



Crook County
Community Development – Planning Department
300 NE 3rd St Rm 12
Prineville, OR 97754
541-447-3211
plan@crookcountyor.gov

**BEFORE THE CROOK COUNTY PLANNING COMMISSION
PROPOSED ZONING CODE AND
COMPREHENSIVE PLAN AMENDMENTS**

April 1, 2025

REQUEST: Crook County proposes zoning code language changes and additions to the County’s Comprehensive Plan to address potential conflicts with military training routes and special use airspace in the eastern part of the County. The proposed code changes will identify potential encroachments into military airspace and will require early notification of and consultation with the U.S. Department of Defense. Specifically, the proposal adds a new section to the Crook County Comprehensive Plan and includes code amendments updating Title 18 of the Crook County Code. The proposal includes:

- Amending the Comprehensive Plan to adopt maps of military training routes (MTRs) and special use airspace in eastern Crook County and to implement policies regarding notification and consultation with the NW Department of Defense (DoD) Regional Coordination Team (NW DoD RCT) for land uses that may encroach upon military airspace.
- Adopting a new Military overlay zone specifying notice requirements, procedures for consultation and potential activities to avoid, minimize and mitigate activities that may encroach on training routes.
- Amending Use Tables in Chapter 18.16 (Exclusive Farm Use zone) and Chapter 18.28 (Forest zone) to reference requirements of the new Military overlay zone.
- Amending language in Chapter 18.124.010 (Supplementary Provisions) related to transmission and communication towers. Edit existing language to clarify application of sections to transmission towers (e.g., cell towers) and/or transmission lines.
- Amending language in Chapter 18.161 (Commercial Power Generating Facilities) for consistency with the new Military overlay zone and to adopt requirements to notify federal, state and tribal governments as required by Oregon House Bill 2329 (2019).

While the above changes are substantive, code amendments will also:

- Bring zoning ordinances into compliance with current State statutes and regulations;
- Provide clear and objective criteria within the zoning ordinance to provide for greater understanding of requirements. Simplify language where appropriate; and
- Edit code language that is incorrect.

The Planning Commission held two work sessions to discuss the proposed changes (the first on October 23, 2024, and the second on February 26, 2025).

BACKGROUND

The Crook County Community Development Department received a grant in late 2023 from the United States Department of Defense (DOD) to foster land use planning and development that is compatible with military activities including military training routes and special use airspace. The DOD has mapped training routes that extend across eastern Crook County. A key component of this project is to identify land uses that could pose a hazard to air navigation and to ensure early coordination with the US Military to reduce potential conflicts with military activities.

The Department of Defense identified certain uses of particular concern for military safety. Specifically, development of commercial wind and solar projects has increased significantly in recent years along with construction of transmission lines and communication (cell) towers. These uses may physically encroach on airspace or may interfere with visibility, radar, or radio frequencies. Transmission lines may create electromagnetic interference. Although Crook County land use ordinances address these types of land uses, code updates are necessary to ensure that DOD is notified and has an early opportunity to consult with project developers. Conflicts can be avoided, minimized or mitigated through early consultations.

MILITARY TRAINING ROUTES AND SPECIAL USE AIRSPACE AND LAND USES IN CROOK COUNTY

The Department of Defense provided a map showing military training routes/special use airspace in Crook County (see Exhibit A). Routes vary from 100 to 500 feet in elevation and are defined in terms of “feet above ground level” to reflect variations in topography. The routes generally extend from the north to southeast in eastern Crook County and cover over 1.0 million acres.

The County’s GIS (geographic information systems) team prepared a map showing the relationship of the training routes to County land use zones. (Exhibit B). This analysis was conducted in Summer 2024. There have been no zone changes in the area since the map was generated. However, the number of parcels and ownership may have changed.

Military areas extend over the following land use zones in Crook County:

Exclusive Farm Use (EFU-1 -Post Paulina area) - 568 parcels, approximately twenty-five owners, and approximately 656,750 acres. Over 60 percent of acreage is owned by the federal government (U.S. Forest Service and Bureau of Land Management).

