions. The basis for this determination can be found in the Tables 1 – 5 in the Attachment A to this Review Report.

HAZARDOUS AIR POLLUTANTS

28. This source is not a major source of hazardous air pollutants. The basis for this determination can be found in the Tables 6 – 7 in the Attachment A to this Review Report.

Hazardous Air Pollutants	Potential to Emit (pounds/year)	
	Non-emergency	Combined Non-emergency and Emergency
1,3-Butadiene	42.19	111
Acetaldehyde	158	415
Acrolein	6.58	17.25
Antimony	0.09	0.26
Arsenic	0.08	0.22
Benzene	41.78	110
Beryllium	1.34E-03	3.85E-03
Cadmium	0.02	0.07
Chlorobenzene	0.06	0.17
Cobalt	4.96E-03	1.32E-02
Ethyl Benzene	3.43	9.15
Formaldehyde	557	1,446
Hexane	8.47	22.59
Hexavalent Chromium	0.02	0.05
Hydrochloric acid	58.65	156
Lead	0.10	0.30
Manganese	0.12	0.34
Mercury	4.79E-03	1.37E-02
Naphthalene - PAH	6.31	16.68
Nickel	0.05	0.15
PAH Total (Excl. Naphthalene)	6.10	16.19
Phosphorus	2.64	7.06
Selenium	0.11	0.30
Toluene	22.84	60.19
Xylenes	13.35	35.61
Total HAP Emissions	**927.47**	**2,425.06**

CLEANER AIR OREGON

29. The permittee conducted a Level 3 Risk Assessment (RA) to determine cancer and noncancer risks from the one hundred and eleven (111) emergency generator engines at the facility. Emissions of Polycyclic Aromatic Hydrocarbons (PAHs), heavy metals, and Diesel Particulate Matter (DPM) from combustion of ULSD fuel are the primary risk drivers at this facility. Both annual and short-term (24-hour) non-emergency ULSD fuel throughputs were used to model emissions from the engines using AERMOD dispersion modeling. The summary of modeled emission rates can be found in Attachment A – Emission Detail Sheets. The locations with the highest cancer risk are estimated to occur on the east side of the facility – the nonresidential worker exposure location demonstrate a rounded excess cancer risk of 1. The highest impacted short-term location is estimated to occur on the east side of the facility and is below the Source Permit Risk Action Level (RAL). The results from the risk assessment are summarized in the following table. The facility risk did not exceed any RALs that would require further reduction of emissions.

Risk Type	Facility Risk[1]	Risk Assessment Results
Cancer Risk – added cancer risk per million		
Residential (e.g. homes near facility)	0.2	Facility Risk does not exceed the Community Engagement RAL[2]
Nonresidential Child (e.g. school near facility)	<0.1	
Nonresidential Worker (e.g. office near facility)	1	
Noncancer Risk – Hazard Index (less than or equal to 1 is considered safe)		
Annual Exposure Residential (e.g. home)	<0.1	Facility Risk does not exceed the Source Permit RAL
Annual Exposure Nonresidential Child (e.g. school)	<0.1	
Annual Nonresidential Worker (e.g. office)	<0.1	
24-Hour Exposure (acute)	0.2	Facility Risk does not exceed the Source Permit RAL

[1] Facility risk is rounded in accordance with OAR 340-245-0200(4)
[2] RAL = Risk Action Level. See OAR 340-245-8010 Table 1.

30. The Source Risk for this facility was greater than the Source Permit RAL for worker excess cancer risk, therefore, the permittee must comply with the following Source Risk Limits to ensure that risk from this facility does not exceed the levels demonstrated in the RA:

    a. Annual facility-wide non-emergency ULSD fuel usage limit of 281,373 gallons;

    b. Emission limits and compliance testing for diesel particulate matter (DPM) emissions; and

c. All maintenance and readiness testing of the emergency generator engines is limited to between the hours of 6:00 a.m. and 4:00 p.m.

TOXICS RELEASE INVENTORY

31. The Toxics Release Inventory (TRI) is a federal program that tracks the management of certain toxic chemicals that may pose a threat to human health and the environment, over which DEQ has no regulatory authority. It is a resource for learning about toxic chemical releases and pollution prevention activities reported by certain industrial facilities. Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) created the TRI Program. In general, chemicals covered by the TRI Program are those that cause:

    a. Cancer or other chronic human health effects;

    b. Significant adverse acute human health effects; or

    c. Significant adverse environmental effects.

32. There are currently over 650 chemicals covered by the TRI Program. Facilities that manufacture, process or otherwise use these chemicals in amounts above established levels must submit annual TRI reports on each chemical.

33. PDX202 is not covered by the TRI program because:

    a. It is not one of the specific industry sectors required to report under the TRI program.

    b. It does not manufacture, process or use TRI-listed chemicals in quantities above threshold levels in a given year.

ADDITIONAL REQUIREMENTS

NEW SOURCE PERFORMANCE STANDARDS APPLICABILITY

34. 40 CRF Part 60, Subpart IIII - Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (NSPS IIII) is applicable to all emergency generator engines at the source per 40 CFR 60.4200(a)(2). The permit contains all applicable NSPS IIII compliance requirements, including: emissions limits, and fuel, metering, monitoring, operation and maintenance, and recordkeeping requirements. All emergency generator engines will be certified to EPA Tier 2 emission standards.

35. 40 CRF Part 60, Subpart JJJJ - Standards of Performance for Stationary Spark Ignition Internal Combustion Engines (NSPS JJJJ) is not applicable since all emergency generator engines at the source are compression ignition combustion engines.

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS APPLICABILITY

36. 40 CFR Part 63, Subpart ZZZZ - NESHAP for Stationary Reciprocating Internal Combustion Engines is applicable to all emergency generators at this source per 40 CFR 63.6590(a)(2)(iii). However, since all emergency generator engines are subject to and meet the requirements of NSPS IIII (as discussed in Section 34), no further requirements apply for those engines under NESHAP ZZZZ and other Part 63 subparts per 40 CFR 63.6590(c)(1).

37. The source is subject to the following updated federal standards or requirements that, at time of permit issuance, have not been adopted by the Environmental Quality Commission. For any violations of the following specific regulation, the permittee may be subject to enforcement action by EPA, but not DEQ. DEQ retains the authority to modify the permit or issue attachments as provided in Oregon Administrative Rule Chapter 340 Division 216 if the EQC adopts these regulations.

Applicable Federal Standards Not Yet Adopted by EQC			
40 CFR Part	Subpart	Federal Register Citation	Date of Promulgation
60	A – General Provisions	88 FR 18402	3/29/2023
		88 FR 34453	5/30/2023
		88 FR 41834	6/28/2023
		88 FR 58475	8/25/2023
		88 FR 80480	11/17/2023
		88 FR 80609	11/20/2023
		89 FR 17033	3/8/2024
		89 FR 40027	5/9/2024
		89 FR 43067	5/16/2024
		89 FR 83317	10/15/2024

GREENHOUSE GAS REPORTING APPLICABILITY

38. If the calendar year greenhouse gas emissions (CO_2e) are ever greater than or equal to 2,756 tons (2,500 metric tons), the permittee must annually register and report its greenhouse gas emissions with DEQ in accordance with OAR 340 Division 215, in addition to reporting greenhouse gas emissions for PSEL compliance.

REASONABLY AVAILABLE CONTROL TECHNOLOGY APPLICABILITY

39. The RACT rules are not applicable to this source because it is not in the Portland AQMA, Medford AQMA, or Salem SKATS.

HIGHEST AND BEST PRACTICABLE TREATMENT AND CONTROL

40. The source is meeting OAR 340-226-0100 Highest and Best Practicable Treatment and Control by complying with the operation and maintenance requirements for emergency generator engines.

TYPICALLY ACHIEVABLE CONTROL TECHNOLOGY APPLICABILITY

41. The source is not subject to OAR 340-226-0130 Typically Achievable Control Technology (TACT) because the emergency generator engines are subject to NSPS IIII.

SOURCE TESTING

PROPOSED TESTING

42. The permittee is required to test each of the large diesel-fired emergency generator engines, CAT 3516E without add-on controls and CAT 3516E with add-on controls, within 12 months of the permit issuance or the first phase of construction is placed into operation (i.e., power forward hand-off, PFHO) for the given generator engine model, whichever is later. The engines must be tested for NOx, CO and PM emissions to verify emission factors and compliance with PSEL and TAC emission limits. The following production and control device parameters will be recorded during the tests: generator load (%) and the electrical output (kW), engine fuel burn rate (gal/hr), and control device operating parameters, if applicable.

    The performance tests must be repeated every 5 years after the initial source test. The subsequent source tests should be performed on different engines of CAT 3516E without add-on controls and CAT 3516E with add-on controls.

PUBLIC NOTICE

43. Pursuant to OAR 340-216-0066(4)(a)(A), issuance of Standard Air Contaminant Discharge Permits require public notice in accordance with OAR 340-209-0030(3)(c), which requires DEQ to provide notice of the proposed permit action and a minimum of 35 days for interested persons to submit written comments. In addition, a hearing will be scheduled to allow interested persons to submit oral or written comments if DEQ receives written request for a hearing from ten persons, or from an organization representing at least ten persons, within 35 days of the mailing of the public notice. If a hearing is scheduled, DEQ will provide a minimum of 30 days' notice for the hearing. **The public notice was emailed/mailed on October 24, 2025 and the comment period ended on December 1, 2025.**

    SY:crr

ATTACHMENT A – DETAIL SHEETS

Criteria Pollutants

The manufacturer's information includes emission rates (expressed in lb/hr) for a range of generator loads for all engine types used at the facility, except as noted. Those emission rates were then converted to pounds per unit fuel (i.e., gallons of diesel) based on fuel consumption (supplied by the manufacturer) at the electrical load corresponding to the highest emission rate. This highest lb/gal emission factor is applied to all engines under any load. CAT 3516E emission factors include the following control efficiencies: 92% for NOx, 69% for $PM/PM_{10}/PM_{2.5}$, 45% for VOC, and 70% for CO. Further, CAT C18 emission factors include the following control efficiencies: 92% for NOx, 63% for $PM/PM_{10}/PM_{2.5}$, 60% for VOC, and 80% for CO.

Table 1. Summary of PTE and Plant Site Emission Limits for Criteria Pollutants and GHG (CO_2e)

Emissions Unit	$PM/PM_{10}/PM_{2.5}$	NOx	CO	SO_2	VOC	GHG (CO_2e)
	Tons per year (tpy)					
CAT 3516E_Tier 2	1.20	20.17	8.11	1.51E-02	1.08	1,600.5
CAT 3516E_Tier 2 with controls	0.71	18.03	2.30	1.42E-02	0.56	1,510.2
CAT 3516C_Trans	0.02	0.25	0.14	1.93E-04	0.03	20.5
CAT C18_House	0.36	0.40	0.75	3.22E-04	0.30	34.2
CAT C18_IW with controls	0.03	0.09	0.04	7.59E-05	0.03	8.1
CAT C9	0.01	0.02	0.02	2.87E-05	0.01	3.0
Sum of Potential-to Emit (PTE)	2.3	39.0	11.4	0.03	2.0	3,177
Plant Site Emission Limit (PSEL)	2	39	11	-	2	3,177

Table 2. Non-Emergency Operations PTE for Criteria Pollutants

Pollutants	Emission Factors (lb/gal)	Diesel Fuel Use (gallons/year)	Potential Emissions (tons/year)
CAT 3516E_Tier 2; Bigger Blocks Main; 2,750 kW			
NOx	2.84E-01	141,767	20.17
$PM/PM_{10}/PM_{2.5}$[1]	1.70E-02		1.20
CO	1.14E-01		8.11
VOC	1.52E-02		1.08
SO_2	2.12E-04		1.51E-02
CAT 3516E_Tier 2_Controlled (With SCR and cDPF); Bigger Blocks Main; 2,750 kW			
NOx Uncontrolled	2.84E-01	126,086	17.93
NOx Controlled	2.36E-02	7,690	0.09
$PM/PM_{10}/PM_{2.5}$[1]	1.06E-02	133,776	0.71
CO	3.43E-02		2.30
VOC	8.38E-03		0.56
SO_2	2.12E-04		1.42E-02
CAT 3516C_Trans; Tier 2; 1,825 kW			
NOx	2.78E-01	1,815	0.25
$PM/PM_{10}/PM_{2.5}$[1]	1.70E-02		0.02
CO	1.51E-01		0.14
VOC	3.71E-02		0.03
SO_2	2.12E-04		1.93E-04
CAT C18_House; Tier 2; 750 kW			
NOx	2.65E-01	3,030	0.40
$PM/PM_{10}/PM_{2.5}$[1]	2.35E-01		0.36
CO	4.98E-01		0.75

Pollutants	Emission Factors (lb/gal)	Diesel Fuel Use (gallons/year)	Potential Emissions (tons/year)
VOC	2.01E-01		0.30
SO_2	2.12E-04		3.22E-04
CAT C18_IW_Controlled (With SCR and cDPF); Tier 2; 750 kW			
NOx Uncontrolled	2.65E-01	674	0.09
NOx Controlled	2.25E-02	41	4.63E-04
$PM/PM_{10}/PM_{2.5}$[1]	9.28E-02	715	0.03
CO	9.96E-02		0.04
VOC	8.04E-02		0.03
SO_2	2.12E-04		7.15E-05
CAT C9; Tier 2; 250 kw			
NOx	1.43E-01	270	0.02
$PM/PM_{10}/PM_{2.5}$	5.58E-02		0.01
CO	1.37E-01		0.02
VOC	3.72E-02		0.01
SO_2	2.12E-04		2.87E-05
Total			
NOx	-	281,373	39
$PM/PM_{10}/PM_{2.5}$[1]	-		2.3
CO	-		11.4
VOC	-		2.0
SO_2	-		0.03

[1] $PM/PM_{10}/PM_{2.5}$ emission rate provided in the manufacturer's specifications for these units uses Method 1065 to determine PM emissions and is not comparable to DEQ Method 5. PM + HC emissions information from manufacturer's specification is used to estimate total (filterable and condensable) PM or DEQ CAO approved emission factor of 16.98 pounds of diesel particulate matter per 1,000 gallons of diesel for units > 560 kW derived from a statistic evaluation of all engine test data available in Oregon on August 15, 2022, whichever is lesser. If the

manufacturer's specifications show a higher PM value than 16,98 lb/1,000 gallon of diesel, then PM + HC emissions information from manufacturer's specification is used (i.e., C18 750kW). Emission factors for units < 560 kW are manufacturer's provided PM + HC data.

Table 3. Combined Emergency and Non-Emergency Operations PTE for Criteria Pollutants

Pollutants	Emission Factors (lb/gal)	Diesel Fuel Use (gallons/year)	Potential Emissions (tons/year)
CAT 3516E_Tier 2, Bigger Blocks Main; 2,750 kW			
NOx	2.84E-01	395,043	56.19
$PM/PM_{10}/PM_{2.5}$[1]	1.70E-02		3.35
CO	1.14E-01		22.60
VOC	1.52E-02		3.01
SO_2	2.12E-04		4.20E-02
CAT 3516E_Tier 2_Controlled (With SCR and cDPF), Bigger Blocks Main; 2,750 kW			
NOx Uncontrolled	2.84E-01	276,547	39.34
NOx Controlled	2.36E-02	118,496	1.40
$PM/PM_{10}/PM_{2.5}$[1]	1.06E-02	395,043	2.08
CO	3.43E-02		6.78
VOC	8.38E-03		1.66
SO_2	2.12E-04		4.20E-02
CAT 3516C_Trans; Tier 2; 1,825 kW			
NOx	2.78E-01	5,057	0.70
$PM/PM_{10}/PM_{2.5}$[1]	1.70E-02		0.04
CO	1.51E-01		0.38
VOC	3.71E-02		0.09
SO_2	2.12E-04		5.37E-04
CAT C18_House; Tier 2; 750 kW			
NOx	2.65E-01	8,444	1.12
$PM/PM_{10}/PM_{2.5}$[1]	2.35E-01		0.99
CO	4.98E-01		2.10

Pollutants	Emission Factors (lb/gal)	Diesel Fuel Use (gallons/year)	Potential Emissions (tons/year)
VOC	2.01E-01		0.85
SO_2	2.12E-04		8.97E-04
CAT C18_IW_Controlled (SCR and cDPF); Tier 2; 750 kW			
NOx Uncontrolled	2.65E-01	1,478	0.20
NOx Controlled	2.25E-02	633	0.01
$PM/PM_{10}/PM_{2.5}$[1]	9.28E-02	2,111	0.10
CO	9.96E-02		0.11
VOC	8.04E-02		0.08
SO_2	2.12E-04		2.24E-04
CAT C9; Tier 2; 250 kw			
NOx	1.43E-01	752	0.05
$PM/PM_{10}/PM_{2.5}$	5.58E-02		0.02
CO	1.37E-01		0.05
VOC	3.72E-02		0.01
SO_2	2.12E-04		7.99E-05
Total			
NOx	-	806,450	99
$PM/PM_{10}/PM_{2.5}$[1]	-		6.6
CO	-		32.0
VOC	-		5.7
SO_2	-		8.56E-02

[1] $PM/PM_{10}/PM_{2.5}$ emission rate provided in the manufacturer's specifications for these units uses Method 1065 to determine PM emissions and is not comparable to DEQ Method 5. PM + HC emissions information from manufacturer's specification is used to estimate total (filterable and condensable) PM or DEQ CAO approved emission factor of 16.98 pounds of diesel particulate matter per 1,000 gallons of diesel for units > 560 kW derived from a statistic evaluation of all engine test data available in Oregon on August 15, 2022, whichever is lesser. If the manufacturer's specifications show a higher PM value than 16,98 lb/1,000 gallon of diesel, then PM + HC emissions information from manufacturer's specification is used (i.e., C18 750kW). Emission factors for units < 560 kW are manufacturer's provided PM + HC data.

Table 4. Greenhouse Gas Emissions (GHGs) Emission Factors

Pollutant	GHG		CO_2e	
	Emission Factor [1] (kg/MMBtu)	Emission Factor (lb/1,000 gal)	Global Warming Potential [2]	Emission Factor as CO_2e (lb/1,000 gal)
CO_2	73.96	22,501	1	22,501
N_2O	0.0006	0.18	298	54.40
CH_4	0.003	0.91	25	22.82
Total CO_2e				**22,579**

[1] Reference: 40 CFR 98, Table C-1 and C-2 for distillate fuel oil 2.
[2] Reference: 40 CFR 98, Table A-1

Table 5. Potential-to-Emit (PTE) for GHGs

Emissions Unit	Annual Usage– Total (gal/year)	Annual Usage – Non-Emergency (gal/year)	Annual Emissions – Total (ton/year)[1]	Annual Emissions – Non-Emergency (ton/year)[2]
CAT 3516E_Tier 2	395,043	141,767	4,459.8	1,600.5
CAT 3516E_Tier 2 with controls	395,043	133,776	4,459.8	1,510.2
CAT 3516C_Trans	5,057	1,815	57.1	20.5
CAT C18_House	8,444	3,030	95.3	34.2
CAT C18_IW with controls	2,111	715	23.8	8.1
CAT C9	752	270	8.5	3.0
Total			**9,104**	**3,177**

[1] CO_2e emission factor of 22.58 lb/gal from Table 4 was used for PTE calculations for emissions units. The emission was calculated by multiplying CO_2e emission factor by total annual usage of diesel for combined emergency and non-emergency operations.

[2] CO_2e emission factor of 22.58 lb/gal from Table 4 was used for PTE calculations for emissions units. The emission was calculated by multiplying CO_2e emission factor by annual usage of diesel for non-emergency operations.

Table 6. PTE for Hazardous Air Pollutants

Hazardous Air Pollutants	Potential to Emit (pounds/year)[1]	
	Non-emergency	Combined Non-emergency and Emergency
1,3-Butadiene	42.19	111
Acetaldehyde	158	415
Acrolein	6.58	17.25
Antimony	0.09	0.26
Arsenic	0.08	0.22
Benzene	41.78	110
Beryllium	1.34E-03	3.85E-03
Cadmium	0.02	0.07
Chlorobenzene	0.06	0.17
Cobalt	4.96E-03	1.32E-02
Ethyl Benzene	3.43	9.15
Formaldehyde	557	1,446
Hexane	8.47	22.59
Hexavalent Chromium	0.02	0.05
Hydrochloric acid	58.65	156
Lead	0.10	0.30
Manganese	0.12	0.34
Mercury	4.79E-03	1.37E-02
Naphthalene - PAH	6.31	16.68
Nickel	0.05	0.15
PAH Total[2] (Excl. Naphthalene)	6.10	16.19
Phosphorus	2.64	7.06
Selenium	0.11	0.30
Toluene	22.84	60.19
Xylenes	13.35	35.61
Total HAP Emissions	**927.47**	**2,425.06**

[1] PTE for non-emergency operations is calculated based on the diesel fuel usage of 281,373 gallons per year and for combined non-emergency and emergency operations based on the diesel usage of 806,450 gallons per year.
[2] PAH Total is from Table 7.

