



**Crook County Community Development
Planning Division**

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**Supplemental Staff Report to the Board of Commissioners
Exception to Goal 3 – TSR North Solar Facility
PERMIT: 217-20-000887-PLNG**

June 30, 2025

OWNER: Ronald Raasch (old) TSR North Solar Farm LLC (current)
P.O. Box 11 2033 E Speedway Blvd. Ste. 200
Powell Butte, OR Tucson, AZ 85719

AGENT: TSR North Solar Farm LLC
Jacob Stephens, Manager
2033 E Speedway Blvd. Ste. 200
Tucson, Arizona 85719

LOCATION: The property is located approximately 4 miles southwest of the center of Prineville and on the south side of HWY 126, also identified as Township 15S, Range 15E WM, Tax lot 1223.

ZONING: Exclusive Farm Use, EFU-3 (Powell Butte Area)

PUBLIC HEARINGS: March 17, 2021 (Planning Commission)
May 29, 2025 (Board of Commissioners, First Reading)
June 18, 2025 (Board of Commissioners, Second Reading)

REQUEST: The Applicant is requesting an amendment to the County's Comprehensive plan to except the subject from Goal 3.

I. Background

- a. **Procedural Summary:** The Applicant received Planning Commission approval for the 320-acre TSR North Solar Facility on September 23, 2019 (217-19-000378-PLNG). The County processed Applicant's request for a Comprehensive Plan amendment excepting the subject property from Goal 3 concurrently with a request to modify the existing conditional use permit (CUP) from 320 acres to approximately 585 acres. The Planning Commission's decision to approve the CUP modification (217-20-000581-PLNG) was appealed to the County Court (now the Board of County Commissioners (the "Board" or "BOCC")) and ultimately approved (217-21-000321-PLNG). The Planning Commission voted 6-0 on March 31, 2021 to recommend the BOCC approve this Comprehensive Plan amendment.
- b. **Project Summary:** The approved facility includes access roads and fencing; solar photovoltaic modules and solar inverters; transmission and communication equipment, and a project substation. The Applicant estimates a project lifetime of forty (40) years.
- c. **Site Description:** The subject property does not have irrigation water rights and has not

been irrigated in the past. The property is uncultivated. It is composed primarily of sagebrush steppe and juniper woodland with some grasslands. The site is gently sloped (0-8% to the southeast). The property is traversed by a number of transmission lines and associated easements operated by PacifiCorp and Central Electric Cooperative. There is a mapped special flood hazard area (see map below - yellow area is mapped flood hazard area) on the northeast border of the subject property. It is mapped as a "Zone A," an area subject to flooding by the 1% annual change flood (the "100-year flood"). There are no mapped flood elevations for this area.

- d. **Project Size:** The Project, in its entirety, will not occupy more than 585 acres.
- e. **Surrounding Land Uses:** The subject property is bounded by Hwy 126 to the northwest, and several other lots also zoned EFU-3 to the south. Two tax lots to the east are within the City of Prineville and zoned M1 (Light Industrial). None of the adjacent properties have existing residences. Adjacent to the southeast corner of the site is the Powell Butte Aggregate Pit, operated by Por-Tay Northwest LLC, on tax lot 1231 which is also zoned EFU-3.
- f. **Ownership:** At the time of the Planning Commission's recommendation, the subject property was wholly owned by Ronald A. Raasch and Susan I. Raasch, Trustees of the Raasch Family Trust. The authorized agent for the property owners was Jacob Stephens of TSR North Solar Farm, LLC. On December 31, 2024, TSR North Solar Farm LLC purchased the subject property.
- g. **Soils:** The Applicant provided a Custom Soil Resource Report using data from the National Resources Conservation Service (NRCS) soil survey (Exhibit F of the original application). The majority of soils on the subject property are classified as Class 6, with some soils classified as Class 4. Major soil types are summarized below.

Map Unit	Soil Type	Classification Non-irrigated	Acres	Percent of acres
26	Buckbert ashy sandy loam, 0- 3% slopes	4	16.8	2.8%
	Swartz silt loam, 0-3% slopes	4	42.4	7.1%
	Stukmond- Lickskillet Redmond Complex 0-8% slopes	6e	198.3	33.3%
	Redmond- Stukmond Complex 0-8% slopes	6e	338.9	56.8%
Total Acreage			596.4	100%

- h. **Water Rights:** There is no evidence of irrigation water rights on the subject property. The property has not been irrigated in the past.
- i. **Wildlife:** Approximately 220 acres of the subject property are mapped pronghorn antelope winter range habitat according to Oregon Department of Fish and Wildlife (ODFW) maps.

The Applicant has consulted with ODFW regarding mitigation requirements and these requirements are discussed in detail later in this staff report. The subject property is not identified as winter range for elk and deer in the County's Goal 5 big game habitat inventory although ODFW states that the property serves as an elk migration route. The property is not identified as Sagebrush Grouse habitat (Sensitive Bird Habitat zone). There are no identified raptor nesting sites near the subject property.

- j. **Cultural Resources:** As required by 2019 House Bill 2329, the County provided notice of this application to the State Historic Preservation Office (SHPO) and to the Confederated Tribes of Warm Springs. The Applicant will engage with SHPO as part of the development process to ensure that requirements related to cultural and historic resources are met. This may require the Applicant to provide on-site cultural resources surveys. The Applicant agrees that procedures to address best management practices for cultural discoveries will be in place during constructions.

During construction, procedures shall be in place reflecting generally accepted practices for cultural discoveries. Applicable regulations will be followed, including implementation of an Inadvertent Discovery Plan (IDP) prior to construction, including notification of applicable authorities if any discoveries of significance are found. Continued correspondence with SHPO and the County will be maintained. (Condition 17 of modified CUP).

- k. **Access:** No change is being proposed to site access. The Solar PV Facility will be accessed by an existing private road from State Hwy 126. If necessary, any alternative entrances and/or additional road access permits will be obtained from the County or ODOT as applicable (Condition 6 of modified CUP).
- l. **Domestic Water:** The Applicant states that they will either purchase water for construction and operation from the City of Prineville or will procure water from a well on the subject property pursuant to ORS 537.545(1)(f) or will use a combination of purchased water and well water. The Applicant or subcontractors will ensure that if water is procured from an existing or new well, that the well provider will have a limited water use license from the Oregon Water Resources Department allowing the use of groundwater from a well for construction and dust control.
- m. **Fire Protection:** The subject property is located inside the Crook County Fire and Rescue District (CCF&R). Provisions for wildfire prevention and control are included in the draft Emergency Management plan (Exhibit J of the original application). The Emergency Management plan will be submitted to CCF&R for their review. The plan will reflect the final design, layout and location of ingress and egress points. Plan elements may be modified based on comments from CCF&R. (Condition 14 of modified CUP).
- n. **Construction Office:** The Applicant proposes establishing temporary construction facilities on the site in accordance with state and County regulations. Temporary buildings will house construction management and site personnel offices adjacent to a parking area and laydown yards. There are two areas proposed, both towards the southern portion of the site. The final location of these temporary construction facilities is subject to Applicant's final site design.
- o. **Airports:** The facility is not located in an airport control zone. However, the northeastern portion of the project site is located within the approach zone for runway 15/33 of the Prineville Airport. Based on consultation with the Airport Manager, it is determined that the project will not interfere with the runway approach/departure zone, provided that no

tall transmission poles are located within this area. The proposed facility will avoid placing tall structures within this zone. The towers supporting the transmission line to connect the project to the utility substation are located on the southwestern area of the project, well away from the approach zone. The Applicant also received "Determination of no hazard to air navigation" findings from the Federal Aviation Administration, based on the height of the tallest tower structure and solar panels at the four corners of the Project site.