Forest zone (F1) - 131 parcels, over ninety owners, and approximately 377,000 acres. Over 80% of the acreage in the F1 zone is owned by the federal government.

Forest Recreation zone (FR-10) – 56 parcels, over 30 owners, and approximately 10,260 acres.

Certain land uses have greater potential to create conflicts with high and low altitude training activities. These uses include communication towers, utility transmission towers, wind turbines, meteorological towers and other tall structures. In addition, the military often seeks additional information regarding potential glare from solar photovoltaic and other similar facilities and uses that may impact communications, visibility and radar. Farm, forest and residential uses in the military areas generally pose no conflict to military activities and should not be impacted by the proposed ordinance updates.

The following tables summarize land uses currently allowed in each zone that may conflict with military training routes and special use airspace. Some of these land uses are allowed subject to administrative review while others

require Planning Commission or Board of Commission approval and are subject to public notice and comment requirements

Exclusive Farm Use – EFU-1 Post-Paulina Area

The purpose of Crook County’s exclusive farm use (EFU) zones is to protect and maintain agricultural lands for farm use, consistent with Statewide Planning Goal 3 (agricultural lands) and with existing and future needs for agricultural products. EFU zones are also intended to protect forests, scenic resources, fish and wildlife habitat, and to maintain and improve the quality of air, water and land resources of the county. EFU zones allow other uses that are compatible with agricultural activities.

The County’s EFU-1 zone is bordered to the north by property zoned for forest use, extending east to Wheeler County, and to the south and east to Deschutes County. The zone is adjacent to rural residential development near Juniper Canyon. EFU-1 properties are generally characterized by large acreages maintained for livestock grazing with some irrigated cropland along rivers and streams.

Land Use	Potential Encroachment	County Code Section	Review Process
Utility facility service line (connection to individual consumer)	Height of towers	18.16.015(14)	Administrative determination, subject to standards
Utility facility necessary for public service	Height of transmission towers	18.16.015(15)	Notice and opportunity for public hearing
Transmission towers less than 200 feet (includes cell towers)	Height of transmission towers, electromagnetic disturbance	18.124.110(1)(a)	Administrative determination, subject to standards
Transmission towers greater than 200 feet (cell towers) (Includes cell towers)	Height of transmission towers. electromagnetic disturbance	18.124.110(2)	Preapplication conference, neighborhood meeting, Planning Commission hearing
Commercial facilities for purpose of generating electricity for public use - Wind	Turbine height. interference with radar systems, lighting	18.16.060(2) 18.161.110(1)	Notice and Planning Commission hearing
Commercial facilities for purpose of generating electricity for public use - Solar	Potential glint/glare from photovoltaic panels	18.16.060(23) 18.161.110(2)	Notice and Planning Commission hearing
Personal Use Airports		18.16.015(12)	Notice and Planning Commission hearing

Existing Uses

There are several permitted private airstrips in the County’s EFU-1 zone. Central Oregon Electric Cooperative operates an existing transmission line in the military training route area.

There is no record of property ownership by cellular communication companies in the EFU-1 zone. However,

companies may lease property for cell tower development.

There are no renewable energy facilities in the area at this time. The West Butte project, a commercial wind facility approved in 2009 was located just west of the mapped military training route. The project was never built and the permit has since expired.

Forest Zone (F-1)

The purpose of the Forest (F-1) zone is to protect and maintain forest lands for grazing, rangeland, and forest use, consistent with existing and future needs for agricultural and forest products and consistent with Statewide Planning Goal 4 (Forest Lands). The F-1 zone is also intended to allow other uses that are compatible with agricultural and forest activities, to protect scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water and land resources of the County.

