

**Marion County**  
OREGON

# ADMINISTRATIVE REVIEW APPLICATION

## RECEIVED

JUN 30 2025

**Marion County**  
**Planning**

**Do not double-side or spiral bind any documents being submitted.**

**Fee: Please check the appropriate box:**

- ☒ Administrative Review - \$770
- ☐ Primary Farm Dwelling - \$1000
- ☐ Secondary Farm Dwelling - \$1250
- ☐ Replacement Dwelling - \$450
- ☐ Lot of Record - \$1250 (staff); \$1990 (hearing)
- ☐ Forest Dwelling - \$1250

<b>PROPERTY OWNER(S):</b> Neils Paul Jensen, Trustee of the Neils Paul Jensen and Irma L. Jensen Joint Revocable Trust	<b>ADDRESS, CITY, STATE, AND ZIP:</b> PO Box 299, Jefferson, OR 97352
<b>PROPERTY OWNER(S) (if more than one):</b> Neils Paul Jensen, Trustee of the Irma Jensen Irrevocable Trust	<b>ADDRESS, CITY, STATE, AND ZIP:</b> same
<b>APPLICANT REPRESENTATIVE:</b> Alexandra Thompson, Manager, Remington BESS, LLC	<b>ADDRESS, CITY, STATE, ZIP:</b> 1999 Harrison Street, Suite 2720 Oakland, CA 94612
<b>DAYTIME PHONE (if staff has questions about this application):</b> 510-514-1535	<b>E-MAIL (if any):</b> alexandra.thompson@rwe.com
<b>ADDRESS OF SUBJECT PROPERTY:</b> Tax Lot 092W20D000100, Pearson Rd SE, 500 ft east of Parrish Gap Road <span style="margin-left: 20px;">Tax Acct: 535412</span>	<b>SIZE OF SUBJECT PROPERTY:</b> 46.35 ac, of which ~15ac to be developed
<b>THE PROPERTY OWNERS OF THE SUBJECT PROPERTY REQUEST TO (summarize here; provide detailed information on the attached "Applicant Statement" page):</b> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">                     Lease a ~15-acre portion of the property to Remington BESS, LLC, which will construct and operate a 199-                      megawatt utility battery storage facility including access road, on-site substation, stormwater control, electrical                      connection to neighboring Parrish Gap Substation, and ancillary facilities. See Applicant Statement for details.                 </div>	
<b>WILL A RAILROAD HIGHWAY CROSSING PROVIDE THE ONLY ACCESS TO THE SUBJECT PROPERTY?</b> ( ) YES (X) NO IF YES, WHICH RAILROAD:	
<b>FOR OFFICE USE ONLY:</b>	
Township <u>T9S</u>	Range <u>R2W</u>
Section <u>20D</u>	<b>Application elements submitted:</b>
Tax lot number(s) <u>100</u>	<input checked="" type="checkbox"/> Title transfer instrument
Zone: <u>EFU</u>	<input checked="" type="checkbox"/> Site plan
Zone map number: <u>605</u>	<input checked="" type="checkbox"/> Applicant statement
Case Number: <u>AR25-015</u>	<input type="checkbox"/> GeoHazard Peer Review (if applicable) <u>N/A</u>
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural	<input checked="" type="checkbox"/> Filing fee
Date determined complete:	Application accepted by: <u>hB</u> Set up by:
Date:	<u>6/2/2025</u>

**THE APPLICANT(S) SHALL CERTIFY THAT:**

- A. If the application is granted the applicant(s) will exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the approval.
- B. I/We hereby declare under penalties of false swearing (ORS 162.075 and 162.085) that all the above information and statements and the statements in the plot plan, attachments and exhibits transmitted herewith are true; and the applicants so acknowledge that any permit issued on the basis of this application may be revoked if it is found that any such statements are false.
- C. I/We hereby grant permission for and consent to Marion County, its officers, agents, and employees coming upon the above-described property to gather information and inspect the property whenever it is reasonably necessary for the purpose of processing this application.
- D. The applicants have read the entire contents of the application, including the policies and criteria, and understand the requirements for approving or denying the application.

**PRINTED NAME AND SIGNATURE** of each owner of the subject property.

Neils Jensen	As Trustee of the Neils Paul Jensen and Irma L. Jensen Joint Revocable Trust	DocuSigned by: <i>Neils Jensen</i> B6320FC9DC11458...
Print Name		Signature
Neils Jensen	As Trustee of the Irma Jensen Irrevocable Trust	DocuSigned by: <i>Neils Jensen</i> B6320FC9DC11458...
Print Name		Signature
Print Name		Signature
Print Name		Signature