II. APPLICABLE CRITERIA

Oregon Revised Statutes

ORS 197.732

Oregon Administrative Rules

OAR 660-004

OAR 660-033

Crook County Code

CCC 18.170

III. Findings of Fact

The following is a mix of the Planning Commission's recommendations, the Applicant's Supplemental Proposed Findings of Fact and Conclusions of Law (Ex. 15), and Staff's version of the same. The criteria that apply to this request to amend the comprehensive plan and except the subject property from Goal 3 are indented and shown in bold and standard font. Information from the Applicant and/or the Planning Commission's findings are shown in *italics*. Staff's proposed findings are in standard font. The application and all other materials comprising the record are available on the County's website or from the Community Development Department.

a. Response to Criteria

For a use located within an EFU zone, the "applicable statewide planning goal" is Goal 3, which is the State's Agricultural Lands Goal. As expressed in Oregon's Statewide Planning Goals and Guidelines, Goal 3 is to preserve and maintain agricultural lands. Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policy expressed in ORS 215.243 and 215.700.

Counties are authorized to approve an exception to a goal if certain criteria are met. For these local jurisdictions, the exceptions process is authorized by Goal 2 (Land Use Planning) and ORS 197.732(2).

ORS 197.732(2)(c) / CCC 18.170.010(1)(d)

A local government may adopt an exception to a goal if...

(c) The following standards are met:

- (A) Reasons justify why the state policy embodied in the applicable goals should not apply;
- (B) Areas that do not require a new exception cannot reasonably accommodate the use;
- (C) The long term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and
- (D) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

The applicable administrative rules set forth in OAR Chapter 660 Division 4, Interpretation of Goal 2 Exception Process, OAR 660-004-0020(2) and OAR 660-004-0022 outline how each of the four standards

in ORS 197.732(2)(c) should be met.

1. First, the exception shall list "the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations, including the amount of land for the use being planned and why the use requires a location on resource land." OAR 660-004-0020(2)(a).

Planning Commission's Findings: *Both the original and amended proposal have demonstrated that the subject property, while zoned for farm use, does not have the soil quality or irrigation water rights to be developed as productive farmland and therefore the goal to protect agricultural land should not apply to this property. In general, as noted in the County's Comprehensive Plan Agriculture Section 7 (page 41), while agriculture is an important part of the county's economy, "only a relatively small portion, approximately 5% [of the County's Agricultural lands] are classified as agricultural cropland of which only 60% are under irrigation, the remaining cropland being dry land farming ... agricultural cropland in the county is restricted generally by soil capabilities, a short growing season, and limited sources and supplies of water for irrigation." The subject property is rangeland and per the Comprehensive Plan (page 46) can be developed through the goal exception process.*

Statewide Planning Goal 3 seeks to preserve farmland for future use. The proposed use for a solar facility is not permanent. Unlike a request for a rezoning or a comprehensive plan change, where the zoning classification would be permanently changed, and the EFU status lost, this application is for an allowed conditional use on EFU-zoned property. The land will continue to carry its farm zoning designation. At the end of the solar facility's useful life, the site would be decommissioned, and the solar panels removed in accordance with the Decommissioning Plan. The site could be reclaimed for agricultural use.

Staff's Proposed Findings: The materials and facts in the record support the Planning Commission's finding that Goal 3's policy of preserving farmland for future use should not apply to the subject property. The Board adopts the Planning Commission's findings on this criterion as their own.

2. Second, the Applicant should sufficiently demonstrate that "areas that do not require a new exception cannot reasonably accommodate the use." OAR 660-004-0020(2)(b). This can be met by describing the location of possible alternative areas considered for the use that do not require a new exception (OAR 660-004-0020(2)(b)(A)) broadly rather than specifically (OAR 660-004-0020(2)(b)(C)).

Planning Commission's Findings: *The Applicant reviewed an analysis provided by the Community Development Department using County GIS (Geographic Information System) data to identify suitable lands in all of Crook County to accommodate the proposed 585-acre solar facility. The Applicant's analysis considered four factors to identify a site for a new solar generating facility:*

- i. Identify zones in both Crook County and the City of Prineville that authorize a commercial photovoltaic facility as a permitted or conditional use;*
- ii. Identify lands that are 585 acres or greater, whether as a single parcel or as a contiguous block;*
- iii. Identify parcels within proximity to a high-voltage transmission facility or substation or parcels to site a transmission facility in order to relay electricity to a substation¹ and*

¹ As discussed herein, the City of Prineville code would allow solar arrays in many zones but would not allow the

iv. Identify conflicts as to the use proposed and the surrounding land uses.

Crook County Lands

Commercial power generating facilities are not allowed as an outright, permitted use in any Crook County zone.² The County authorizes commercial power generating facilities as conditional uses in the EFU Zone, Forest zone (F-1), Forest Recreation Zone (FR-10), Powell Butte Rural Residential Zone (PBR- 20), Rural Residential Zone (R-5), Light Industrial Zone (LM), Heavy Industrial Zone (H-M), Recreational Residential Mobile Zone (RR(M)-5) and Rural Residential Zone (R-10).

Although commercial utility facilities are allowed as conditional use facilities in the County's Forest (F1) zone, Crook County Code 18.28.015(9) states "A commercial utility facility for the purpose of generating power shall not preclude more than 10 acres from use as a commercial forest operation.

Renewable energy facilities are subject to the standards in Chapter 18.161 CCC." Thus, properties in forest zones are not included in this analysis.

Any other property zoned EFU would also require an exception to Goal 3. Thus, no other EFU-zoned parcels are included in this analysis. Similarly, any site over 320 acres in the FR-10 Zone would require an exception to Statewide Land Use Planning Goal 4 (Forest Use). Thus, no parcels zoned FR-10 are included in this analysis.

There are no single or contiguous properties within PBR-20, R-5, LM and H-M zones that meet or exceed the 585-acre site requirement. Thus, no properties within these zoning designations are included in the analysis because there are no sites that can reasonably accommodate the acreage needed for the proposed use.

There are properties within the County's RR(M)-5 that are larger than the required 585 acres, either individually or as contiguous properties. These are located in the southeastern part of the County, south of Prineville and east of the Crooked River in the Juniper Canyon area. However, none of the parcels are contiguous to a high-voltage transmission line and thus do not meet that site requirement. There are some low-voltage transmission lines in the area owned by Central Electric Cooperative, however a project of this size needs to interconnect to a high-voltage (115 kV or 230 kV) transmission line or substation. Connecting to existing high-voltage transmission would be costly and result in additional impacts to both resource and non-resource lands. Furthermore, all these large parcels are located within Mule Deer Winter Range, including both general and critical winter range. Two of the larger properties would require 200-foot setbacks from the rimrock. There are two 640-acre parcels zoned RRM-5 east of Juniper Canyon Road. These are both entirely in general deer habitat and on property that directly abuts a rural residential subdivision, raising the potential for conflicts with existing residential uses. Both of these properties lack access to the required transmission infrastructure.

transmission lines which are deemed an associated major utility facility.

² In contrast, non-commercial solar energy facilities are authorized as an outright, permitted use in the Light Industrial Zone (L-M zone) per CCC 18.68.010(17) (with some limits imposed). A non-commercial power generating facility operates as a standalone power generator and is not connected to a utility grid. (CCC18.08.140 N Definitions). In this case, the Applicant will connect the power generated from the solar energy facility into the PacifiCorp or Bonneville Power utility grid system. Thus, Crook County lands carrying the L-M designation do not allow the requested use, which is defined as a commercial power generating facility.