Land Use	Potential Encroachment	County Code Section	Review Process
Local distribution lines	Height of towers		Administrative, subject to standards
Television, microwave and radio communication facilities and transmission towers.	Height of towers	18.124	Preapplication conference, neighborhood meeting, Planning Commission hearing
New transmission line	Height of towers, electromagnetic disturbance		Notice and Planning Commission Hearing
Commercial facilities for purpose of generating electricity for public use - Wind	Turbine height. interference with radar systems, lighting	18.28.015(10) 18.161.110(2)	Notice and Planning Commission Hearing
Commercial facilities for purpose of generating electricity for public use - Solar	Potential glint/glare from photovoltaic panels	18.161.110(3)	Notice and Planning Commission Hearing
Expansion of Existing Airports			Notice and Planning Commission Hearing
Helicopter pads and associated facilities		18.28.015(9)	Administrative, subject to standards
Towers for fire protection	Height of tower		Administrative, subject to standards

There are several existing private airstrips in the F-1 zone. There is one property owned by a cellular company with facilities. No commercial wind or solar projects have been applied for in the F-1 zone.

Forest Recreation Zone (FR-10)

The Forest Recreation, FR-10 zone is intended to provide for low-density rural and recreational home sites in a forest setting, where the property has been committed to noncommercial timber management.

Land Use	Potential Encroachment	County Code Section	Review Process
Noncommercial wind energy systems and meteorological towers	Height of towers	18.96.020(6) 18.162.010	Administrative, subject to standards
Noncommercial photovoltaic energy systems	Potential glint/glare from photovoltaic panels	18.96.020(7) 18.162.020	Administrative, subject to standards
Commercial power generating facilities subject to the standards of Chapters 18.160 and 18.161	Turbine height. interference with radar systems, lighting	18.160 (conditional uses) 18.161 commercial energy facilities	Notice and Planning Commission hearing

It does not appear that transmission towers are allowed in the F-10 zone. There are no private airports in the zone. County records do not show property ownership by any cellular communication companies but there may be cell towers in the F-10 zone on leased property. There are no commercial renewable energy facilities located in the County's F-10 zone

SUMMARY OF PROPOSED CHANGES

1. Amendment of the Crook County comprehensive plan to adopt the military overlay zone maps and to include text regarding the new overlay zone. (Attachment A).

The proposed language provides a description of the military training routes and special use airspace and the need to protect public health and safety and to protect U.S. Military activities in airspace in eastern Crook County. The intent is to ensure early notification of the NW DoD RCT regarding potential land uses that may physically encroach upon the military training route or have other impacts. The comprehensive plan amendments would include adoption of the military training route maps (Exhibits A and B) and policies to implement notice and consultation requirements.

2. Adoption of a new military overlay zone requiring notice to the NW DoD RCT and consultation regarding potential encroachments. (Attachment B).

The proposed code language includes a requirement to notify the NW DoD RCT regarding land uses in areas mapped as military training route zones. The proposed language would apply in addition to underlying base zone requirements (e.g., requirements in the EFU, Forest and FR-10 zones). The proposed language requires an applicant to consult with the NW DoD RCT and the County and includes an application review process to determine if there is a need to modify the development proposal to avoid, minimize or mitigate impacts to military activities.

3. Modifications to use tables in the County's EFU zone (Chapter 18.16) and Forest zone (Chapter 18.28) to cross reference requirements of new military overlay zone and 18.124.110 (requirements for cell towers and transmission lines). (Attachment C).

4. Language in 18.124.110 is amended to clarify application and to reference the new military overlay zone. The proposed changes to Chapter 18.124.110 are intended to clarify which provisions apply to individual transmission towers (e.g., cell towers) and which apply to transmission lines and towers (e.g., electric transmission lines). Utility transmission lines are also subject to applicable provisions of the underlying land use zone (e.g., Chapter 18.16.015(14) and (15) in EFU zones). (Attachment D).
5. Modification to Chapter 18.161 (commercial energy – renewable energy chapter) to add notification requirements consistent with HB 2329 (2019 legislative session) and to require new pre-application notice and consultation with ODFW, NW DoD RCT and the State Historic Preservation Office. (Attachment E).

FINDINGS

Oregon Revised Statutes

Chapter 197 Comprehensive Land Use Planning

ORS 197.610 - Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development.