DATED this \_\_\_\_\_ day of 6/25/2025, 20 \_\_\_\_\_

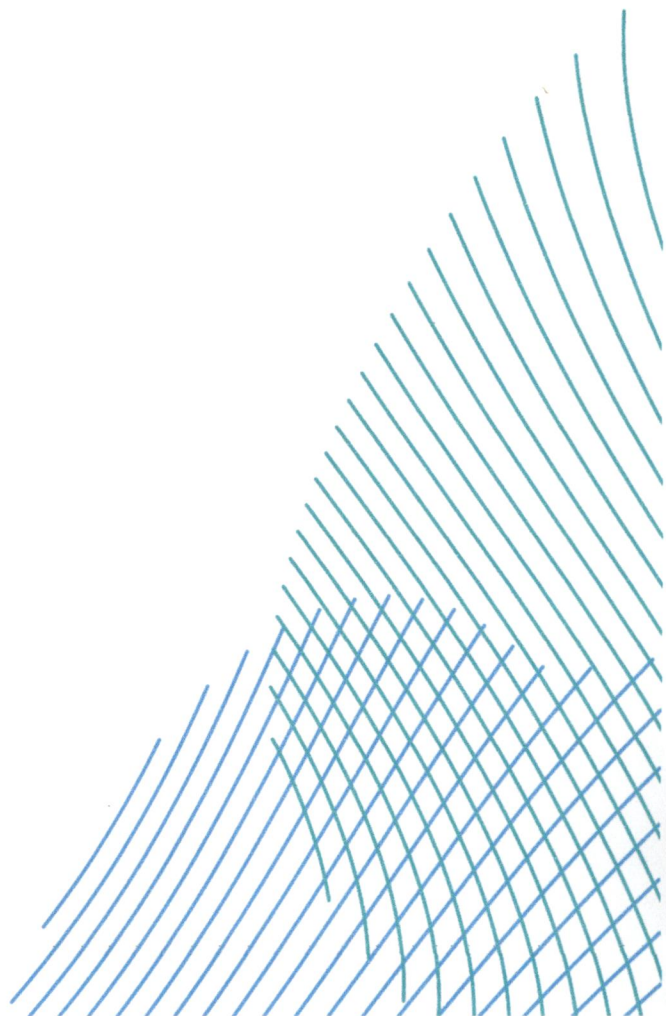




**REMINGTON**  
BATTERY STORAGE

**RWE**

**Applicant Statement  
Remington BESS**



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# 1 Introduction

Remington BESS, LLC ("Applicant") is filing this application for Administrative Review per Marion County Code of Ordinances ("the Code") **Section 17.136.040(I)** for the proposed construction and operation of the Remington Battery Energy Storage System (BESS) ("Project"), to be situated on approximately 15 acres of private property, located approximately 8 miles southeast of Salem. The Project will consist of battery containers, transformers, inverters, transmission lines, access roads, fencing, and associated infrastructure. The Project will deliver electricity to the PacifiCorp transmission system via existing transmission infrastructure and associated utility easements. The Project will interconnect to the existing Parrish Gap Substation immediately to the south of the proposed Project area.

## 1.1 Compliance Summary

**Conforms to Marion County Land Use Regulations:** The proposed Project is best categorized per **Section 17.110.584** of the Code, as a "utility facility". Utility facilities are allowed following Administrative Review within Exclusive Farm Use (EFU) Districts per **Section 17.136.040(I)** of the Code.

The Project requires siting within an EFU zone due to more than one of the possible factors listed Marion County Code Chapter 17.136.040(I), including **Technical and Engineering Feasibility, Locational Dependence, Lack of Available Urban and Nonresource Lands,** and **Public Health and Safety**, as described in detail in Section 3, Code Compliance.

The required findings have been made and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable written provisions of the Marion County Code. The evidence in the record is substantial and supports approval of the application. Therefore, the County can rely upon this information in its approval of the application.

# 2 Details of Proposed Use

## Key Project Information

<b>Type of Development</b>	The proposed development is for a utility facility, specifically described as a battery energy storage system (BESS). The BESS facility will have a total electrical output capacity of approximately 199 MW (AC) at the point of interconnection.
<b>Applicant</b>	Remington BESS, LLC 20 California Street, 5th Floor San Francisco, CA 94111
<b>Project Location</b>	Marion County, 8 miles southeast of Salem
<b>Property Owners</b>	Neils P. Jensen, Trustee of the Neils Paul Jensen and Irma L. Jensen Revocable Trust
<b>Tax Lot Number</b>	092W20D000100
<b>Project Area</b>	15 acres
<b>Zoning</b>	Exclusive Farm Use (EFU)
<b>Special Flood Hazard Area (SFHA)</b>	Zone X – Area of Minimal Flood Hazard
<b>Existing Use</b>	Agriculture

## 2.1 Purpose and Rationale

The Project would consist of a battery energy storage system (BESS) with a planned capacity of approximately 199 MW alternating current ("AC") at the point of interconnection (POI). The Project would include battery containers, transformers, inverters, transmission lines, and associated infrastructure. The Project will interconnect to the PacifiCorp-owned electrical grid via the Parrish Gap Substation. The entire project will include a new Applicant-owned collector substation located on the real property included in this Application, and as further described in this Application.

Energy storage technologies continue to advance in terms of increased power output and efficiency. Modern equipment and facility design have resulted in significant reductions to the cost of energy storage systems. As such, a final selection of equipment and Project configuration is under evaluation and will be made during the final detailed engineering and financing process prior to the start of construction.