Table 7. PTE of Polycyclic Aromatic Hydrocarbons (PAHs)

Polycyclic Aromatic Hydrocarbons (PAHs)	Potential to Emit (pounds/year)	
	Non-emergency	Combined Non-emergency and Emergency
Acenaphthene - PAH	2.31E-01	6.16E-01
Acenaphthylene - PAH	2.55E-01	6.80E-01
Anthracene - PAH	1.42E-01	3.79E-01
Benz[a]anthracene - PAH	1.53E-02	4.07E-02
Benzo[a]pyrene - PAH	4.53E-03	1.21E-02
Benzo[b]fluoranthene - PAH	1.39E-02	3.72E-02
Benzo[e]pyrene - PAH	1.03E-02	2.76E-02
Benzo[g,h,i]perylene - PAH	6.88E-03	1.84E-02
Benzo[k]fluoranthene - PAH	4.11E-03	1.10E-02
Chrysene - PAH	2.11E-02	5.62E-02
Dibenz[a,h]anthracene - PAH	3.26E-04	8.70E-04
Fluoranthene - PAH	1.16E-01	3.10E-01
Fluorene - PAH	6.87E-01	1.83E+00
Indeno[1,2,3-cd]pyrene - PAH	3.37E-03	8.99E-03
2-Methyl naphthalene - PAH	2.75E+00	7.27E+00
Perylene - PAH	3.71E-04	9.89E-04
Phenanthrene - PAH	1.43E+00	3.81E+00
Pyrene - PAH	3.93E-01	1.05E+00
Total PAHs Emissions (excl. Naphthalene)	**6.10**	**16.19**

Table 8. Annual TAC Emission Rates from Non-Emergency Operations

Table C2-1. Screening Annual Emission Summary

Pollutant	CAS/DEQ ID	Cold Start? [2]	Maximum Projected Emissions (lbs/yr/generator) [1,3]					
			CAT 2750 kW (Uncontrolled)	CAT 2750 kW (Controlled)	CAT 1825 kW (Portable)	CAT 750 kW (House)	CAT 750 kW (IW)	CAT 250 kW (Sec)
1,3-Butadiene	106-99-0	Yes	4.26E+00	8.52E-01	2.84	1.18	0.24	0.42
Acenaphthene	83-32-9	Yes	1.44E-02	1.44E-02	9.59E-03	4.00E-03	4.00E-03	
Acenaphthylene	208-96-8	Yes	1.59E-02	0.02	1.06E-02	4.41E-03	4.41E-03	
Acetaldehyde	75-07-0	Yes	1.54E+01	4	10.22	4.27	1.07	1.52
Acrolein	107-02-8	Yes	6.65E-01	0.13	0.44	0.18	0.04	0.07
Ammonia	7664-41-7	No	1.54E+01	27.01	10.27	4.29	7.50	1.53
Anthracene	120-12-7	Yes	8.86E-03	8.86E-03	5.90E-03	2.46E-03	2.46E-03	
Antimony	7440-36-0	No	6.14E-03	6.14E-03	4.09E-03	1.71E-03	1.71E-03	6.08E-04
Arsenic	7440-38-2	No	5.34E-03	5.34E-03	3.55E-03	1.48E-03	1.48E-03	3.06E-03
Barium	7440-39-3	No	7.21E-03	7.21E-03	4.80E-03	2.00E-03	2.00E-03	7.14E-04
Benz[a]anthracene	56-55-3	Yes	9.52E-04	9.52E-04	6.33E-04	2.64E-04	2.64E-04	
Benzene	71-43-2	Yes	3.65E+00	1.46	2.43	1.01	0.41	0.36
Benzo[a]pyrene	50-32-8	Yes	2.82E-04	2.82E-04	1.88E-04	7.84E-05	7.84E-05	6.83E-05
Benzo[b]fluoranthene	205-99-2	Yes	8.70E-04	8.70E-04	5.79E-04	2.42E-04	2.42E-04	
Benzo[e]pyrene	192-97-2	Yes	6.44E-04	6.44E-04	4.29E-04	1.79E-04	1.79E-04	
Benzo[g,h,i]perylene	191-24-2	Yes	4.29E-04	4.29E-04	2.85E-04	1.19E-04	1.19E-04	
Benzo[k]fluoranthene	207-08-9	Yes	2.56E-04	2.56E-04	1.70E-04	7.11E-05	7.11E-05	
Beryllium	7440-41-7	No	9.20E-05	9.20E-05	6.13E-05	2.56E-05	2.56E-05	9.11E-06
Cadmium	7440-43-9	No	1.56E-03	1.56E-03	1.04E-03	4.33E-04	4.33E-04	2.87E-03
Chlorobenzene	108-90-7	Yes	3.92E-03	3.92E-03	2.61E-03	1.09E-03	1.09E-03	3.88E-04
Chrysene	218-01-9	Yes	1.31E-03	1.31E-03	8.74E-04	3.65E-04	3.65E-04	
Cobalt	7440-48-4	No	3.04E-04	3.04E-04	2.02E-04	8.44E-05	8.44E-05	3.01E-05
Copper	7440-50-8	No	9.69E-03	9.69E-03	6.45E-03	2.69E-03	2.69E-03	7.83E-03
Dibenz[a,h]anthracene	53-70-3	Yes	2.03E-05	2.03E-05	1.35E-05	5.65E-06	5.65E-06	
Diesel Particulate Matter	200	Yes	332.89	206.91	221.58	1278.74	505.44	108.35
Ethyl Benzene	100-41-4	Yes	2.14E-01	0.21	0.14	0.06	0.06	0.02
Fluoranthene	206-44-0	Yes	7.25E-03	7.25E-03	4.83E-03	2.02E-03	2.02E-03	
Fluorene	86-73-7	Yes	4.28E-02	0.04	0.03	1.19E-02	1.19E-02	
Formaldehyde	50-00-0	Yes	5.33E+01	13.33	35.50	14.82	3.71	3.36
Hexane	110-54-3	Yes	5.27E-01	0.53	0.35	0.15	0.15	0.05
Hexavalent chromium	18540-29-9	No	1.22E-03	1.22E-03	8.11E-04	3.38E-04	3.38E-04	1.91E-04
Hydrogen Chloride	7647-01-0	Yes	3.65E+00	3.65	2.43	1.01	1.01	0.36
Indeno[1,2,3-cd]pyrene	193-39-5	Yes	2.10E-04	2.10E-04	1.40E-04	5.83E-05	5.83E-05	
Lead	7439-92-1	No	7.02E-03	7.02E-03	4.67E-03	1.95E-03	1.95E-03	0.02
Manganese	7439-96-5	No	8.10E-03	8.10E-03	5.39E-03	2.25E-03	2.25E-03	5.92E-03
Mercury	7439-97-6	No	2.91E-04	2.91E-04	1.94E-04	8.10E-05	8.10E-05	3.82E-03
2-Methyl naphthalene	91-57-6	Yes	2.41E-01	0.10	0.16	0.07	0.03	
Naphthalene	91-20-3	Yes	5.17E-01	0.26	0.34	0.14	0.07	0.04
Nickel	365	No	3.52E-03	3.52E-03	2.34E-03	9.77E-04	9.77E-04	7.45E-03
Perylene	198-55-0	Yes	2.31E-05	2.31E-05	1.54E-05	6.42E-06	6.42E-06	
Phenanthrene	85-01-8	Yes	8.90E-02	0.09	0.06	0.02	0.02	
Phosphorus	504	No	1.62E-01	0.16	0.11	0.05	0.05	0.02
Propylene	115-07-1	Yes	9.21E+00	9.21	6.13	2.56	2.56	0.91
PAHs (excluding Naphthalene)	401	Yes						0.07
Selenium	7782-49-2	No	7.26E-03	7.26E-03	4.83E-03	2.02E-03	2.02E-03	4.20E-03
Silver	7440-22-4	No	9.26E-04	9.26E-04	6.16E-04	2.57E-04	2.57E-04	9.17E-05
Thallium	7440-28-0	No	4.63E-03	4.63E-03	3.08E-03	1.29E-03	1.29E-03	4.59E-04
Toluene	108-88-3	Yes	2.07E+00	0.72	1.38	0.57	0.20	0.20
Xylenes	1330-20-7	Yes	8.31E-01	0.83	0.55	0.23	0.23	0.08
Zinc	7440-66-6	No	1.01E-01	0.10	0.07	0.03	0.03	9.98E-03

Estimated fuel throughput for each generator type based on 100 hours of operation at 100% load.

CAT 2750 kW	19,290	gallons/year for	1	engine at	192.90	gallon per hour per engine at 100% load
CAT 1825 kW	12,840	gallons/year for	1	engine at	128.4	gallon per hour per engine at 100% load
CAT 750 kW	5,360	gallons/year for	1	engine at	53.6	gallon per hour per engine at 100% load
CAT 250 kW	1,910	gallons/year for	1	engine at	19.1	gallon per hour per engine at 100% load

Diesel PM emission rate also accounts for the cold start emissions. Spike duration, cold-start emission spike, and steady-state (warm) emissions based on data from California Energy Commission (CEC) "Air Quality Implications of Backup Generators in California". The cold-start scaling factor is derived as the ratio of the spike concentration and duration to the steady-state emissions for the initial 60 seconds. Since a cold-start curve was not developed by CEC, it is assumed that the PM will experience the same trend as HC, and formaldehyde will experience the same trend as CO. A cold start event assumes 1 minute of cold start operation with spike in emissions and the remaining 59 minutes in the hour operating steady state. The cold start emission ratio shown below on hourly basis will be applied as: the hourly emission rate with cold start event = normal hourly emission rate x (1+ratio shown below on hourly basis). Consistent with DEQ's guidance on risk assessment for emergency engines, the cold start emissions are accounted for toxics that are organics and DPM. Metal toxics do not have higher emissions during cold start events.

Pollutant	Spike Duration (seconds)	Cold-Start Emission Spike (ppm)	Steady-State (Warm) Emissions (ppm)	Cold-Start Scaling Factor	Cold Start Emission Ratio on Hourly Basis
PM and Organics	14	900	30	4.27	0.05
CO and Formaldehyde	20	750	30	4.83	0.06

It is assumed that each CAT generator has 28 cold start events per year (accounting for commissioning, load bank testing and bimonthly testing).

CAT 2750 kW	30	cold start events/yr
CAT 1825 kW	30	cold start events/yr
CAT 750 kW	30	cold start events/yr
CAT 250 kW	30	cold start events/yr

Table 9. Daily TAC Emission Rates from Non-Emergency Operations

Table C2-2. Screening Daily Emission Summary

Pollutant	CAS/DEQ ID	Cold Start? [2]	Maximum Projected Emissions (lbs/day/generator) [1,3]					
			CAT 2750 kW (Uncontrolled)	CAT 2750 kW (Controlled)	CAT 1825 kW (Portable)	CAT 750 kW (House)	CAT 750 kW (IW)	CAT 250 kW (Sec)
1,3-Butadiene	106-99-0	Yes	4.22E-01	0.08	0.28	0.12	0.02	0.04
Acenaphthene	83-32-9	Yes	1.42E-03	1.42E-03	9.48E-04	3.96E-04	3.96E-04	
Acenaphthylene	208-96-8	Yes	1.57E-03	1.57E-03	1.05E-03	4.36E-04	4.36E-04	
Acetaldehyde	75-07-0	Yes	1.52E+00	0.38	1.01	0.42	0.11	0.15
Acrolein	107-02-8	Yes	6.57E-02	1.31E-02	0.04	0.02	3.65E-03	6.51E-03
Ammonia*	7664-41-7	No	1.54E+00	2.70	1.03	0.43	0.75	0.15
Anthracene	120-12-7	Yes	8.77E-04	8.77E-04	5.84E-04	2.44E-04	2.44E-04	
Antimony	7440-36-0	No	6.14E-04	6.14E-04	4.09E-04	1.71E-04	1.71E-04	6.08E-05
Arsenic	7440-38-2	No	5.34E-04	5.34E-04	3.55E-04	1.48E-04	1.48E-04	3.06E-04
Barium	7440-39-3	No	7.21E-04	7.21E-04	4.80E-04	2.00E-04	2.00E-04	7.14E-05
Benz[a]anthracene	56-55-3	Yes	9.41E-05	9.41E-05	6.27E-05	2.62E-05	2.62E-05	
Benzene	71-43-2	Yes	3.61E-01	0.14	0.24	0.10	0.04	0.04
Benzo[a]pyrene	50-32-8	Yes	2.79E-05	2.79E-05	1.86E-05	7.75E-06	7.75E-06	6.76E-06
Benzo[b]fluoranthene	205-99-2	Yes	8.60E-05	8.60E-05	5.73E-05	2.39E-05	2.39E-05	
Benzo[e]pyrene	192-97-2	Yes	6.37E-05	6.37E-05	4.24E-05	1.77E-05	1.77E-05	
Benzo[g,h,i]perylene	191-24-2	Yes	4.24E-05	4.24E-05	2.82E-05	1.18E-05	1.18E-05	
Benzo[k]fluoranthene	207-08-9	Yes	2.53E-05	2.53E-05	1.69E-05	7.04E-06	7.04E-06	
Beryllium	7440-41-7	No	9.20E-06	9.20E-06	6.13E-06	2.56E-06	2.56E-06	9.11E-07
Cadmium	7440-43-9	No	1.56E-04	1.56E-04	1.04E-04	4.33E-05	4.33E-05	2.87E-04
Chlorobenzene	108-90-7	Yes	3.88E-04	3.88E-04	2.58E-04	1.08E-04	1.08E-04	3.84E-05
Chrysene	218-01-9	Yes	1.30E-04	1.30E-04	8.65E-05	3.61E-05	3.61E-05	
Cobalt	7440-48-4	No	3.04E-05	3.04E-05	2.02E-05	8.44E-06	8.44E-06	3.01E-06
Copper	7440-50-8	No	9.69E-04	9.69E-04	6.45E-04	2.69E-04	2.69E-04	7.83E-04
Dibenz[a,h]anthracene	53-70-3	Yes	2.01E-06	2.01E-06	1.34E-06	5.59E-07	5.59E-07	
Diesel Particulate Matter	200	Yes	32.93	20.47	21.92	126.50	50.00	10.72
Ethyl Benzene	100-41-4	Yes	2.11E-02	0.02	1.41E-02	5.87E-03	5.87E-03	2.09E-03
Fluoranthene	206-44-0	Yes	7.18E-04	7.18E-04	4.78E-04	1.99E-04	1.99E-04	
Fluorene	86-73-7	Yes	4.24E-03	4.24E-03	2.82E-03	1.18E-03	1.18E-03	
Formaldehyde	50-00-0	Yes	5.27E+00	1.32	3.51	1.46	0.37	0.33
Hexane	110-54-3	Yes	5.22E-02	0.05	0.03	1.45E-02	1.45E-02	5.17E-03
Hexavalent chromium	18540-29-9	No	1.22E-04	1.22E-04	8.11E-05	3.38E-05	3.38E-05	1.91E-05
Hydrogen Chloride	7647-01-0	Yes	3.61E-01	0.36	0.24	0.10	0.10	0.04
Indeno[1,2,3-cd]pyrene	193-39-5	Yes	2.08E-05	2.08E-05	1.38E-05	5.77E-06	5.77E-06	
Lead	7439-92-1	No	7.02E-04	7.02E-04	4.67E-04	1.95E-04	1.95E-04	1.59E-03
Manganese	7439-96-5	No	8.10E-04	8.10E-04	5.39E-04	2.25E-04	2.25E-04	5.92E-04
Mercury	7439-97-6	No	2.91E-05	2.91E-05	1.94E-05	8.10E-06	8.10E-06	3.82E-04
2-Methyl naphthalene	91-57-6	Yes	2.39E-02	9.54E-03	0.02	6.63E-03	2.65E-03	
Naphthalene	91-20-3	Yes	5.11E-02	0.03	0.03	1.42E-02	7.10E-03	3.78E-03
Nickel	365	No	3.52E-04	3.52E-04	2.34E-04	9.77E-05	9.77E-05	7.45E-04
Perylene	198-55-0	Yes	2.29E-06	2.29E-06	1.52E-06	6.35E-07	6.35E-07	
Phenanthrene	85-01-8	Yes	8.81E-03	8.81E-03	5.86E-03	2.45E-03	2.45E-03	
Phosphorus	504	No	1.62E-02	0.02	1.08E-02	4.50E-03	4.50E-03	1.61E-03
Propylene	115-07-1	Yes	9.12E-01	0.91	0.61	0.25	0.25	0.09
PAHs (excluding Naphthalene)	401	Yes						6.95E-03
Selenium	7782-49-2	No	7.26E-04	7.26E-04	4.83E-04	2.02E-04	2.02E-04	4.20E-04
Silver	7440-22-4	No	9.26E-05	9.26E-05	6.16E-05	2.57E-05	2.57E-05	9.17E-06
Thallium	7440-28-0	No	4.63E-04	4.63E-04	3.08E-04	1.29E-04	1.29E-04	4.59E-05
Toluene	108-88-3	Yes	2.04E-01	0.07	0.14	0.06	0.02	0.02
Xylenes	1330-20-7	Yes	8.22E-02	0.08	0.05	0.02	0.02	8.14E-03
Zinc	7440-66-6	No	1.01E-02	1.01E-02	6.71E-03	2.80E-03	2.80E-03	9.98E-04

Maximum project emissions are determined multiplying the emission factor by the projected fuel throughput. For the units that do not run 10 hours per day, the number of hours is conservatively estimated based on the proposed fuel limit listed below.

CAT 2750 kW	10.0	hrs/day =	1,929.0	gallons/day with	192.9	gallon per hour per engine at 100% load
CAT 1825 kW	10.0	hrs/day =	1,284.0	gallons/day with	128.4	gallon per hour per engine at 100% load
CAT 750 kW	10.0	hrs/day =	536.0	gallons/day with	53.6	gallon per hour per engine at 100% load
CAT 250 kW	10.0	hrs/day =	191.0	gallons/day with	19.1	gallon per hour per engine at 100% load

Diesel PM emission rate also accounts for the cold start emissions. Spike duration, cold-start emission spike, and steady-state (warm) emissions based on data from California Energy Commission (CEC) "Air Quality Implications of Backup Generators in California. The cold-start scaling factor is derived as the ratio of the spike concentration and duration to the steady-state emissions for the initial 60 seconds. Since a cold-start curve was not developed by CEC, it is assumed that the PM will experience the same trend as HC, and formaldehyde will experience the same trend as CO. A cold start event assumes 1 minute of cold start operation with spike in emissions and the remaining 59 minutes in the hour operating steady state. The cold start emission ratio shown below on hourly basis will be applied as: the hourly emission rate with cold start event = normal hourly emission rate x (1+ratio shown below on hourly basis). Consistent with DEQ's guidance on risk assessment for emergency engines, the cold start emissions are accounted for toxics that are organics and DPM. Metal toxics do not have higher emissions during cold start events.

Pollutant	Spike Duration (seconds)	Cold-Start Emission Spike (ppm)	Steady-State (Warm) Emissions (ppm)	Cold-Start Scaling Factor	Cold Start Emission Ratio on Hourly Basis
PM and Organics	14	900	30	4.27	0.05
CO and Formaldehyde	20	750	30	4.83	0.06

Number of cold start events assumes 1 startup for each engine.

CAT 2750 kW	1	cold start events/day
CAT 1825 kW	1	cold start events/day
CAT 750 kW	1	cold start events/day
CAT 250 kW	1	cold start events/day

ATTACHMENT B – EXCERPT OF MODELING MEMO

To: Amazon Data Services, Inc. – PDX202 – FILE [25-0072]

From: Owen Rudloff

Date: August 19, 2025

Subject: Modeling Memo for Amazon Data Services – PDX 202

Results Snapshot

Source Description: Data center operating 111 diesel powered emergency generators in Hermiston, OR. 104 main generators will be at the site with 7 support generators. 52 of the main generators will be equipped with Tier 4 compliant controls.

Review Report Language:
Per the September 1, 2021, Internal Management Directive, all new construction sources applying for a Standard ACDP must assess the potential impacts on short-term National Ambient Air Quality Standards (NAAQS). The permittee submitted an air dispersion modeling analysis of potential impacts on the following short-term NAAQS: 1-hour NO_2 and 24-hour $PM_{2.5}$. The permittee was below the Significant Emission Threshold (SET) of 3 lbs/hr for SO_2, therefore no modeling was required for SO_2. All other NAAQS pollutants were below emission thresholds and did not trigger modeling.

The air quality analysis of the proposed facility shows that impacts for NO_2 are below the NAAQS. The $PM_{2.5}$ analysis shows that the facility is below the Significant Impact Level (SIL) of 1.2 µg/m^3 and a cumulative analysis is not needed. The results of the cumulative NAAQS analysis are summarized in the table below.

Pollutant Modeled	Total Impact (µg/m^3)	NAAQS	Exceed NAAQS	% of NAAQS	Permit Conditions Needed?
NO_2 - 1 hour	126	188	No	67%	Yes

The NAAQS impact analysis uses specific modeling inputs and assumptions, such as emission rates, stack parameters, unit locations, operating scenarios and schedule for testing and maintenance of the emergency generator engines. Permit should include conditions to ensure that the permittee follows modeling assumptions to protect NAAQS.

Operating Assumptions

- Testing and maintenance operations restricted to 6am to 4pm.
- See Appendix C for additional assumptions.

DEQ Corrections Compared to Facility Modeling Report
None

Modeling Summary

Facility Information			
Date Modeling Submitted	June 2024	Revision Summary	Updated modeling files in November 2024, and August 2025. Emission rate numbers for $PM_{2.5}$ and NO_x were slightly off due to what turned out to be an error in Amazon's python code, resulting in the use of a different set of modeling files compared to those submitted to DEQ. Amazon rectified the error by sending in the correct modeling files
Facility Location	Boardman Airport Road, Boardman, OR, 97818		

Emission Unit Summary

All emission units at the facility are backup emergency diesel engines of various sizes, makes and models.