FINDINGS: Oregon Revised Statute (ORS) 197.610 applies to submission of proposed comprehensive plan or land use changes to the Department of Land Conservation and Development. This proposal would amend the existing comprehensive plan to adopt maps of military training routes and to adopt policy language relating to these maps. A proposed military training route overlay zone in the County’s land use ordinance would apply to implement this comprehensive plan provision.

Amendments to land use regulations would adopt the military overlay zone Chapter 18.118), modify use tables in the County’s EFU zone (Chapter 18.16) and Forest zone (Chapter 18.28), amend the existing language on transmission towers in Chapter 18.124 and amend Chapter 18.161 to require notification of land use applications as required by State statute (2019 HB 2329/ORS 215.446) and pre-application notification to the NW DoD RTC and Oregon Department of Fish and Wildlife.

Oregon Revised Statutes

Chapter 197 Comprehensive Land Use Planning

197.610 Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development; rules.

(1) Before a local government adopts a change, including additions and deletions, to an acknowledged comprehensive plan or a land use regulation, the local government shall submit the proposed change to the Director of the Department of Land Conservation and Development. The Land Conservation and Development Commission shall specify, by rule, the deadline for submitting proposed changes, but in all cases the proposed change must be submitted at least 20 days before the local government holds the first evidentiary hearing on adoption of the proposed change. The commission may not require a local government to submit the proposed change more than 35 days before the first evidentiary hearing.

FINDING: The County submitted notice to the Department of Land Conservation and Development (DLCD) on March 5, 2025. Public notice was published in the Central Oregonian on March 18, 2025.

(2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review, the local government shall submit the proposed changes as soon as practicable, but may submit the proposed changes after the applicable deadline.

FINDING: The County has not determined that emergency circumstances require an expedited review, and the applicable deadlines will be met. The criterion does not apply.

(3) Submission of the proposed change must include all of the following materials:

(a) The text of the proposed change to the comprehensive plan or land use regulation implementing the plan;

(b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the map that is created or altered;

(c) A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director or members of the public of the effect of the proposed change;

(d) The date set for the first evidentiary hearing;

(e) The form of notice or a draft of the notice to be provided under ORS 197.763, if applicable; and

(f) Any staff report on the proposed change or information describing when the staff report will be available, and how a copy of the staff report can be obtained.

FINDING: The March 5, 2025, submission to DLCD included a brief narrative summarizing the proposed changes, the date for the first evidentiary hearing, and a draft public notice including information regarding the availability of a final staff report.

(4) The director shall cause notice of the proposed change to the acknowledged comprehensive plan or the land use regulation to be provided to:

(a) Persons that have requested notice of changes to the acknowledged comprehensive plan of the particular local government, using electronic mail, electronic bulletin board, electronic mailing list server or similar electronic method; and

(b) Persons that are generally interested in changes to acknowledged comprehensive plans, by posting notices periodically on a public website using the Internet or a similar electronic method.

FINDING: Public notice of the proposed hearing was provided in the Central Oregonian, made available to interested parties, and posted on the Crook County Community Development website. The proposal complies.

(5) When a local government determines that the land use statutes, statewide land use planning goals and administrative rules of the commission that implement either the statutes or the goals do not apply to a proposed change to the acknowledged comprehensive plan and the land use regulations, submission of the proposed change under this section is not required.

FINDING: The local government finds that the proposed text changes are generally editorial in nature, are intended to make County Code consistent with State law and provide clarity to the public. The proposed

changes are supportive of Goal 1 (Citizen Involvement) by clarifying intent and removing improper citations

Notification requirements are intended to support Goal 1 (Citizen involvement) and Goal 2 (Land Use planning) by providing an early opportunity for Federal and State agencies to review applications and to avoid interagency conflicts and miscommunication with applicants.

RECOMMENDATION: The Planning Department recommends that the Planning Commission review the proposed comprehensive plan and code changes and make a recommendation to the Crook County Board of Commissioners to adopt the proposed comprehensive plan and code changes or to adopt the proposed Code changes with edits.