There is a single lot within R-10 (residential, 10 acre lots) that is larger than 585 acres (Tax lot 1516 tax lot BOO). The property is approximately 900 acres. It is located on a butte in the Juniper Canyon area north of the RR(M)-5 zoned lands and due south of Prineville and the Urban Grown Boundary. The R- 10 property is not adjacent to or proximate to the needed high voltage transmission line or substation infrastructure. The property was recently partitioned (217-20-000606-PLNG) into three lots, one 800 acres, one 32 acres and one 64 acres. The County Planning Department has held a preapplication conference with the property owner has submitted a proposal to subdivide 500 acres of the 800-acre property into 10 to 70+ acre lots. The County received a subdivision application on March 9, 2021 (217-21-000136-PLNG). Although the property will likely be developed for residential use and will be unavailable for commercial solar facility development, further analysis demonstrates that the property is not a suitable alternative site for solar development due to conflicts with the proposed use and surrounding land uses described below.

Transportation

The only existing access to this site is off SE Davis Loop, which serves residential properties in Juniper Canyon. During construction of the solar project, a high volume of vehicles would make use of the residential road. The Comprehensive Plan states that any industry that generates more than 20 autotruck trips a day shall not locate in a residential neighborhood. P. 61. While these transportation impacts would occur only during construction, construction activities generally occur over a four to sixmonth period and would impact traffic in this area.

Additionally, SE Juniper Canyon Road provides residential access to Crook County residents and the limited access to the Juniper Canyon area is of concern for traffic safety and emergency purposes. The County is considering an alternate access to serve the residents of this area south of Prineville. One option for the secondary access is to cross this R-10 property and connect the Crooked River Highway to SE Davis Loop.

Rimrock Protection

The alternative site is surrounded on the north, west, and east sides by rimrock. The Comprehensive Plan includes policies to protect natural rimrock:

"7. Rimrocks from the intersection of Elliot Lane and O'Neil Highway, including Westwood Subdivision and Ochoco Wayside Viewpoint, to Stearns Ranch; and those rimrocks paralleling Juniper Canyon, Combs Flat Road and Ochoco Creek to Ochoco Reservoir shall be protected against manmade structures by such zoning restrictions as deemed necessary. Restrictions addressing setbacks and building restrictions shall be applied to protect scenic values." P. 109.

Crook County Code 18.124 (Supplementary Provisions) requires that any structure located on the rimrock shall be set back 200 feet from the edge of said rimrock (CCC 18.124.100). The setback requirement would reduce the usable and developable size. These limitations could require the solar facility to locate closer to existing residential properties and the aggregate site located south of the property. Transmission and interconnect lines would also be required to meet rimrock setback requirements.

Housing

Housing is a concern throughout Central Oregon. The Comprehensive Plan details the projected need for housing in an effort to ensure enough land is earmarked for housing. See, e.g., P. 16.

One of the County's Energy Policies is to encourage high density residential development in close proximity to high employment areas and commercial areas. P. 34. This alternative site is in close proximity to and overlooks downtown Prineville. The site is already zoned for rural residential development, has existing residential development nearby, and is intended to serve future residential needs of the County. The property owner has recently been preparing to develop the subject property and has partitioned off two parcels (65 acres and 32 acres), leaving 800 acres (217-20-000606- PLNG). The owner completed an infrastructure project (initial paved road) in anticipation of future residential development.

City of Prineville Lands

The Applicant also reviewed properties within the City of Prineville to determine if there are zones that would allow a commercial generating facility. In the City, a commercial solar array facility is referred to as a "Minor Utility Facility" if it is a "smaller scale...self-generating facility that will not impact surrounding properties." In contrast, related power transmission lines including poles or towers are considered a "Major Utility Facility". City of Prineville Code, Chapter 153: Land Development.

The Applicant found that the City's code authorizes Minor Utility Facilities outright in Light Industrial (M-1) and Heavy Industrial (M-2) Zones and as Type I conditional uses in Residential Zones 1 through 5 (R-1 through R-5), Commercial Zones 1 through 5 (C-1 through C-5) and Industrial Park (IP) zones. Major Utility Facilities are authorized as Type II conditional uses in R-1 through R-5, C-1, C-2, C-5, M-1, M-2, and IP zones. City of Prineville Code Zoning Tables 153.035 and 153.037.

There are several large M-1 parcels, however the largest contiguous parcels comprise two 160-acre parcels which even when combined do not meet the 585-acre requirement. There is a large property zoned M-2 that is occupied by the County's landfill and is unavailable for development.

The City's policy is to protect land for industrial uses as they produce more employment in comparison to other lands, such as agricultural lands located in the County. The City's Urban Growth Boundary is developed, in part, to provide for the development of lands that cannot be built outside the UGB in the County. To remove lands within the City's UGB for a solar facility is counterintuitive to the very purpose of building solar facilities to generate power to serve businesses and residents. The solar facility, unlike most industrial uses, does not require City sewer and water services. Thus, these industrial zoned lands were not further analyzed.

Information from the County's GIS system confirms that here [sic] are no single or contiguous lots in the City's R-1 through R-5, C-1, C-2, C-5 and IP zones that meet or exceed the 650-acre requirement for the proposed facility. Thus, no lots within these zoning designations were further analyzed.

Staff's Proposed Findings: The Board concurs with the Planning Commission's analysis based on the evidence in the record that there is no property in the County that would not require an exception that could reasonably accommodate this use. The Board adopts the Planning Commission's findings on this criterion as their own.

3. The next criterion to address is the long term environmental, economic, social and energy consequences resulting from the use at the proposed site location. We must also consider measures designed to reduce adverse impacts that are not significantly more adverse than would typically result

from the same proposal being located in areas requiring a goal exception other than the proposed site. ORS 197.732(2)(c)(C). Because this statute and the applicable administrative rules largely use identical language, with the administrative rules providing additional specificity as to exceptions requirements, the findings below pertain to the administrative rules as set forth in OAR 660-004-0020.

The administrative rule requires that the local jurisdiction must find that "the long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse that would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site." OAR 660-004-0020(2)(c).

Planning Commission's Findings:

Environmental

This project requires a site large enough to accommodate this size of energy system, must be in close proximity to high-voltage transmission that can support the power generation, must not cause significant adverse impacts to adjacent properties, and must be in a location that captures maximum sun exposure.

The subject property is ideal in that it is comprised primarily (90%) of nonarable land and soil types (by definition), is non-irrigated, and is otherwise nonproductive for agricultural uses. The site is adjacent to an operating aggregate site which limits certain conflicting uses (e.g. residential and other development within an identified impact area) The site is outside any County Goal 5 inventoried resource area and has 220 acres ODFW mapped pronghorn winter range habitat. Impacts to this habitat and mitigation options are described in the Applicant's Wildlife Mitigation Plan.

The subject property is uniquely located near existing transmission infrastructure and large energy users, minimizing the need to disturb additional lands for transmission lines. The site plan demonstrates that the Project area is traversed by an existing 115kV transmission line and is proximal to PacifiCorp and BPA substations (BPA Ponderosa, PacifiCorp Ponderosa and PacifiCorp Stearns Butte). This makes the site ideal for siting a commercial solar photovoltaic facility.

The Applicant notes that there may be potential adverse environmental impacts associated with temporary construction activities including potential soil erosion. The project has been designed to minimize potential impacts to the existing water table (see discussion below). Although the site is not known to be used by notable avian or bat species, mitigation measures designed to reduce adverse impacts such as conducting vegetation pre-clearing activities prior to the onset of the nesting season and/or ensuring that pre-construction surveys for migratory bird species occur if clearing is to occur during nesting season (See Condition 20). Mitigation measures would be implemented during nesting season, to protect avian or bat species. The Applicant proposes to use the existing soils and perimeter vegetation to reduce erosion. Fencing will assist to keep big game on the perimeter of the site. The Applicant has consulted with the Oregon Department of Fish and Wildlife to minimize impacts to wildlife and habitat.

The Applicant may make partial use of City water for dust control to minimize impacts to the ground water table. The Applicant may also use water from a permitted, existing well on the property during construction for dust control and to clean the panels to optimize the energy produced. Water will be returned to the water table through the soils that filter water quickly.

The same type of soils that make the subject property not ideal for agricultural production make the subject property ideal for return of water to the water system through quick filtration.

