

Exhibit 3

From: [Robin Hayakawa](#)
To: [Plan](#)
Cc: [Rory Isbell](#)
Subject: Application File No. 217-24-0000293-PLNG
Date: Tuesday, March 25, 2025 12:15:34 PM
Attachments: [LandWatch Comments_217-24-000293-PLNG.pdf](#)

Received by CCCD
3/25/2025

Hi Crook County,

Please enter the attached written comments into the record for the Moffatt Road Solar Project.

Thank you.

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Robin Hayakawa (he/him)
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March 26, 2025

Filed by email: Katie.McDonald@crookcountyor.gov

Crook County Community Development Department
% Katie McDonald, Senior Planner
300 NE 3rd Street, Room 12
Prineville, OR 97754

Re: Application File No. 217-24-000293-PLNG; Moffat Road Solar

Dear Chair Warren and Crook County Planning Commission,

Thank you for hearing public testimony about the above-referenced development application. Central Oregon LandWatch (“LandWatch”) supports a transition to renewable energy, the conservation of the maximum amount of farmland, and the preservation of wildlife habitat. We offer the following recommendations and comments on the application:

I. Recommend ODFW’s preferred mitigation option, a one-time, fee-in-lieu payment to the Crook County Soil and Water Conservation District

Adhering to ODFW’s preferred mitigation strategies will help offset the cumulative impacts of concentrating large solar projects in this transmission corridor. The Project Site is near at least nine other approved or proposed large-solar facilities, and the cumulative negative impacts on wildlife habitat in the area are compounding in ways that are underappreciated and unaccounted for in each project’s mitigation plan. Crook County and the State of Oregon have not developed criteria to mitigate the cumulative impacts that occur when energy projects are clustered in areas of high transmission capacity. The science is clear, however, that such large-scale solar photovoltaic energy facility development impedes the natural movement of big game species, harming their life cycle processes.¹ In the absence of such a cumulative impacts analysis we urge the Planning Commission to accept the mitigation option preferred by ODFW: a one-time, fee-in-lieu payment to the Crook County Soil and Water Conservation District.

LandWatch prefers this option (“Option 2.A”) because it is the most definite, it involves a willing partner in the Soil and Water Conservation District, and it has a track record of prior successful use. Furthermore, ODFW’s team of wildlife habitat experts is the most qualified party to determine how to achieve the “no net loss” standard for habitat quality and quantity when, like here, Category 2 habitat will be degraded by a development project. Please endorse Option 2.A as a condition of approval to the Crook County Board of Commissioners.

¹ Sawyer et al. 2022. Trade-offs between utility-scale solar development and ungulates on western rangelands. *Front Ecol Environ* 2022; 20(6): 345–351, doi:10.1002/fee.2498



II. Do not recommend Option 1 - Juniper Treatment

Relatedly, LandWatch is opposed to mitigation “Option 1,” which is a vague plan for removal of juniper trees in similar big game habitat somewhere within the County. Option 1 may provide temporary uplift and habitat gain for mule deer and other big game species. Still, unlike other Options, the benefits conferred are not guaranteed to last for the life of the solar project. Moreover, the removal of the juniper often allows for a flush of invasive annual grasses that will require further treatment. Option 1 does not address this likelihood, meaning that treatment of the grasses will fall upon the Crook County Weed Master.

Option 1 also does not contain provisions that the juniper treatment will *not* occur in an area where conflicting uses are allowed during winter months. Because human winter recreational use of the Moffatt Road Project Site is minimal, limiting human recreational use of the mitigation site during the same period is vital for the juniper treatment to accomplish no net loss of Category 2 Habitat. If the Planning Commission recommends Option 1, there should be a condition of approval that the juniper treatment occur on lands without trails and no history of recreational use between December 1 and April 15.

III. More detailed analysis is required in order to satisfy the farm impacts test

LandWatch agrees with the conclusions of the Staff Report, which at page 6 provides:

Staff question the detail of the area farming analysis that the applicant has provided. Staff prepared a parcel-by-parcel table for the existing uses and found a 40-acre farm parcel to the south of the site, which will be cut off from adjoining property of which may have been used for seasonal grazing. In addition, the growing number of approvals for increased security fencing at solar facilities do impact the area farm use.

The Planning Commission will need to determine whether the proposed use will or will not have a significant impact on or increase in cost associated with existing farm use. Has the applicant met the burden of proof establishing the existing farm uses on surrounding properties and have they provided evidence that shows the proposed use will not significantly increase the cost or change existing practices?

(emphases added)



The Applicant carries the burden of proof to demonstrate that the proposed development will not force a significant change in accepted farm practices, nor significantly increase the cost of accepted farm practices on surrounding lands. CCC 18.16.020(1)-(2), ORS 215.296. Serious concerns about impacts on adjacent farm uses, like those raised in the Staff Report, have not been addressed by the Applicant. The farm impacts test applies on a farm-by-farm and farm-practice-by-farm-practice basis. *Stop the Dump Coalition v. Yamhill County*, 364 Or 432, 435 P3d 698 (2019). The application does not describe with adequate specificity the actual farm uses occurring on nearby properties. Without more detailed information about the farms and farm practices in the area that the proposed nonfarm use could impact, it is impossible to determine what those impacts might be.