Respectfully,

Crook County Community Development Department

Exhibit A: Military Training Route map

Exhibit B: Military Training Route map with existing County zoning

Attachment A: Proposed comprehensive plan language

Attachment B: Proposed military training route overlay zone language

Attachment C: Proposed amendments to use tables in 18.16 (EFU) and 18.28 (Forest) zones

Attachment D: Proposed amendments to 18.124 (Supplementary Provisions)

Attachment E: Proposed amendments to 18.161 (Commercial Power Generating Facilities)

Attachment A - Proposed Comprehensive Plan Amendment for Military Overlay Zone and accompanying maps

Note: Based on the discussion with the Planning Commission at the February 26, 2025 work session, an option is to include a standalone section in the current comprehensive plan for the proposed military overlay zone. This is consistent with the approach taken in the 2002 to adopt the destination resort overlay map(s) and associated zoning code language.

Comprehensive Plan draft – include at the end of Chapter 3 (land use) after the destination resort section or at the very end of the comprehensive plan text.

The following materials were added by Ordinance No. [xx on (date) 2025]. Ordinance No. [xx] added two maps illustrating the location of existing military training routes and special use airspace in Crook County and the relationship of the training routes and special use airspace to existing County land use zones.

Military Training Routes and Special Use Airspace

The United States Department of Defense (DOD) awarded a grant to Crook County to analyze the potential for land uses to encroach upon or otherwise interfere with military activities in the County. The DOD provided the County with a map of military training routes and special use airspace that range from the north to south in eastern Crook County. These areas are predominately in federal land management and are zoned for exclusive farm use, forest use, and forest recreation use.

The map and map of the military training routes and special use airspace in conjunction with the underlying County zones is the basis for new criteria to ensure early coordination with the DOD. The purpose of this overlay zone is to ensure early consultation with the DOD to foster compatible air and land uses in the County.

Transmission towers, cell towers and wind turbines may physically encroach upon training routes. Other developments may also impact military activities. For example, solar panels may create glare requiring developers to prepare a glint/glare analysis. Proper structural lighting may help avoid issues.

Goals

The primary goal of the Military Overlay Zone is to ensure notification to the DOD of land use applications in areas identified as military training routes and special use airspace. Early notification allows for consultation with the DOD and applicant(s) regarding measures to avoid,

minimize or mitigate potential encroachment or other interference with training routes and special use airspace.

Policies

Maintain communication with the appropriate personnel when land use proposals or permits are considered in areas where military training flights occur and in areas with special use airspace, that could result in the development of very tall structures, including but not limited to wind turbines. Provide notice of other potential impacts to military activities.

Coordinate with the United States Department of Defense to resolve potential land use conflicts through the early exchange of project related information when development projects or comprehensive plan amendments may affect military operations including military training routes. Provide early notification to the Department of Defense and an opportunity for consultation with project developers.

The overlay zone is not intended to limit farm and forest practices or residential development, where allowed by the underlying zoning.

Attachment B - Proposed Military Overlay Zone Language

Crook County Code 18.08 Definitions

18.08.130 (M Definition)

“Military Training Route (MTR)” means airspace of defined vertical and lateral dimensions established for the conduct of military flight training at indicated airspeeds in excess of 250 knots.

“Military Special Use Airspace” is airspace of defined dimensions identified by an area on the surface of the earth wherein activities must be confined because of their nature, or wherein limitations may be imposed upon aircraft operations that are not a part of those activities. Limitations may be imposed upon aircraft operations that are not a part of the airspace activities. Military special use airspace includes any associated underlying surface and subsurface training areas.

18.08.150 (O definitions)

“ORESA” or the Oregon Renewable Energy Siting Assessment mapping and reporting tool available at Oregon.gov/energy.

New Section 18.118 - Military Overlay Zone

Purpose

The purpose of this overlay zone is to ensure early coordination with the Department of Defense when development projects represent potential encroachment to military airspace designated for military training and transport activities.