EU ID	Description	No. of Engines	Model
B203_11A - B204_26B, B203_11C, B203_21C, B204_11C, B204_21C	Bigger Blocks Main	52	CAT 3516E Tier 2 2750 kW
B202_11A - 202_26B, B205_11A - 205_26B, B202_11C, 202_21C, B205_11C, B205_21C	Bigger Blocks Main_Controlled	52	CAT3516E_Controlled 2750 w/SCR, DPF and DOC
PORTABLE	Portable	1	CAT 3516C Trans 1825 kW
IH20_GEN	IWT	1	CAT C18 750 kW w/SCR, DPF, and DOC
B202_HSG - B205_HSG	House	4	CAT C18 750 kW
SECURITY	Central Security	1	CAT C9 250 kW

Modeling Basics

Model Versions		Meteorology	
AERMOD	v24142	Surface	Hermiston Airport
AERMET	v24142	Upper Air	Spokane Airport
AERMINUTE	v15272	Time Period	2018-2022
AERSURFACE	v24142	Notes	
AERMAP	v18081		
BPIP	v04274		

Additional Notes

Although Monte Carlo analysis is sometimes used to evaluate compliance with short-term standards, this modeling evaluation was done without the use of a Monte Carlo analysis. The Monte Carlo was not used in this demonstration due to shorter run times, engines with controls, and restrictions on the number of engines and the types of testing that can occur at the same time.

Emissions Summary

The following emissions units and emissions were used in modeling. All generators were modeled as point sources. The stack parameters used in the modeling can be found in Appendix A. $PM_{2.5}$ emissions assume 10 hours of operation per day (6am-4pm).

EU Group	Operating Scenario	Engine Load	NO_2 Emission Rate (lbs/hr)	$PM_{2.5}$ Emission Rate (lbs/day)
Bigger Blocks Main_Controlled (B202_11A - B202_26B, B205_11A - B205_26B)	Confidence Testing	10%	1.03E+01	4.05E-01
	Preventative Maintenance Testing	10%	3.08E+01	4.05E-01
	Annual Live Load Testing	100%	2.87E+01	7.29E-01
	Load Bank Testing	WA	1.18E+01	5.42E-01
Bigger Blocks Main_Controlled_Catcher (B202_11C, B202_21C, B205_11C, B205_21C)	Confidence Testing	10%	1.03E+01	4.05E-01
	Preventative Maintenance Testing	10%	3.08E+01	4.05E-01
	Annual Live Load Testing	100%	2.87E+01	7.29E-01
	Load Bank Testing	WA	1.14E+01	5.19E-01
Bigger Blocks Main (B203_11A - B204_26B)	Confidence Testing	10%	1.03E+01	6.46E-01
	Preventative Maintenance Testing	10%	3.08E+01	6.46E-01
	Annual Live Load Testing	100%	5.29E+01	1.61E+00
	Load Bank Testing	WA	2.01E+01	1.09E+00
Bigger Blocks Main_Catcher (B203_11C, B203_21C, B204_11C, B204_21C)	Confidence Testing	10%	1.03E+01	6.46E-01
	Preventative Maintenance Testing	10%	3.08E+01	6.46E-01
	Annual Live Load Testing	100%	5.29E+01	1.61E+00
	Load Bank Testing	WA	1.49E+01	1.03E+00
Portable (PORTABLE)	Confidence Testing	10%	6.65E+00	4.78E-01
	Preventative Maintenance Testing	10%	6.65E+00	4.78E-01
	Annual Live Load Testing	100%	3.57E+01	1.31E+00
	Load Bank Testing	WA	1.41E+01	1.07E+00
	Confidence Testing	10%	4.89E-01	2.44E-01
Central Security (SECURITY)	Preventative Maintenance Testing	10%	4.89E-01	2.44E-01
	Annual Live Load Testing	100%	2.74E+00	3.06E-01
	Load Bank Testing	WA	1.10E+00	3.01E-01
IW_Controlled (IH20_GEN)	Confidence Testing	10%	1.85E+00	9.28E-01
	Preventative Maintenance Testing	10%	1.85E+00	9.28E-01
	Annual Live Load Testing	100%	7.70E+00	1.71E-01
	Load Bank Testing	WA	3.25E+00	3.57E-01
House (B202_HSG - B205_HSG)	Confidence Testing	10%	1.85E+00	2.35E+00
	Preventative Maintenance Testing	10%	1.85E+00	2.35E+00
	Annual Live Load Testing	100%	1.42E+01	4.41E-01
	Load Bank Testing	WA	5.35E+00	9.07E-01

Appendix C. Operating Assumptions

The following assumptions were incorporated in modeling analysis to show compliance with the NO_2 and $PM_{2.5}$ standards.

Testing Type (Operating Scenario)	Definition/Run Time	Operating Restrictions
All testing	n/a	• Testing will be conducted between 6am-4pm only.
Confidence Testing	Confidence tests will last 6 minutes for each generator and will be performed at 0% load for all units. Confidence testing will occur twice per month for each generator. NOx from the controlled units will be uncontrolled during this test due to the controls not being up to temperature. In contrast, $PM_{2.5}$ will be controlled for the entirety of the test.	• Main generators: o A maximum of a half building (13 bigger block main generators) could run simultaneously in any hour. o A maximum of one building will be tested in the same day. • For the house, security, and IW generators, the test for each generator can occur on the same day and could happen within the same hour.
Preventative Maintenance (PM) Testing	PM tests will last 10 minutes for each generator and will be performed at 0% load for all units. The PM test will occur twice per year per generator. NOx from the controlled units will be uncontrolled during this test. PM2.5 will be controlled for the entirety of the test.	• Main generators: o Three generators will run in any hour. o A maximum of 8 to 10 generators will be tested in the same day and all generators tested in a given day will be located at the same building • For the house, security, and IW generators, the PM test can occur on the same day and could happen • within the same hour.
Annual Live Load Testing (LLT)	Annual LLTs will last 30 minutes for each generator and will be performed at 100% load for all units. The annual LLT will occur once per year per generator. For the 52 controlled generators: In the first 15 minutes of the test, NOx will be uncontrolled and the	• Main generators and 4 house generators: o Only one generator will run in any given hour. o A maximum of 8 to 10 generators will be tested in the same day and all generators tested in a given day will be located at the same building
	remaining 15 minutes will be controlled. PM2.5 will be controlled for the entirety of the test.	• For the house, security, and IW generators, the annual LLT can occur on the same day, but not within • the same hour.

Testing Type (Operating Scenario)	Definition/Run Time	Operating Restrictions

Load Bank Testing	Load bank tests will last 42 minutes for main, bigger block main, and auxiliary generators at 10% load for 6 minutes, 50% load for 24 minutes, 100% load for 6 minutes, and 10% load for 6 minutes. Load bank tests will last 42 minutes for main and bigger block main catcher generators at 10% load for 6 minutes, 50% load for 30 minutes, and 10% load for 6 minutes. Load bank tests will occur once per year per generator.
	
	For the 52 controlled generators: In the first 30 minutes of the test, NO_x will be uncontrolled and the remaining 12 minutes will be controlled.
		• Main generators:
		  ○ Only one generator will run in any hour.
		  ○ A maximum of 8 to 10 generators will be tested in the same day and all generators tested in a given day will be located at the same building.
		• For the house, security, and IW generators, the LB tests can occur on the same day, but not within the same hour.

Note: The original application includes SCR, DOC, and DPF. During the permittee's review, the permittee informed DEQ of a change in the control devices to the SCR and catalyzed DPF system which have the same control efficiency.

ATTACHMENT C – PUBLIC COMMENTS

Comment 1:

"As an individual who grew up in Boardman, the constant progress towards economic development is something that I saw in a positive light. I grew up in Boardman, I was a longtime employee at the Sustainable Agriculture and Energy center, and volunteered for my local chamber of commerce. I was an educator for Boardman's economic development initiatives and saw the residential impact of diversifying our local workforce. Yet, when we fail to inform, educate, advocate for climate conscious initiative it is at the detriment to the residents living in this community.
In a county where 14% of its residents are living below the federal poverty level and 33% of its residents are living below ALICE (Asset limited, Income constrained, Employed) the limitation of resources and increase in cost can be detrimental. When data shows that Data Centers are impacting energy costs and polluting our natural resources locally. This is not how we build resilient, progressing, and well-functioning communities. Rather, these decisions are a clear indicator that our communities residents health, livability, and access to non-polluted natural resources are worth the tradeoff to capitalize on for a very select few. This is not what I want for the community I grew up in.
I strongly urge you to say no to the construction of more data centers in my hometown."

Response 1:

Thank you for your comments. DEQ's air quality stationary source permitting program works in conjunction with other state and federal programs to ensure that Oregon's air meets the National Ambient Air Quality Standards required by the Federal Clean Air Act. Although your concern regarding energy cost is reasonable, the regulatory scope of this permit is limited to air quality. It does not regulate or approve energy utilization. This permit regulates emissions of air pollutants from the backup generators to protect air quality and residents' health. The authority for the issuance of air quality permits is provided by Oregon Revised Statute (ORS) 468A.045 and the specific procedures for issuance, denial, modification, and revocation of permits are contained in Oregon Administrative Rules (OAR) Chapter 340, Divisions 216 and 218. If an applicant complies with all the provisions of these rules, and all state and federal rules and regulations for obtaining an air quality permit, DEQ is required by law, to issue the permit. In this case, the applicant has satisfied all necessary application requirements and provisions specified by OAR.

March 3, 2026

Morrow County Planning Commission
Attn: Stacie Ekstrom, Chair
P.O. Box 40
Irrigon, OR 97844

Re: Tower Road East Data Center (LUD-N-089-25) — Applicant's Response to Testimony and Comments Submitted During the February 24, 2026 Planning Commission Hearing

Dear Chair Ekstrom and Fellow Commissioners:

We write on behalf of the Amazon Data Services, Inc. ("ADS" or "Applicant"), to respond to testimony and comments submitted at the February 24, 2026 Planning Commission hearing regarding ADS's land use application for a data center development south of the Boardman Airport (LUD-N-089-25). This letter is submitted during the 7-day open record period and should be included in the record for this proceeding.

Together with this letter, the Applicant submits the following supplemental materials, which are enclosed and should also be included in the record:

(1) A supplemental memorandum from Kimley-Horn and Associates, Inc., which responds to public comments regarding stormwater and cooling pond design and emptying schedules, septic system classification and ODEQ permitting requirements, steam and electrical interference concerns, and pond netting design.

(2) A supplemental memorandum from Pacific Habitat Services, Inc., which responds to public comments regarding the effectiveness of the proposed bird hazard mitigation measures—including the use of netting over the stormwater pond, vegetation management through polyethylene geomembrane liners, and conformance with FAA Advisory Circular 150/5200-33C.

As explained in our prior submissions and this submission, the application satisfies all applicable review criteria under the Morrow County Zoning Ordinance ("MCZO"), including Sections 3.076 (Airport Light Industrial), 3.092 (Airport Safety and Compatibility Overlay), and 5.020 (Site Plan Review). The Planning Department's preliminary findings recommend approval, and substantial evidence in the record supports that recommendation. The issues raised during the hearing do not change this analysis, and the Applicant offers clarifications and responses to address each of the questions or points raised during the hearing:

1. *There is no 35-foot height limit applicable to this site.*

Commissioner Kilkenny inquired whether a 35-foot height limit applies to structures on the site. It does not. The MCZO's height provisions applicable to this site are as follows:

> MCZO 3.076(E)(5): The Airport Light Industrial ("ALI") base zone has "[n]o maximum height. However, no structure shall be allowed to penetrate an airport imaginary surface."
>
> MCZO 3.092(E): The Airport Safety & Compatibility ("ASC") overlay's has two height provisions. Paragraph (E)(1) states: "Except as provided in paragraph 2, no structure or tree or other object of natural growth shall be allowed to penetrate an airport imaginary surface." Paragraph (E)(2) states: "For areas within airport imaginary surfaces but outside of the approach and transition surfaces, where terrain is at higher elevations than the airport runway surfaces where existing structures and permitted development penetrate the airport imaginary surfaces, a local government may authorize structures up to 35 feet in height."

In other words, the general rule (paragraph 1) is that structures cannot penetrate an airport imaginary surface—there is no fixed height limit. The 35-foot provision in paragraph 2 is a narrow exception: it applies only in areas where the natural terrain is already at a higher elevation than the runway and where existing structures and permitted development already penetrate the imaginary surfaces. In such areas—and only in such areas—the County may authorize structures up to 35 feet in height. That is not the case here.

The existing grade at the project site is below all applicable imaginary surfaces, and no existing structures or development on the site penetrate any imaginary surface. This is shown on the site plan and elevation profiles. *See* February 24, 2026 PC Hearing Package at 102-103. Indeed, and as explained by the Applicant, all of the proposed structures are at least 82 feet below the horizontal surface, which is 150 feet above the runway elevation.

The 35-foot figure also appears in a different context within the ASC overlay—specifically in the notice provision at MCZO 3.092(D)(2)(a), which provides that notices to the airport sponsor and ODAV "need not be provided" where the application "would only allow structures less than 35 feet in height." This is a notice threshold, not a height limit. Because this application involves structures taller than 35 feet, the Applicant has provided notice to the airport sponsor and ODAV, and will comply with the recommended condition of approval requiring the filing of FAA Form 7460-1 (Notice of Proposed Construction or Alteration) for every building prior to construction.

2. *There is no 10,000 setback from the runway for water impoundments.*

Commissioner Kilkenny also asked whether there is a 10,000-foot setback from the runway for ponds. There is not.

The state statute governing water impoundments near airports, ORS 836.623, establishes a tiered regulatory framework. First, it establishes a mandatory prohibition: "No new water impoundments of one-quarter acre or larger shall be allowed . . . [w]ithin an approach corridor and within 5,000 feet from the end of a runway." ORS 836.623(2)(a)(A). Second, it permits—but does not require—a local government to "adopt regulations that limit the establishment of new water impoundments of one-quarter acre or larger for areas outside an approach corridor and within 5,000 feet of a runway," but only where the local government adopts findings supported by substantial evidence that the impoundments are likely to result in a significant increase in hazardous bird movements. ORS 836.623(2)(b). Third, it separately permits—but again does not require—a local government to "adopt regulations that limit the establishment of new water impoundments of one-quarter acre or larger between 5,000 feet and 10,000 feet of a runway outside an approach corridor," but only under the same evidentiary standard. ORS 836.623(2)(c).

Morrow County has exercised its authority under ORS 836.623(2)(b) to regulate water impoundments within 5,000 feet of the edge or end of the runway including outside the approach corridor—which is the standard reflected in MCZO 3.092(G)(7). This provision states that "[t]he use shall not create a new or expanded water impoundment within 5,000 feet of the edge or end of a runway larger than one-quarter acre in size unless necessary for airport operations or approved in writing by the airport sponsor, the Department of Aviation, and the FAA." However, Morrow County has not exercised its optional authority under ORS 836.623(2)(c) to extend this regulation to 10,000 feet, which means that there is no provision in the MCZO that restricts water impoundments between 5,000 and 10,000 feet from the runway.

The 10,000-foot figure referenced during the hearing appears to derive from FAA Advisory Circular 150/5200-33C, which recommends a separation distance of 10,000 feet for airports serving turbine-powered aircraft. However, this Advisory Circular "does not constitute a regulation, is not mandatory, and is not legally binding in its own right." It provides non-binding guidance, and the applicable local standard remains the 5,000-foot regulation adopted by Morrow County.

With respect to the proposed ponds on this site, the stormwater evaporation pond is located approximately 3,620 to 4,550 feet from the edge of airport runway, and the non-contact cooling water ponds are approximately 4,700 to 5,280 feet from the edge of the runway. All ponds are located outside the approach corridor. And the Applicant has included comprehensive bird hazard mitigation measures that are consistent with recommendations in the FAA Advisory Circular guidance. *See* February 24, 2026 PC Hearing Package at 276. These measures are designed to ensure that the proposed ponds do not create additional hazards to the airport as compared to existing conditions. The Port of Morrow (airport sponsor) has concurred with those measures. *Id*. at 282. Likewise, the Oregon Department of Aviation has reviewed the proposal and confirmed that, "[p]ursuant to Oregon Revised Statutes (ORS) 836.623, the proposal appears to meet the State-level requirements for water impoundments near public-use airports. While the proposal is within 5,000 feet of the runway for Boardman Airport, it does not fall under the approach corridor." *Id.* at 283. Approval by the FAA regarding the water impoundments is recommended as a condition of approval.

3. *No Goal 11 or Goal 14 exception is required.*

Ms. Kelly Doherty testified that the proposed data centers are an "urban" use that require exceptions to Statewide Planning Goal 11 (Public Facilities and Servies) and Goal 14 (Urbanization). This is incorrect for two reasons.

First, in 2016 when Morrow County rezoned this land to Airport Light Industrial and added data centers as an allowed use, the County was required to show compliance with all of the statewide planning goals. With respect to Goals 11 and 14, it was determined that compliance could be achieved without a Goal 11 or Goal 14 exception, because ORS 197.713 authorizes counties to permit additional industrial uses on certain sites that were zoned industrial as of 2004. For your reference, attached are Morrow County's 2016 ordinance and findings that supported the rezone to ALI. Exhibit B to the findings (starting page 35 of the PDF) is an email from the Department of Land Conservation and Development confirming that "Goal 11 and Goal 14 exceptions will not be necessary to authorize urban scale uses and an on-site sewer system to accommodate" the uses. Page 2 of the findings (page 4 of the PDF) states that, per that email, "ORS 197.713 allows Morrow County to approve this application without Goal 11 or 14 exceptions."

Second, and more fundamentally, because the ALI zone and its implementing regulations (MZCO 3.076) were already acknowledged as being compliant with the statewide planning goals back in 2016, the goals no longer apply directly to this land use decision. It is well-established under Oregon law that once a local government's comprehensive plan and land use regulations have been acknowledged by the Land Conservation and Development Commission ("LCDC"), the goals no longer apply directly to individual land use decisions—unless the decision itself amends the plan or regulations.

Since 1983, the Oregon Supreme Court has established that "once acknowledgment has been achieved, land use decisions must be measured not against the goals but against the acknowledged plan and implementing ordinances." *Byrd v. Stringer*, 295 Or 311, 318–19, 666 P2d 1332, 1337 (1983); *see also* ORS 197.175(2)(d). More recently, the Oregon Court of Appeals reaffirmed that "the generally applicable principle is that, after a local government's comprehensive plan and land use regulations have been acknowledged by LCDC, its land use decisions can be reviewed only for their compliance with the acknowledged plan and land use regulations; the goals do not apply directly to post-acknowledgment land use decisions of a local government." *DLCD v. Clackamas* County, 335 Or App 205, 221–22, 558 P3d 64, 74–75 (2024). LUBA has accordingly rejected similar efforts to raise Goal 14 issues during proceedings where no code amendments are being proposed, explaining that this constitutes "an impermissible collateral attack on an acknowledged land use regulation." *Central Oregon Landwatch v. Deschutes County*, 79 Or LUBA 253 (2019).

Here, the ALI zone—which expressly permits data centers—was already been acknowledged as being compliant with statewide planning goals in 2016. After acknowledgment, the County must review land use permit applications to determine compliance with its acknowledged land use regulations, and *may not* review the application for compliance with the statewide planning goals. Any request that the Commission now consider Goal 11 and Goal 14 compliance is, in effect, a collateral attack on the County's acknowledged zoning code and is not a proper basis for denying this application.

4. *The MZCO properly acknowledges that technical compliance with groundwater standards will be addressed through ODEQ permitting.*

Ms. Doherty and others raised unsubstantiated concerns about potential groundwater contamination, based apparently on the fact that the site is located within the Lower Umatilla Basin Groundwater Management Area ("LUBGMA"), and because an on-site septic system approved by DEQ is proposed.

As an initial matter, the relevant MCZO approval criterion for sewage disposal is MCZO 5.020(E)(3), which requires that *"[a]dequate sewage disposal and wastewater management can be provided for the proposed use"* and that, for new developments relying on on-site septic systems, *"the applicant may satisfy this criterion by identifying the necessary ODEQ permits, as required by the state regulations, to be obtained prior to commencement of the proposed use or certificate of occupancy being granted."* The Applicant has done exactly this. ODEQ has already conducted a site evaluation and determined that a septic field is feasible at the proposed location. And as further explained in the Kimley Horn supplemental memo, the proposed wastewater system will be designed, reviewed, and permitted through ODEQ under OAR Chapter 340, Division 71, and ODEQ's review will ensure compliance with applicable standards, including evaluation of advanced treatment requirements.

Notably, the MCZO does not require the Applicant to independently demonstrate compliance with all ODEQ groundwater standards as a precondition to land use approval. Rather, the MCZO properly defers to state agencies with technical expertise, and Planning already has recommended as a condition of approval that "[f]acilities for potable, industrial, and emergency suppression water have been permitted by applicable agencies and are constructed and operational" prior to the Certificate of Occupancy. This approach is consistent with LUBA's holding that "there does not have to be substantial evidence in the record that it is feasible to comply with all discretionary state agency permit approval standards because the state agency, which has expertise and established standards and procedures, will ultimately determine whether those standards are met." *Bouman v. Jackson County*, 23 Or LUBA 628 (1992); *see also Simonson v. Marion County*, 21 Or LUBA 313 (1991).

