

Exhibit A – Original Permit 217-19-000378-PLNG



Crook County
Community Development Department
300 NE 3rd Street, Room 12
Prineville, OR 97754
(541)447-3211 Ext 1. Planning

Before the Crook County Planning Commission
Proposed Conditional Use- TSR North Solar Energy Facility
FINAL DECISION

APPLICATION: 217-19-000378-PLNG

OWNER: Ronald Raasch
P.O. Box 11
Powell Butte, Oregon 97753

AGENT: Jacob Stephens
2033 E Speedway Blvd. Ste 200
Tucson, Arizona 95716

APPLICATION RECEIVED: August 2, 2019

PUBLIC NOTICE: August 6, 2019

PROPERTY OWNER NOTICE: August 8, 2019

PUBLIC HEARING: August 28, 2019

REQUEST: The Applicant requested conditional use approval to construct and operate a photovoltaic solar power generating facility on up to 320 acres in the County's Exclusive Farm Use zone - Powell Butte Area (EFU-3) under Crook County Code (CCC) Section 18.24 and Oregon Administrative Rules 660-033-130(38). As part of this request, the Applicant requested approval for an associated transmission line; the gen-tie line from the solar facility to a utility substation.

Location: The proposed photovoltaic solar power generating facility (the Project) will be located on a portion of the 583.4 acre property at Township 15S Range 15E WM, tax lot 1223, (ATTACHMENT A).

THE ABOVE ENTITLED MATTER came before the Crook County Planning Commission at its regular meeting on August 28, 2019. After consideration of the staff report, application materials, findings, facts and testimony, the application received five (5) votes in favor from the Planning Commission members present.

FINAL DECISION:

Approved subject to conditions:
Denied

 X

The Applicant’s request (217-19-000378-PLNG) to construct and operate a solar photovoltaic facility and associated transmission lines on up to 320 acres of the subject properties (T15 R15, tax lot 1223) is APPROVED subject to the following conditions:

1. The Applicant shall sign and record in the deed records for Crook County a document binding the Project owner and the Project owner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming practices as defined in ORS 30.930(2). The Applicant shall submit this agreement to County Counsel for review prior to site clearing and grading.
2. The Applicant shall acquire all necessary building permits prior to commencing construction.
3. The Applicant agrees to provide an annual report, upon request, to the County including:
 - a. A summary of changes to the facility that do not require amendments
 - b. A summary of the wildlife monitoring plan;
 - c. Employment impacts during and after construction
 - d. Success or failure of weed control practices
 - e. Status of decommissioning bond or other financial mechanisms.
4. The Applicant shall meet all requirements of Crook County Code 18.161.010(2)(d) regarding amendments to the facility including those changes that would:
 - a. Require an expansion of the established facility boundaries;
 - b. Increase the footprint of the photovoltaic energy system by more than 20%;
 - c. Increase generator output by more than 25% relative to the generation capacity authorized by the initial permit due to the repowering or upgrading of power generation capacity.

Notification by the facility owner/operator to the Crook County Planning Department of changes not requiring an amendment is encouraged, but not required.

5. The solar field and transmission line will be placed within the boundary on the site plan submitted with the application. It is possible that the exact configuration of the solar field array and accessory structures (e.g., substation, operation and maintenance building) may change as the Project design is finalized. If these changes occur within the approved site footprint, the Applicant does not need to request an amendment. Otherwise, a revised site plan shall be filed with and approved by the Crook County Community Development Department. The Applicant will provide a final site plan showing the location of project components, including the gen-tie line, prior to beginning site clearing and grading.

6. The Applicant will work with the Road Department to determine the specific location of any proposed additional access. Any new road approach permit will be approved prior to the start of clearing and grading. The Road Master will determine if a road use agreement is necessary for any potential impacts to County roads.

7. The Applicant agrees that the Project materials selected will be in substantial conformance to those described with the Applicant's "burden of proof" statement.

8. The Applicant agrees to establish a bond, letter of credit or other financial assurance, as required by CCC 18.161.010(2)(xvi). Implementation of final decommissioning and financial assurance will be provided entirely at the cost of the Applicant/Project developer to Crook County. The financial assurance will be one of the following: an irrevocable letter of credit, a surety bond or a trust fund in accordance with the approved financial assurances to guarantee the project decommissioning work will be completed in accord with the decommissioning plan.