We encourage the County and the Applicant to refer to the “new” farm impacts test, which was a product of updated Farm & Forest Rulemaking conducted by DLCDC in 2024, and made effective as of 1/1/2025. OAR 660-033-0130(5). The requirements of the new farm impacts test are instructive as to the depth of analysis needed to satisfy this standard. For example, OAR 660-033-0130(5)(A) requires identification and description of surrounding lands, the farm and forest operations on those lands, and accepted farm and forest practices on each operation. OAR 660-033-0130(5)(B) requires an assessment of the individual impacts of each farm and forest practice, and whether the proposed use is likely to have an important influence or effect on any of those practices. An example of the applicant doing their due diligence might be soliciting and implementing feedback from nearby farm operators on how the construction and operation of the proposed solar facility can best allow continued access to customary grazing land.

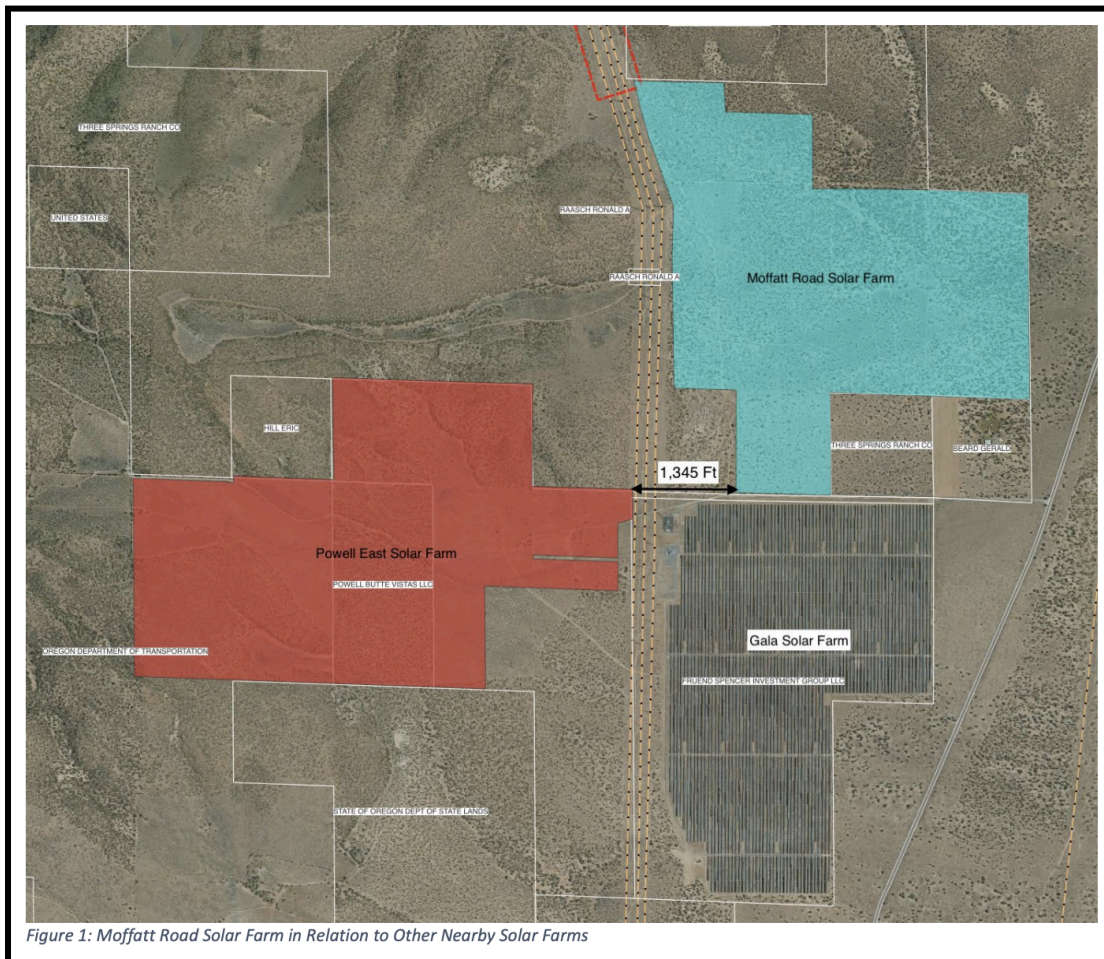
IV. Other Concerns

LandWatch raises the other following concerns:

- CCC 18.16.075; The submitted site plan is not in compliance with the minimum setback requirements of the County’s EFU zone. Compliance with simple requirements, like setbacks, can and should be shown during the current application process and not be deferred as a conditional of approval.
- CCC 18.161(2)(c)(iv); Relatedly, the Southern edge of the Project creates a narrow passageway between the Project Site and the Gala Solar Farm. The Planning Commission should recommend that the distance between these projects exceed applicable setback requirements to ensure that a wildlife migratory corridor continues to exist and the energy system is “designed to reduce the likelihood of significant adverse effects on wildlife and wildlife habitat.”