In sum, the MZCO requires only that the Applicant identify which ODEQ permits will be required and that such permits be obtained prior to Certificate of Occupancy—which the Applicant has done. And the County is authorized to rely on ODEQ—the agency with the technical expertise and regulatory authority—to administer their requirements, rather than attempting to independently adjudicate complex hydrogeological and wastewater engineering questions within this land use proceeding.

5. *Air pollution testimony is not relevant to the applicable review criteria.*

Mr. Caleb Lay testified regarding air quality concerns, including references to a 2020 air toxics inventory for a different Boardman data center, Cleaner Air Oregon risk assessments for a separate AWS facility, and general concerns about air pollutants and diesel generator emissions. While the Applicant takes air quality seriously, these concerns are not relevant to the criteria that govern this land use decision.

The applicable approval criteria for this application are set forth in MCZO Sections 3.076, 3.092, and 5.020. None of these provisions require the Applicant to demonstrate compliance with air quality standards or to conduct an air quality analysis as a condition of land use approval. The MCZO does not include air emission limits, ambient air quality standards, or any other air-quality-related review criterion applicable to this application.

Under Oregon's land use framework, the Planning Commission's role is to evaluate the application against the applicable criteria identified in the acknowledged comprehensive plan and land use regulations. ORS 197.175(2)(d). Testimony that does not address the applicable criteria is not a basis for denial. As stated at the commencement of the hearing, consistent with ORS 197.797(5)(b), "testimony, arguments and evidence must be directed toward the criteria" applicable to the decision.

Air quality is regulated through separate state and federal permitting processes administered by the ODEQ under the federal Clean Air Act and Oregon's air quality statutes. If the proposed facility requires an air quality permit, the Applicant will obtain the appropriate permits from ODEQ in accordance with applicable law. As discussed above, the County is entitled to rely on those state agencies with technical expertise to administer their respective regulatory programs.

6. *There has been adequate time and opportunity to review and comment on this application.*

Ms. Doherty requested that the record be held open because the application packet was made available only one week before the hearing, asserting that this was "[n]ot enough time to properly address such a large scale application." Now that the record has been held open for additional public comment, this concern has been resolved.

Under ORS 197.797(6)(c), when the hearings authority leaves the record open for additional written evidence, "the record shall be left open for at least seven days." See MCZO Art. 9, § 9.050(J) ("the record shall be left open in accordance with the time frames identified in ORS 197.797"). The County has exceeded this minimum by providing a 21-day open-record period, structured consistently with the procedures set forth in ORS 197.797. Specifically, the record is open for additional comment through March 3, 2026; a rebuttal period through March 10, 2026; and, consistent with ORS 197.797(6)(e), the Applicant has a final seven-day period to submit final written arguments (by March 17, 2026). The record then is closed to all further testimony. The Planning Commission is then scheduled to reconvene on March 31, 2026 to deliberate and vote.

Further, it bears noting that this application was properly noticed in accordance with MZCO Article 9, Section 9.050. The notice of hearing must be mailed "at least twenty (20) days prior to the date of the hearing." MCZO 9.050(B)(1). And the staff report is required to be "available at least seven days prior to the hearing." MCZO 9.050(E)(4); *see also* ORS 197.797(3)(i), ORS 197.797(4)(b). Consistent with these requirement, property owners and agencies were notified of the hearing on February 4, 2026—twenty days before the February 24, 2026 hearing. And the staff report was made available seven days before. In other words, all procedural requirements have been met, and the public and all interested parties have had sufficient time to review and comment on the application, consistent with state law and MCZO requirements.

* * * *

The application and supplemental submissions complies with all applicable approval criteria under MCZO Sections 3.076, 3.092, and 5.020. The issues raised during the February 24 hearing do not demonstrate noncompliance with any applicable review criterion. The Applicant respectfully requests that the Planning Commission approve the application, subject to the recommended conditions of approval.

Please include this letter and all attachments in the record for this proceeding.

Sincerely,



Megan Lin

MEMORANDUM

To: Morrow County Planning Commission
Stacie Ekstrom, Chair
PO Box 40
Irrigon, OR 97844

From: Leif Van Acker, P.E.
Kimley-Horn and Associates, Inc.
1 SW Columbia Street, Suite 650
Portland, OR 97204

Date: March 3, 2026

Subject: Tower Road Data East Center (LUD-N-089-25) – Applicant's Response to Testimony and Comments Submitted During the February 24, 2026 Planning Commission Hearing

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Dear Ms. Ekstrom,

The following are responses to some of the public comments received prior to the February 24th Planning Commission meeting:

Pond Design

Comment 1. There is no reason to believe that the ponds will be empty at any point during the year as the ponds are lined and subject to weather conditions and storm water.

Response: The stormwater management pond is sized using accepted methods in the Central Oregon Stormwater Manual and Washington Department of Ecology Stormwater Management Manual for Eastern Washington (SWMMEW) for stormwater evaporation ponds, which specify utilizing a monthly water budget analysis, taking into account average monthly evaporation rates and average monthly rainfall rates to ensure adequate volume of the facility is provided. Due to higher rainfall in the fall/winter months, the evaporation pond will fill up during the months of November to March, while the months of April to October see evaporation rates exceed precipitation rates, therefore the water level will lower. Based on the water budget analysis for this pond,

it is anticipated to fully empty prior to September 1st each year, at which time operations staff will perform yearly maintenance to ensure the pond bottom is clear of debris and the pond liner is intact prior to the rainy season starting again in November.

The non-contact cooling water ponds utilize a similar sizing system, however instead of solely using rainfall precipitation rates, it also accounts for the discharge of cooling water from the data center campus. Cooling water is anticipated to be discharged into the ponds during the months of April to October (peaking during the months of July and August, due to higher average air temperatures). Due to the high evaporation rates during these months, the ponds are anticipated to fully empty prior to October 31st each year, at which time operations staff will perform yearly maintenance to remove any debris or sediment build up and ensure the pond liner is intact.

Septic

Comment 2. It is essential to revise the application to accurately reflect the requirements for a Large Capacity Septic System (LCSS). ODEQ does not have the authority to approve a LCSS System.

Response: The comment references EPA's "Large Capacity Septic Systems" (LCSS) classification. The EPA LCSS designation is a federal classification under the Underground Injection Control program used to identify large onsite systems that discharge sanitary wastewater to the subsurface and protect underground sources of drinking water. In Oregon, design, siting, treatment, and groundwater evaluation requirements for such systems are implemented through Oregon Department of Environmental Quality's (ODEQ) large onsite wastewater treatment and disposal systems (LOSS) program. The proposed domestic wastewater system shall be reviewed and permitted through ODEQ under the Oregon Administration Rules (OAR) Chapter 340, Division 71. The proposed wastewater system will conform to the OAR and be reviewed and permitted by ODEQ under this framework. The EPA LCSS classification does not replace or supersede Oregon's LOSS design and permitting requirements. The proposed system shall conform with Oregon's regulations and shall satisfy applicable groundwater protection requirements.

This process is well established for data centers in Morrow County, and specifically within the Lower Umatilla Basin Groundwater Management Area (LUBGWMA). A nearby Amazon Data Services data center campus located at 77860 Bombing Range Road received a WPCF permit from ODEQ on September 27, 2023. This system was nearly identical, as it was for a four building data center campus in Morrow County, within the LUBGWMA, with a maximum daily flow of 4,400 GPD (similar to the 5,000 GPD expected for the Tower Road East Data Center Campus).

Comment 3. The report details and predicts 10.05 at the point of compliance. EPA contaminate limit is 10 ppm and in Oregon it is 7ppm.

Response: The hydrogeologic assessment referenced in the comment was performed in accordance with ODEQ requirements and evaluated groundwater impacts using available data, conservative assumptions, and a baseline onsite wastewater scenario. The assessment predicted a nitrate concentration of approximately 10.05 mg/L at the Point of Compliance and 9.40 mg/L at the Alternative Point of Compliance. This assessment was submitted to ODEQ for the Site Evaluation and review under OAR 340-071. Under Oregon's Groundwater Quality Protection rules (OAR 340-040), the Maximum Measurable Level (MML) for nitrate used in groundwater protection and groundwater management area determinations is 10 mg/L (as nitrogen). This value is consistent with the federal EPA Maximum Contaminant Level ("MCL") for nitrates established for drinking water. Based on these evaluations, ODEQ's preliminary determination was that it would be feasible to design and permit the system to comply with the applicable 10 mg/L nitrate MCL.

This analysis will be undertaken by ODEQ during its WPCF application review. Upon approval, ODEQ will set the final permit-specific concentration limits and treatment requirements through that permitting process in order to ensure compliance with the applicable groundwater nitrate concentrations limit of 10 mg/L MCL at the point of compliance.

The 7 mg/L nitrate concentration limit referenced in the comment represents 70% of the nitrate Maximum Measurable Level and

serves as a threshold for designation of groundwater management areas on an areawide basis (see OAR 340-040-0090), and it is identified in the Oregon Nitrate Reduction Plan as a long-term regional planning goal for the Lower Umatilla Groundwater Management Area. But it is not the applicable regulatory standard. As noted above, the nitrate standard for both drinking water MCL and groundwater MML is 10 mg/L at the point of compliance.

The recent WPCF permit issued for a nearby data center demonstrates that ODEQ is well aware of the groundwater sensitivity in the LUBGWMA and has incorporated stringent, site-specific protections into its permits accordingly—including nitrogen treatment technology requirements, effluent concentration limits, and groundwater monitoring. That permit evaluation expressly acknowledged the facility's location in the LUBGWMA and required installation of a Moving Bed Biofilm Reactor to achieve the applicable nitrate effluent limit of 10 mg/L (consistent with ODEQ MML and EPA MCL limits), and required groundwater monitoring based on its Hydrogeological Characterization Report, which had identified the need to ensure the system would meet comply with groundwater quality protection standards. Nothing in the record suggests ODEQ's issuance of a WPCF permit for this development is prohibited, and such issuance by ODEQ assures compliance with MCZO 5.020(E)(3).

Steam

Comment 4. Please confirm that the site will not produce any steam that will be detrimental to airport operations.

Response: The non-contact cooling water evaporation ponds are not expected to produce steam. Since cooling water is discharged to the ponds during the summer months, when cooling of the data center is needed, the outside air temperature will generally be warmer than the water being discharged. Therefore, evaporation will occur as water vapor, and will not produce steam, mist or fog.

Amazon data centers in Morrow County use a cooling process called direct evaporative cooling in which air is pushed through a moist membrane, sending cool air through to the data center on the other side of the membrane. This process occurs fully within the building and does not produce any steam, as opposed to other

data center providers around the country which may use indirect evaporative cooling, which utilizes cooling towers outside the data center. For those other data centers, hot air is run through a heat exchanger and water evaporates on the outside of the cooling tower to provide cool air which is pumped into the data center building. This process generally produces moist exhaust air, resembling steam.

Non-contact vs contact

Comment 5. Non-contact water is being collected in the evaporation pond, but there is no mention of where contact water is being collected.

Response: "Contact" water implies water that is used in mechanical processes that comes in contact with contaminants then is discharged. There is no contact water associated with this project. Non-contact cooling water is the only by-product of the proposed data center buildings cooling process, which does not come in contact with any other contaminants. Domestic sanitary sewer is produced by bathrooms and sinks and will be routed to the septic field.

Pond Netting

Comment 6. How high will the pond netting be suspended above the pond?

Response: Final design of the pond netting is in progress, but the netting is anticipated to be suspended approximately 2-5' above the top of embankment elevation of the pond. Since the pond is sized with 2' of additional freeboard, the minimum distance from water surface elevation to pond netting is anticipated to be 4-7'.

Smoke

Comment 1. Please confirm the data center building will not be a source of smoke, dust or steam.

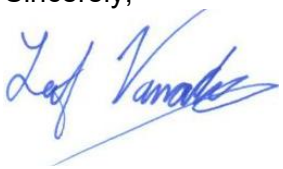
Response: Please refer to the supplemental response to this topic within the "Tower Road East Data Center (LUD-N-089-25) – Supplemental Submission" provided on February 6, 2026.

Electrical Interference

Comment 1. Please confirm the data center building will not cause electrical interference with the nearby airport operations.

Response: Please refer to the supplemental response to this topic within the "Tower Road East Data Center (LUD-N-089-25) – Supplemental Submission" provided on February 6, 2026.

Sincerely,



Leif Van Acker, P.E.

Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, Oregon 97070

Telephone number: (503) 570-0800 Fax number: (503) 570-0855

MEMORANDUM

Date: **March 3, 2026**

To: **Omar Cardenas, Sr. Real Estate Development Manager, AWS**

From: **Craig Tumer, PWS**

Re: **Response to Comments Related to Bird Hazard Mitigation Submitted prior to the Land Use Public Hearing for the East Tower Road Data Center project**
PHS #8306

Prior to the Land Use Public Hearing for the East Tower Road Data Center project, Kelly Doherty submitted written comments on the application for the proposed project to the Morrow County Planning Commission. This written submission contained several comments related to Pacific Habitat Services, Inc.'s (PHS) January 28, 2026, memorandum addressing Morrow County Zoning Ordinance - Section 3.092 Airport Safety and Compatibility Overlay Zone, ASC Regarding Bird Attractants. PHS's responses to Ms. Doherty's comments related to that memorandum are provided below.

Comment: *Pacific Habitat Services suggested bird hazard mitigation, the sponsor has signed off. However, common sense tells us none of these mitigation techniques will stop the attraction. Netting will prevent birds landing on the water; however, the river is between the landing strip and the hazard. The poly liner removes exactly none of the hazard and should not be included in mitigation. Vegetation management is not too viable as the area is paved. There is no reason to believe that the ponds will be empty at any point during the year as the ponds are lined and subject to weather conditions and storm water.*

The airport is a valuable public asset. These mitigation strategies fall short on protecting human and animal welfare. The safety hazard zone conditions have not been adequately addressed. I would like to see letters from the FFA and other related agencies. Not from the Port of Morrow that may have conflicts of interest, NDA's and contract agreements that prohibit them from neutrality.

Response: In Advisory Circular AC No: 150/5200-33C dated February 21, 2020, the Federal Aviation Administration (FAA) provides non-mandatory guidance on land uses that have the potential to attract hazardous wildlife on or near public-use airports. The AC identifies land uses that can provide substantial attractions to wildlife the FAA considers "hazardous wildlife," recommends minimum separation distances between those land uses and airport facilities, and provides guidance on the use of measures to mitigate wildlife strike hazards. All of the proposed mitigation measures described in PHS's January 28, 2026, memorandum, are included among the FAA's recommendations for reducing bird-related hazards at airports.

Online eBird mapping shows regular waterfowl use in the agricultural fields and ponds to the south and southwest of the airport and the project site as well as along the Columbia River. Because waterfowl return to favored roosting and feeding areas and because the airport is located between the river and feeding and roosting areas in the farmland to the south and southwest of the airport, waterfowl are likely to regularly fly over the airport under existing conditions. The mitigation measures proposed at the project site are not designed to change existing bird behaviors or reduce current bird use in the area. The mitigation measures are designed to ensure that the proposed ponds do not create additional hazards at the airport as compared to existing conditions.

As noted in PHS's memorandum and in Ms. Doherty's comment, the proposed netting over the stormwater evaporation pond prevents waterfowl and other birds from using the pond, and physical barriers, including netting specifically, are recommended by the FAA in AC No: 150/5200-33C for use over waterbodies to prevent birds from using the ponds. The pond may initially attract the attention of waterfowl flying between the river and foraging areas and roosting areas in nearby farmland. However, once the waterfowl learn they cannot use the stormwater pond because of the netting, they would not be expected to regularly return to the stormwater area and would continue to use the roosting and foraging areas that they currently use. As noted above, the proposed mitigation measures, including the netting, are not designed to change existing bird behaviors or reduce current bird use in the area. They are designed to ensure that the proposed ponds do not create additional hazards at the airport as compared to existing conditions, and the proposed netting over the pond will prevent birds from using the pond and ensure the pond does not become an additional safety hazard for planes using the airport.

Vegetation around ponds provides food, shelter, and nesting sites and makes ponds more attractive than unvegetated ponds for many bird species, and as noted in AC No: 150/5200-33C, the combination of open water and vegetation is particularly attractive to waterfowl and other hazardous wildlife. The proposed high-density polyethylene geomembrane liners on the stormwater and cooling ponds will prevent the growth of vegetation that could serve as food roosting, and nesting places for birds and will make the ponds less attractive to birds. Section 2.3.2 of AC No: 150/5200-33C states, "All vegetation in or around detention basins that provide food or cover for hazardous wildlife should be eliminated." Because the proposed polyethylene geomembrane liner is a means of preventing vegetation establishment around the ponds, it is a form of vegetation management and one of numerous mitigating measures recommended by the FAA.

Comments regarding the expected duration of surface water in the proposed ponds are addressed in Kimley-Horn's responses to Ms. Doherty's comments.

Because the proposed netting will prevent waterfowl and other birds from using the stormwater pond, and because the absence of vegetation around all of the pond will make the pond less attractive to waterfowl and other birds, it is PHS's best professional judgement that the mitigation measures included in the proposed project design will not create additional safety hazards at the airport and meet the conditions of Morrow County Zoning Ordinance - Section 3.092 Airport Safety and Compatibility Overlay Zone, ASC Regarding Bird Attractants. PHS's January 28, 2026, memorandum has been submitted to the FAA and other applicable agencies for review and comment. ODAV and the Port of Morrow have responded, and their concurrence letters are part of the record for this application. Response from the FAA has not yet been received.

As discussed more fully in PHS' January 28, 2026, memorandum, the cooling water evaporation ponds are not anticipated to be attractive to waterfowl because those ponds will not have vegetation or other food resources, and they are not anticipated to be attractive to flocks of other birds such as shorebirds, blackbirds, or swallows. For these reasons, additional mitigation measures are not recommended for these facilities, and netting is not proposed.

From: Tamra Mabbott
To: Jim Doherty
Cc: Michaela Ramirez; Clint Shoemake
Subject: Re: lud n 089 25
Date: Wednesday, March 4, 2026 8:22:30 AM

Thank you Jim.
We have added this to the record.
Cordially, Tamra

From: Jim Doherty <odohertycattleco@gmail.com>
Sent: Tuesday, March 3, 2026 6:26 PM
To: Tamra Mabbott <tmabbott@morrowcountyor.gov>
Subject: Re: lud n 089 25

[EXTERNAL EMAIL] - STOP and VERIFY - This message came from outside of Morrow County Gov

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Yes please

On Tue, Mar 3, 2026, 4:34 PM Tamra Mabbott <tmabbott@morrowcountyor.gov> wrote:

> Thank you Jim.
> Do you want this added to the record for LUD-089-25?
>
> ---
>
> **From:** Jim Doherty <odohertycattleco@gmail.com>
> **Sent:** Tuesday, March 3, 2026 4:14 PM
> **To:** Tamra Mabbott <tmabbott@morrowcountyor.gov>
> **Subject:** lud n 089 25
>
> ***[EXTERNAL EMAIL] - STOP and VERIFY - This message came from outside of Morrow County Gov***
>
> ---

Proper land use is the foundation of a healthy functioning community. How we choose to develop and maintain our land has a direct and lasting impact on crucial resources. We have created a small city according to our planning department. A city that has no water or wastewater services or infrastructure. Equally vital is the protection of our public airport airports are essential economic engines and lifelines for emergency services. land use planning must ensure compatible development in surrounding areas to prevent hazards like light interference and wildlife that can compromise flight safety. Keeping the approaches clear and the operations unhindered preserves the airport as a safe, viable asset for the entire region. You have been chosen to act as the stewards of both our natural resources and our infrastructure to ensure a resilient community.

We recently lost the precious lives of several of our community members from a preventable aircraft hazard. Today you have that choice to make. The airport layout plan which has been incorporated into the comprehensive plan and the master plan of the airport needs to be reviewed prior to your decision making. The airport layout plan flags both the sewage disposal problem and it also outlines very clearly that there are to be no hazards Introduced to the airport zone As it is also incorporated into the transportation plan.

Chapter 6 of the airport layout plan environmental checklist Outlines the airport overlay zone. The airport overlay zone is there to protect the necessary airspaces and limit incompatible uses which ensures the safe operations of a general aviation runway and it's uses. ORS 836.16 rules for airport uses and activities; Aviation system plan #3 Talks about the uses allowed or permitted within airport boundaries and I think the take away there is the bottom sentence where it says of this section within the airport boundary where such uses are consistent with applicable provisions of the acknowledged comprehensive plan statewide land use planning goals and Commission rules and where the uses do not create a safety hazard or limit approved airport uses . ors 836.623 Strictly talks about water impoundments and about the local governments authority.

I did my own research I went out to PDX 178 on bombing range Rd. and looked at the water impoundments on March 1st. There were nearly 400 ducks and geese on that pond and flying between the pond and the river. This water hazard is only one of three designed near the airport that would constitute nearly 30 acres of water impoundments that's larger than most water bodies in Morrow county. I would suggest that the county use its authority and impose more stringent recommendations and not take the word of a mitigation report that was supplied by the applicant. The applicant stated that the water would not be in the ponds during the flight season when I look at the sister PDX that is not going to be the case. The mitigation report speaks about birds that may lose their feathers and molt that is for a

three-week. For most migratory birds, that leaves 300 and 20 days of flight. The netting that was to be placed over the water impoundments will only stop the birds from landing on the water. It will not stop the birds from flying from the river to the water impoundments .