The identified adverse impacts of installing a photovoltaic energy system at the subject site are not significantly more adverse than would result from the same proposal being located in other areas of the County. In other words, if the proposal were sited elsewhere in the County, we would anticipate additional adverse impacts such as visual impacts or construction traffic impacting adjacent residential properties. It should be noted that many of the identified alternative site [sic] have a greater presence of inventoried Goal 5 resources including big game such as mule deer, elk, and pronghorn. (Other sites in the County were not ideal in any case because of the criteria mentioned at the beginning of this section). Siting such a proposed low development density on this site will reduce any large-scale environmental impacts on this or adjacent properties.

The County's air, water and land resource policy in the Comprehensive Plan is to "encourage nonpollutant industries to locate in Crook County" (p. 23). The photovoltaic energy system will generate electricity without polluting air or water resources in the County.

Economic

The original and amended proposals do not require extension of public services such as water, sewer, or roads. The project will be accessed via an existing, private, ODOT permitted access from State Highway 126. The project will not generate additional traffic that would warrant improving any additional roads in the area. The Applicant will work with Crook County Fire and Rescue to address potential costs to the district. There are no costs to other special service districts.

The Applicant based their identification of resource land that is least productive by considering properties that had no irrigation water rights. They then reviewed soil surveys to ensure that the property would not be considered high-value farmland. The subject property has not been utilized as a commercial agricultural operation, has not been farmed, does not receive irrigation. There is little long-term economic impact on the general area caused by removal of this property from the agricultural land resource base. Furthermore, the project is not irreversible; the photovoltaic energy system may be removed per the submitted Decommissioning Plan and used for agricultural activities in the future.

The County's economic policy in the Comprehensive Plan is "to diversify, stabilize and improve the economy of the county." (p. 29) The long-term economic benefit of the proposed expansion would be both direct and indirect. During construction, the project will employ approximately 100 full-time equivalent workers, some of whom will be from the surrounding area. During operations, the project will employ approximately two to four full-time-equivalent employees. There will be indirect benefits to businesses such as restaurants, hotels, gas stations, grocery stores and equipment suppliers.

Additionally, the proposal may help support the ability of the County to attract additional data center development because of the increased local renewable electricity generation. Oregon Senate Bill 611 allows local jurisdictions to attract data centers and inherently recognizes that data centers may prefer to use locally generated electricity. Data centers bring jobs and tax revenue to the area. The County has been a supporter of data centers as one part of an engine to support rural communities' economic stability. And the County prefers data centers and other

employers to locate on industrial zoned property, rather than allowing projects such as this photovoltaic energy system, which does not require City services, to locate on limited industrial land. In this way, large industrial users can make use of public services within the City of Prineville and the City's Urban Growth Boundary.

Social

When addressing the social impacts of a project, it is helpful to analyze the potential impacts to nearby residences. There are no residences in the expanded Project vicinity. The facility substation is proposed to be located in the southeast corner of the site, where the adjacent land use is the permitted aggregate mining site. To address potential conflicts with the adjacent Goal 5 aggregate site, a condition of approval requiring the Applicant to sign a "non-remonstrance" agreement relative to accepted mining practices, is recommended. (Condition 21). The associated transmission lines will also be located in the southeast corner, away from existing residential development.

Additionally, the overall long-term social benefits of the proposal would be to provide stability and growth of a few long-term direct and mostly indirect employment opportunities in an area that currently suffers from relatively high unemployment levels.

Energy

Energy efficiencies are realized by transmitting the energy production to growing energy users in the immediate Prineville area. The first energy principle in the County's Comprehensive Plan states "Prineville and Crook County receive about 300 days of sunshine per year. Solar energy will be a very feasible source of energy." (p. 30). Other renewable power generation including hydropower, biomass, wind and geothermal were not determined to be as feasible. The first energy policy in the Comprehensive Plan is "to encourage renewable and/or efficient energy systems design, siting and construction materials in all new development and improvements in the county", and the fourth energy policy is to regulate objects from casting shadows on existing solar collecting units (p. 34).

The long-term environmental, economic, social and energy consequences resulting from locating the proposed use at the proposed site is less than they would be at any other location in the County. No adverse impacts have been identified for the proposed site that would be significantly more adverse than if the proposal was sited elsewhere in Crook County.

Staff's Proposed Findings: New evidence and testimony were presented to the Board at its May 29, 2025 hearing. Josh Smith, Planning Director for the City of Prineville, gave testimony regarding the subject property's location constraining the City's Urban Growth Boundary (UGB) and its 20-year Plan. Mr. Smith agreed that the subject property was not productive agricultural land but preferred the proposed facility be located somewhere not adjacent to existing UGB boundaries. Mr. Smith mentioned the City gets inquiries as to available 200- to 300-acre parcels for industrial expansion. Mr. Smith continued that the subject property is one of those identified as a good candidate for industrial use for the same reasons it is attractive for solar—proximity to the highway, flat topography, and utility access.

The Applicant countered that the proposed solar facility on the subject property will enable future industrial expansion rather than limit it. The Applicant emphasized that there can be no growth in data centers until there is an increase in power generation and solar projects like this would lift the ceiling in potential growth.

The Board finds there are significant economic, social, and energy consequences involved with a solar facility at the subject property. However, the analysis is a bit unconventional as the main consequences of concern are not about removing the subject property's EFU designation but instead about the application's prevention of converting that same land into industrial property. The evidence in the record and the testimony received all support finding that the subject property is not productive agricultural land.

The administrative rules ask that any exception describe the characteristics of alternative areas in which an exception would also be needed, the typical advantages and disadvantages of using the area for a use not allowed by the goal, and the typical positive and negative consequences resulting from the use at the site with measures designed to reduce adverse impacts. OAR 660-004-0020(c).

There are more advantages than disadvantages to using the subject property for a use not allowed by Goal 3. As stated, the subject property is not productive agriculture. The disadvantages of not using the land for agriculture are minor. As articulated by Mr. Smith, there are numerous advantages should the property be dedicated to a different use, whether that is as a solar facility or industrial property within the UGB. The location is adjacent to a busy highway, the UGB, City water/sewer services, and electrical transmission. Utilizing the property in a different manner than agriculture could bring many advantages in the form of jobs and economic growth.

The positive consequences resulting from the proposed use at the site, incorporating the measures designed to reduce adverse impacts, outweigh the negative consequences. The materials in the record demonstrate significant positive energy consequences from increased generation of electricity supporting the strained grid. The environmental consequences are significantly offset by the required habitat mitigation plan.

The social and economic consequences are a tougher call. The residents of Crook County value the open spaces that they're used to. With the recent development of other solar facilities along the same corridor, many residents have contacted members of the Board to voice their displeasure that the County is losing its character. This is a social consequence. However, it has been established that the subject property is not productive in its current form and development pressures will likely convert it to another use at some point in the future. Would the residents rather see a solar facility off the highway or a typical industrial use?

Further, as expressed by Mr. Smith, the subject property may be useful to the City to incorporate into the UGB for industrial development, which may add jobs and economic benefits above and beyond the proposed solar facility. But is that an appropriate consideration for a Goal 3 exception?

Those questions likely go beyond the scope of this analysis. OAR 660-004-0020(2)(c) asks the County to consider the consequences stemming from the proposed facility being placed at this site as opposed to another that would also require a Goal 3 exception. With the caveat that proper rule interpretation should not add or omit words, the implication is that the property in question could remain EFU in this hypothetical analysis. Under that lens, the economic consequences—increased jobs, taxes, and economic growth—weigh in favor of excepting the property from Goal 3. The social consequences would likely still exist were the proposed facility located elsewhere that requires an exception, as it would require a greater degree of disruption and land disturbance to connect to the grid. As Commissioner Hermreck also noted during the May 29, 2025 hearing, the Applicant has approval for and will be constructing a 320-acre solar facility on the subject property even without this Goal 3 exception. Thus the consequences, including the social consequences, should consider the limited difference

between a 320-acre versus a 585-acre solar facility at the subject property instead of its current undeveloped state for limited grazing.

