

July 13, 2011

Filing Center
Oregon Public Utilities Commission
550 Capitol St. NE #215
P.O. Box 2148
Salem, OR 97308-2148

RE: EXPEDITED REQUEST for Waiver of 12 month installation requirement (OAR 860-084-0210(1)).

To Whom It May Concern:

Joseph Community Solar, LLC hereby requests a three-month extension of the 12 month installation requirement for installation of our 499.5kW Solar PV system at 62778 Prairie Creek Road, Joseph OR 97846, the first large "bid" system for Pacific Power under the Oregon Volumetric Incentive Program. (OSIPQ00001).

While 12 months is more than enough time for the small and medium scaled systems, a 500kW system is much more like a large utility-scale system, which normally taking several years to put together. We have done all we can to meet this time-line, but prudence dictates that we ask for an extension of time should factors beyond our control continue to slow us down. These factors are detailed below, and constitute good cause for the granting of a reasonable extension of time.

Engineering and system design for a system of this size is not something that is done overnight in any case, and requires a significant amount of collaboration between our engineers and Pacific Power engineers and planners. Since these large systems are not "usage based" like the smaller systems, they have a significant impact on their system. The planning and engineering process alone took over six months. This is not an inordinate amount of time for such a project.

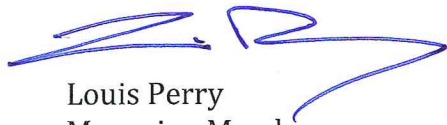
However, what affected the timeline more than anything is the location of the project, which significantly affected the local planning approval process. The original location did not require a public approval process. However, after consultation with Wallowa County Planner Harold Black, he determined that the project would actually be more visually subordinate to the landscape if we moved it – not a great distance, but into the Wallowa Lake Moraine, Goal 5 Protection Area. Any development in this area requires a public hearing and approval process. After the requisite process, including detailed landscaping plans and renderings, the proposed location was approved unanimously. However, at the Planning Commission Meeting where the Findings were to be approved, they failed to reach a quorum, and they didn't approve the Findings until June 28, 2011. They only meet once a month, and because of the public notice requirements, don't deviate from that.

Knowing we were up against a deadline, and much of the interconnection equipment had long-lead times, we took the risk and ordered the equipment even prior to being issued a Conditional Use Permit. Again, these are not small inverters and electrical components, readily available- these are utility-scale transformers, reclosers, and switch gear normally taking up to 12 weeks for delivery. (see attached PO's). We are scheduled to receive the equipment in time, but unfortunately, all it would take is a strike somewhere, or a truck getting lost, or a freight company misdirecting a piece of equipment, and we'll be over the deadline.