Lastly I have huge concerns about the septic disposal where the water source has not been identified and that many of the sources coming from the port of Morrow may have nitrogen levels above 50 therefore skewing any modeling that the applicant has done.

Creating a city without infrastructure often seen in rapid unplanned urbanization or growth of the informal settlements leads to severe systematic failures that compromise public health economic viability and social stability.

Morrow county's airport light industrial zone may in fact have data centers as a allowable use. But we must recognize what the water impoundments that facilitate the data center bring. 3.092 in the Morrow county comprehensive plan outlines airport safety and compatibility As do the four mentioned ORS. The safety and viability of our public airport depends on your decisions. As I noted before I don't believe that the mitigation efforts that have been put forward will reduce the flight patterns of the birds that will be attracted to the water impoundments therefore I would deny this application based on public health and safety.

MEMORANDUM

To: Morrow County Planning Commission
Stacie Ekstrom, Chair
PO Box 40
Irrigon, OR 97844

From: Leif Van Acker, P.E.
Kimley-Horn and Associates, Inc.
1 SW Columbia Street, Suite 650
Portland, OR 97204

Date: March 10, 2026

Subject: Tower Road Data East Center (LUD-N-089-25) – Applicant's Rebuttal to Comments Submitted from February 25th to March 3rd

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Dear Ms. Ekstrom,

The following are responses to some of the public comments received during the first open record period, between February 25th and March 3rd:

Jim Doherty Comment Letter

Comment 1. I have huge concerns about the septic disposal where the water source has not been identified and that many of the sources coming from the port of Morrow may have nitrogen levels above 50 therefore skewing any modeling that the applicant has done.

Response: The onsite wastewater treatment system will receive only domestic sanitary wastewater from administrative/office uses (e.g., restrooms and sinks). Industrial process water or other non-domestic sources will not be discharged to the onsite wastewater system. Domestic sanitary wastewater originates from a combination of the facility's potable water supply (which must comply with federal and state drinking water standards) and human waste compounds. Nitrogen species present in domestic wastewater are typically present as organic nitrogen and ammonia (collectively referred to as Total Kjeldahl Nitrogen, or TKN). While potable water may contain small

concentrations of nitrate, this source represents only a portion of the total nitrogen entering a domestic wastewater system.

That domestic wastewater will then be treated onsite using an advanced biological treatment process. In this system, microorganisms convert ammonia and organic nitrogen to nitrate through nitrification and subsequently convert nitrate into nitrogen gas through biological denitrification. The nitrogen gas is released harmlessly to the atmosphere rather than remaining in the treated effluent.

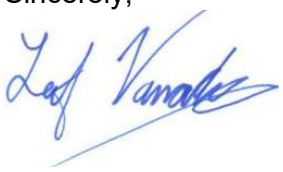
As a result, even where potable water may contain nitrate concentrations approaching drinking water standards, the combined wastewater stream and treatment processes are designed to reduce overall nitrogen concentrations in the treated effluent to levels consistent with the project's required treatment standard, prior to discharge.

Oregon Rural Action Comment Letter

Comment 2. Data center campuses emit significant amounts of air toxics by using massive arrays of diesel generators.

Response: AWS anticipates that the proposed facility will require AWS to obtain a Standard Air Contaminant Discharge Permit (ACDP) in order to construct and operate the facility. In order for the Standard ACDP application to be considered complete, AWS must also conduct a Risk Assessment and obtain approval under ODEQ's Cleaner Air Oregon program. Further, as noted previously, this concern is not relevant to relevant review criteria, and the County is entitled to rely on ODEQ to administer its program.

Sincerely,



Leif Van Acker, P.E.

Clint Shoemake

From: CHERRY Steve P * ODFW <steve.p.cherry@odfw.oregon.gov>
Sent: Thursday, March 12, 2026 8:48 AM
To: Clint Shoemake; HENDERSON Melody B * ODFW; THOMPSON Jeremy L * ODFW
Cc: Tamra Mabbott; George Cress; SOMERS Lindsay N * ODFW; SMITH Jorden D * ODFW
Subject: RE: Bird Concerns with Data Center Application LUD-N-089-25

Follow Up Flag: Follow up
Flag Status: Flagged

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Clint,

ODFW has reviewed the attached documents, and we do not feel like we have the professional knowledge to determine if the proposed mitigation methods for the ponds constructed near the airport would properly mitigate the risks of the attractant to wildlife. ODFW does not have expertise on this issue and since it is a public safety issue we are uncomfortable making a determination. We would recommend contracting with a consultant who works on airport safety issues to answer the question more properly. I am sorry that we couldn't be more help but feel free to call me if you would like to discuss.

Thanks

Steve

From: Clint Shoemake <cshoemake@morrowcountyor.gov>
Sent: Thursday, March 5, 2026 10:09 AM
To: CHERRY Steve P * ODFW <steve.p.cherry@odfw.oregon.gov>; HENDERSON Melody B * ODFW <melody.b.henderson@odfw.oregon.gov>; THOMPSON Jeremy L * ODFW <jeremy.l.thompson@odfw.oregon.gov>
Cc: Tamra Mabbott <tmabbott@morrowcountyor.gov>; George Cress <gcress@morrowcountyor.gov>
Subject: Bird Concerns with Data Center Application LUD-N-089-25

> Some people who received this message don't often get email from cshoemake@morrowcountyor.gov. Learn why this is important

Good morning,

The Morrow County Planning Department is in the process of a series of hearings related to a Land Use Application, LUD-N-089-25, for a new data center campus near the Boardman Airport. ODFW was not originally provided notice as an affected agency, as it was not deemed relevant to this application.

However, we have since received public comment regarding the project's stormwater/IWW retention ponds being bird attractants and therefore posing a safety risk to airport operations. The airport sponsor (Port of Morrow) and the Oregon Department of Aviation have both indicated there are no concerns. The

applicant also responded with a third-party Bird Mitigation Study. Subsequent public comments questioned the validity of this study and adequacy of proposed mitigation.

We thought it would be valuable to seek your organization's guidance, or at least opinion, on whether these ponds will attract birds and pose a safety risk, whether proposed mitigation efforts appear adequate, and any other thoughts in general.

If you have time, please review the attached documentation and provide a response at your earliest convenience. The final packet will be published no later than 3/24, ideally 3/20, so a response is requested prior to then, but we recognize this is a late request, so we appreciate any efforts at all.

Select application documents attached:

1. **Draft Findings of Fact with attached Vicinity Map and Site Plan**
   - Reference description of impoundments *(pg. 1)* and response to MCZO 3.092(G)(3) *(pg. 6-7)*
2. **Kelly Doherty comments with attached FAA Advisory Circular**
   - Reference G1-G3 comments *(pg. 2)* & attachment
3. **Pacific Habitat Services Bird Mitigation Study**
4. **Kelly Doherty 2/24 Additional Comments**
   - Reference bird mitigation comments *(pg. 1)*
5. **Perkins Coie response to numerous comments**
   - Reference item 4 *(pg. 5-8)*
6. **Pacific Habitat Services response to bird comments**
7. **Jim Doherty 3/3 additional comments**
   - Reference bird comments *(pg. 2-3)*

I left a voice mail with the Heppner office. Feel free to give myself or Tamra a call back at 541-922-4624 or respond to this email with any questions or response to our inquiry. Thank you again for any time you can devote to this.

Clint Shoemake
Land Use Planning Technician *(Mon-Thu)*
Morrow County Planning Department - *Web*
cshoemake@morrowcountyor.gov
(541) 922-4624 | *x5517*

314

Clint Shoemake

From: Cardenas, Omar <cardeom@amazon.com>
Sent: Tuesday, March 17, 2026 9:51 AM
To: Tamra Mabbott; Clint Shoemake
Cc: Lin, Megan (Perkins Coie); Pfeiffer, Steven L. (Perkins Coie); Leif Van Acker; Tacchini, Jason
Subject: FW: Boardman Airport - Flight Data and Pond Mitigation Guidance Needed
Attachments: RE: Project near Boardman Airport

[EXTERNAL EMAIL] - STOP and VERIFY - This message came from outside of Morrow County Gov

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Tamra/Clint:
Thank you for the time this AM.

As we discussed, attached and below are the responses that we have received from the FAA regarding our water/bird concerns for the Tower East Project out at Boardman Airport.

The latest response (below) is from yesterday morning, 3/16/26. As we noted, we have been in contact with the FAA since last September on this matter.

You will also see from both email chains that their response focuses on two items.

- Deferring to Advisory Circular (AC) 150/5200-33B *Hazardous Wildlife Attractants On or Near Airports* for direction.
- Working with the Airport Sponsor on this matter

Both of which we have done regarding this matter.

1. Our mitigation measures ensure the proposed project follow the guidelines recommended in the Advisory Circular.
2. We have received approval of our mitigation plan from the Airport Sponsor at this time.

Please let us know if you have any questions.
I thank you for the time and attention.

-Omar

Omar Cardenas
Sr. Real Estate Development Manager
Data Center Supply Solutions
cardeom@amazon.com
C:732-921-7070

315

From: Campoamor, Jessica L (FAA) <Jessica.L.Campoamor@faa.gov>
Sent: Monday, March 16, 2026 8:06 AM
To: Cardenas, Omar <cardeom@amazon.com>; Wingo, Jared L (FAA) <Jared.L.Wingo@faa.gov>
Subject: RE: [EXTERNAL] Boardman Airport - Flight Data and Pond Mitigation Guidance Needed

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Good morning,

The design information for ponds can be found in advisory circular (AC) 150/5200-33B, *Hazardous Wildlife Attractants On or Near Airports*. I had a conversation with Chris Tran with Kimley Horn last September about this project, which triggered the attached email conversation. Christopher Peterson, also with Kimley Horn, had some follow-up questions on the same email string.

Please let me know if you have any other questions.

Jessica Campoamor
Aviation Planner and Lead Planner (A)
Seattle Airport District Office
Federal Aviation Administration
U.S. Department of Transportation
O: (206) 231-4135
jessica.l.campoamor@faa.gov

From: Cardenas, Omar <cardeom@amazon.com>
Sent: Thursday, March 12, 2026 3:25 PM
To: Wingo, Jared L (FAA) <Jared.L.Wingo@faa.gov>; Campoamor, Jessica L (FAA) <Jessica.L.Campoamor@faa.gov>
Subject: RE: Boardman Airport - Flight Data and Pond Mitigation Guidance Needed

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Jared/Jessica:
Good day to you both.
I hope this email finds you well.

I wanted to circle back on the matter below.
We had out planning board meeting a couple of weeks ago and this matter came up regarding an FAA response.

Would it be possible to get your feedback on this issue?

-Omar

316

Omar Cardenas
Sr. Real Estate Development Manager
Data Center Supply Solutions
cardeom@amazon.com
C:732-921-7070

From: Cardenas, Omar
Sent: Monday, February 16, 2026 9:02 AM
To: 'Wingo, Jared L (FAA)' <Jared.L.Wingo@faa.gov>
Subject: RE: [EXTERNAL] Boardman Airport - Flight Data and Pond Mitigation Guidance Needed

Hey Jared:
Not sure if you are in the office today due to the holiday, but just wanted to follow-up on this.

-Omar

From: Wingo, Jared L (FAA) <Jared.L.Wingo@faa.gov>
Sent: Thursday, February 12, 2026 12:45 PM
To: Cardenas, Omar <cardeom@amazon.com>
Subject: RE: [EXTERNAL] Boardman Airport - Flight Data and Pond Mitigation Guidance Needed

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Omar – We're tracking this and I have a staff member working on getting a response to the both of us.

The staff member and I will be in the vehicle this afternoon and evening and we will prioritize on getting a response back.

Take care,

Jared Wingo
Regional Planner
Planning and Programming Branch | Airports Division
Northwest Mountain Region
Federal Aviation Administration
O: 406-441-5233 or 206-231-4119
E: jared.l.wingo@faa.gov

From: Cardenas, Omar <cardeom@amazon.com>
Sent: Thursday, February 12, 2026 12:40 PM
To: Wingo, Jared L (FAA) <Jared.L.Wingo@faa.gov>
Subject: Re: Boardman Airport - Flight Data and Pond Mitigation Guidance Needed

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317

Hey Jared:
Hope all is well.
As per our conversation last week, wanted to circle back on this matter of the ponds at boardman airport. We have heard from the airport sponsor and ODAV.

I know you are super busy. But just wanted to follow up. You mentioned if I hadn't heard from you by Wednesday I should reach out.

Sorry for the trouble.

-Omar

Get Outlook for iOS

From: Cardenas, Omar
Sent: Tuesday, February 10, 2026 1:59:35 PM
To: Wingo, Jared L (FAA) <jared.l.wingo@faa.gov>
Subject: RE: [EXTERNAL] Boardman Airport - Flight Data and Pond Mitigation Guidance Needed

Good Jared:
Hope all is well.

Wanted to provide you the enclosed attachment.
As per Morrow County Zoning Ordinance 3.092 (G)(7) written approval from the airport sponsor, FAA and ODAV is required for water impoundment within 5,000 feet of the edge of the runway.

The airport sponsor, Port of Morrow has reviewed out mitigation report and plan and has approved.

Please let me know if you have any questions.

Thank You sir,

-Omar

From: Cardenas, Omar
Sent: Thursday, February 5, 2026 10:37 AM
To: Wingo, Jared L (FAA) <jared.l.wingo@faa.gov>
Subject: RE: [EXTERNAL] Boardman Airport - Flight Data and Pond Mitigation Guidance Needed

Jared:
Thank you for the call.
Enclosed is the construction notice document I received from our consultant regarding notifying the FAA.

Hope this is what you were looking for.

Please let me know if there is anything else I can provide you on this matter.

Thank You,

318

-Omar

From: Cardenas, Omar
Sent: Thursday, February 5, 2026 10:12 AM
To: 'Wingo, Jared L (FAA)' <Jared.L.Wingo@faa.gov>; Lee, Courtney <cnlee@amazon.com>; 'Zulauf, Ryan C (FAA)' <ryan.c.zulauf@faa.gov>; 'jessica.l.wuttke-campoamor@faa.gov' <jessica.l.wuttke-campoamor@faa.gov>
Cc: Tacchini, Jason <jastacc@amazon.com>
Subject: RE: [EXTERNAL] Boardman Airport - Flight Data and Pond Mitigation Guidance Needed

Jared:

Good day to you sir. Apologies for the follow-up here, but it has come to my attention that the County of Morrow has been in contact with Jessica Wuttke-Campoamor at the FAA on this matter at Boardman airport. It is unknown to me how division of labor is split at the FAA. So I thought it would be prudent to add her to this email chain.

Mrs. Wuttke-Campoamor: good day to you. I have been working with Jared on the attached matter since last week. Enclosed you will find my original email on the bird mitigation matter at Boardman Airport, in Morrow County. It is my understanding that the County's Planning Technician, Clint Shoemake has been in contact with you regarding this topic. The attached email contains:

- Cover letter
- Bird Mitigation Report
- Wildlife consultant's resume

I would also like to add the Airport Sponsor, the Port of Morrow has approved our mitigation plan. And will be issuing an official letter next week. I will pass the letter along once I have it.

I apologize for not adding you to the distribution list earlier. I just became aware of your involvement yesterday.

Please let me know if you have any questions. Or feel free to call, my number is below.

I thank you both for your time.

Sincerely

-Omar

Omar Cardenas
Sr. Real Estate Development Manager
Data Center Supply Solutions
cardeom@amazon.com
C:732-921-7070

From: Cardenas, Omar
Sent: Monday, February 2, 2026 3:17 PM
To: 'Wingo, Jared L (FAA)' <Jared.L.Wingo@faa.gov>; Lee, Courtney <cnlee@amazon.com>; 'Zulauf, Ryan C (FAA)' <ryan.c.zulauf@faa.gov>
Cc: Tacchini, Jason <jastacc@amazon.com>
Subject: RE: [EXTERNAL] Boardman Airport - Flight Data and Pond Mitigation Guidance Needed

Jared:
Good day to you.
I just wanted to let you know that the Port of Morrow (airport sponsor) contacted me this afternoon to inform me that they have reviewed our report and mitigation plan for our development next to Boardman Airport and they have accepted our mitigation plan.

Once I have the formal letter of acceptance from them, I will provide it to you.

Just wanted to let you know.

-Omar

From: Cardenas, Omar
Sent: Friday, January 30, 2026 9:10 AM
To: 'Wingo, Jared L (FAA)' <Jared.L.Wingo@faa.gov>; Lee, Courtney <cnlee@amazon.com>; Zulauf, Ryan C (FAA) <ryan.c.zulauf@faa.gov>
Cc: Tacchini, Jason <jastacc@amazon.com>
Subject: RE: [EXTERNAL] Boardman Airport - Flight Data and Pond Mitigation Guidance Needed

Thank You for confirming Jared.
Please let me know if you have any questions.

From: Wingo, Jared L (FAA) <Jared.L.Wingo@faa.gov>
Sent: Thursday, January 29, 2026 4:39 PM
To: Cardenas, Omar <cardeom@amazon.com>; Lee, Courtney <cnlee@amazon.com>; Zulauf, Ryan C (FAA) <ryan.c.zulauf@faa.gov>
Cc: Tacchini, Jason <jastacc@amazon.com>
Subject: RE: [EXTERNAL] Boardman Airport - Flight Data and Pond Mitigation Guidance Needed

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Received the 2 PDFs + 1 docx file.

Thanks so much!

Jared Wingo
Acting Assistant ADO Manager
Seattle Airports District Office
Northwest Mountain Region
Federal Aviation Administration

320
O: 206-231-4119 | **UPDATED (8/29/25)**
E: jared.l.wingo@faa.gov

From: Cardenas, Omar <cardeom@amazon.com>
Sent: Thursday, January 29, 2026 4:20 PM
To: Wingo, Jared L (FAA) <Jared.L.Wingo@faa.gov>; Lee, Courtney <cnlee@amazon.com>; Zulauf, Ryan C (FAA) <ryan.c.zulauf@faa.gov>
Cc: Tacchini, Jason <jastacc@amazon.com>
Subject: RE: Boardman Airport - Flight Data and Pond Mitigation Guidance Needed

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Thank you Jared.
I just sent the email and report a short time ago.
Should be in your inbox.

Omar Cardenas
Sr. Real Estate Development Manager
Data Center Supply Solutions
cardeom@amazon.com
C:732-921-7070

From: Wingo, Jared L (FAA) <Jared.L.Wingo@faa.gov>
Sent: Thursday, January 29, 2026 1:07 PM
To: Cardenas, Omar <cardeom@amazon.com>; Lee, Courtney <cnlee@amazon.com>; Zulauf, Ryan C (FAA) <ryan.c.zulauf@faa.gov>
Cc: Tacchini, Jason <jastacc@amazon.com>
Subject: RE: [EXTERNAL] Boardman Airport - Flight Data and Pond Mitigation Guidance Needed

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Omar,

We appreciate the heads-up regarding the mitigation report.

Once we receive the report, Ryan and I will direct the information to the appropriate staff for review.

Jared Wingo
Acting Assistant ADO Manager
Seattle Airports District Office
Northwest Mountain Region
Federal Aviation Administration
O: 206-231-4119 | **UPDATED (8/29/25)**
E: jared.l.wingo@faa.gov

321

From: Cardenas, Omar <cardeom@amazon.com>
Sent: Thursday, January 29, 2026 1:02 PM
To: Wingo, Jared L (FAA) <Jared.L.Wingo@faa.gov>; Lee, Courtney <cnlee@amazon.com>; Zulauf, Ryan C (FAA) <ryan.c.zulauf@faa.gov>
Cc: Tacchini, Jason <jastacc@amazon.com>
Subject: RE: Boardman Airport - Flight Data and Pond Mitigation Guidance Needed

CAUTION: This email originated from outside of the Federal Aviation Administration (FAA). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Jared:
Good day to you.
I chatted with Courtney yesterday and we decided it would be helpful if I reached out and introduced myself.
My name is Omar Cardenas and I am with the AWS Land Development team.
(We had asked Courtney with helping us with contact the FAA on this matter)

Regarding the pond construction item that Courtney originally noted, we are in the middle of our entitlement process for this project and are aware of FAA requirements for water impoundment and required bird hazard mitigation plan due to proximity to the Boardman airport. To this point we have prepared a bird hazard mitigation report. That report will be sent to the airport sponsor, (Port of Morrow), the FAA and ODAV.

I just wanted to let you known that report will be issued by COB today to all three agencies. So you should see it in your inbox this evening.

It is my understanding all 3 agencies will need to review and approve this plan.

Please let me know if you have any questions sir. My contact info is below.

I thank you in advance for you help in this matter.

-Omar

Omar Cardenas
Sr. Real Estate Development Manager
Data Center Supply Solutions
cardeom@amazon.com
C:732-921-7070

From: Wingo, Jared L (FAA) <Jared.L.Wingo@faa.gov>
Sent: Tuesday, January 27, 2026 7:29 PM
To: Lee, Courtney <cnlee@amazon.com>; Zulauf, Ryan C (FAA) <ryan.c.zulauf@faa.gov>

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Cc: Cardenas, Omar <cardeom@amazon.com>; Tacchini, Jason <jastacc@amazon.com>
Subject: RE: [EXTERNAL] Boardman Airport - Flight Data and Pond Mitigation Guidance Needed

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Courtney –

Thank you for your patience - we have received your request.

Please allow us a few days and to address your questions.