On balance, the Board finds the ESEE consequences not significantly more adverse than would typically result from the same proposal being located in areas also requiring a goal exception. The Board bases this conclusion on the evidence and testimony in the record, in addition to the Planning Commission's findings.

4. Finally, the local jurisdiction must find that "the proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts." See OAR 660-004-0020(2)(d).

Planning Commission's Findings:

Adjacent uses include vacant, non-irrigated farm ground, an aggregate mining and processing site and vacant property zoned for industrial uses. The fact that the proposed use is compatible with other adjacent uses or will be rendered through measures such as the required non-remonstrance statements regarding accepted farming practices and accepted practices on the adjacent Goal 5 aggregate mine site. The site is located in an area with no adjacent residences so the location of the Project itself minimizes reduces impacts.

Staff's Proposed Findings: The Board concurs with the Planning Commission's analysis based on the evidence in the record that the nonremonstrance statements alleviate compatibility concerns with neighboring agricultural and aggregate operations. The Board also concurs that the lack of adjacent residences eliminates any concerns with dwellings. However the subject property is adjacent to Highway 126, which can be seen as incompatible with a solar facility. The conditions of approval in the Applicant's CUP requiring a 50-foot natural buffer and 8-foot fencing will reduce the adverse impacts somewhat. Because of these measures designed to reduce adverse impacts, the Board finds the proposed use is compatible with adjacent uses.

b. Remaining Criteria

As pointed out by Central Oregon LandWatch (Ex. 14), the application and Planning Commission's recommendation did not address all the applicable criteria. Applicant and Staff address the remaining criteria below.

OAR 660-004-0020(1)

If a jurisdiction determines there are reasons consistent with OAR 660-004-0022 (Reasons Necessary to Justify an Exception Under Goal 2, Part II(c)) to use resource lands for uses not allowed by the applicable Goal or to allow public facilities or services not allowed by the applicable Goal, the justification shall be set forth in the comprehensive plan as an exception. As provided in OAR 660-004-0000 (Purpose)(1), rules in other divisions may also apply.

Applicant's Proposed Findings:

As demonstrated in the Application materials, the Planning Commission's decision approving the modification to the conditional use permit and recommending approval of a goal exception, and Staff Memo, there is substantial evidence in the record providing reasons consistent with OAR 660-004-0022 to justify the siting of the facility on exclusive farm use zoned land.³

³ Crook County Planning Commission, *Conditional Use Modification Request – TSR North Solar Facility, Final*

Staff's Proposed Findings: The Board concurs that the evidence in the record, as pointed out by the Applicant, demonstrates that there are reasons consistent with OAR 660-004-0022 to use the subject property in a manner not allowed by Goal 3, specifically as a solar photovoltaic energy facility, as proposed by the Applicant.

OAR 660-004-0022(1)

For uses not specifically provided for in this division, or in OAR 660-011-0060 (Sewer Service to Rural Lands), 660-012-0070 (Exceptions for Transportation Improvements on Rural Land), 660-014-0030 (Rural Lands Irrevocably Committed to Urban Levels of Development) or 660-014-0040 (Establishment of New Urban Development on Undeveloped Rural Lands), the reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following: There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and either

(a) A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this paragraph must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or

(b) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.

Applicant's Proposed Findings:

The proposed use is eligible for a reasons exception under at least three independently sufficient pathways under OAR 660-004-0022 because reasons justify why the state policy embodied in Statewide Land Use Planning Goal 3 ("Goal 3") should not apply.⁴ Reasons justify an exception to Goal 3 based on the criteria in OAR 660-004-0020(2) (as demonstrated in the Staff Memo), OAR 660-004-0022(1), and OAR 660-004-0022(3). The Application materials show that there is a demonstrated need for the proposed use or activity, including based on one or more of the requirements of Goals 3 to 19.⁵

The Crook County Comprehensive Plan includes findings, objectives, and policies that implement Statewide Land Use Planning Goals 3 to 19 and are relevant to the Application, including:

- *Air, Water and Land Resource: Goal 1, Policy 1 & 4*

Decision, 217-20-000581-PLNG (Apr. 2, 2021) ("Planning Commission Decision"); Crook County Community Development Department, Planning Division, Memo to Crook County Board of Commissioners, Ordinance 351 - TSR North Solar Farm LLC, 217-20-000887-PLNG Goal 3. Application materials include materials submitted to the Planning Commission in 217-20-000581-PLNG and are incorporated herein by reference. Exception (May 22, 2025) ("Staff Memo").

⁴ See *Schaefer v. Marion County*, 523 P.3d 1142 (2022).

⁵ See Statewide Land Use Planning Goals 5 (designation of power generation facility sites), 6 (maintenance and improvement of air, land, and water), 9 (comparative advantages of commercial uses), 11 (designation of power generation facility sites and transmission lines to support urban and rural development), 12 (utilization of existing facilities and rights-of-way for electricity); and 13.

- *Economic: Objective 8, Policy 1, 3 & 7*
- *Energy: Principle 1, Policy 1 & 7*
- *Agriculture: Finding 7 & 10, Objective 2, 3 & 8, Policy 1*
- *Industrial: Policy 2, 3, 11 & 13*
- *Public Facilities and Services: Policy 6*

The Crook County Comprehensive Plan addresses local conditions and priorities consistent with the applicable requirements of the Statewide Land Use Planning Goals. ORS 197.250. The County has adopted the above comprehensive plan policies in order to implement the relevant Statewide Land Use Planning Goals, and the County's Comprehensive Plan has been acknowledged by LCDC as consistent with the Statewide Land Use Planning Goals.⁶ Under OAR 660-004-0022(1), reasons justify an exception to Goal 3 because the proposed use is consistent with the above comprehensive plan policies, which implement Statewide Land Use Planning Goals 3 to 19.

In addition, the proposed use complies with OAR 660-004-0022(1)(b) because it has special features or qualities that necessitate its location on the proposed exception site. As discussed in detail in response to OAR 660-004-0022(3) below, the property is locationally dependent due to the unique combination of attributes on the subject property including access to regional transmission systems (Ponderosa-Corral substation complex) at a technically and economically feasible point of interconnection, the presence of an adequate solar resource, favorable geotechnical and topographical characteristics, sufficient acreage for utility-scale solar development, and minimized or mitigated impacts of wildlife habitat, cultural, and other resources. The subject property also has significant comparative advantages for a solar power generation facility due to the proximity to major existing electrical infrastructure, minimal impact on farm practices, physical proximity to more intensive industrial and aggregate land uses, and an overall benefit to the local economy.

Crook County Comprehensive Plan: Air, Water and Land Resource Goals and Policies

Goal 1. To maintain and improve the quality of the air, water and land resources of the county.

Policy 1. Encourage non-pollutant industries to locate in Crook County (Industrial Element, Chapter III).

Applicant's Proposed Findings: *Photovoltaic solar power generation facilities produce renewable electricity with zero greenhouse gas emissions and are therefore a non-pollutant industry. The facility will contribute to reducing carbon emission in electricity generation and consumption, in furtherance of numerous state goals and policies related clean energy.⁷ Compared to another, non-renewable power generating sources in Crook County, the proposed facility will improve the quality of the air in the county by generating electricity without producing emissions. Similarly, the proposed facility will impose minimal strains on water availability because solar facilities use little to no water once constructed; the Application states that panels may be washed once or twice annually as necessary. Further, the property is densely populated with juniper trees. Juniper trees are extremely water intensive.⁸ Juniper trees will be removed from the*

⁶ *Doob v. Josephine County*, 31 Or LUBA 275, 282 (1996).