Applicability

This overlay zone is applicable within the military airspace areas identified in the military airspace overlay zone map and that includes encroachment of:

1. Structures over 100 feet in height if within 200 feet above ground level (AGL) airspace, and over 400 feet in height if within the 500 feet AGL airspace;
2. Development or uses that create or cause interference within the radar line of sight;
3. Commercial renewable energy facility development, transmission infrastructure, or uses that produce light emissions.

Notification

Any applicable development or use shall be required to submit a pre-application conference request at least one month ahead of submitting a complete application. The pre-application conference shall include:

1. Early notification to the Department of Defense through contact information on ORESA or in coordination with the County staff about the proposed development or use;
2. Allow for a 30-day review by the NW Department of Defense Regional Coordination Team (NW DoD RCT) of the proposed development or use; and
3. Should the NW DoD RCT identify potential adverse impacts to critical military training and operating areas, measures to avoid or sufficiently mitigate said adverse impacts shall be implemented.

Mitigation Measures

Proposed developments or uses that have identified impacts shall be permitted conditionally with the avoidance or mitigation measures developed in consultation with the NW DoD RCT, the Planning Department, and applicant or developer. Measures may include:

1. Relocation or adjustment of location;
2. Reduction in structure height;
3. Agreement to use frequencies or other communications equipment that do not present interference;
4. Federal Aviation Administration compatible lighting and marking;
5. Anti-reflective coating for solar panels;
6. Altering tilt and azimuth angles;
7. Mitigation or avoidance measures on behalf of the DOD; or
8. Other measures as appropriate.

Relationship to Base Zones

Land located in the Military Airspace Overlay Zone (18.118), is subject to the requirements and standards of this Chapter in addition to those specified in the underlying zone. If a conflict in regulation or standards occurs, the more restrictive regulation or standard shall apply.

Attachment C – Draft Changes to Use Tables

Overview

1. Transmission towers/utility facilities in EFU zones – Chapter 18.16 – Changes to Use Table
2. Transmission towers/utility facilities in Forest zones – 18.28 – Changes to Use Table

Exclusive Farm Use – Use table

Proposed additions are highlighted. There will be a citation for the military training route overlay zone once codified.

1. Use Table for Exclusive Farm Use (EFU) District				
	Use	Use Type	Review Procedure	Subject To
5.9	Personal use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities.	C	Planning Commission Hearing	18.16.015 (12) 18.118 Military overlay zone
6.3	Utility facility service lines.	STS	Administrative	18.16.015 (14) 18.118 Military overlay zone
6.4	Utility facilities necessary for public service, including associated transmission lines 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 in height.	STS	Notice and Opportunity for Hearing	18.16.015 (15) 18.118 Military overlay zone
6.5	Transmission towers over 200 feet in height.	C	Planning Commission Hearing	18.124.110 18.118 Military overlay zone
6.7	Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale.	C	Planning Commission Hearing	18.16.060 (2) 18.161 18.118 Military overlay zone

1. Use Table for Exclusive Farm Use (EFU) District

	Use	Use Type	Review Procedure	Subject To
6.8	Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale.	C	Planning Commission Hearing	18.16.060(3) 18.161 18.118 Military overlay zone

Forest zone – Use table

Proposed additions are highlighted. There will be a citation for the military training route overlay zone once it is codified.

Table 1. Permitted Uses

	Use	Use Type	Review Procedure	Subject To
5.9	Expansion of existing airports.	C	Planning Commission Hearing	18.118 Military overlay zone
6.3	Television, microwave and radio communication facilities and transmission towers.	C	Planning Commission Hearing	18.124.110 18.118 Military overlay zone
6.4	New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210 . New distribution lines (e.g., gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width.	C	Planning Commission Hearing	18.118 Military overlay zone

Attachment D – Proposed Amendments to Crook County Code 18.124.110 (Supplementary Provisions)

Proposed language is highlighted and in bold.

Note: This section applies to all zones where transmission towers are allowed as permitted or conditional uses. Based on the definition in 18.08, transmission towers are:

“Transmission tower” means a vertical, self-supporting structure, such as a lattice tower or monopole, intended to support antennas and associated broadcast equipment used to broadcast radio or television broadcasts. Transmission towers include support structures used to establish and to operate a wireless telecommunications facility.