Jared Wingo
Acting Assistant ADO Manager
Seattle Airports District Office
Northwest Mountain Region
Federal Aviation Administration
O: 206-231-4119 | **UPDATED (8/29/25) - Call 406-441-5233 if other number is unreachable.**
E: jared.l.wingo@faa.gov

From: Lee, Courtney <cnlee@amazon.com>
Sent: Tuesday, January 27, 2026 5:40 PM
To: Thorsen, Valerie (FAA) <valerie.thorsen@faa.gov>; Zulauf, Ryan C (FAA) <ryan.c.zulauf@faa.gov>; Wingo, Jared L (FAA) <Jared.L.Wingo@faa.gov>
Cc: Cardenas, Omar <cardeom@amazon.com>; Tacchini, Jason <jastacc@amazon.com>
Subject: RE: Boardman Airport - Flight Data and Pond Mitigation Guidance Needed

CAUTION: This email originated from outside of the Federal Aviation Administration (FAA). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Thank you so much, Valerie! Appreciate the quick response. We look forward to hearing from Ryan or Jared.

Courtney

From: Thorsen, Valerie (FAA) <valerie.thorsen@faa.gov>
Sent: Tuesday, January 27, 2026 4:14 PM
To: Lee, Courtney <cnlee@amazon.com>; Zulauf, Ryan C (FAA) <ryan.c.zulauf@faa.gov>; Wingo, Jared L (FAA) <Jared.L.Wingo@faa.gov>
Cc: Cardenas, Omar <cardeom@amazon.com>; Tacchini, Jason <jastacc@amazon.com>
Subject: RE: [EXTERNAL] Boardman Airport - Flight Data and Pond Mitigation Guidance Needed

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Hi Courtney,

Since we last spoke, Warren Ferrell has retired from the FAA and I have taken a different role. I have forwarded your email to Jared Wingo, who has backfilled my position in the ADO. Ryan or Jared should be in touch soon.

Thanks,
Valerie Thorsen

323

Acting Manager
Planning & Programming Branch
206-231-4110

From: Lee, Courtney <cnlee@amazon.com>
Sent: Monday, January 26, 2026 9:50 AM
To: Ferrell, Warren (FAA) <Warren.Ferrell@faa.gov>; Thorsen, Valerie (FAA) <valerie.thorsen@faa.gov>; Zulauf, Ryan C (FAA) <ryan.c.zulauf@faa.gov>
Cc: Cardenas, Omar <cardeom@amazon.com>; Tacchini, Jason <jastacc@amazon.com>
Subject: RE: Boardman Airport - Flight Data and Pond Mitigation Guidance Needed

Some people who received this message don't often get email from cnlee@amazon.com. Learn why this is important

CAUTION: This email originated from outside of the Federal Aviation Administration (FAA). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Warren, Valerie and Ryan –

Hope you had a nice weekend! I wanted to follow up on my email below to see if the FAA could provide any guidance? We are happy to jump on a call to discuss, if easier.

Thank you,
Courtney

From: Lee, Courtney
Sent: Thursday, January 15, 2026 1:27 PM
To: Warren.Ferrell@faa.gov; valerie.thorsen@faa.gov; ryan.c.zulauf@faa.gov
Cc: Cardenas, Omar <cardeom@amazon.com>; Tacchini, Jason <jastacc@amazon.com>
Subject: Boardman Airport - Flight Data and Pond Mitigation Guidance Needed

Hi Warren, Valerie and Ryan –

Happy New Year - I hope this email finds you well! I realize that we have not connected since April 2024 when we spoke about the Arlington (OR) airport, but a new issue has come up in Oregon and I wanted to reach out as you were so helpful last year.

We would like to request your assistance with addressing some issues near the Boardman Airport to help one of our projects to continue to move forward. We are developing a site in Morrow County that includes multiple structures and surface ponds located near the Boardman Airport runway. We have been attempting to coordinate with both the FAA and the Oregon Department of Aviation (ODAV) throughout this process and would appreciate your guidance on the following matters:

- **Flight Count Data** - We are requesting flight count information for Boardman Airport as it is essential for our project planning and risk assessment. The Port of Morrow told us that, “Boardman airport is a public airport that is unmanned and they do not track the traffic in and out although flight plans, I am sure are logged with FAA.” If you could provide this information or direct us to the appropriate resource, we would greatly appreciate it.
- **Mitigation Measures for Large Surface Ponds** - Our project includes 3 ponds, 1 of which will contain water approximately 10 months out of the year. We understand the FAA's concerns regarding hazardous wildlife attractants near airports, as outlined in AC 150/5200-33C. However, we need specific guidance from the FAA on appropriate mitigation measures for these water features given their proximity to the airport. We recognize that you previously directed us to review the Advisory Circular, but we would greatly benefit from the FAA's direct

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input on our specific situation. Once we complete our bird hazard assessment report, we would like to submit it for your review and obtain FAA approval of our proposed mitigation plans.

- **Notice of Construction Status** - Regarding the pre-screening tool and notice of construction requirements, we have already submitted our construction notice through the OE/AAA portal as you recommended. We received an initial review that was terminated, and we have been working with ODAV on the formal aeronautical study process. We believe we are on track with this requirement, but please let us know if any additional steps are needed from the FAA's perspective.

We understand that your office handles a significant workload, and we appreciate your patience and assistance throughout this coordination process. Your guidance on these items—particularly the flight counts and pond mitigation measures—would be invaluable in helping us design a project that meets all FAA safety requirements.

Please let me know if you need any additional information from our team, or if it would be helpful to schedule a call to discuss these items in more detail.

Thank you for your continued support and expertise on this project.

Courtney

Courtney Lee
Sr. Manager, Public Policy (AK, HI, ID, MT, OR, WA)
Amazon Web Services
cnlee@amazon.com
Cell: 503-724-2392



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Clint Shoemake

From: Campoamor, Jessica L (FAA) <Jessica.L.Campoamor@faa.gov>
Sent: Wednesday, November 26, 2025 11:32 AM
To: 'Peterson, Christopher'
Cc: 'Van Acker, Leif'; 'Tran, Chris'
Subject: RE: Project near Boardman Airport

Good morning,

Please review AC 15/5200-33C (Advisory Circular 150/5200-33C, Hazardous Wildlife Attractants on or near Airports, 21 February 2020) for more information about wildlife attractants near airports. Also, please work with the Boardman Airport manager so they are aware of the pond and the potential for it being a wildlife attractant.

Sincerely,
Jessica Campoamor
Aviation Planner and Project Manager
Seattle Airports District Office
FAA Northwest Mountain Region
206-231-4135
jessica.l.campoamor@faa.gov

We are Airports

From: Peterson, Christopher <Christopher.Peterson@kimley-horn.com>
Sent: Wednesday, November 26, 2025 7:05 AM
To: Campoamor, Jessica L (FAA) <Jessica.L.Campoamor@faa.gov>
Cc: Van Acker, Leif <Leif.VanAcker@kimley-horn.com>; Tran, Chris <Chris.Tran@kimley-horn.com>
Subject: RE: Project near Boardman Airport

CAUTION: This email originated from outside of the Federal Aviation Administration (FAA). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

We submitted a case through the link you provided but received a notification that the review had been terminated. I have attached the letter notification for your reference. Is there another location you would like us to upload to have the water impoundments evaluated? We intend on uploading the studies for the proposed vertical structures on this site as noted in the letter but would like input on the ponds to determine if any mitigation measures are necessary. Let me know if you have any questions or concerns.

Regards,

Christopher Peterson
Kimley-Horn | 1 SW Columbia Street, Suite 650, Portland OR 97258
Direct: 503 395 5946 | Main: 503 404 3910
Connect with us: Twitter | LinkedIn | Facebook | Instagram | Kimley-Horn.com

Celebrating 18 years as one of FORTUNE's 100 Best Companies to Work For

From: Campoamor, Jessica L (FAA) <Jessica.L.Campoamor@faa.gov>
Sent: Tuesday, September 16, 2025 10:04 AM
To: Tran, Chris <Chris.Tran@kimley-horn.com>
Cc: Van Acker, Leif <Leif.VanAcker@kimley-horn.com>; Peterson, Christopher <Christopher.Peterson@kimley-horn.com>
Subject: RE: Project near Boardman Airport

Some people who received this message don't often get email from jessica.l.campoamor@faa.gov. Learn why this is important

Hi Chris,

You can look through AC 150/5200-33B, Hazardous Wildlife Attractants on or near Airports, 28 August 2007, and our compatible land use information (Compatible Land Use | Federal Aviation Administration).

Sincerely,
Jessica Campoamor
Aviation Planner
Seattle Airports District Office
FAA Northwest Mountain Region
206-231-4135
jessica.l.campoamor@faa.gov

From: Tran, Chris <Chris.Tran@kimley-horn.com>
Sent: Tuesday, September 16, 2025 9:56 AM
To: Campoamor, Jessica L (FAA) <Jessica.L.Campoamor@faa.gov>
Cc: Van Acker, Leif <Leif.VanAcker@kimley-horn.com>; Peterson, Christopher <Christopher.Peterson@kimley-horn.com>
Subject: RE: Project near Boardman Airport

CAUTION: This email originated from outside of the Federal Aviation Administration (FAA). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning Jessica,

Thank you for sending this over. Are you able to advise on any mitigation measures for large surface ponds near the airport? Our pond is approximately 3,700 ft and 4,500 ft away from the Boardman Airport runway. The pond is expected to have water 10 out of 12 months of the year (November to September), so we want to know if there are any pond design requirements or any mitigation requirements we can specify on our plans to prevent redesign.

Thanks,

Chris Tran, EIT
Kimley-Horn | One SW Columbia Street, Suite 650, Portland, OR 97204
Direct: 503 883 8667 | Mobile: 714 487 8350
Connect with us: Twitter | LinkedIn | Facebook | Instagram |

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Celebrating 16 years as one of FORTUNE's 100 Best Companies to Work

From: Campoamor, Jessica L (FAA) <Jessica.L.Campoamor@faa.gov>
Sent: Tuesday, September 16, 2025 7:59 AM
To: Tran, Chris <Chris.Tran@kimley-horn.com>
Subject: Project near Boardman Airport

You don't often get email from jessica.l.campoamor@faa.gov. Learn why this is important

Good morning,

Please submit a case through OE/AAA (Obstruction Evaluation / Airport Airspace Analysis (OE3A)). The website has information on how to create an account and what to upload. Please let me know if you have any questions!

Sincerely,
Jessica Campoamor
Aviation Planner
Seattle Airports District Office
FAA Northwest Mountain Region
206-231-4135
jessica.l.campoamor@faa.gov



March 17, 2026

Morrow County Planning Commission
Attn: Stacie Ekstrom, Chair
P.O. Box 40
Irrigon, OR 97844

Re: Tower Road East Data Center (LUD-N-089-25) — Applicant's Final Argument

Dear Chair Ekstrom and Fellow Commissioners:

We write on behalf of Amazon Data Services, Inc. ("ADS" or "Applicant") to submit these final written arguments in support of the land use application for the Tower Road East Data Center campus (LUD-N-089-25), pursuant to ORS 197.797(6) and Morrow County Zoning Ordinance ("MCZO") Article 9, Section 9.050(J). Please include this letter in the record for this proceeding.

Before and following the public hearing before the Planning Commission on February 24, 2026, Applicant and third party agencies submitted voluminous letters, memoranda, and reports that collectively address all relevant review criteria under the MZCO, and to respond to comments and questions. For reference, the following is a complete list of materials submitted by the Applicant, agencies, and members of the public; underlined materials were submitted during the open record period:

Applicant Submissions:

1. Site Plan, Airport Elevation Profile, and Airport Overlay Map.
2. Application Narrative (Administrative Review Memo) from Kimley-Horn and Associates, Inc., dated November 20, 2025.
3. Completeness Review Response from Kimley-Horn and Associates, Inc., dated December 5, 2025.
4. Pacific Habitat Services, Inc. Bird Attractant Mitigation Study, dated January 28, 2026, which recommends mitigation measures consistent with FAA Advisory Circular 15/5200-33C.
5. Kimley-Horn and Associates, Inc. Memo in Response to AKS Engineering TIA Comments, dated February 5, 2026.
6. Kimley-Horn and Associates, Inc. Updated Traffic Impact Analysis, dated February 2026.
7. Perkins Coie LLP Cover Letter re: Supplemental Submission, dated February 6, 2026.
8. FlightAware Data for Boardman Airport, submitted February 20, 2026.

9. Kimley-Horn and Associates, Inc. Memo in Response to Todd Mobley Revised TIA Comments, submitted February 20, 2026.
10. Perkins Coie LLP PowerPoint Presentation at February 24, 2026 Planning Commission Hearing.
11. Perkins Coie LLP Cover Letter re: Applicant's Response to Testimony and Comments from the Planning Commission Hearing, dated March 3, 2026.
12. Kimley-Horn and Associates, Inc. Supplemental Memorandum Responding to Public Comments, dated March 3, 2026.
13. Pacific Habitat Services, Inc. Supplemental Memorandum Responding to Bird Hazard Mitigation Comments, dated March 3, 2026.
14. Kimley-Horn and Associates, Inc. Rebuttal Memorandum Responding to Comments Submitted February 25 to March 3, dated March 10, 2026.
15. This letter — Applicant's Final Written Arguments, dated March 17, 2026.

Agency Letters and Correspondence in the Record:

1. Letter of Intent to Serve Water from the Port of Morrow, dated December 21, 2023.
2. Email of Intent to Serve Power from Umatilla Electric Cooperative, dated May 7, 2025.
3. On-site Septic Evaluation from the Oregon Department of Environmental Quality, dated June 11, 2025.
4. Email from Kimberly Peacher, U.S. Navy (NAS Whidbey Island), re: Lighting Review, dated November 21, 2025.
5. County's TIA Review Letter from AKS Engineering & Forestry, LLC (Todd Mobley, P.E.), dated January 22, 2026.
6. Email from Oregon Department of Transportation, dated December 30, 2025, confirming that the analysis does not indicate mitigation is warranted.
7. Letter from the Port of Morrow re: Bird Mitigation Study Concurrence, dated February 10, 2026.
8. Letter from Brandon Pike, Oregon Department of Aviation, re: Bird Mitigation Study, dated February 12, 2026, confirming the proposal appears to meet state-level requirements for water impoundments near public-use airports.
9. Email from AKS (Todd Mobley, P.E.) re: Review of Revised TIA, dated February 17, 2026, confirming the updated TIA and comment response are sufficient.
10. Email from Oregon Water Resources Department, re: Port of Morrow Water Rights, dated February 24, 2026.
11. Email from Jacob Cain, Port of Morrow, re: Water Rights, dated February 24, 2026.
12. Email from Steve Cherry, Oregon Department of Fish & Wildlife, dated March 12, 2026, stating ODFW has no comment on the bird mitigation issue.

13. Email Correspondence with the Federal Aviation Administration ("FAA"), showing that Applicant shared information regarding the proposed water impoundments and recommended mitigation measures, and the FAA responded by requesting compliance with FAA Advisory Circular 15/5200-33C and coordination with the airport sponsor. In accordance with the FAA's request, Applicant commissioned an expert report, which recommends mitigation measures consistent with the Advisory Circular and which was shared with the airport sponsor, ODAV, and FAA for review. The airport sponsor specifically has concurred with the mitigation and conclusions in the report.

Public Submissions:

1. Email from Kelly Doherty, dated December 24, 2025.
2. Letter from Kelly Doherty, dated February 24, 2026.
3. Letter from Kaleb Lay, Oregon Rural Action, dated February 25, 2026.
4. Letter from Jim Doherty, dated March 3, 2026.

The materials listed above, together with oral testimony offered by Applicant on February 24, demonstrate compliance with all applicable approval criteria under MCZO Sections 3.076 (Airport Light Industrial), 3.092 (Airport Safety and Compatibility Overlay), and 5.020 (Site Plan Review), and expressly rebut legally unsupported claims and allegations raised by third parties. Accordingly, the Planning Director's analysis and recommendation approving this Application are supported by largely uncontroverted substantial evidence and are consistent with applicable local ordinance provisions and state law. Conversely, the concerns and arguments in opposition are unsubstantiated, irrelevant to applicable review criteria, or are contrary to established law.

The open record period closes on March 17, 2026, and a final closed-record hearing to deliberate and reach a decision on this land use application is scheduled for March 31, 2026 before the Planning Commission. The Applicant respectfully requests that the Planning Commission approve the Application, subject to the recommended conditions of approval.

Sincerely,



Megan Lin

To limit file size, the packet containing complete LUD-N-089-25 application materials from the February 24, 2026, Planning Commission Meeting can be accessed at this link:

https://morrowcoor.portal.civicclerk.com/event/1346/files/agenda/3139

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PRELIMINARY FINDINGS OF FACT
MAJOR VARIANCE
V-N-060-26

REQUEST: Request is for a variance to the manufactured home siting standards limiting installation to models that are no more than 10 years old.

APPLICANT/OWNER: Rock It, LLC
Wade Aylett
74854 Washington Ln.
Irrigon, OR 97844

PROPERTY DESCRIPTION: Tax lot 800 of Assessor's Map 5N 26E 23A

PROPERTY LOCATION: Approximately 0.7 miles west of Irrigon city limits and 0.25 miles south of the Columbia River, on the north side of Washington Lane.

I. BACKGROUND INFORMATION:

The subject parcel is approximately 3.27 acres, zoned Rural Residential (RR), and is located outside the Irrigon Urban Growth Boundary. It is fronted to the south by Washington Lane. Adjacent properties are zoned RR and developed accordingly.

The parcel currently contains two single-wide manufactured homes with separate driveways. The dwelling to the west is addressed as 74891 Washington Lane and the dwelling to the east is addressed as 74905 Washington Lane. The landowner recently purchased the parcel and is attempting to improve its condition.

The landowner received approval of Major Variance V-N-060-25 in December 2025 to replace the dwelling to the west, addressed as 74891 Washington Lane. That approval granted a variance from the age requirement for a manufactured home in Morrow County Zoning Ordinance (MCZO) Section 4.110(B). This application seeks a similar approval of a variance from the age requirement for replacing the second manufactured home on the east side of the parcel.

The subject dwelling, currently addressed as 74905 Washington Lane, is an approximately 1,056 ft² 1999 Golden West single-wide manufactured home in poor condition. The applicant proposes to replace it with an approximately 1,276 ft² 2005 Golden Eagle double-wide manufactured home. The applicant has submitted as part of their application photos of the existing dwelling and the proposed replacement dwelling (see attached).

The Morrow County Zoning Ordinance (MCZO) requires a manufactured home placed in a rural residential zone to meet the manufactured home siting standards outlined in Section 4.110(B), Manufactured Homes in a Rural Residential Zone. This request would be a variance from the age requirement of MCZO Section 4.010(B)(1), which requires a manufactured home, "be multi-sectional (double-wide or larger); be a minimum of 1000 square feet; and be manufactured no more than ten years before the receipt date of the siting request application by the Planning Department".

II. APPROVAL CRITERIA:

Morrow County Zoning Ordinance (MCZO) Article 4, Section 4.110(B) Manufactured Homes in a Rural Residential Zone and Article 7, Section 7.200(B) Major Variance will apply. Criteria are listed below in **bold type**, followed by a response in standard type.

ARTICLE 4. SUPPLEMENTARY PROVISIONS

SECTION 4.110. Minimum Standards for a Manufactured Home on Individual Lots or Parcels as a Single-Family Dwelling.

B. Manufactured Homes in a Rural Residential Zone: A manufactured home permitted as a single-family dwelling on an individual lot or parcel in a residential zone (Rural Residential, Farm Residential or Suburban Residential) shall be in compliance with the following standards and regulations as a minimum.

1. Be multi-sectional (double-wide or larger); be a minimum of 1000 square feet; and be manufactured no more than ten years before the receipt date of the siting request application by the Planning Department.
The proposed replacement dwelling is an approximately 1,276 ft² 2005 Fleetwood double-wide manufactured home. This application requests a variance from this age requirement, as it is more than ten years old.

2. Placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.
The existing dwelling is not installed on a foundation, however the applicant proposes to install the replacement dwelling on a foundation. It is recommended and included as a Condition of Approval that the replacement dwelling be placed on a foundation that meets these standards.

3. Have a pitched roof with a nominal slope of at least three feet in height for each 12 feet in width.
The applicant states the replacement dwelling meets this standard. This criterion is met.

4. Certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code.
The applicant states the replacement dwelling meets this standard. Per conversation with the Building Official, it is not likely a 2005 manufactured home is constructed to any lesser energy conservation standard than a 2005 stick-built home. This is one of the standards that will be inspected by the Building Department.

DRAFT

5. **Have exterior siding and roofing materials which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Planning Department.**
The replacement dwelling is a light teal color with material and appearance comparable to surrounding dwellings. This criterion is met.

6. **Have a garage or carport sited on the same lot or parcel of at least 180 square feet in size of like materials constructed before occupancy.**
The existing dwelling does not have a garage or carport that meets these requirements. It is recommended and listed as a Condition of Approval that the applicant construct a qualifying garage or carport prior to occupancy of the replacement dwelling.

7. **All manufactured home accessory buildings and structures shall comply with state and local construction and installation standards. Roofing and siding materials shall be of similar material and color and complementary to the existing manufactured home unit. Manufactured home accessory structures include porches and steps, awnings, cabanas, or any other structure or addition that depends in part on the manufactured home for its structural support, or in any manner is immediately adjacent to or attached to the manufactured home. Such structures or additions shall not total more than 40% of the total living space of the manufactured home. Garages or carports, either attached or detached, are not counted in this percentage. Ramadas, as defined in ORS 446, shall not be permitted.**
It is recommended and listed as a Condition of Approval that the required garage or carport shall be constructed of similar material and color and comply with state and local construction and installation standards. No other structures are being proposed as part of this application.