## 2.2 Project Description and Site Characteristics

The proposed Project site is located in Marion County, southeast of the city of Salem. **Figure 1** (below) is a map illustrating the location of the proposed Project area. Project facilities will occupy approximately 15 acres of the 46-acre parcel. Current Project design is preliminary and subject to further design and engineering. A preliminary Site Plan showing the Project site in greater detail is provided at the end of this Application.

The Project will interconnect to the transmission grid at the Pacificorp Parrish Gap Substation (the point of interconnection or "POI"), as noted above. Power from the project facilities would be collected at an Applicant-owned collector substation, located on site just adjacent to the POI. The energy would then be transmitted from the collector substation to the POI, and then into an existing Pacificorp- or PGE-owned line.

The Project area is primarily agricultural in nature, with rural residences to the south and west and actively farmed lands to the east, north, and west. Based on preliminary design, the Project facilities would be located on areas of gentle slopes where little to no earth moving would be required. The Applicant expects that all construction and operation-related activities (including staging and laydown areas, temporary construction parking, etc.) will take place within the Project boundaries and any rights-of-way and easements associated with the Project area.



**Figure 1. Proposed Project Area and Surrounding Area**



Final design and engineering of the Project will be completed prior to the start of construction. As part of the detailed engineering phase, a detailed site plan will be developed that will show precise locations for storage facilities, access roads, staging areas, and parking areas for construction activities. All depictions of facilities in this Application are preliminary and subject to further review.

The Project will comply with all applicable federal, state, local and industrial standards and regulations throughout development, construction, operation, and decommissioning. The Project facilities will be set back from all property lines and public road rights-of-way in accordance with the applicable Marion County standards.

The duration of the development period (i.e., prior to construction) will depend on the timing needs of the interconnection utility and affected transmission systems and on the Applicant's ability to contract offtake for up to 199 MWac of energy storage capacity. During this initial period, many pre-construction activities will occur, such as land surveys and geotechnical studies. Construction is expected to occur over 12 to 16 months. As of the submittal of this Application, the earliest potential commercial operation date ("COD") is mid-2027. To meet this schedule, construction would be expected to start as early as the second quarter of 2026. The overall Project schedule will be reviewed with the County as it is developed. A final detailed schedule of construction activities will be developed following achievement of critical milestones for the Project, including the approvals sought under this Administrative Land Use Review.

## **2.3 Site Design and Construction Methods**

This section describes the planned facilities and typical construction and operation methods for the Project. The Site Plan Map illustrates the Project area, anticipated arrangement of access roads, Project collector substation, and ancillary facilities.

The included design is preliminary. Final details and specifications for Project design and associated subcontracts for services will be executed once key development permits and construction financing for the Project have been achieved. A final selection of construction service vendors has yet to be made. Applicable building permits will be obtained prior to any construction activity on site.

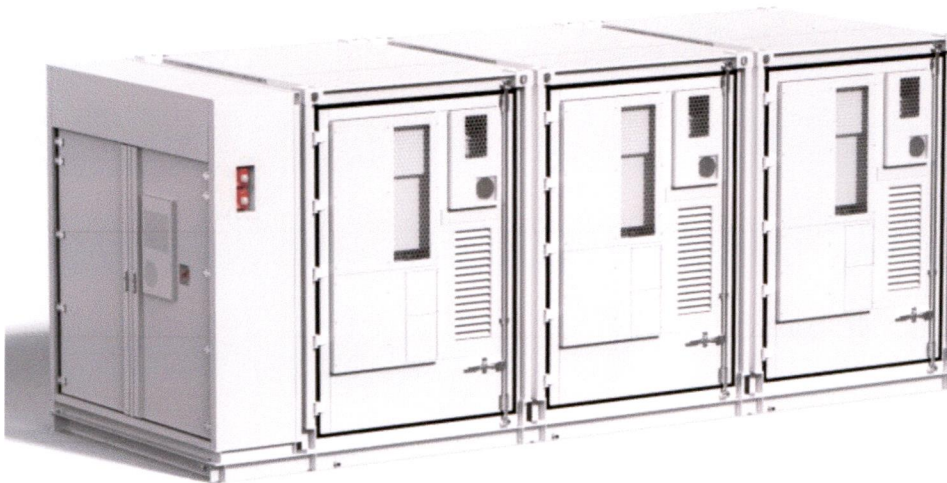
### **2.3.1 BESS Design and Construction**

Construction of the BESS facility will follow industry standard methods for BESS facilities. Construction activities would begin with a grading and vegetation management process to remove surface vegetation while minimizing dust generation. In some areas, grubbing and grading will be required to level particularly rough areas and to prepare soils for concrete foundations for Project equipment. Access roadbeds will also be grubbed, graded, and compacted. A fence line will surround the facility and will be grubbed and graded, where needed, to create a level surface for proper fence installation.



Construction of the electrical system will involve the installation of buried cables to connect Project equipment and collect and discharge electrical energy. These cable systems may be installed using trenching techniques, which typically include a rubber-tired backhoe excavator or trencher. Potential wire depths would be in accordance with local, State, and Federal requirements. After excavation, cable would be installed in the trench, and excavated soil would be used to fill the trench. The Project may use this methodology or a new hybrid method in which the electrical wiring is buried in select locations and hung above ground in others.