This section appears to apply only to single towers and would not apply to utility transmission lines. Should provisions in the code be modified to apply to both individual towers and towers as part of utility transmission lines?

(1) Applicability. Height Restrictions for Transmission Towers/Site Plan Review and Conditional Use.

(a) In EFU and Forest Zones. Transmission towers less than 200 feet in height or siting on a colocation facility shall be by site plan review based upon the standards contained within this section. New towers proposed to be greater than 200 feet in height shall be by conditional use, pursuant to this section. Nothing herein shall preclude any uses permitted outright under ORS [215.213\(1\)\(d\)](#) or [215.283\(1\)\(d\)](#). **Provisions of the proposed Military overlay zone may apply (Chapter 18.118).**

NOTE: the zones referenced in (b) are not in the areas mapped for the military overlay zone).

(2) Conditional Use Approval. An application for a conditional use permit for a transmission tower or its equivalent in the EFU and forest zones shall comply with the applicable standards, setbacks and criteria of the base zone, any combining zone (overlay zone), **including, but not limited to, the Military Overlay zone (18.118)**, and the following requirements:

(a) Preapplication Conference. Applicant shall attend a scheduled preapplication conference prior to the submission of a land use application. An application for a transmission tower will not be deemed complete until the applicant has had a preapplication conference with the planning department staff. The planning staff shall require payment by the prospective applicant of a fee commensurate with the estimated duration of this conference.

(b) Neighborhood Meeting. Prior to submitting an application for a transmission tower, the applicant shall provide notice of and hold a meeting with interested owners of the

property nearby to a potential facility location. Notice shall be in writing and shall be mailed no less than 10 days prior to the date set for the meeting to owners of record of property within a notice area of 2,000 feet of the boundary of the property on which the applicant proposes to establish a tower or monopole greater than 30 feet in height. For the purpose of this section, the property on which an applicant proposes to establish a transmission tower includes the lot of record on which the applicant will locate the facility and all contiguous lots of record held in common ownership. The applicant shall notify the owners of record of a minimum of 20 properties located within 660 feet of the affected property. If the number of owners of property notified in the notice area does not equal at least 20, the applicant shall notify the owners of record of property within the next increment of 660 feet from the initial notice area until the number of owners of property notified reaches at least 20. The applicant shall also provide a copy of this notice to the planning department.

(c) Balloon or Crane Test. After the neighborhood meeting, the applicant shall conduct a test with a balloon or a crane to provide an estimate of the ultimate height of a support structure proposed as part of the transmission tower. The applicant shall notify all persons attending the neighborhood meeting of the date, the time, and the location of the test. The applicant shall schedule the balloon test so that it can be conducted no later than two business days following the date of the neighborhood meeting or such time as is agreeable to the neighbors at the meeting, but in no event shall the balloon test occur more than 30 days following the date of the neighborhood meeting. Notice of this test shall be provided to the planning staff.

(d) The preapplication conference shall be completed prior to scheduling the neighborhood meeting or conducting the balloon/crane test.

(e) For proposed towers and transmission lines located in the Military overlay zone, provisions of Crook County Code 18.118 shall apply.

NOTE: I think we have required preapplication meetings and neighborhood meetings for utility transmission lines. We did not require a ballon test for the PacifiCorp line but did require visual representations of what the proposed line would look like in response to public comment. I might amend this section to make sub a. and b. required for utility transmission lines.