The decommissioning plan and financial assurance shall be submitted to the Crook County Counsel for review and approval. **County Counsel approval of the decommissioning plan, including the financial assurance, shall not be unreasonably withheld and shall be required prior to the start of clearing and grading on the Project site.** The financial assurance shall give consideration to the cost estimate and phasing schedule in the decommissioning plan, and shall provide adequate funding to restore the site, regardless of when construction or operation ends. A final decommissioning plan and financial assurance, acceptable to Crook County Counsel, shall be in place prior to project site clearing and grading.

9. The solar field enclosure will be completely fenced at a minimum height of 8 feet. Secured gates will be in place at the Project entrance(s). The fence shall be a chain link fence, without slats.

10. The Applicant will continue survey work to assess natural resources (e.g., wetlands and waterways), wildlife issues (e.g., raptor nesting sites) and cultural and historic resources. The Applicant will submit survey reports to Crook County Community Development and the appropriate agencies (e.g., Oregon Department of Fish and Wildlife, US Fish and Wildlife Service, Oregon Department of State Lands regarding wetlands, and the State Historic Preservation Office). If the project site layout changes to avoid identified resources, the Applicant shall submit a revised site plan to the Community Development Department.

11. The Applicant shall notify Crook County Community Development in writing of a change in ownership of the facility, including, but not limited to, a transfer of title or lease for a term of years.

12. The Applicant shall submit a final stormwater management/erosion control plan to Crook County Community Development prior to the start of clearing and grading the site. The Applicant shall provide a letter from the Oregon Department of Environmental Quality to determine if a stormwater management permit is required from the State of Oregon.

13. The Applicant shall submit a letter from Crook County Fire and Rescue approving the Emergency Management Plan prior to the start of clearing and grading the Project site. A copy of the plan shall be provided to Crook County Community Development.

14. Prior to commencement of any decommissioning work, all applicable permits shall be

obtained, (e.g., Crook County Land Use Permits, road access and building permits from the Crook County Road master or other entities).

15. The Applicant shall provide a legal description of the Project Site, including the transmission corridor prior to issuance of building permits. Necessary easements shall be acquired and recorded for the gen-tie line prior to any clearing and grading.

16. The Applicant will engage with Oregon's State Historic Preservation Office 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 surveys of the property. The Applicant agrees that procedures to address best management practices for cultural discoveries will be in place during construction.

17. Towers for the gen-tie line linking the project substation to the utility substation shall be located outside the Prineville Airport approach zone located on the northeast side of the property.

18. The Applicant shall avoid or minimize development in the mapped flood hazard area on the northeast boundary of the subject property by doing one or more of the following:

- a. Requesting and receiving a "letter of map change" from FEMA (the Federal Emergency Management Agency), demonstrating that the area is not within a special flood hazard area.
- b. Avoiding building within the currently mapped special flood hazard area
- c. Designing any structures to be placed within the mapped flood hazard area to meet or exceed the County's flood plain development ordinance.

19. The Applicant shall request of "Determination of No Hazard" from the Federal Aviation Administration relative to siting the facility in a Prineville Airport approach zone and shall provide a copy of the determination to Crook County Community Development.

20. A fifty (50) foot buffer of existing native vegetation will be retained along Highway 126 (on the north side of the project).

BACKGROUND

The Planning Commission staff report and attachments and the application and exhibits are included in the record and incorporated by reference.

- A. **Project Summary:** The Applicant provided a complete project description in their burden of proof statement (Exhibit D of the application). The proposed facility will consist of photovoltaic panels, mounting infrastructure (using either a fixed tilt or single axis tracker system), an electrical collection system, inverters, a substation, an energy storage system, an operation and maintenance facility, private access roads, fencing, and associated transmission lines to connect to a utility facility. The proposed facility, TSR North Solar Farm, is proposed to operate for up to forty (40) years.