Following the cable installation, the battery enclosures would be placed on concrete foundations. Commissioning of the battery facility would include testing, calibration of equipment, and troubleshooting. The electrical equipment would be tested prior to commencement of commercial operations. Upon completion of successful testing, the equipment would be energized.



*Figure 2. Image depicting typical BESS similar to that proposed for the Project*

### **2.3.2 Ancillary Facilities and Structures**

The Project may include one or more control building(s) and collection substation(s), all located within the Project area. A control building would likely be a pre-engineered metal structure used to house a small battery system for back-up power, data collection, communications, and shut-down equipment. Sizes and flood plan layouts for these structures would be determined during detailed engineering efforts. Any structures would be designed and constructed in compliance with applicable codes.

#### **2.3.3 Utility-Owned Point of Interconnection Substation**

The Project would require the installation of a new 230kV line position at the Pacificorp-owned Parrish Gap Substation, which will be owned and operated by the interconnecting utility. This would include the installation of new circuit breakers, switches, metering

equipment, and communications equipment within the existing footprint of the Parrish Gap Substation.

It is expected that the construction and operational materials required and provided for the interconnection facilities will be wholly owned and operated by the utility. As such, the POI substation will have a separate fence and the Applicant anticipates having limited to no access to the utility-owned facilities.

#### **2.3.4 Site Access**

Project construction will include multiple access points for trucks, construction vehicles, battery equipment, other Project materials, and fire department access. Planned access to the Project during both construction and operation is from Pearson Road SE via a new Project-specific access road. This will be confirmed following consultation with relevant county first responders. Existing access to the site from the south and east is being considered for secondary (emergency) access and egress. Operational use of the roads surrounding and leading to the Project is expected to be minimal because the Project site would not be staffed during operations. The Project access road would be designed and constructed in accordance with applicable state and local standards.

The Project would also include a perimeter road and interior equipment access roads, all within the Project fenceline. The perimeter road would be constructed to allow access by maintenance, fire, and security personnel. Knox-Box or similar rapid entry systems, or other approved substitutes, will be installed at locked entrances for emergency personnel access. Site access can be seen in the included site plan. Interior Project roads would be appropriately graded and compacted to mitigate fugitive dust and ensure safe internal circulation throughout the site. Additional access points will be developed in coordination with emergency services to provide adequate access to fire and safety personnel and equipment as needed. Final documentation of the access right-of-way will be completed prior to application for building permits and final design will comply with fire and safety regulations.

As part of detailed engineering and the construction permit process, a detailed site plan will be updated to indicate parking areas for construction activity. The Project will acquire all necessary approach and transportation permits required by federal, state, local, and industry regulations.

#### **2.3.5 Planned Operations**

The Project will be remotely monitored and operated, with personnel visiting the site periodically to perform inspections and maintenance. Once the Project is operational, the facilities will be capable of operating seven days per week.

## **2.4 Safety**

The Project and associated electrical equipment do not pose any serious public health or safety concerns. Much of the system operates at low voltage and power levels. Any higher-



voltage substation equipment will be contained in a fenced area with appropriate signage denoting the electrical nature of the facility. The proposed voltages and transmitted power are similar to or lower than the existing transmission lines traversing the immediate area. Detailed fire prevention and fire department notification policies and training will be created in coordination with the applicable AHJs, and personnel will be trained and required to follow these procedures.

The design, construction, operation, and maintenance of the facilities will meet the requirements of the National Electrical Safety Code (NESC) and the US Department of Labor Occupational Safety and Health Administration (OSHA) Standards, as well as requirements for the safety and protection of property owners and their property.

The Applicant and any associated contractor would provide a safe work environment at all times. This would include barricading/covering/flagging potentially hazardous structures associated with the Project. At the end of the day, all tools would be gathered, cached, and secured to prevent safety problems and vandalism.

During movement of large trucks to the work sites, appropriate road signs for public safety purposes such as "Caution Heavy Truck Traffic" or "Be Prepared to Stop" would be provided along the appropriate County roads.

Upon request of the jurisdiction's transportation authority, the Project will develop a Traffic Control Plan that will be implemented throughout the entirety of Project construction.

#### **2.4.1 Fire Safety**

Applicable fire safety standards will be reviewed in preparing an Emergency Response Plan (ERP) to minimize the occurrence of unwanted human-caused and naturally caused fires. The plan would describe an emergency notification procedure, site evacuation process, and fire prevention and suppression procedures. Fire extinguishers would be available at strategic locations throughout the Project. Access to and within the Project area will be designed to allow fire and rescue vehicles access.

Vegetation within the fenceline would be removed, and the perimeter road would provide a minimum 20-foot separation between the electrified equipment and adjacent agricultural uses. Therefore, the risk of wildfire is expected to be relatively low. The energy storage equipment is designed to be resistant to fire and are constructed of non-combustible steel and aluminum. All electrical equipment would meet applicable Underwriters Laboratories (UL) and International Electrotechnical Commission (IEC) ratings for their resistance to fire.