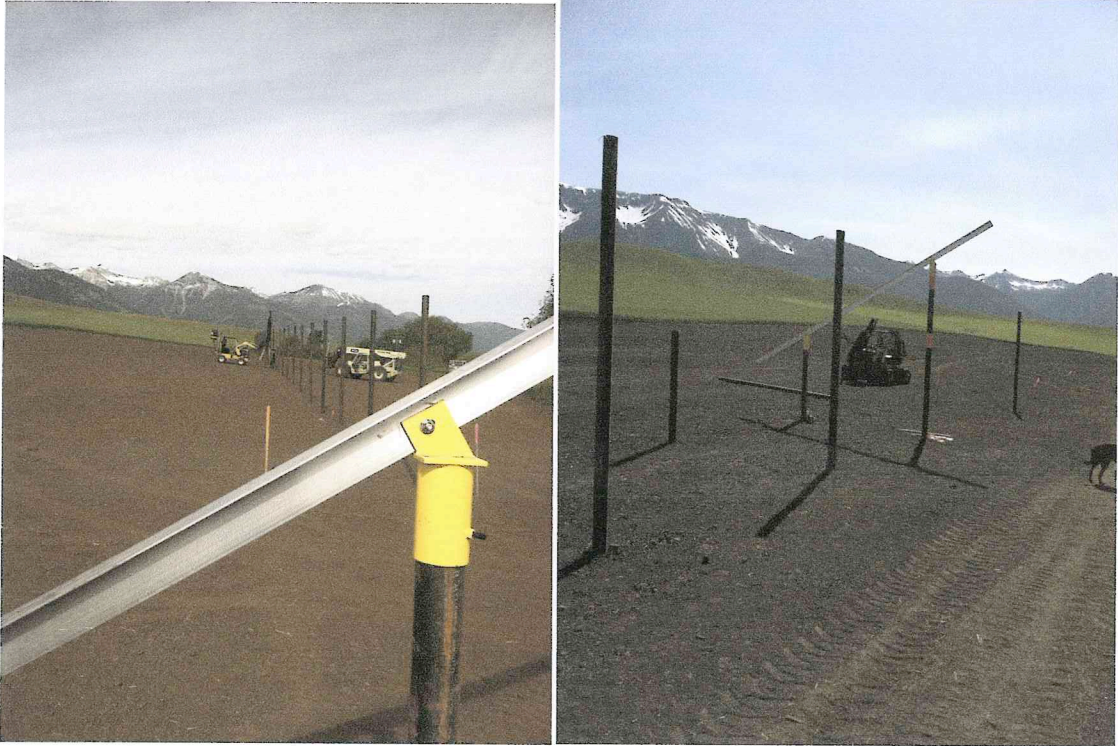
We have now begun construction of the facility (see attached photos), and the project has significant local support. This project has had a large ripple effect throughout the State, as we are using all Oregon manufactured products including SolarWorld modules, PV Powered inverters, and even racking systems from Enterprise, Oregon based SunStorage. These products, while arguably the best in the world, are not the least expensive. However, in our opinion, a renewable energy project loses its luster if every component in it came halfway around the world to get here. The Wallowa County Chieftain wrote a great article on how this project is helping the nascent renewable energy industry here in NE Oregon:
http://wallowa.com/free/company-plans-to-harness-wallowa-county-sunshine/article_9bb276a4-8d40-11e0-b1f5-001cc4c002e0.html

In conclusion, we believe that the 12-month requirement for what is essentially a utility-scale project is too short, and should be revised for the larger projects in this program. That being said, we were aware of the requirement when we bid, and it is only due to circumstances beyond our control that we request an extension of the deadline for completion of our project to November 25, 2011 to allow us to bring this first large-scale SPV project to a successful conclusion.

Respectfully,



Louis Perry
Managing Member,
Joseph Community Solar, LLC



Site Photos- JCS, Prairie Creek Site.

WALLOWA COUNTY PLANNING COMMISSION

WALLOWA COUNTY COURTHOUSE
101 S. RIVER STREET, ROOM B-1
ENTERPRISE, OR 97828

IN THE MATTER OF THE REQUEST)
TO SITE SOLAR ARRAY IN THE)
EXCLUSIVE FARM USE ZONE AND) FINDINGS OF FACT, CONCLUSIONS,
IN THE WALLOWA LAKE) AND DECISION OF THE WALLOWA
MORaine GOAL 5 PROTECTION) COUNTY PLANNING COMMISSION
AREA)

RE: Perry CUP# 11-02, Solar Array in a Goal 5 Area

This application was deemed complete on April 4, 2011 was noticed to property owners within 750 feet pursuant to the Public Hearing Review procedure on April 12th. The application was noticed in the Wallowa County Chieftain on April 18th, 2011. This matter came before the Wallowa County Planning Commission for Hearing on April 26th, with Decision on June 28th, 2011, as there was not a quorum available on May 31st. The application was reviewed by the WCNRTAC on May 10th. The Planning Commission having reviewed the record, and the materials introduced into the record, and having heard and considered oral and written testimony in the above referenced hearing, and being fully advised, makes the following findings of fact and decision.

01. **APPLICANT:** Louis Perry
02. **OWNER:** Myrle E. Gorsline
03. **REQUEST:** To establish a solar panel array on property zoned EFU in the Wallowa Lake Moraine Goal 5 Area
04. **LOCATION:** The property description is Township 2 south, Range 45, Tax Lot# 9803.
05. **PARCEL CHARACTERISTICS:** The parcel contains 90 acres, is zoned EFU and is located just south of the Silver Ditch. The parcel is accessed from Prairie Creek Road, a county road.
06. **REVIEW CRITERIA:** Article 5 (Public Hearing Review) Section 5.025(01-03); Article 9 (Conditional Use) Section 9.020(01-06); Article 15 (Exclusive Farm Use) Section 15.020 (14); Article 44 Section 44.035(A) Cultural and Wildlife, and (F); and other applicable zoning ordinances or goals of Wallowa County and or laws of the State of Oregon.