8. **When removing a manufactured home the owner of the property shall remove the foundation and all accessory structures and additions to the manufactured home and permanently disconnect sewer, water and other utilities if the manufactured home is removed from its foundation unless otherwise authorized by the County. In the event the owner fails to accomplish said work within 30-days from the day on which the manufactured home is moved from its foundation, the County may perform such work and place a lien against the property for the cost of such work. This condition shall not apply in the event that the manufactured home is replaced on the original foundation, or on the original foundation as modified, or by another approved manufactured home within 30-days of the original unit's removal. Said lien may be initiated by the County Board of Commissioners.**
The applicant proposes removing and disposing of the existing manufactured home and replacing it with another approved manufactured

home. The applicant shall ensure that the existing manufactured home is completely removed from the property and is not stored on-site. This is recommended and listed as a Condition of Approval.

The applicant proposes to install the replacement dwelling on a foundation as described in the response to 4.110(B)(2). This is recommended and listed as a Condition of Approval.

As part of the permitting process, the applicant will be required to obtain on-site septic approval from Umatilla County Public Health. This is recommended and listed as a Condition of Approval.

9. **A manufactured structure is recognized as any manufactured dwelling, or prefabricated structure more than 8 ½ feet wide that can be moved to a new location.**
The existing dwelling and replacement dwelling both meet this definition.

ARTICLE 4. DIMENSIONAL ADJUSTMENTS, VARIANCES, TEMPORARY USE PERMITS, AND NON-CONFORMING USES

SECTION 7.200 VARIANCES
A Variance can serve multiple purposes and is designed to provide relief from the literal requirements of a regulation found within this Zoning Ordinance. The result of approving a Variance should result in improved planning that would benefit the applicant and the broader community, and it may be the first step in reevaluating requirements or allowed uses within a use zone.

B. MAJOR VARIANCE. The following are examples of Variances that could be considered: siting a manufactured home that is not in compliance with current manufactured home requirements, allowing for less frontage than required, allowing for a smaller lot size than required, approve a variance when a dimensional adjustment does not accomplish the needs of the property owner, and other similar or related instances. Use Variances amend or change the use of a property or structure. Area Variances tend to amend or change the area needed to validate a lot or parcel, or reduce necessary setbacks. Financial hardship does not qualify for a use or area Variance.

APPROVAL CRITERIA. The Planning Commission may grant a Major Variance upon finding that all of the following criteria are met. The burden is on the applicant to demonstrate compliance with the criteria.

1. **The variance relates to a specific lot or parcel of land.**
This variance is requested for a specific parcel. This criterion is met.

2. **The Variance can be granted without substantial detriment to the public good. It would allow for a building or site plan that is more compatible with adjacent land and land uses, or it does not create a conflict with adjacent uses.**

The subject parcel is in an area with several neighboring manufactured homes. The siting of a double-wide manufactured home which meets the design standards of Article 4 would be an improvement over the existing dwelling and would be comparable to homes within the surrounding area. This criterion is met.

3. **The Variance does not hinder compliance with applicable building code requirements or engineering design standards.**
This variance request is for relief from the age requirement of MCZO Article 4, Section 4.110(B)(1), which states that in a rural residential zone, a manufactured home permitted as a single-family dwelling shall be, "multi-sectional (double-wide or larger); be a minimum of 1000 square feet; and be manufactured no more than ten years before the receipt date of the siting request application by the Planning Department." The design standards are otherwise consistent with applicable building code requirements and engineering standards. The applicant will be required to comply with all other Building Code requirements for the proposed manufactured home.

4. **Approval of the Variance does not create a violation of this or any other adopted ordinance or code standard.**
Approval of this variance would not create a violation of any ordinance or code standard. If approved, the use would conform to the intent of the Zoning Ordinance. This criterion is met.

5. **Applicant shall provide evidence from the applicable fire district that services can be provided in the event of an emergency.**
A copy of these findings have been provided to the Irrigon Rural Fire Protection District for review and comment. It is recommended and listed as a Condition of Approval that the applicant comply with any recommendations regarding emergency vehicle access.

6. **Application for a Variance should include all necessary Variances anticipated for the proposed development.**
No other variances are requested or anticipated for the proposed development. This criterion is met.

7. **Application for a Variance is limited to one per year.**
There are no previous variances approved for this property this year and none are anticipated within the next year. This criterion is met. This approval is valid for the length of time the manufactured home is in place.

III. LEGAL NOTICE PUBLISHED: March 11, 2026
East Oregonian

March 11, 2026
Heppner Gazette-Times

DRAFT

IV. AGENCIES NOTIFIED: Mike Gorman, Morrow County Tax Assessor; Glenn McIntire, Building Official; Toni Connell, City of Boardman; Thomas Roberts, Irrigon RFPD; Umatilla County Public Health

V. PROPERTY OWNERS NOTIFIED: March 17, 2026

V. COMMENTS RECEIVED: None

VI. HEARING DATE: March 31, 2026
Morrow County Government Center
Irrigon, OR

VII. PLANNING COMMISSION:

Option #1: The Planning Commission may deny Major Variance V-N-062-26

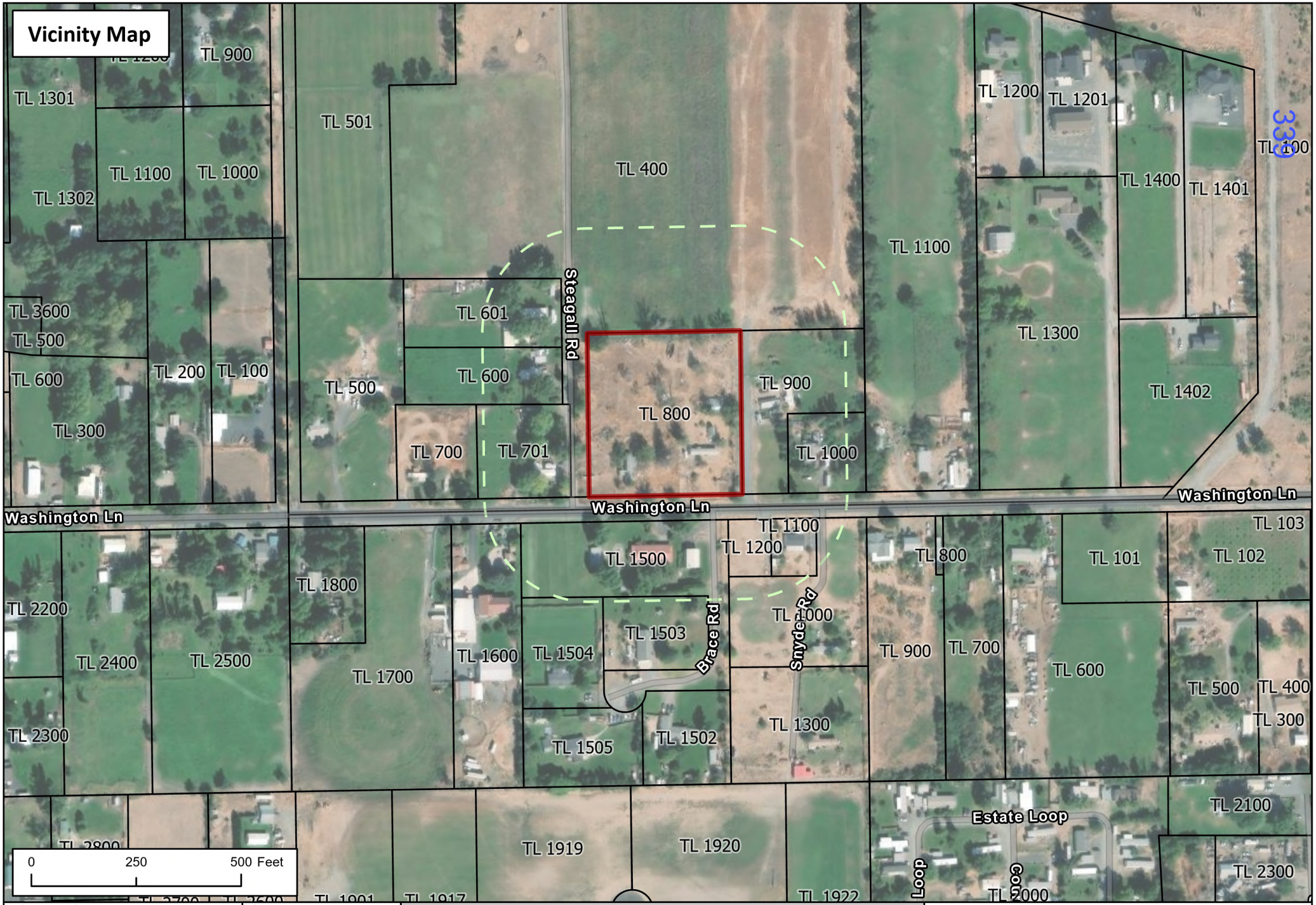
Option #2: The Planning Commission may approve Major Variance V-N-062-26 subject to the following **CONDITIONS OF APPROVAL**:

1. Applicant shall construct a garage or carport on the same lot of at least 180 square feet in size, of similar color and material, and in compliance with state and local construction and installation standards, prior to occupancy.
2. Applicant shall install the replacement dwelling on a foundation that meets the standards of MCZO Subsection 4.110(B)(2).
3. Applicant shall obtain appropriate Zoning and Building Permits for the replacement dwelling and the new garage or carport.
4. Applicant shall obtain on-site septic approval from Umatilla County Public Health.
5. Applicant shall comply with any recommendations from Irrigon RFPD regarding emergency vehicle access.
6. The applicant shall ensure that the existing manufactured home is completely removed from the property and is not stored on-site.

DRAFT

Stacie Ekstrom, Chair Date

ATTACHMENTS:
Vicinity Map
Adjoining Property Owners List
Application
Photographs of existing and replacement dwelling



Application Number: V-N-062-26	Subject Property Size: 3.27ac
Assessor's Map and Tax Lot: 05N26E23A TL0800	Subject Property Zone: RR
Property Owner: Rock It LLC	Applicable MCZO Section: Section 3.040

Morrow County Tax Lots
City Limits
Urban Growth Boundary
Subject Parcel
250ft Notice Area

S:Planning/Variances/North

Coordinate System:
NAD 1983 HARN StatePlane Oregon North FIPS 3601
Projection: Lambert Conformal Conic
Datum: North American 1983 HARN

Cartography By: Stephen Wrecsics
Thursday, February 5, 2026
Morrow County Planning Department

ASSESSOR'S MAP/TAX	OWNER 1	OWNER 2	MAIL ADDRESS	CITY	STATE	ZIPCODE
05N26E23D001100	CARDENAS HERRERA, EUDORO ETAL		195 NE OREGON AVE	IRRIGON	OR	97844
05N26E23D001000	CARDENAS, GONZALO ETAL		311 KLICKITAT ST	UMATILLA	OR	97882
05N26E23D001200	CARDENAS, GONZALO ETAL		311 KLICKITAT ST	UMATILLA	OR	97882
05N26E23D001600	AYLETT, DEBORA & AYLETT, WADE		74854 WASHINGTON LN	IRRIGON	OR	97844
05N26E23A000800	ROCK IT LLC		74854 WASHINGTON LN	IRRIGON	OR	97844
05N26E23A001000	STEAGALL, CAROLE J		74953 WASHINGTON LN	IRRIGON	OR	97844
05N26E23A000400	STEAGALL, CAROLE J		74953 WASHINGTON LN	IRRIGON	OR	97844
05N26E23A000900	STEAGALL, CAROLE J		74953 WASHINGTON LN	IRRIGON	OR	97844
05N26E23D001504	CLEMENTS, MICHAEL & CLEMENTS, SHERENA		74958 BRACE RD	IRRIGON	OR	97844
05N26E23D001500	GEORGE, FREDERICK W		PO BOX 1755	UMATILLA	OR	97882
05N26E23D001503	TAYLOR, MARION, III		PO BOX 298	IRRIGON	OR	97844
05N26E23A000600	YOUNG, PAUL D		PO BOX 714	IRRIGON	OR	97844
05N26E23A000601	YOUNG, PAUL D		PO BOX 714	IRRIGON	OR	97844
05N26E23A000701	TURNER, THOMAS R		PO BOX 966	IRRIGON	OR	97844

V-N-062-26|Rock It LLC|RR 250ft Notice Area.

05N26E23A TL0800

S:\Planning\Variances\North\2026

341

LAND USE APPLICATION
VARIANCE REQUEST

RECEIVED
JAN 30 2026
BY:

PAID 660.00 CK 40091

Internal Use
File Number V-N-062-26 Date Received 1-30-26 Deemed Complete 1-30-26 Fee 660.00

Type: ☐ Minor Variance (Administrative) ☒ Major Variance (Planning Commission)

Applicant / Contractor:

Name(s) Wade Aylett

Mailing Address 74854 Washington Ln Irrigon, OR 97844

Phone 541-567-0224 E-mail k-rocksolid_sandgravel@outlook.com

Legal Property Owner: *(if different from applicant)*

Name(s) _____

Mailing Address _____

Phone _____ E-mail _____

Existing Property Description:

Township 5N Range 26E Section 23A Tax Lot 800 Zoning Designation RR

Physical Address 74905 Washington Ave. West Irrigon, OR 97844

Located within a UGB? No If yes, which city? _____

Legal Access (e.g. road name) Washington Lane

General Location The South 390 ft of lot 2 & South 390 ft west 35 ft of lot 1 Block 35 West in section 23 Township 5N Range 26.

The Planning Director or the Planning Commission, dependent upon the criteria identified, may authorize dimensional adjustments or variances from the requirements of this ordinance, or authorize temporary use permits, where it can be shown that owing to special and unusual circumstances related to a specific lot or desired activity, strict application of the ordinance would cause an undue or unnecessary hardship. In granting these permits, Planning Director decisions would be done either under clear and objective standards; or when discretion is applied by providing notice as required by law. Those decisions identified to be approved by the Planning Commission, conditions may be attached when the Planning Commission finds it necessary to protect the best interest of the surrounding property or vicinity and otherwise achieve the purpose of this ordinance.

Variance Type Requested: ☐ Area Variance ☐ Use Variance

Please explain why the variance is requested This variance is being requested to replace an older single wide trailer with a newer 2005 double wide manufactured home. This property was recently purchased and we are trying to improve the property.

Signature: I(we), the undersigned, acknowledge that I am familiar with requirements of approval for a variance and propose to meet all standards set forth as outlined above. I certify that the statements and information provided with this application are true and correct to the best of my knowledge.

Signed: _____ Applicant _____ Legal Property Owner

Printed: Wade Aylett Applicant Wade Aylett Legal Property Owner

Date: 1-30-2026 1-30-2026

If this application is not signed by the property owner, a letter authorizing signature by the applicant must be attached.

Morrow County Planning Department
215 NE Main Ave, PO Box 40, Irrigon, OR 97844
(541) 922-4624 FAX: (541) 922-3472

We are asking the planning commission for a variance on property legal description: the South 390 feet of lot 2 and the South 390 feet of the west 35 feet of lot 1 block west, in Section 23, Township 5 North, Range 26, East of the Willamette Meridian, in the County Of Morrow and the United States. The address is 74905 Washington Lane Irrigon, OR 97844.

The purpose of the variance is to replace an old single wide trailer that is currently on the property. The single wide trailer that is currently on the property measures 16'x66'. We are wanting to replace it with a 2005 Golden Eagle doublewide manufactured home that is 1276 square feet, 2-bedroom 2 bathroom.

This property was recently purchased, and we are trying to clean it up and improve the Property.

Thank you.

Applicant photos
Existing Dwelling
1999 Single-Wide
Manufactured home



Outlook

Dustin & jens trailer

From Kyla Baumgartner <kylajacobs13@yahoo.com>
Date Wed 1/28/2026 1:04 PM
To Kyla Work Email <k-rocksolid_sandgravel@outlook.com>







Applicant photos

Replacement Dwelling 2005 Double-Wide Manufactured home

Outlook

(No subject)

From Kyla Baumgartner <kylajacobs13@yahoo.com>
Date Thu 1/29/2026 11:21 AM
To Kyla Work Email <k-rocksolid_sandgravel@outlook.com>



350





352

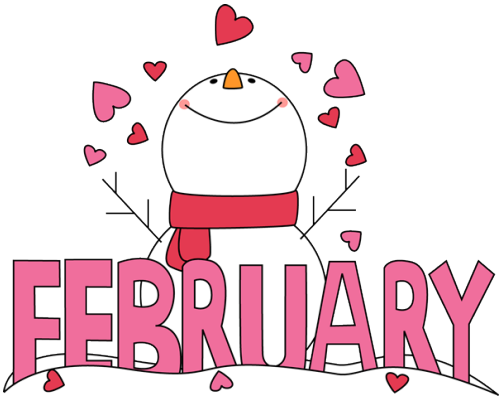








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To: Morrow County Board of Commissioners
From: Tamra Mabbott, Planning Director
CC: Planning Commission
BOC Date: February 18, 2026
RE: Monthly Planning Update

Mission Statement

Morrow County Planning Department provides guidance and support to citizens for short-term and long-range planning in land use, to sustain and improve the county's lands for future generations. Our goal is to foster development where people can live, work & play.

Energy Projects Update

County received notice of a new solar energy project under review with the State of Oregon Energy Facility Siting Council (EFSC). Staff will research the application and draft a letter for the Board of Commissioners to submit to EFSC. The letter will identify local applicable standards, both land use and other applicable codes involving Public Works, Weed Department, Solid Waste, etc. The new project is called Well Springs Solar and is a 750-Megawatt project with 500 MW of battery storage and a 14-mile transmission line on 7, 365 (11.5 square miles) acres located five miles northwest of Ione. The Notice of Intent (NOI) and other project information can be found on the EFSC webpage here: State of Oregon: Facilities - Well Springs Solar Project Comments must be submitted by March 26th. A local information meeting is scheduled for Thursday, March 19, 2026 at 6:15 at the SAGE Event Center in Boardman.

Stephen Wrecsics, GIS Analyst, has updated the Planning Department's online interactive energy map:
https://www.arcgis.com/apps/dashboards/8508dc9076e84317a9fac30475a37bb0

An updated summary of energy projects in Morrow County is available on the Planning Department's web page here:
https://www.morrowcountyor.gov/sites/default/files/fileattachments/planning/page/16138/morrow_county_energy_project_list.pdf



Columbia River Heritage Trail Concept Plan Update

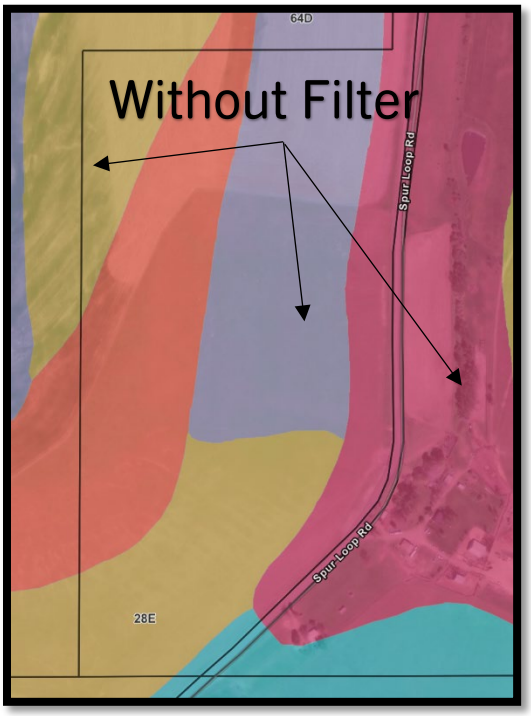
Planning staff and J-U-B Engineering are finalizing the 2024-2025 Heritage Trail Concept Plan update. The Plan is scheduled for formal adoption as an Appendix to the Recreation Element of the Comprehensive Plan. Planning Commission recommended adoption during their January 27, 2026, meeting. The Board of Commissioners hearing is scheduled for February 18, 2026, in Irrigon at the Don Adams Room in the North Morrow Government Building.

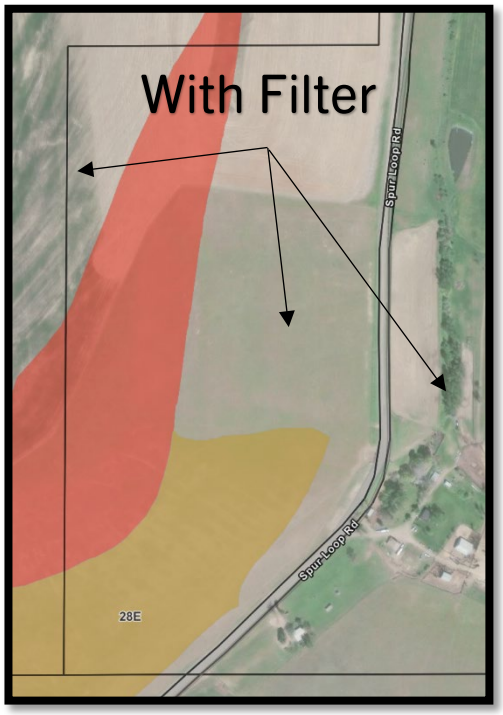
Once the plan is adopted, county staff from Planning and Parks Departments will begin to implement numerous recommendations in the Concept Plan. Anyone interested in being involved in the trail planning and implementation activities is encouraged to contact Clint Shoemake, Planning Technician at (541) 922-4624 X 5517 or cshoemake@morrowcountyor.gov.