Any BESS would follow safety guidelines from the National Fire Protection Association (NFPA). The storage system will have seismic protection features to mitigate risks associated with earthquakes as well as an independent smoke and fire detection and suppression system. Battery facilities will be properly identified with signs and an emergency operations plan will be developed prior to installation. Adequate access for emergency equipment will be included in Project design.

#### **2.4.2 Law Enforcement**

The Project will be within the jurisdiction of the Marion County Sheriff's Office. The Project is not expected to affect law enforcement operations, nor impact its ability to provide adequate law enforcement services to the surrounding community. No adverse impacts are anticipated, and no mitigation is proposed.

## **2.5 Impact Control Measures for Sound, Odors, and Air Quality**

#### **2.5.1 Construction Phase**

Construction activities will generate noise within and adjacent to the project site. All contractors will conduct construction activities in compliance with applicable noise regulations that limit construction to daytime hours and specific maximum levels. The anticipated construction activity will include site preparation with typical civil equipment, delivery of equipment on trucks, construction crew trucks, crane operations to set modules on concrete pads, bucket truck operations for interconnection work, and personnel vehicles.

Air quality may be affected by the generation of fugitive dust, construction equipment emissions, and worker vehicle emissions. Dust will be controlled by watering and/or stabilizing of construction access roads and other soil management measures. Vehicular traffic routes will be centralized on-site, and equipment will be maintained in proper working order to minimize emissions.

#### **2.5.2 Operations Phase**

Remington BESS will not generate noise that exceeds the acceptable noise levels identified in County Ordinance #1273. The relevant noise levels are 55 dBA, when measured from a neighboring property line or dwelling at any time from 10PM to 7AM and 65 dBA, when measured from a neighboring property line or dwelling at any time from 7AM to 10PM. While some electrical equipment may emit a low humming during operation, the Project is not expected to adversely impact neighboring lands or other noise sensitive areas, due to the nature of the equipment and the distance between components and neighboring residences. The closest residence to the Project is over 450 feet from the proposed Project fenceline, and farther still from the equipment within the fenceline. At this distance, noise from the facility would attenuate to well below applicable noise levels.

Operations at the Project site will not adversely affect air quality. BESS projects generate little to no emissions. No odors will be generated directly from Project operation. No adverse impacts associated with air quality, dust, and odors are anticipated to occur during Project operation.



## 2.6 Waste Management

Construction wastes would be managed in accordance with applicable state and local regulations. Trash and food items would be placed in closed containers with lids and removed from the site regularly. Fuel, oil, and hydraulic fluids used in construction and maintenance vehicles and equipment would be transferred directly from a service truck to construction equipment and would not otherwise be stored on site. Service personnel and construction contractors would follow standards operating procedures for filling and servicing construction equipment and vehicles to reduce the potential for spill incidents. Industry best management practices (“BMPs”), including spill prevention and containment measures, would be used to prevent spills. However, if spills do occur, they would be cleaned up completely, quickly, and safely and reported to authorities as necessary.

During construction, shipping pallets and cardboard will make up most of the wastes produced. The Project expects to utilize local recycling services and, as needed, a local landfill to the greatest extent possible to dispose of Project-related waste.

## 2.7 Environmental

Initial assessment of the Project area has indicated that it is suitable for the Project. The Applicant will retain the support of a leading provider of environmental surveys to conduct environmental impact assessments, including biological and cultural surveys. The lands associated with the Project will be further evaluated prior to the start of construction.

The Applicant is committed to environmentally responsible development and has a long history of developing, owning, and operating safe, responsible energy projects.

A Stormwater Pollution Prevention Plan compliant with the applicable National Pollutant Discharge Elimination System (NPDES) permit would be prepared and implemented during construction. Contractor personnel would be properly trained to control and clean up any spills and manage other mitigation efforts. Post-construction and operation phase environmental monitoring and mitigation plans, if required, will be determined once all development phase studies have been completed and once a final selection of construction services has been made.

## 2.8 Decommissioning

The Project would have a usable lifespan after which continued operation would not be cost-effective. This is expected to occur after approximately 25 years of operation. At that time, the Project would either be decommissioned, and all equipment would be removed, or new technology would be proposed for installation. Typical battery energy storage systems have a usable lifetime of 20-25 years, subject to how they are used and maintained, after which the cell modules may need to be replaced to maintain the necessary minimum capacity rating. To avoid this, the Applicant would likely perform periodic augmentations of battery components. This process involves routinely replacing certain elements of the BESS



that have degraded, rather than overhauling the entire system. Recycling of BESS components has become a rapidly growing, robust industry and Project BESS components would be sent to a recycling facility upon being replaced.

A final decommissioning and site reclamation plan would be developed consistent with County policy and objectives at that time, as approved by the County. The design features and stipulations that have been developed for construction activities would be applied to similar activities during decommissioning, as necessary.

## 2.9 Economic Impact and Community Benefits

In total, it is anticipated that approximately 150 full-time equivalent (“FTE”) construction jobs would be created during the peak construction phase of the Project. The construction work is expected to take approximately 12 to 24 months to complete, with the number of construction workers physically on site changing over time. A significant number of qualified workers will be sourced from local communities in the area to the extent possible. Construction-phase jobs will include qualified engineers, surveyors, electricians, general contractors, project managers, and general laborers meeting the applicable industry requirements for utility-scale energy projects.