⁷ See HB 2021 (2021) (clean energy targets), SB 838 (2007), SB 1547 (2016) (renewable portfolio standard).

⁸ See Bend Bulletin, *Explainer: Why Central Oregon Juniper Trees are being Axed* (Dec. 28,

property to allow construction of the proposed facility. In addition, Applicant's habitat mitigation approach (see 217-20-00321-PLNG) is a juniper treatment project. Therefore, the proposed project will result in increased water availability due to juniper tree removal.

Policy 4. Encourage "design with nature" considerations in the design and engineering of all development proposals (Housing, Industrial, Commercial and Transportation Elements, Chapters VIII, III, and IV).

Applicant's Proposed Findings:

The Application materials and the conditions of approval in the Planning Commission Decision provide substantial evidence demonstrating that the facility design and engineering will minimize conflicts with surrounding landscape. While the facility will change the existing landscape, it will minimize landscape, housing, commercial, and transportation impacts:

- The facility will use industry standard materials that blend with the existing landscape (Planning Commission Decision, COA 8), will minimize lighting impacts (Planning Commission Decision, COA 22), and will provide a 50-foot vegetative setback from State Highway 126 (Planning Commission Decision, COA 23);*
- The facility will record a release of claims and waiver of remonstrances against farm and aggregate uses in the vicinity (Planning Commission Decision, COA 1 & 21)*
- The facility will be decommissioned as required under Crook County Code ("CCC") 18.161.010 (Planning Commission Decision, COA 9);*
- The facility will comply with a stormwater management and erosion control plan (Planning Commission Decision, COA 13) and fire plan (Planning Commission Decision, COA 14); and*
- The facility will not require significant additional housing resources (Application Exhibit A); the proposed facility and the proposed facility will coordinate with the Crook County Road Department and follow conditions to minimize traffic impacts (Planning Commission Decision, COA 6 & 7; Application Exhibit 7).*

The Application and Planning Commission Decision also ensure compliance with the Oregon Department of Fish and Wildlife ("ODFW") habitat avoidance, minimization, and mitigation standards under the ODFW Habitat Mitigation Policy (217-20-00321-PLNG). Applicant has indicated that it intends to elect mitigation Option 2, which is a fee-in-lieu payment to Crook County Soil and Water Conservation District (CCSWCD) to implement a juniper treatment project on Shotgun Ranch to provide no net loss of habitat quantity or quality for big game winter range. Applicant's affiliates have already made payments to CCSWCD for mitigation projects in the same vicinity.

2024), <https://bendbulletin.com/2024/12/28/explainer-why-central-oregon-juniper-trees-are-being-axed/> ("According to an Oregon State University study, a mature juniper tree uses 4,718 gallons of water annually.");

OSU, *Juniper Hydrology - The Camp Creek Paired Watershed Study* (CCPWS) in Central Oregon (last visited May 26, 2025), <https://ecohydrology.oregonstate.edu/project/juniper-hydrology-camp-creek-paired-watershed-study-ccpws-central-oregon>.

Therefore, the Goal 3 exception is justified based on the needs identified in Crook County Comprehensive Plan Goals and Policies for Air, Water, and Land Resource Quality.

Staff's Proposed Findings: The Board concurs with the Applicant regarding the evidence in the record demonstrating the proposed use is consistent with the Comprehensive Plan's Air, Water and Land Resource Goal 1 and Policies 1 & 4.

Solar photovoltaic energy generation facilities do not impact air, water, and land resources locally. Additionally, the removal of juniper trees from the subject property and habitat mitigation property will provide a net benefit to the County's water resources. The Board finds the application is consistent with Goal 1 of the Comprehensive Plan's Air, Water and Land Resource goals to "maintain and improve the quality of the air, water and land resources of the county."

Policy 1 of that section of the Comprehensive Plan is to "encourage non-pollutant industries to locate in Crook County." As described above and by the Applicant, solar photovoltaic energy facilities are non-pollutant and permit the growth of further non-pollutant industries. The Board finds the application is consistent with Policy 1 of the Comprehensive Plan's Air, Water and Land Resource policies.

Policy 4 of that section of the Comprehensive Plan is to encourage "design with nature" considerations in design and engineering in the County. The Board agrees with Applicant that, because of the conditions of approval imposed by the County, the proposed facility will be consistent with Policy 4's "design with nature" principle.

Crook County Comprehensive Plan: Economic Objectives & Policies

Policy 1. To diversify, stabilize and improve the economy of the county.

Policy 3. To require that development plans are based on the best economic information available and to take into account areas suitable for economic development, the effects on the existing economy, available resources, labor market factors, transportation and livability.

Objective 8. To insure that public facilities and services, and other supportive services and facilities (including housing) are available at such levels to support existing industry and growth thereof. Such includes the provision of available land area and sites for expansion and development of industry.

Policy 7. To insure that implementing regulations provide maximum protection for existing industry and for expansion thereof, and to provide ample land area for additional industrial growth.

Applicant's Proposed Findings:

The proposed facility would diversify, stabilize and improve the economy of Crook County. As stated in the Application materials, the proposed facility will contribute a significant increase in tax revenue, which is likely to exceed \$12 million in property tax payments over the lifetime of the facility. Property tax in 2024 was \$34.16.⁹ These taxes will contribute a significant funding source for public services including education, fire response, and county governance, supporting Economic Policy 1.

⁹ Crook County Property Assessment and Taxation,
<https://apps.lanecounty.org/PropertyAssessmentTaxationSearch/crook/Real/TaxInformation/16211>

The proposed facility will also contribute significant labor benefits to Crook County. The Application materials (Exhibit A) state that construction will occur over a 4 – 8 month period employing “[d]ozens of workers . . . through general and subcontractors using various skilled and unskilled labor including manual labor, equipment operators, electricians and apprentices, management and supervisors” which is expected to be “a mix of local and non-local workers depending on the types, and availability of contractors”. Therefore, the facility will likely provide contracting opportunities to local businesses and employment of dozens of local laborers. In addition, “[l]ocal food and lodging support will be needed” resulting in a positive economic impact for local businesses. Local area businesses are likely to materially benefit from the proposed development, especially during construction, and long-term operations and maintenance jobs may be created. Therefore, the proposed use aligns with Economic Policy 3 and 8.

The proposed facility complies with the approval standards for a conditional use in the exclusive farm use zone as demonstrated by the Planning Commission Decision’s determination of compliance with applicable CCC provisions. As discussed herein and in the Staff Memo, the subject property is outside, but adjacent to the Prineville Urban Growth Boundary (“UGB”) which provides an appropriate location for the proposed facility while retaining protection and expansion, providing land for growth, of existing industry including data center development. In addition, the proposed facility is or will be made compatible with existing farm practices in the vicinity (Planning Commission Decision; Staff Memo; other responses herein).

Staff’s Proposed Findings: For the reasons stated by the Applicant, the Board finds the application is consistent with the Comprehensive Plan’s Economic Objective 8 and Policies 1, 3, and 7.

Crook County Comprehensive Plan: Energy Principles and Policies

Principle 1. Prineville and Crook County receive about 300 days of sunshine per year. Solar energy will be a very feasible source of energy.

Policy 1. To encourage renewable and/or efficient energy systems design, siting and construction materials in all new development and improvements in the county.

Policy 7. To encourage all systems and efforts for the collection, reuse and recycling of metallic and non-metallic wastes.

Applicant’s Proposed Findings:

The proposed facility is clearly justified by the Energy Principles and Policies in the Crook County Comprehensive Plan. The solar resource availability in Crook County is more than adequate to support photovoltaic solar power generation facilities because it will produce electricity at a capacity factor that enables competitive marketability of the electricity generated to be purchased through a Power Purchase Agreement. Energy Policy 1 states that Crook County encourages renewable systems siting in the County, and the facility is a renewable energy facility. The proposed use also supports Energy Policy 7 because the Planning Commission Decision COA 9 requires a decommissioning and reclamation of the subject property at the end of the useful life of the facility pursuant to CCC 18.161.010, including a decommissioning plan that addresses the reuse and recycling of metallic and non-metallic wastes and financial assurances provided to the County to ensure timely and appropriate facility decommissioning.