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Permit.

01. The proposed use will be consistent with the purpose of [and is allowed conditionally in] the zone in which the use proposed.

FINDING 6.3: The Planning Commission finds that as expressed in Article 15, commercial utility facilities are a conditional use in the EFU zone and, are consistent with the EFU zone as per these Findings.

02. The use will not create excessive traffic congestion, noise, dust, glare from lights, or other conditions that may be hazardous.
03. The proposed use will not overburden the public services of water, sewer, storm drainage, electrical service, fire protection, and school.

FINDING 6.4: The Planning Commission finds that this low impact development meets the above criteria and will contribute to the electrical supply available to county residents.

The location of the proposed array is the most convenient for existing access roads, utility service, and preservation of farm land and Goal 5 resource protection.

04. The site is suitable to accommodate the proposed use, such as: topography, soils, and parcel size.
05. The proposed use will not interfere with uses permitted on adjacent parcels.
06. The application satisfies the pertinent criteria of Article 36, Salmon Habitat Restoration.

FINDING 6.5: The Planning Commission finds that the proposed development is low impact and is sited to take advantage of topography and to minimize the impact on agricultural uses.

The Commission further finds that although the development is located, at its closest point, about 60 feet from the Silver Lake Ditch, the applicant will seed the area with local grasses or their equivalent and will minimize soil disturbance during construction and will use existing access.

SECTION 15.020, BUILDINGS AND ACTIVITIES PERMITTED CONDITIONALLY: In the Exclusive Farm Use Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions of Article 9 (Public Hearing Review).

14. Commercial utility facilities for the purpose of generating power for public use by sale.

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on the habitat map of the land use plan.

FINDING 6.13: The Planning Commission finds that the proposed development is not within a mapped big game habitat or migration route.

F. 3C PROTECTION AREA (Less restrictive--Conditional and permitted uses allowed, with restrictions):

Within those areas on the back side of the Moraines (the East side of the Eastern Moraine and the West side of the Western Moraine which have been designated a 3C protection status (less restrictive), conflicting uses will be specifically limited.

1. Uses may be allowed subject to the requirements of Article 9, Conditional Use Permit, provided that:

a. It is a permitted or conditional use in the underlying zone.

b. The use will be visually subordinate to the partial retention level and conform to design standards of structure height, color, and other considerations required of Article 18, Recreation Residential Zone.

FINDING 6.14: The Commission finds that this use is a conditional use in the underlying zone (EFU).

The development meets the requirement for partial retention in that it is darkly colored and only 9 feet high. Also the applicant has submitted revised plans which move the array to the east, away from neighbors concerned about the impact on their viewshed.

c. Cuts or fills shall not significantly alter the essential integrity of the geologic formation of a moraine or the visual character of the area when construction is complete. All topography shall be returned to within two feet of pre existing conditions unless visual subordination and geologic integrity and appearance is determined by the review authority to be enhanced by not meeting a two-foot standard. Cuts and fills of more than two feet shall be rounded on top above the road and filled below so as to make the terrain appear more natural and reseeded. Prior to construction permit approval and subsequent to construction, the applicant shall submit topographic site surveys on two foot intervals as proof of compliance.

d. The minimum lot size for newly created parcels and for new dwellings on existing or new parcels shall be that of the underlying zone. Legally established parcels of less than 160 acres in resource zones may be eligible for a dwelling provided that, in addition to all other criteria of this article, the following criteria are also met:

i. The parcel would have qualified for a dwelling either as a lot of record or under the template

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endangered or threatened listed plant species present, and participate in applicable State and local programs to mitigate the impact of the development on the sensitive, endangered or threatened listed species. If Federal or State monies are involved or permits required, the development must also conform to applicable Federal and State regulations.