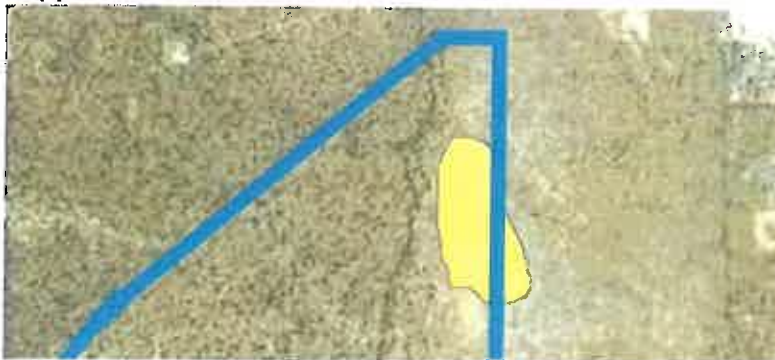
Electricity generated by the facility will be transmitted to a facility substation where it will be increased to appropriate transmission line voltage levels subject to Bonneville Power Administration (BPA) or other utility requirements. The Applicant has successfully filed an interconnect request with BPA. However, the final gen-tie route and point(s) of interconnection are not yet finalized.

According to the Applicant, the overall design and construction of the project will be carried out in accordance with all applicable building and engineering codes and standards, including consideration of any wildlife impact mitigation findings and recommendations, wetland and riparian area studies, and cultural surveys as required by Crook County and other state and local agencies.

The Applicant states that construction will be performed by licensed and qualified contractors and their subcontractors following an extensive vetting and bid process. Following construction, all on-site disturbances will be restored with native vegetation pursuant to applicable State stormwater management requirements and consultation with the Crook County Weedmaster.

B. Site Description: The subject property is bounded by State Highway 126 to the northwest and several other tax lots zoned EFU-3 to the south. Properties to the east are within the City of Prineville and are zoned M-1 for light industrial use. There is an existing private access road that crosses the property on the south side of Highway 126. 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 steppe woodland with some grassland. The site is gently sloped (0-8% grade toward the southeast). The property is traversed by a number of transmission lines and associated easements held by PacifiCorp and Central Electric Cooperative. These transmission line ROWs (corridors) are identified in Exhibit B of the Application. A revised site plan was provided at the August 28, 2019 hearing and is included as Attachment A.

There is a mapped special flood hazard area (map with yellow area of flood hazard highlighted) on the northeast boundary of the subject property. It is mapped as "Zone A," an area subject to flooding by the 1% annual chance flood (the "100 year flood"). There are no mapped flood elevations for this area.



The Applicant has agreed to pursue one or more of the following options regarding the mapped flood hazard area:

1. Requesting and receiving a "letter of map change" from FEMA (the Federal Emergency Management Agency), demonstrating that the area is not within a special flood hazard area.
2. Avoiding building within the currently mapped special flood hazard area
3. Designing any structures to be placed within the mapped flood hazard area to meet or exceed the County's flood plain development ordinance requirements.

C. Project Size: The facility siting area includes the entire 583-acre tax lot. However, the final Solar facility will conform to Crook County setback standards for properties zoned for exclusive farm use and will not exceed 320 acres.

D. Surrounding Land Uses: The subject property (tax lot 1223) 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.

E. Ownership: The subject property is wholly owned by Ronald A. Raasch and Susan I. Raasch, Trustees of the Raasch Family Trust. The authorized agent for the property owners is Jacob Stephens. (Exhibit C of the Application includes deeds and legal documents regarding property ownership).

F. Soils: The Applicant provided a Custom Soil Resource Report using data from the National Resources Conservation Service (NRCS) soil survey (Exhibit F of the application). The majority of soils on the subject property are generally 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
026	Buckbert ashy sandy loam, 0-3% slopes		16.8	2.8%
031	Swartz silt loam, 0-3% slopes	4	42.4	7.1%
143	Stukmond-Lickskillet Redmond Complex 0-8% slopes	6e	198.3	33.3%
144	Redmond-Stukmond Complex 0-8% slopes	6e	338.9	56.8%
Total			596.4	100.0

G. **Water Rights:** There is no evidence of irrigation water rights on the subject property. The property has not been irrigated in the past.