Staff's Proposed Findings: For the reasons stated by the Applicant, the Board finds the application is consistent with the Comprehensive Plan's Energy Principle 1 and Policies 1 and 7.

Crook County Comprehensive Plan: Agriculture Findings and Policy

Policy 1. It shall be the policy of Crook County, Oregon, to preserve agricultural lands, to protect agriculture as an economic enterprise, to balance economic and environmental considerations, to limit non-agricultural development, to maintain a "low" population density, and to maintain a high level of livability in the county.

Finding 7. As defined in the afore-referenced guidelines, "Agricultural Lands" involve a large part of the total county area, but only a relatively small portion, approximately 5% are classified as agricultural cropland of which only 60% are under irrigation, the remaining cropland being dry land farming. Agricultural cropland in the county is restricted generally by soil capabilities, a short growing season, and limited sources and supplies of water for irrigation. Despite these general limitations, however, agriculture is an important and substantial part of the county's total economy.

Applicant's Proposed Findings:

The agriculture policies in the Crook County Comprehensive Plan are implemented through Crook County Code sections 18.16, 18.160, and 18.161. Responses demonstrating compliance with those code sections are provided in the Planning Commission Decision and in the Application materials. Although the facility would be sited on land that has provided minimal grazing in the past, the project will not adversely affect the agricultural land resources of the County overall because it will not impact the ability of existing farms and ranches in the vicinity (including the current grazing lessee on the property) to continue their agricultural operations. The Planning Commission Decision and Application provide substantial evidence demonstrating that the subject property does not have the soil quality or irrigation water rights to be developed as productive farmland.

Therefore, the subject property falls within the type of property described in Agriculture Finding 7 as being "restricted generally by soil capabilities, a short growing season, and limited sources and supplies of water for irrigation."

Finding 10. The provisions of ORS 215 also recognize and set forth certain non-farm uses which may be conditionally carried out with little or no conflict with area agricultural uses. Such uses may be established separately or in conjunction with farm use, are primarily commercially, industrially, or recreationally oriented, and in many cases may provide a means for secondary economic benefits to an agricultural enterprise. ORS 215.213.

Applicant's Proposed Findings:

Agriculture Finding 10 allows for conditional non-farm uses that have little or no conflict with area agriculture uses, are commercial in nature, and which may provide a means for secondary economic benefits to an agricultural enterprise. The proposed facility is a non-farm use that is conditionally allowed under the Planning Commission's approval of the conditional use permit in compliance with the CCC provisions that implement conditional uses on agricultural land. The proposed facility is a "commercial power generating facility" as defined in the Crook County Code. The proposed facility has little to no conflict with area agricultural uses. As described in the Staff Memo, "adjacent uses

include vacant, non-irrigated farm ground, an aggregate mining and processing site and vacant property zoned for industrial uses.” In addition, the Planning Commission determined that the proposed use would not force a significant change or increase the cost of accepted farm practices on surrounding land devoted to farm use under OAR 660-033-0130 due to the minimal or non-agricultural nature of surrounding properties, conditions of approval requiring a farm covenant not to sue, and the lack of impact on water. Construction impacts such as dust will be limited to a 4 to 8 month construction window and controlled through a noxious weed control management plan, stormwater and erosion control plans, and transportation planning (Planning Commission Decision COAs). Finally, the proposed use could provide secondary economic benefits to an agricultural enterprise by providing contracting opportunities and revenue to local residents involved in agricultural practices. Therefore, the proposed use complies with Agriculture Finding 10.

Objective 2. To conserve natural resources constituting important physical, social, aesthetic and economic assets through the development and adoption of realistic land use and development policies intended to achieve an economic-environmental balance, minimize public costs, and maximize energy conservation.

Applicant’s Proposed Findings:

The proposed facility aligns with Agriculture Objective 2 because it is authorized as a conditional use under applicable provisions of CCC as demonstrated in the Planning Commission Decision approving the conditional use permit, provides economic benefits (as described in response to Economic Objectives above), has minimized or mitigated environmental impacts (as described in the Planning Commission Decision and 217-21-000321-PLNG), minimizes public costs because the use does not require water, sewer, or other services and fire services will be paid through assessments by Crook County Fire & Rescue (Application materials), and maximizes energy conservation because the facility uses a clean, renewable resource to generate electricity. Therefore, the proposed use complies with Agriculture Objective 2.

Objective 3. To minimize detrimental effects of land use and development relative to wildlife, natural hazards, public costs, resource carrying capacities, and livability.

Applicant’s Proposed Findings:

The facility will minimize detrimental effects of land use and development relative to wildlife, natural hazards, public costs, resource carrying capacities, and livability. The Board of Commissioners and ODFW approved Applicant’s Habitat Mitigation Policy, which provides for a no net loss and net benefit to wildlife habitat and resource carrying capacity that may be impacted by the proposed project (217-21- 000321-PLNG). The facility does not present natural hazards, is not located in an area that is expected to suffer from natural hazard, and will avoid flood hazards (Application Exhibit 7; Planning Commission Decision COA 19). The facility has minimal to no cost for the public because it does not require sewer, water, or other public services (Staff Memo) and will instead contribute significant tax revenue to the County to provide additional public services. Finally, the proposed facility will not impact livability of the area because it is located on an undeveloped property adjacent to industrially zoned properties and existing aggregate resources, and is a much less intensive land use than those uses. Therefore, the proposed use aligns with Agriculture Objective 3.

Objective 8. To achieve a balance between energy, environmental and economical considerations.

Applicant's Proposed Findings:

As determined in the Staff Memo and Planning Commission Decision's Environmental, Economic, Social, and Energy (EESE) analyses, the proposed use will balance energy, environment, and economical considerations and therefore aligns with Agriculture Objective 8.

For these reasons, the proposed use aligns with the Agriculture Findings and Policies in the Crook County Comprehensive Plan and is justified under the County's implementation of Statewide Land Use Planning Goal 3.

Staff's Proposed Findings: The Board concurs with the Applicant in that there is no evidence in the record that the subject property is or could become productive farmland. As demonstrated in the Planning Commission Decision and Application materials, the proposed facility is compliant with the County's ordinances that implement the Comprehensive Plan's Agricultural Policy. The proposed facility furthers the goals of minimizing public cost and maximizing energy conservation, minimizes the detrimental effects of development relative to wildlife, and balances energy, environmental, and economic considerations. For the above reasons and those stated by the Applicant, the Board finds that the proposed facility is consistent with the Comprehensive Plan's Agriculture Policy, specifically Policy 1, Findings 7 and 10, and Objectives 2, 3, and 8.

Crook County Comprehensive Plan: Industrial Policies

Policy 2. Direct future industrial growth to the following designated sites: . . .

(c) Airport vicinity between Houston Lake Road and the Redmond Highway. . . .

(e) Les Schwab vicinity between the Madras Highway and O'Neil Highway and from the Crooked River Bridge to and including the sewer lagoon.

Policy 3. Allow heavy and light industry on these sites, except for the Les Schwab site which shall be limited to light industrial uses only.

Policy 11. Give preference to diversified industry that is non-competitive with existing businesses.

Policy 13. Encourage clean industry having low pollution impact on air, water and land.