# 3 Code Compliance

## 3.1 Marion County Code

### 3.1.1 Chapter 17.136.040(I) – Uses Permitted Subject to Standards

#### **17.136.040 Uses Permitted Subject to Standards**

The following uses may be permitted in the EFU zone subject to approval of the request by the director, based on satisfaction of the standards and the criteria specified for each use, pursuant to the procedures in Chapter 17.115 of the MCC.

- I Utility facilities necessary for public service, including 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. A facility is “necessary” if it must be situated in the EFU zone in order for the service to be provided. An applicant must demonstrate that reasonable alternatives have been considered and that the facility must be sited in an EFU zone due to one or more of the following factors as found in OAR 660-033-0130(16):

1. Technical and engineering feasibility;
2. 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;
3. Lack of available urban and nonresource lands;
4. Availability of existing right-of-way;
5. Public health and safety; and



6. Other requirements of state and federal agencies. (...)

**Response**

Per MCC 17.110.584, a “utility facility” means “any water, gas, sanitary sewer, storm sewer, electricity...and related physical facilities which do not include buildings regularly occupied by employees, parking areas, or vehicle, equipment and material storage areas, wireless communications facility or wireless communications facility, attached.” The planned Project does not include buildings regularly occupied by employees, parking areas, or any other listed exceptions and is therefore a “utility facility” permitted within the EFU zone. This determination has been confirmed by the County previously in a meeting between County planning personnel and a representative of Remington BESS, LLC in February 2025.

The Project requires siting within an EFU zone due to more than one of the possible factors listed Marion County Code Chapter 17.136.040(I), including **Technical and Engineering Feasibility, Locational Dependence, Lack of Available Urban and Nonresource Lands, and Public Health and Safety**, as described in detail below.

Additionally, the Project will not commit any property outside the Urban Growth Boundary (UGB) to urban development now or in the future.

The Project does not require use of the entire parcel for the Project. Therefore, the traditional agriculture use occurring on the remaining portion of the parcel (currently, fescue grass seed production for lawn turf) will be unaffected by the Project. Thus, the parcel will continue to conform to the goals of the EFU zone. The Project is also not expected to impact the agricultural use of neighboring parcels to the west, north, and east.

**These requirements are satisfied, and the utility facility is a permitted use within the EFU zone consistent with Marion County Code and state statutes addressed later within this narrative.**

Technical and Engineering Feasibility and Locational Dependence

**17.136.040(I)(1) Technical and Engineering Feasibility**

**17.136.040(I)(2) 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.

**Response**

Battery energy storage systems must be sited as close as possible to transmission resources (i.e., substations and associated transmission lines) that have available capacity to interconnect. Through coordination with regional grid operator PacifiCorp, the Applicant has determined that the PacifiCorp-owned Parrish Gap Substation has available capacity to interconnect and would require the fewest additional network upgrades (i.e., additional construction to expand and upgrade the substation) when compared to other substations

in the service area. Alternative sites farther from this substation would not meet the technical and engineering feasibility criterion because they would require prohibitive network upgrades, be sited near substations without available capacity, and/or require long transmission lines that would be costly to build, result in electricity losses during transmission, and draw opposition from residents and landowners in proximity to the necessary overhead lines.

The Parrish Gap Substation is surrounded by EFU zoning and by the typical allowed uses within this zone. Three parcels border the substation on the north side of Pearson Road SE. Of these, two (northern and eastern sides) are owned by the same landowner and are in similar agricultural use, and are of sufficient size to accommodate the Project without changing the overall character and use of the parcel. Two existing high-voltage transmissions lines (owned by PacifiCorp and Portland General Electric) separate the parcels along their shared property line. The proposed location of the Project directly adjacent to the existing substation eliminates the need for an overhead gen-tie transmission line that would need to cross other properties or County roads. It also eliminates the need to cross the two high-voltage lines in order to access the substation; crossing these lines and their associated easements with a Project transmission line would significantly increase the technical and engineering difficulties of the Project.

Several alternative parcels near the Parrish Gap Substation were studied, but for the reasons described above regarding the need for overhead transmission lines, were found to be less favorable with regard to technical and engineering feasibility and location.

Therefore, in order for the Project to be developed, it is necessary to located facilities on this specific parcel adjacent to the Parrish Gap Substation. **This criterion is met.**

#### Lack of Available Urban and Non-Resource Lands

**17.136.040(I)(3) Lack of available urban and nonresource lands.**

##### **Response**

As described in the section above regarding feasibility and locational dependence, the Parrish Gap Substation is surrounded by lands zoned EFU. There is no available urban or non-resource land in proximity to the Parrish Gap Substation. Therefore, **this criterion is met.**

#### Public Health and Safety

**17.136.040(I)(5) Public health and safety.**

##### **Response**

The Project is not expected to impact the health and safety of the public. The Project itself has been sited to be substantially set back from any public rights-of-way and neighboring parcels. Additionally, the Project has been designed to avoid impacts to habitat and to wetlands and waterways, and to minimize the impact on agricultural soils.