GIS Mapping and Drone

Soil Class Filter

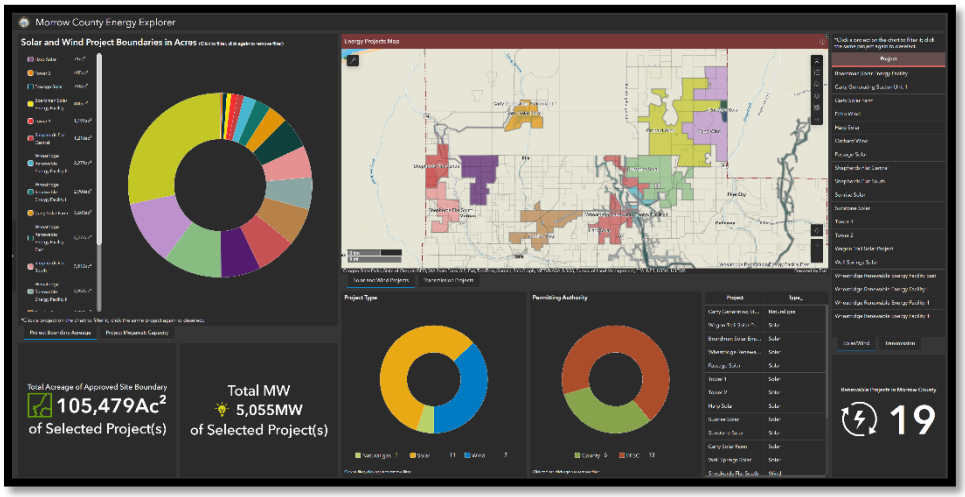
The soil class filter has been added to the Parcel Explorer interactive map to help inform non-farm dwelling determinations as well as other land use applications. It allows planners to quickly visualize USDA soil types on individual properties and project areas, highlighting soil capability and suitability considerations directly on the map. This supports faster preliminary review, clearer communication with applicants, and more informed land use decisions.





Energy Explorer Update

The Energy Explorer has been updated to improve acreage accuracy and project coverage. Portions of Shepherds Flat located in Gilliam County have been removed from the Morrow County acreage calculations. In addition, the Carty Generating Facility and Well Spring Solar projects have been added.



The Energy Explorer can be accessed from the Planning Homepage on the Morrow County website.

CODE COMPLIANCE

The Morrow County Code Compliance Planner continues to field code complaints throughout the county. Code enforcement focuses heavily on maintaining community standards and public safety through education, inspections, and enforcement actions. In addition to routine enforcement activities, the Compliance Planner has been working closely with legal counsel regarding a conditional use permit that was appealed to the Land Use Board of Appeals (LUBA). This appeal has been a lengthy process and recently included oral arguments before the LUBA Referees on January 6, 2026. A final decision of reversal was concluded on January 30, 2026, from the Land Use Board of Appeals. Following this decision, the Compliance Planner will be working with Morrow County Administration and property owners to coordinate appropriate steps for these temporary use permits.

Monthly Activity Summary	
New Complaints	3
Follow-Up Inspections/Site Visits	8
Violations Closed	3
Active/Open Violations	44

WATER AND PLANNING ACTIVITIES

Water Advisory Committee

A summary of work on the implementation of the four water initiatives adopted by the Board of Commissioners in December 2024, as recommended by the Water Advisory Committee (WAC), is below.

Initiative 1: Update the comprehensive plan Goals 5 and 6. Assembling materials and soliciting volunteers to serve on a working group. The recent data and mapping analysis will be useful for this task.

Initiative 2: Develop a Morrow County Drinking Water Program. Ongoing at the Public Health Department.
Initiative 3: Support Regional Water Planning; staff have included budget for this work. Staff continue to provide support for county efforts working with neighbors.
Initiative 4: Partner in a Clean Water Consortium. This effort is underway with the formation and initial meetings of the Clean Water Consortium, led by Board Chair David Sykes. Planning Director Mabbott is a Board member and is continuing with various efforts to secure funding.

EPA Grant - Morrow Umatilla County Drinking Water-ROADMAP
GSI Water Solutions Inc. is now working on the Stage 3 Scope of Work. The Steering Committee did not meet in January. Here is a link to the webpage for this project: https://drinkingwaterroadmap.org/

Staff and GSI met with a group including Steering Committee members, Public Health and Planning to learn about a pilot project for onsite water treatment. The Oregon Legislature has set aside funding for three pilot projects. The initial meeting was to learn more about the pilot project and discuss opportunities to complement the efforts of the Roadmap projects with the pilot program. Subsequent meetings will be to identify potential locations and willing landowners and coordinate implementation.

Clean Drinking Water Consortium (CWC)
The CWC met Friday afternoon/evening on January 23rd to interview candidates to serve as Executive Director, and met again virtually, on Friday February 6th and voted to make an offer for the position. The final hiring and development of the scope of work for the consultant is underway.

LUBGWMA
The LUBGWMA Committee did not meet in January. The Oregon Department of Environmental Quality (DEQ) issued the annual monitoring report which outlines progress on the Nitrate Reduction Plan. The report is available here: https://lubgwma.org/wp-content/uploads/2026/01/Oregon-LUBGMWA-Annual-Report-2025.pdf

Boardman Source Water Protection Plan
Planning Director is participating in the advisory committee for the City of Boardman's Source Water Protection Plan. GSI Water Solutions is the contractor hired by the city to research and write the plan, as well as lead public involvement. The Plan includes a risk analysis, similar to a Natural Hazard Mitigation Plan (NHMP) and will include strategies to protect the city drinking water source.

Transportation Planning
Tower Road Interchange Area Management Plan (IAMP)
The Planning Department remains committed to supporting public comments about the interchange design concepts and continues to work with the consultant team and ODOT in defining the county's role and financial contribution for this project. Team discussions are ongoing through bi-weekly check-ins. Currently, the engineer, Kittelson & Associates, is reviewing finalize design concepts, evaluating phasing options, and reviewing Draft Technical

Memoranda 6 and 7. County staff are currently working with a subconsultant to prepare adoption-ready code changes and supporting ordinances for the implementation of the IAMP.

County will be hosting a joint work session with ODOT, Kittelson & Associates, Planning Commission, and Board of Commissioners tenatively scheduled for March 31, 2026. Materials and phasing options of the Tower Road IAMP will be presented and reviewed. The County will then later adopt the IAMP as a Comprehensive Plan amendment. Adoption by the Oregon Transportation Commission (OTC) will follow county adoption. These plans and designs and other materials can be found on the county's website under Transportation Planning. Tower Road 2025 IAMP | Morrow County Oregon

Transportation System Plan (TSP) Update

A Scope of Work for the Morrow County Transportation System Plan (TSP) has been completed. Procurement for the project consultant was posted by the State of Oregon. The bid closed Monday, October 27th, 2025. Planning Staff participated in a pre-evalaution kickoff meeting on Thursday, October 30th, 2025, together with ODOT planners. The State of Oregon has issued an initial Notice of Intent to Award (NOITA) to one of the consultant proposers. David Evans & Associates (DEA) has accepted the award and has been in contract negotiation with ODOT and the County to finalize the scope of work. Anyone interested in participating in serving on the transportation planning committee please contact Kaitlin Kennedy in the Planning Department at (541) 922-4624 or kkennedy@morrowcountyor.gov

City of Boardman Transportation System Plan (TSP)

The City of Boardman recently adopted a new Transportation System Plan (TSP) and asked the county to co-adopt the plan for application within the urban growth area. At the January 27, 2026 meeting, the Planning Commission held a hearing to consider a recommendation to the Board of Commissioners. The Planning Commission made multiple motions but did not make a formal recommendation. Co-adoption of the City TSP is a legislative action of the Board of Commissioners. The land use hearing is scheduled for 1:30, February 18, 2026, in Irrigon.

Other

Planning Department, Human Resources and County Administrator have interviewed candidates for the Principal Planner position. An offer was made to one candidate who declined to accept an offer with a municipality in the Portland area. Another offer will hopefully be made to another qualifed candidate.

Planning Director is working with a team of other County Planning Directors and staff at Department of Land Conservation and Development on a project to provide a better understanding of Statewide Planning Goals. This will continue throughout the next year.

Planning Director and GIS Analyst, along with Steve Freeland, Emergency Manager, had another meeting with Oregon State Fire Marshall, Kevin Payne, Manager, Morrow SWCD and new Heppner Fire Chief, Kevin Chick, to coordinte the update of the Community Wildfire Protection Plan (CWPP). The State and local fire marshalls are encouraging county to update the plan. Kevin Payne at SWCD has agreed to be the lead for the update effort which will also include managing an independent contractor for the technical and writing of the update. More information will follow in the coming months.



To: Morrow County Board of Commissioners
From: Tamra Mabbott, Planning Director
CC: Planning Commission
BOC Date: March 18, 2026
RE: Monthly Planning Update

Mission Statement

Morrow County Planning Department provides guidance and support to citizens for short-term and long-range planning in land use, to sustain and improve the county's lands for future generations. Our goal is to foster development where people can live, work & play.

In February, we welcomed our new Principal Planner, George Cress, who has multiple years' experience as a city and county in Oregon and Washington, as well as a planner with Port. George is a welcome addition to the team!

Land Use Hearings

On February 18, 2026, the Board of Commissioners reviewed two amendment applications: one to co-adopt the City of Boardman Transportation System Plan (TSP) and one to update Chapter 9 of the County's Comprehensive Plan and adopt the Columbia River Heritage Trail (CRHT) 2025 Concept Plan Update. Both hearings were continued to April 1, 2026, at 1:30 PM in Heppner, under the 7-7-7 rule found in ORS 197.797.

At the February 24, 2026, Planning Commission meeting in Heppner, the commission reviewed and unanimously approved a Conditional Use Permit for a hair salon as a Home Occupation. Planning Commission also reviewed two land use applications: one for an electrical substation and one for a data center campus. The hearings for these applications were continued to the March 31, 2026, Planning Commission meeting at 6:30 PM in Irrigon, under the 7-7-7 rule found in ORS 197.797.

Energy Projects Update

County received a Notice of Intent (NOI) from the State of Oregon, Energy Facility Siting Council for a new large solar energy project. Staff have reviewed the Notice of Intent filed with EFSC and draft a letter for the Board of Commissioners to submit to EFSC. The letter identifies local applicable standards, both land use and other applicable codes involving Public Works, Weed Department, Solid Waste, etc. The new project is called Well Springs Solar and is a 750-Megawatt project with 500 MW of battery storage and a 14-mile transmission line on 7, 365 (11.5 square miles) acres located five miles northwest of Ione. Project information can be found on the EFSC webpage here: State of Oregon: Facilities -

Well Springs Solar Project. A local information meeting hosted by EFSC is scheduled for Thursday, March 19, 2026 at 6:15 at the SAGE Center in Boardman. County Board of Commissioners will consider a letter to EFSC during their March 18, 2026.

The Oregon EFSC has issued a Proposed Order for the Wheatridge Renewable Energy Facility III amendment to their Site Certificate. The amendment is a request to extend the construction completion deadline for the unbuilt portion of the facility and to split the approval into two facilities, each with their own site certificates. The state EFSC is hosting a public information meeting on March 19, 2026 at 5:30 pm at the Sage Center in Boardman. Project information is available on the state website here: https://www.oregon.gov/energy/facilities-safety/facilities/Pages/WREFIII.aspx

The Oregon Legislature reviewed multiple bills related to renewable energy siting. One Bill, HB 4031, was signed by the Governor on Friday, March 6th and will allow certain large projects to be permitted by county rather than the EFSC. Planning staff is gearing up for a possible surge in applications.

Stephen Wrecsics, GIS Analyst, has updated the Planning Department's online interactive energy map: https://www.arcgis.com/apps/dashboards/8508dc9076e84317a9fac30475a37bb0

A current inventory and status of energy projects in Morrow County is available on the Planning Department's web page here: https://www.morrowcountyor.gov/sites/default/files/fileattachments/planning/page/16138/morrow_county_energy_project_list.pdf

A storymap of projects in Morrow County is found here: https://www.arcgis.com/apps/dashboards/8508dc9076e84317a9fac30475a37bb0

Columbia River Heritage Trail Concept Plan Update

Planning staff and J-U-B Engineering are finalizing the 2024-2025 Heritage Trail Concept Plan update process. The Plan is scheduled for formal adoption as an Appendix to the Recreation Element of the Comprehensive Plan. Planning Commission recommended adoption during their January 27, 2026, meeting. The February 18, 2026, Board of Commissioners hearing was continued to April 1, 2026.

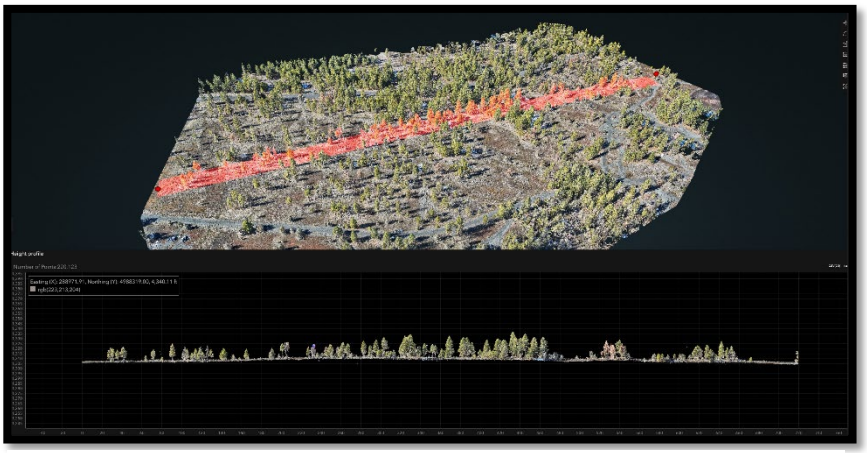


Once the plan is adopted, county staff from Planning and Parks Departments will begin to implement numerous recommendations in the Concept Plan. Anyone interested in being involved in the trail planning and implementation activities is encouraged to contact Clint Shoemake, Planning Technician at (541) 922-4624 x5517 or cshoemake@morrowcountyor.gov.

GIS Mapping and Drone

Drone operations were conducted at the OHV Park to collect aerial imagery of a proposed yurt cluster location. The imagery was used to produce orthomosaic and elevation data for site review.

A slope analysis was completed using the elevation data to evaluate feasibility for extending utilities and wastewater infrastructure to the proposed location. The analysis identified slope conditions and potential alignment considerations for service connections.



Slope Analysis, ESRI Site Scan – Morrow County Planning Department

AI was used along with drone imagery to generate a preliminary visual design concept of the proposed yurt cluster based on the mapped terrain. The mockup provided a representation of layout and site arrangement for internal discussion and early planning.

Use of free AI tools allowed staff to produce a conceptual visualization without consultant design costs or delays. This approach provided a visual for evaluating layout options and site constraints prior to consideration of formal design services. This entire process was completed in a day and significantly increased the inventory of high quality imagery of the OHV Park's campground area.



Conceptual Design by Grok Imagine

CODE COMPLIANCE

The Morrow County Code Compliance Planner continues to address code complaints throughout the county. Code enforcement focuses on maintaining community standards and promoting public safety through education, inspections, and enforcement actions.

February Monthly Summary	
New Complaints	8
Follow-Up Inspections/Site Visits	14
Violations Closed	2
Active/Open Violations	51

In addition to routine enforcement activities, the Code Compliance Planner will be attending the Oregon Code Enforcement Association 2026 Spring Conference. The conference will be held in Canyonville, Oregon, over two days and will cover a variety of topics, including presentations on officer safety, court training, and forensic photography.

WATER AND PLANNING ACTIVITIES

Water Advisory Committee

A summary of work on the implementation of the four water initiatives adopted by the Board of Commissioners in December 2024, as recommended by the Water Advisory Committee (WAC), is below.

Initiative 1: Update the comprehensive plan Goals 5 and 6. Assembling materials and soliciting volunteers to serve on a working group. The recent data and mapping analysis will be useful for this task. There is interest from at least one group from outside Morrow County, in participating in this process.

Initiative 2: Develop a Morrow County Drinking Water Program. Ongoing at the Public Health Department.

Initiative 3: Support Regional Water Planning; staff have included budget for this work. Staff continue to provide support for county efforts working with neighbors. Planning Director attended a reception with Northeast Oregon Water Association (NOWA) and the Oregon Environmental Council. Both entities are interested in finding solutions to water quality and quantity problems.

Initiative 4: Partner in a Clean Water Consortium (CWC). Planning Director continues to participate in this board which is led by Board Chair David Sykes. The CWC hired an executive director.

EPA Grant - Morrow Umatilla County Drinking Water-ROADMAP

GSI Water Solutions Inc. is now working on the Stage 3 Scope of Work. The Steering Committee is scheduled to meet on Monday, March 16th from 3-5 in the Don Adams Room in the North Morrow Government Center. GSI Water Solutions, Inc. will give a project update, describe stage 2 connection concept, provide an update on non-connection concepts and a case study for non-connection options, and allow time for the Steering Committee to discuss and provide input to the research team.

The full agenda and Teams Meeting virtual link will be posted on the webpage. Here is a link to the webpage for this project: https://drinkingwaterroadmap.org/

Clean Drinking Water Consortium (CWC)

Planning Director and the CWC met on Tuesday, February 10th and met the new Executive Director, Jared Tesch.

Lower Umatilla Basin Groundwater Management Area (LUBGWMA)

The LUBGWMA Committee did not meet in February. The next meeting is scheduled for April 6th from 10 to noon in Hermiston at the Stafford Hansell Government Center. The Oregon Department of Environmental Quality (DEQ) issued the annual monitoring report, which outlines progress on the Nitrate Reduction Plan. The report is available here: https://lubgwma.org/wp-content/uploads/2026/01/Oregon-LUBGMWA-Annual-Report-2025.pdf

Boardman Source Water Protection Plan
Planning Director is participating in the advisory committee for the City of Boardman's Source Water Protection Plan. GSI Water Solutions is the contractor hired by the city to research and write the plan, as well as lead public involvement. The committee reviewed the draft implementation plan and will meet again on March 13th.

Transportation Planning
Tower Road Interchange Area Management Plan (IAMP)
The Planning Department remains committed to supporting public comments regarding the interchange design concepts and continues to collaborate with the consultant team and the Oregon Department of Transportation (ODOT) in preparing the final Interchange Area Management Plan (IAMP) for Exit 159 at Tower Road along Interstate 84.

Currently, the project engineer, Kittelson & Associates, along with representatives from ODOT and Morrow County, are hosting a Joint Work Session scheduled for **March 31, 2026, at 5:00 PM**. The work session will include the Board of Commissioners and the Planning Commission. The purpose is to review the final interchange design concepts and potential phasing options, review the draft, adoption-ready code amendments and supporting ordinances necessary for formal implementation of the IAMP. Project stakeholders will have the opportunity to provide feedback or comments about the planning process and the information presented. Following the work session, planning staff will move forward with the formal adoption of the IAMP as an amendment to the Comprehensive Plan. After county completes the adoption, the plan will be submitted to the Oregon Transportation Commission (OTC) for their adoption. Project plans, design concepts, and related materials are available on the county's website under Transportation Planning at: Tower Road 2025 IAMP | Morrow County Oregon

Transportation System Plan (TSP) Update
A Scope of Work for the Morrow County Transportation System Plan (TSP) has been completed. Procurement for the project consultant was posted by the State of Oregon. The bid closed Monday, October 27th, 2025. Planning Staff participated in a pre-evalaution kickoff meeting on Thursday, October 30th, 2025, together with ODOT planners. The State of Oregon has issued an initial Notice of Intent to Award (NOITA) to one of the consultant proposers. David Evans & Associates (DEA) has accepted the award and has been in contract negotiation with ODOT and the County to finalize the scope of work. Anyone interested in participating in serving on the transportation planning committee please contact Kaitlin Kennedy in the Planning Department at (541) 922-4624 or kkennedy@morrowcountyor.gov

Other

Community Wildfire Protection Plan (CWPP)
Planning Director and GIS Analyst, along with Steve Freeland, Emergency Manager, have had multiple meetings with Oregon State Fire Marshall; Kevin Payne, Manager, Morrow SWCD and the new Heppner Fire Chief, Kevin Chick, to coordinate the update of the Community Wildfire Protection Plan (CWPP). The State and local fire marshals are encouraging the county to update the plan. Kevin Payne at SWCD has agreed to serve as

the lead for the update effort which will also include managing an independent contractor for the technical and writing of the update. More information will follow in the coming months.

Planning Director attended the community partners meeting and lunch in La Grande at Eastern Oregon University on March 5th, hosted by the Rural Engagement and Vitality (REV) Center. The REV center has served as a contractor on two county projects in the past years. REV is an excellent resource for public projects. More recently, REV expanded its services to provide support for small cities. REV is a 501©(3) non profit. To learn more, here is a link to their website: https://www.revcenter.org/

Planning Director met with a small group of residents who are interested in data centers.

A New Perspective, by George Cress, Principal Planner

A tip of the hat and a warm thank you to Morrow County's Administrative and Planning Department staff for the warm welcome given the new Principal Planner. Prior to my coming here I had heard of the top customer service and professional courtesy routinely offered to their customers and now I can experience it firsthand.

I look forward to the challenges and opportunities working with staff in supporting the County's citizens in a safe and sustainable manner.