H. **Wildlife – Sensitive Bird Habitat:** The subject property is in an area identified as being within pronghorn-antelope winter range. The Applicant is working with the Oregon Department of Fish and Wildlife (ODFW) to determine mitigation requirements and will submit a wildlife mitigation plan for review and approval by the County and ODFW prior to site clearing and grading. The subject property is not identified as winter range for elk and deer in the County's Goal 5 big game habitat inventory, nor identified as Sagebrush Grouse habitat (see correspondence with ODFW included in Exhibit E of the application). There are no identified raptor nesting sites near the subject property.

I. **Cultural Resources:** The Applicant will engage with Oregon's State Historic Preservation Office (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 surveys. The Applicant agrees that procedures to address best management practices for cultural discoveries will be in place during constructions. 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. This will be a condition of approval.

J. **Access:** The Solar PV Facility will be accessed by a modified access road from an existing private road from State Hwy 126, as designated in Exhibit B of the site plan showing the entryway off the highway (Attachment A). As part of on-going development, any alternative entrances and/or additional road access permits will be obtained as necessary from the County or ODOT as applicable.

K. **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) purposes.

L. **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 application). The Emergency Management plan will be submitted to Crook County Fire and Rescue (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.

M. **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. See Exhibit B - Site Plan (P2 and 3)

for proposed details. The final location of these temporary construction facilities is subject to applicant's final site design.

N. Timeline and Construction: The Applicant states that they have commenced project development including conducting on-site studies and investigations, establishing interconnection agreements, and negotiating rights of way. The Applicant will be working on site design and engineering. Once a qualified EPC (Engineering, Procurement and Construction) firm is contracted and mobilized, construction may take approximately 4-8 months.

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 agrees to request a "Determination of No Hazard" letter from the Federal Aviation Administration.

APPLICABLE CRITERIA:

CCC Title 18, Chapter 18.24 EFU-3 zone
18.24.020 (Conditional uses permitted – ORS 215.283(2))
18.24.025 (Commercial and non-commercial energy)
18.24.040 (Limitations on specific conditional uses)

Oregon Revised Statutes
ORS 215.274 (Associated transmission lines)
ORS 215.283 (Uses authorized on agricultural lands)

Oregon Administrative Rules
OAR 660-033-0120
OAR 660-033-0130(5),(38) (Minimum standards for allowed uses)

CCC Title 18, Chapter 18.160 (Conditional Uses)
18.160.010 (Authorization to grant or deny a conditional use)
18.160.020 (General criteria)
18.160.030 (General conditions)
18.160.050 (Standards governing conditional uses)
18.160.050(19) (Commercial power generating facilities)

CCTitle 18, Chapter 18.161 (Commercial power generating facilities)
18.161.010(2) (Commercial solar photovoltaic facilities)

Crook County Comprehensive Plan
Crook County Transportation System Plan

RESPONSE TO CRITERIA:

The criteria that apply to this request for conditional use approval to site a commercial photovoltaic energy facility in Crook County's Exclusive Farm Use Zone are shown in standard font. The following is a summary of the responses to applicable criteria. A more detailed analysis is found in the August 21, 2019 staff report prepared for the August 28, 2019 public hearing before the Crook County Planning Commission. The staff report and attachments and the application and exhibits are part of the record and are incorporated by reference into the Findings presented in this document.

Crook County Code 18.24 outlines requirements for development in the County's EFU-3 zone. **CCC 18.24.010** In an EFU-3 zone, the following uses and accessory uses thereof are permitted outright: all uses authorized by ORS 215.283(1), in conjunction with any other applicable provisions in this chapter.

ORS 215.283(1)(c) allows "Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height. A utility facility necessary for public service may be established as provided in:

(A) ORS 215.275; or

(B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and 469.300.

The proposed gen-tie line, the line connecting the project substation to the utility substation, meets the definition of "utility facilities necessary for public service" as an "associated transmission line." The project's transmission towers will be less than 200 feet tall (75 feet to 130 feet depending on topography).

ORS 215.274 Associated transmission lines necessary for public service; criteria; mitigating impact of facility. (1) As used in this section, "associated transmission line" has the meaning given that term in ORS 469.300.