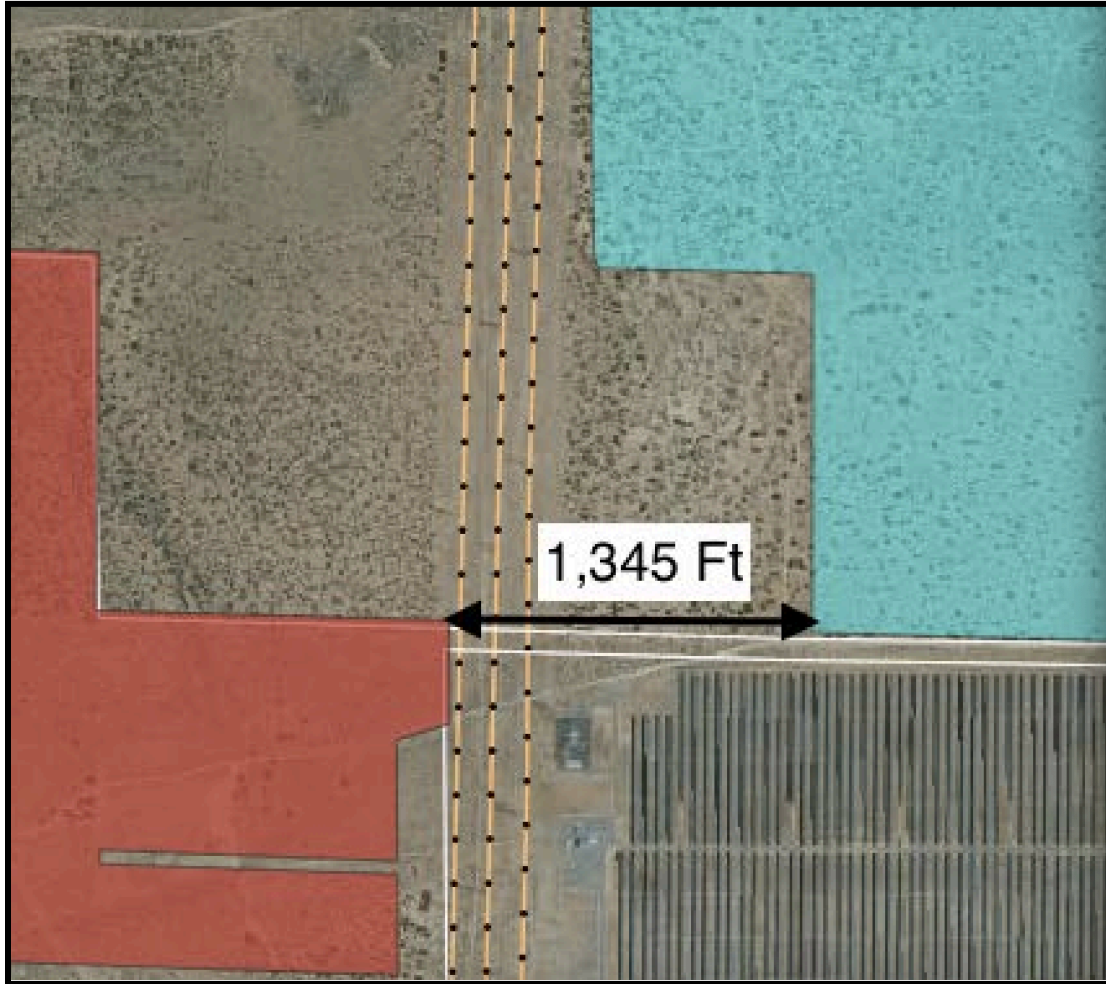


- OAR 660-033-0130(38)(f); The submitted exhibit labeled “MRSF Compliance with Division 33 Rules 660-033-0130” does not conclusively show the Project’s compliance with OAR 660-033-0130. Figure 1 contains an aerial image that purports to show the western edge of the Moffatt Road Solar Farm 1,345 feet from the eastern edge of the Powell East Solar Farm. Figure 1 is difficult to rely upon, however. The aerial image is taken from a great height and the large black arrow showing the distance between the projects overlaps the edge of each project boundary. See below.



LandWatch Figure 1: Screenshot of Submitted Exhibit “MRSF Compliance with Division 33 Rules 660-033-0130”.





LandWatch Figure 2: Zoomed-in Screenshot of Submitted Exhibit “MRSF Compliance with Division 33 Rules 660-033-0130”

Thank you for your attention to these comments and your work for Crook County. Please notify LandWatch of any decisions or further comment opportunities on this application.

/s/ Robin Hayakawa

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