FINDING 6.18: The Commission finds that the proposed development is not within a mapped sensitive, threatened or endangered listed plant species area.

h. No development will be allowed on the Crest of the Moraines. In addition, any development must be below the skyline as seen from the sensitive view areas (Map G5-2). Therefore, the highest point of any use or structure including, but not limited to, an antenna, satellite dish, and/or chimney shall be at least 20 vertical feet below the line of sight to the skyline from all points in the sensitive view areas. These measurements shall be performed by a licensed surveyor or engineer at the applicant's expense and shall be measured from the edge of the traveled way (in the case of a road) or viewing area nearest the proposed structure from a viewer height of 5 feet above the surface through the proposed structure normal to the Moraine skyline. Compliance may be demonstrated by engineered or computer assisted drawings but in the case of a dispute, a performance test utilizing a physical representation of the height of the structure may be required.

A structure or use whose highest point is 60 vertical feet below the crest line of the nearest moraine, measured in a circumference from the highest point of the structure to the crest line of the Moraine, shall be considered to have met the requirements of this section.

The applicant may propose and the review authority may approve an alternative plan to protect the scenic resource, skyline, and crest.

FINDING 6.19: The Commission finds that as shown in photos submitted by the applicant, as viewed from the Innaha Highway, the proposed solar array will not impinge on the crest of the moraine.

The Planning Commission recognizes that, according to the Goal % maps of appendix 5.8, Prairie Creek Road is not a mapped Goal 5 sensitive view area.

i. Excavation for roads shall be subject to the provisions of Article 36 (Salmon Habitat Preservation) and Article 32 (Road Design), shall follow the terrain, shall be visually subordinate to the landscape as viewed from sensitive view areas (Map G5-2), and shall not have cuts or fills that exceed two feet.

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all other applicable requirements of this article are met, the average density of dwellings within the development is no more than one per 160 acres, and the resulting open space within the development is preserved by a conservation easement. The conservation easement shall be recorded with the county clerk.

FINDING 6.22: The Commission finds that the proposed array is not within 200 yards east of the crest of the east moraine and that the proposed array and overall the location preserves farm land and protects the Goal 5 resource.

07. CONCLUSION:

All applicable criteria have been met, and the Planning Commission approves this application subject to the Conditions of Approval. Failure to meet these conditions in a timely manner may result in the revocation of this permit by the review authority.

The Conditional Use Permit # 11-02 for a solar array will expire four years from the Date of Decision for this permit.

The expiration date may be extended if the applicant submits a written request to the Wallowa County Planning Department for a two-year extension prior to the expiration date of the permit; or

The permit is “perfected” by initiation of the approved use as evidenced by, in the case of new construction, completion of any substantial development actions. Validation of completion of substantial development action shall be accomplished by delivery of written evidence acceptable to the Wallowa County Planning Department that the approved action has been initiated and a finding by the department that the permit has been exercised and perfected.

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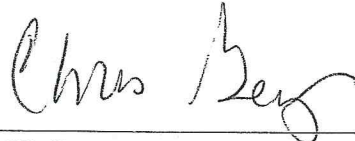
09. DECISION:

Based upon the information submitted, the comments of interested parties and the findings, the review authority finds this application satisfies all review criteria and is hereby approved as presented.

The vote on the motion is 5 in favor and 0 opposed with 0 abstaining.

June 28th, 2011

DATE OF ACTION



CHRIS GEYER, CHAIRMAN

WALLOWA COUNTY PLANNING COMMISSION

This decision may be appealed to the Wallowa County Board of Commissioners pursuant to Article 7, Appeal. The provisions of Notice of Intent to Appeal accompanied by the appeal fee must be received by the Wallowa County Planning Department by 5:00 p.m. July 11th, 2011.

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Renewable Energy Constructors Inc
PO Box 2340
Joseph, OR 97846

Invoice

Date	Invoice #
5/27/11	1127

Bill To
Joseph Community Solar, LLC PO Box 2340 Joseph, OR 97846

P.O. No.	Terms	Project
052411-02		Prairie Creek 500kW

Description	Amount
Sun Storage GM12-30 Ground Mount Frame & Racking system, including inverter package	40,857.26

Invoice is for 10% of cost.	Total \$40,857.26
	Payments/Credits \$0.00
	Balance Due \$40,857.26



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