Proposed options are in bold/highlighted

(3) Submittal Requirements. An application for a transmission tower in either an EFU zone or a forest zone shall include:

(a) A copy of the executed lease from the owner of the site of the property where the tower will be located; **NOTE: For utility lines, we have required the applicant to get signatures on the land use application**

(b) A copy of the applicant's Federal Communications Commission license for a transmission tower. A copy of this document will not be required to be submitted if applicant is not a personal wireless service provider, and is seeking approval only for a support structure for a wireless telecommunications facility;

(c) For a new transmission tower, a map that shows the applicant's search area for the proposed site and the properties within the search ring, including locations of existing telecommunications towers or monopoles. For a new utility transmission line, a map showing the proposed route and alternative routes, if any;

(d) For a new tower or utility transmission line, a copy of the written notice of the required neighborhood meeting and a certificate of mailing showing that the notice was mailed to the list of property owners falling within the notice area designated under CCC [18.124.110\(2\)](#);

(e) For a new tower or utility transmission line, a transcript of the neighborhood meeting or copies of the audiotape recordings of the meeting. The applicant shall also submit a list of attendees, including the date, time, and location of the meeting;

(f) A site plan showing the location of the proposed facility and its components. For transmission towers, the site plan shall also identify the location of the existing and proposed landscaping, any equipment shelters, utility connections, and fencing proposed to enclose the facility, and lighting if any is proposed. Describe primary and emergency energy sources proposed for the cell tower;

(g) A copy of the design specifications, including photographs or manufacturer's graphic representations of proposed colors, and an elevation of an antenna array proposed with the facility, and lighting, if any, for the facility;

(h) An elevation drawing of the facility and a photographic simulation of the facility showing how it would fit into the landscape. The elevation drawing shall be drawn to scale and show the existing trees adjacent to the proposed facility and show the height of such trees from existing grade to the highest portion of each tree. For transmission towers, this documentation shall include any support structure, transmission equipment including antennas and microwave dishes, and any ground-based equipment cabinets or shelters;

(i) A copy of a letter of determination from the Federal Aviation Administration or the Oregon Department of Transportation – Aeronautics Division as to whether any requirements, including but not limited to aviation lighting, would be required for the proposed facility. Such letter of determination shall be submitted prior to issuance of a decision by the county planning authority;

(j) An agreement and security in accordance with CCC [17.40.080](#) and [17.40.090](#) for removal of any support structure and any ground-based equipment or accessory structures, such as equipment buildings and security fences; **NOTE: This is the same criteria from the CCC Chapter 17 that applies to commercial energy facilities.**

(k) Proof that the applicant is not able to collocate similar telecommunication structures on existing transmission facilities or locate on existing structures;

(l) In the event that the applicant plans to develop more than one tower in Crook County, the applicant shall simultaneously submit a tentative plan for future tower site development in the county. (Ord. 344 § 11 (Exh. J), 2024; Ord. 296 § 9 (Exh. G), 2016; Ord. 280 § 15 (Exh. O), 2015; Ord. 18 Amd. 61 §§ 2, 3, 2003; Ord. 18 § 4.250, 2003)

Attachment E - Proposed modifications to Crook County Code 18.161 (Commercial Power Generating Facilities)

Proposed new language is in bold

(1) Notifications (New section)

(a) Pre-Application Notification and Consultation Requirement

An application under this chapter must include evidence of consultation regarding the proposed facility with the following persons or agencies at least 60 days prior to the submission of an application to the County:

(i) Oregon Department of Fish and Wildlife regarding potential impacts to fish and wildlife, their habitat, and expected suggested avoidance or mitigation recommendations;

(ii) US Department of Defense, and if the facility is in the Military Overlay Zone, consultation as required; and

(iii) Oregon State Historic Preservation Office.

(b) Upon receipt of an application for a renewable energy facility, the County will prepare a notice with a description of the proposed facility and the subject lots or parcels; the dates, times and locations for public meetings and comment; and contact information for the applicant and planning director. In addition to any other requirements, the notice will be provided to the following persons:

(i) The State Department of Fish and Wildlife;

(ii) The State Department of Energy;

(iii) The State Historic Preservation Officer;

(iv) The Oregon Department of Aviation;

(v) The United States Department of Defense;

(vi) The City of Prineville; and

(vii) Tribes with an ancestral connection to lands within Crook County as informed by the Oregon Legislative Commission on Indian Affairs.

18.161.010 Criteria. (Current section) In addition to any other requirements of the applicable zone, commercial power generating facilities are subject to the following criteria.