Once operational, the Project will not result in any discharge or emissions to the environment. Emergency procedures will be developed and implemented following consultation and training with the relevant local agencies. These procedures, as well as design and engineering controls (setbacks, remote monitoring equipment, fire suppression systems), are expected to mitigate any potential impacts to the public in the event of a fire at the facility.

Due to the expected lack of impacts to the public during the construction and operation of the Project, **this criterion is met.**

### 3.1.2 Chapter 17.136.040(I)(6) – Other Requirements of State and Federal Agencies

#### 17.136.040(I)(6) Other requirements of state and federal agencies.

- a) Costs associated with any of the factors listed above 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.

#### **Response**

The costs associated with this Project were one factor among the many considered when selecting an appropriate site for the Project. The selected site allows for the entirety of the Project to be located on one parcel and minimizes the length of the Project's interconnecting transmission line. Additional land acquisition and/or transmission line easement negotiations, in addition to the increased costs for engineering and construction on parcels near the proposed Project site, make the proposed Project site the most viable option from a financial perspective. Nonetheless, as described in the previous section, cost alone is not the only reason for determining that the Project must be sited within EFU. **This requirement is met.**

- b) The owner of a facility approved under this section shall be responsible for restoring to its former condition as nearly as possible, 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.

#### **Response**

While up to 15 acres of agricultural land will be temporarily removed from production to allow for the Project, following completion of the Project's lifespan, the Applicant will return the Project area to its traditional conditions by removing and properly recycling or disposing of the equipment offsite. The decommissioning and reclamation of the site will follow a Project Decommissioning Plan that will be developed and implemented prior to the start of construction in coordination with County departments and applicable authorities.

**This requirement is met.**

- c) The applicant shall address the requirements of MCC 17.136.060(A)(1).

#### 17.136.060

#### Conditional use review criteria.

<b>A</b>	The following criteria apply to all conditional uses in the EFU zone:
<b>1</b>	The use will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use. Land devoted to farm or forest use does not include farm or forest use on lots or parcels upon which a non-farm or non-forest dwelling has been approved and established, in exception areas approved under ORS 197.732, or in an acknowledged urban growth boundary.
<b>2</b>	Adequate fire protection and other rural services are, or will be, available when the use is established.
<b>3</b>	The use will not have a significant adverse impact on watersheds, groundwater, fish and wildlife habitat, soil and slope stability, air, and water quality.
<b>4</b>	Any noise associated with the use will not have a significant adverse impact on nearby land uses.
<b>5</b>	The use will not have a significant adverse impact on potential water impoundments identified in the Comprehensive Plan, and not create significant conflicts with operations included in the Comprehensive Plan inventory of significant mineral and aggregate sites.

### **Response**

The Project satisfies the conditions of **MCC 17.136.060(A)** as follows:

1. The Project will not result in any discharges or emissions to the environment. The Project is not expected to impact any of the surrounding properties and thus, will not result in a change or increase in the cost of accepted farm or forest practices on surrounding lands.
2. Prior to construction, the Project will consult with relevant first responders to ensure that there are suitable procedures in place in the event of a fire or other emergency. Preparation could include trainings, demonstrations, or other activities necessary to adequately prepare first responders to address an emergency at the Project site. Additionally, the Project will be equipped with emergency monitoring and response equipment that will minimize the manpower necessary to address emergencies.
3. As stated previously, the Project is not expected to result in any significant impacts to the environment due to the lack of emissions or other discharges to the environment. Additionally, the topography of the Project site is largely flat, so any grading and soil disturbance at the site is expected to be minimal.
4. While the electrical infrastructure associated with the Project will generate some level of noise, all noise-generating equipment will be designed to prevent a significant volume of noise from reaching neighboring parcels and other sensitive receptors. Noise can be mitigated through a variety of measures including setbacks, noise barriers, vegetative screening, and sourcing less noisy equipment. If there are significant noise concerns, the Project will conduct acoustic simulations to ensure the lack of impact on surrounding properties prior to construction.
5. The Project will not have any adverse impact on potential water impoundments or mineral and aggregate sites within the Comprehensive Plan.



- d) In addition to the provisions above, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) in an exclusive farm use zone shall be subject to the provisions of OAR 660-011-0060.

#### Response

This requirement is **not applicable to the Project** as it does not include a sewer extension.

- e) The provisions of this subsection do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

#### Response

This requirement is **not applicable to the Project** as it does not include a pipeline component.

- f) If the criteria contained in this subsection (l) for siting a utility facility on land zoned for exclusive farm use are met for a utility facility that is a transmission line, the utility provider shall, after the route is approved by the siting authorities and before construction of the transmission line begins, consult the record owner of high-value farmland in the planned route for the purpose of locating and constructing the transmission line in a manner that minimizes the impact on farming operations on high-value farmland. If the record owner does not respond within two weeks after the first documented effort to consult the record owner, the utility provider shall notify the record owner by certified mail of the opportunity to consult. If the record owner does not respond within two weeks after the certified mail is sent, the utility provider has satisfied the provider's obligation to consult. The requirement to consult under this section is in addition to and not in lieu of any other legally required consultation process.

