**Public Commenter:** North Unit Irrigation District

**Comment Period:** First Comment Period: May 2018

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| **PUBLIC COMMENT** | **PLANNING COMMISSION** |
| 1) In Section X.03 Non-Residential Uses Permitted, the District appreciates and fully supports the inclusion of "irrigation reservoirs, canals and those structures and accessory operational facilities ... associated with a district as defined in ORS 540.505" as permitted uses (Section  X.03 K). At the same time, it would be helpful to explicitly state that these uses include "operation, maintenance, and piping of existing irrigation systems operated by a district, "Conserve Water - The Supply is Limited" including the storage of pipe, materials, and machinery consistent with efforts to pipe irrigation systems." While it may be obvious to most that authorizing the existence of irrigation reservoirs, canals and other structures and operational facilities necessarily includes operation, maintenance, and piping, this additional explanation helps to eliminate any uncertainty. In addition to adding this language to the code, the District further proposes including this additional background and explanation to the findings set forth in the final ordinance adopting the updated code for the EFU zone. | Direct Angelo to include language in draft |
| 2) Section X.06 Y Conditional Uses sets forth photovoltaic solar power generation facilities as conditional uses in the EFU zone. The District proposes that the Subsection X.16 C provisions governing these conditional uses provide more explicit protection for District water rights that are appurtenant to the land to be subject to solar power development. A key concern here is that the District's contract with the U.S. Bureau of Reclamation requires the District to keep its water rights active and to maintain a stable base of irrigated land. Solar developers are often surprised to learn that they cannot simply cancel the water rights appurtenant to the development site, or otherwise cease using water under the appurtenant water right at the project site for the life of project. Such non-use of water without a transfer of the District water right to other lands within the District subjects the water right to forfeiture. Due to these very concerns, the District adopted an ordinance intended to protect District water rights. (See attached Ordinance Regarding Solar Energy and Other Development within the North Unit Irrigation District, dated July 14, 2015.) The District proposes a further condition for siting photovoltaic solar generation facilities on EFU lands within the District, whereby applicants would be required to comply with the referenced District ordinance, including any subsequent revisions thereto, in advance of any construction activities. | The Planning Commission supports NUID’s efforts to protect its irrigation resources. |
| 3) Regarding dwellings and other structures located in the EFU zone, whether they are dwellings customarily provided in conjunction with farm use (Section X.09), accessory farm dwellings (Section X.10), lot of record dwellings (Section X.11), dwellings not in conjunction with farm use (Section X.12), or involve the alteration, restoration, or replacement of a lawfully established dwelling (Section X.13), the District proposes that a process be included in the code that would require the District to be notified of any proposed dwelling or structure that has the potential to impact District irrigation systems or District irrigation rights, and then once notified, enable the District to ultimately sign off on proposed dwellings or structures that the District determines would in fact impact irrigation systems or irrigation rights. In the District's experience, much time, energy, and expense can be avoided by both the District and the dwelling or structure owner when potential issues are resolved in advance of construction rather than after construction is complete. | The Planning Commission will consider this request. |
| In Section X.03 Non-Residential Uses Permitted, the District appreciates and fully supports the inclusion of "water intake facilities, canals and distribution lines for farm irrigation and ponds," as permitted uses (Section X.03 0). Consistent with our comments above for District irrigation facilities located in EFU, it would be helpful to explicitly state that these uses include "operation, maintenance, and piping of existing irrigation systems operated by a district, including the storage of pipe, materials, and machinery consistent with efforts to pipe irrigation systems."    At the same time, we note that section X.06 Conditional Uses includes "water intake facilities, related treatment facilities, pumping stations, and distribution lines," as well as "reservoirs and water impoundments," as conditional uses (Sections X.06 S and T). To clarify that District irrigation facilities are governed by Section X.03 0 as opposed to Section X.06 S and T, the District proposes adding language to the code to make this clear. In addition, the District proposes including this additional background and explanation to the findings set forth in the ordinance adopting the updated code for the Forest zone. |  |
| While the Forest zone code does not specifically call out photovoltaic solar power generation facilities as conditional uses, commercial utility facilities for the purpose of generating power are provided for as conditional uses in Section X.06 V. Consistent with the discussion above, the District proposes a further condition for siting photovoltaic solar generation facilities on Forest lands within the District, whereby applicants would be required to comply with the referenced District ordinance, including any subsequent revisions thereto, in advance of any construction activities. | There are no forest lands within the NUID boundary. |
| Regarding dwellings and other structures located in the Forest zone (Section X.09), along the same lines as discussed above, the District proposes that a process be included in the code that would require the District to be notified of any proposed dwelling or structure that has the potential to impact District irrigation systems or District irrigation rights, and then once notified, enable the District to ultimately sign off on proposed dwellings or structures that the District determines would in fact impact District irrigation systems and/or District irrigation rights. | There are no forest lands within the NUID boundary. |