Applicant's Proposed Findings:

While photovoltaic solar power generating facilities (commercial energy facilities under CCC 18.161) are not considered industrial uses, the proposed facility will support industrial development in furtherance of these Industrial Policies. The property is located immediately south of State Highway 126 (Redmond Highway), across the street from Prineville Airport and just west of the Les Schwab site. Solar facilities are non-competitive with existing businesses; rather, solar facilities offer contractual employment opportunities for various existing businesses in Crook County and Prineville including aggregate, civil contractors, electricians, laborers, truck drivers, restaurants, and hotels, especially during 6 to 8 months of facility construction. The proposed project also directly supports Industrial Policy 13 because it is a clean development with low pollution impact on air, water, and land. In addition, the Staff Memo explains that the facility "may help support the ability of the County to attract additional data center

development because of increased local renewable electricity generation” which may “bring jobs and tax revenue to the area.” As discussed above, the subject property is not zoned for industrial use, but is located immediately adjacent to existing industrially-zoned parcels that may be available for data center development, thereby facilitating opportunities for behind-the-meter clean energy generation for industrial uses, increasing grid-stability for such industrial uses, and preserving industrially-zoned areas for appropriate industrial uses. For these reasons, the proposed use also complies with the Industrial Policies in the Crook County Comprehensive Plan and a Goal 3 exception is justified.

Staff’s Proposed Findings: For the reasons stated by the Applicant, the Board finds the application and proposed solar facility to be consistent with the Comprehensive Plan’s Industrial Policies.

Crook County Comprehensive Plan: Public Facilities and Services Policy

Policy 6. All utility lines and facilities shall be located on or adjacent to existing public or private right-of-ways to avoid dividing existing farm units.

Applicant’s Proposed Findings:

The Application materials include substantial evidence demonstrating the location of the proposed facility is adjacent to existing public or private rights-of-way and avoids dividing existing farm units. The subject property is located immediately south of State Highway 126 and therefore will not divide an existing farm unit. The subject property is also located approximately 2 miles north of the Ponderosa-Corral substation complex, has existing transmission lines owned by Central Electric Cooperative and PacifiCorp on the property, is adjacent to the DC-Intertie, and in the vicinity of other major high-voltage electric lines. The Application materials include representative site plans showing alternative locations of associated transmission line routing options which may be adjacent to many of the existing power lines (Application Exhibit B), thereby minimizing additional disturbances and connecting the facility to an existing point of interconnection.

Staff’s Proposed Findings: For the reasons stated by the Applicant, the Board finds the application is consistent with the Comprehensive Plan’s Public Facilities and Services Policy #6.

OAR 660-004-0022(3)

(3) Rural Industrial Development: A local government may consider a photovoltaic solar power generation facility as defined in OAR 660-033-0130(38)(f) to be a rural industrial use. For the siting of rural industrial development on resource land outside an urban growth boundary, appropriate reasons and facts may include, but are not limited to, the following:

- (a) The use is significantly dependent upon a unique resource located on agricultural or forest land. Examples of such resources and resource sites include geothermal wells, mineral or aggregate deposits, water reservoirs, natural features, or river or ocean ports;
- (b) The use cannot be located inside an urban growth boundary due to impacts that are hazardous or incompatible in densely populated areas; or
- (c) The use would have a significant comparative advantage due to its location (e.g., near existing industrial activity, an energy facility, or products available from other rural activities), which would benefit the county economy and cause only minimal loss of productive resource lands. Reasons for such a decision should include a discussion of the lost resource productivity and values in relation to the county's gain from the industrial use, and the specific

transportation and resource advantages that support the decision.

Applicant's Proposed Findings:

After this Application was deemed complete, OAR 660-004-0022(3) was amended in 2024 to clarify its applicability to photovoltaic solar power generation facilities. While OAR 660-004-0022(3) is therefore not a mandatory approval criterion, the Application nonetheless complies with the criteria in OAR 660-004-0022(3), serving as an independent alternative basis providing reasons that justify an exception to Statewide Land Use Planning Goal 3.

First, the use may be significantly dependent on a unique resource located on agricultural land, which is the availability of unimpeded sunlight in the vicinity of existing high-voltage electrical infrastructure. The subject property is flat, clear from large trees that might shade solar panels, and is proximal to the existing Ponderosa-Corral substation complex.

Second, the use cannot be located within an urban growth boundary due to impacts that are incompatible in densely populated areas. The Staff Memo explains that the use is incompatible within the UGB because the use does not require water or sewer service and is therefore appropriately sited outside the UGB. In addition, the nearest UGB in Prineville does not contain vacant land of sufficient acreage to site the proposed project.

Third, the proposed use would have a significant comparative advantage due to its location. As stated in the Application materials, the property is located approximately 2 miles north of the Ponderosa-Corral substation complex which has major substations owned by Bonneville Power Administration and PacifiCorp. A number of high-voltage transmission lines connect to the substations. There is also the DC-Intertie line running immediately adjacent to the property, along with a number of local service lines owned Central Electric Cooperative.

Solar facilities are most often sited in vicinity to major high-voltage electrical infrastructure. New rules proposed by the Land Conservation and Development Commission examining locations to minimize conflicts with solar development place proximity to high-voltage transmission lines as a core factor in determining appropriate facility siting.

The area overall is a hub for electric power and is an ideal place to interconnect solar power generation facilities. Siting facilities in proximity to major substations has comparative advantages by reducing the length (and corresponding impact) of associated transmission lines, electrical losses incurred over long transmission lines, and financial implications due to the high cost of constructing transmission lines.

The facility would benefit the local economy by providing significant additional tax revenue, short-term construction jobs, local contracting opportunities, long-term operation and maintenance jobs, and associated benefits to area hotels, restaurants, and businesses, as discussed in more detail above and in the Application materials.

Similarly, the proposed project will facilitate power availability for additional data center siting opportunities that have also contributed significant labor and tax advantages to

Crook County.

The project would cause only minimal loss of productive resource lands. As discussed in the Application materials and Staff Memo, the property has provided minimal grazing viability, partially due to significant juniper encroachment. The property is 583 acres total, which is less than 1/10 of 1% of Crook County's overall land mass. The Application materials include analysis of the soils on the site, which include lower quality Class 4 and 6 soils. The Application materials also demonstrate that the property does not have any water rights, has not been used historically for irrigated farming, and is not located within the Central Oregon Irrigation District.

Conditions of Approval in the Conditional Use Permit approved by the Planning Commission include weed management, wildlife mitigation, and other measures to minimize or mitigate impacts on neighboring properties and wildlife habitat, and the project will not force a significant change in accepted farm practices in the region. Any impacts to wildlife habitat will be mitigated through a Habitat Mitigation Plan reviewed and approved by the Oregon Department of Fish and Wildlife and the Crook County Planning Commission and Crook County Board of Commissioners.

Based on these factors, an exception to Goal 3 is also justified under OAR 660-004-0022(3) because the facility qualifies for an exception as a rural industrial use.

Staff's Proposed Findings: The Board finds that application alternatively justifies an exception to Goal 3 under OAR 660-004-0022(3). The proposed facility is dependent upon relatively flat land, unobstructed by large trees or shading, and with ample sunlight. Further, the proposed facility's size is inherently incompatible with densely populated areas. Third, the location of the proposed facility will have a significant comparative advantage due to its accessibility to transmission lines and existing infrastructure, which will benefit the local economy with only a minimal loss of productive resource lands. The evidence in the record demonstrates that the modest economic loss in grazing the subject property is far outweighed by the economic impacts of the proposed solar facility. For the above reasons and those stated by the Applicant, the Board finds the proposed rural industrial use sufficient to justify an exception to Goal 3.

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IV. DECISION

Based on the above findings of fact, the Board accepts the Planning Commission's recommendation to amend the Crook County Comprehensive plan to include an exception from Statewide Planning Goal 3 (Agricultural Lands) for the operation of TSR North Solar facility at the subject property.

Respectfully submitted:

**John Eisler, Director
Community Development**

DATED this ____ day of _____, 2025

**Brian Barney
County Commissioner**

**Susan Hermreck
County Commissioner**

**Seth Crawford
County Commissioner**

Community Development Department.

CC: Owner/Agent
 CC Depts.
 CC Fire & Rescue