#### Response

This requirement is **not applicable to the Project** as it does not include a transmission line, with the exception of the gen-tie connecting the Project to the Parrish Gap Substation, which is less than about 300 feet in length, located fully within the Project parcel, and would affect only the farmland within this parcel that is being leased by the owner for development of the Project. For the same reasons, Chapter 17.136.040(l)(7)(B) Transmission Line Necessity is not applicable to the Project.

## 3.2 Oregon Administrative Regulations

### 3.2.1 Uses Authorized on Agricultural Lands

#### 660-033-0120 Uses Authorized on Agricultural Lands

The specific development and uses listed in the following table are allowed in the areas that qualify for the designation pursuant to this division. All uses are subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this division. The abbreviations used within the table shall have the following meanings:

- 1 "A" Use is allowed. Authorization of some uses may require notice and the opportunity for a hearing because the authorization qualifies as a land use decision pursuant to ORS Chapter 197. Minimum standards for uses in the table that include a numerical reference are specified in OAR 660-033-0130 and 660-033-0135. Counties may prescribe additional limitations and requirements to meet local concerns only to the extent authorized by law.
- 2 "R" Use may be allowed, after required review. The use requires notice and the opportunity for a hearing. Minimum standards for uses in the table that include a numerical reference are specified in OAR 660-033-0130. Counties may prescribe additional limitations and requirements to meet local concerns.

3 “\*” — The use is not allowed.

4 “#” — Numerical references for specific uses shown in the table refer to the corresponding section of OAR 660-033-0130. Where no numerical reference is noted for a use in the table, this rule does not establish criteria for the use.

HV Farmland	All Other	Uses
R, 16(a) or (b)	R, 16(a) or (b)	Utility facilities necessary for public service, including associated transmission liens as defined in ORS 469.300 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 high.

### Response

“R, 16(a) or (b)” refers to the fact that review is required, per Section 16(a) and (b). The planned utility does not generate power for public use or sale and does not require transmission lines in excess of 200 feet in height. Section 16(a) and (b) of OAR 660-033-0130, as prescribed by OAR 660-033-0120 are addressed below.

## 3.2.2 Minimum Standards

### 660-033-0130 Minimum Standards Applicable to the Schedule of Permitted and Conditional Uses

- (16)(a) A utility facility established under ORS 215.213(1)(c) or 215.283(1)(c) is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service. To demonstrate that a utility facility is necessary, an applicant must:
- (A) 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:
    - (i) Technical and engineering feasibility;
    - (ii) 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;
    - (iii) Lack of available urban and nonresource lands;
    - (iv) Availability of existing rights of way;
    - (v) Public health and safety; and
    - (vi) Other requirements of state and federal agencies.
  - (B) Costs associated with any of the factors listed in paragraph (A) of this subsection 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.
  - (C) The owner of a utility facility approved under this section 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 paragraph 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.
  - (D) The governing body of the county or its designee 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.

- (E) 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 OAR 660-033-0130(19) or other statute or rule when project construction is complete. Off-site facilities allowed under this paragraph are subject to 660-033-0130(5). 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.
- (F) In addition to the provisions of paragraphs (A) to (D) of this subsection, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) in an exclusive farm use zone shall be subject to the provisions of OAR 660-011-0060.
- (G) The provisions of paragraphs (A) to (D) of this subsection do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

### Response

The Marion County Code implements the listed requirements of OAR 160-033-0130(16). These responses are listed above in Section 3.1, Marion County Code. Those requirements include clear and objective standards mitigating and minimizing impacts from a planned utility facility on surrounding farm and forest lands. **This criterion is met.**

- (16)(b) An associated transmission line is necessary for public service and shall be approved by the governing body of a county or its designee if an applicant for approval under ORS 215.213(1)(c) or 215.283(1)(c) demonstrates to the governing body of a county or its designee that the associated transmission line meets either the requirements of paragraph (A) of this subsection or the requirements of paragraph (B) of this subsection.
  - (A) An applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements:
    - (i) The associated transmission line is not located on high-value farmland, as defined in ORS 195.300, or on arable land;
    - (ii) The associated transmission line is co-located with an existing transmission line;
    - (iii) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or
    - (iv) 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.
  - (B) After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to paragraphs (C) and (D) of this subsection, two or more of the following criteria:
    - (i) Technical and engineering feasibility;
    - (ii) 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;
    - (iii) 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;
    - (iv) Public health and safety; or
    - (v) Other requirements of state or federal agencies.
  - (C) As pertains to paragraph (B), the applicant shall present findings to the governing body of the county or its designee on 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
- (D) The governing body of a county or its designee may consider costs associated with any of the factors listed in paragraph (B) of this subsection, but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.

**Response**

The Marion County Code implements the listed requirements of OAR 160-033-0130(16). These responses are listed above. Those requirements include clear and objective standards mitigating and minimizing impacts from a planned utility facility on surrounding farm and forest lands. **This criterion is met.**