ORS 469.300(3) states "Associated transmission lines" means new transmission lines constructed to connect an energy facility to the first point of junction of such transmission line or lines with either a power distribution system or an interconnected primary transmission system or both or to the Northwest Power Grid.

The proposed gen-tie line will connect a commercial solar energy facility to an interconnected primary transmission system or distribution center and meets the definition of an associated transmission line necessary for public service.

(2) An associated transmission line is necessary for public service if an applicant for approval under ORS 215.213 (1)(c)(B) or 215.283 (1)(c)(B) demonstrates to the governing body of a county or its designee that the associated transmission line meets:

(a) At least one of the requirements listed in subsection (3) of this section; or

(b) The requirements described in subsection (4) of this section.

(3) The governing body of a county or its designee shall approve an application under this section if an applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements:

(a) The associated transmission line is not located on high-value farmland, as defined

- in ORS 195.300, or on arable land;
- (b) The associated transmission line is co-located with an existing transmission line;
- (c) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or
- (d) The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground.

For purposes of ORS 215.274, the portion of the transmission line on property zoned EFU is a permitted use necessary for public service within the meaning of ORS 215.283. The proposed gen-tie line is not located on high-value farmland and is not located on arable lands (See discussion below). The Applicant submitted soils data from the Natural Resources Conservation Service (NRCS), summarized above. The proposed Gen-tie line will likely extend from the southeastern corner of the photovoltaic facility on tax lot 1223 across tax lot 1208 to BPA's Ponderosa substation. There is no history of cultivation and based on the evidence provided by the Applicant, the County finds that the soils present along the Gen-tie route are non-arable soils under OAR 660-033-130(38)(19).

CCC 18.24.020 In an E FU-3 zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of Chapter 18.160 and in conjunction with any other applicable provisions of this chapter: all uses authorized by ORS 215.283(2) and (3). ***ORS 215.283(2) (g) allows a local government to approve commercial utility facilities for the purpose of generating power for public use by sale.***

CCC 18.24.025 In addition to the uses permitted under CCC 18.24.010 and 18.24.020, noncommercial and commercial wind and photovoltaic energy systems are permitted in the zone to the extent they are consistent with current state law and the applicable criteria in Chapters 18.160, 18.161 and 18.162 CCC. ***(CCC 18.162 applies to noncommercial energy systems and does not apply to this request.)***

The Planning Commission found that the Project will meet the requirements of state law and the applicable criteria in CCC 18.160 and 18.161 as demonstrated below.

CCC 18.24.040 Limitations of specific conditional uses. "...A use allowed under CCC 18.24.020 may be approved where the county finds that the use will not: (1) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or (2) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

The Planning Commission found that the project will not significantly change accepted farming or forest practices on surrounding lands. Some properties surrounding the proposed facility are zoned for agricultural use but there is no extensive agriculture in the area. None of the surrounding lands are in forest use. Property to the east is zoned for industrial use and the southeast side of the subject property has an aggregate mining and processing facility.

The Applicant stated that the proposed solar facility will not have a significant impact (if any) or significantly change surrounding farm uses. Solar PV plants have not demonstrated an appreciable impact on the uses of neighboring land. The facility will be self-contained and should not impede access to surrounding lands. (The Applicant stated that the owner of the subject property

understands the potential for construction traffic and has planned to modify operations, if necessary). The facility will not utilize any water rights and will not compete for equipment or services that support surrounding agricultural uses.

OREGON ADMINISTRATIVE RULES (OAR) - USE OF AGRICULTURAL LAND

Commercial photovoltaic energy systems in EFU zones are subject to OAR 660-033-0120 and 660-033-0130.

OAR 660-033-0120 provides that a "photovoltaic solar power generation facility as a commercial utility facility for the purpose of generating power for public use by sale," is allowed on agricultural lands after required review by the governing body under ORS 215.296. The use requires notice and the opportunity for a hearing.

The Crook County Planning Commission reviewed the proposed Project as a conditional use in an EFU-zone. The County provided the requisite notice and opportunity for a hearing to the public and adjacent property owners. The hearing before the Crook County Planning Commission was held on August 28, 2019.

OAR 660-033-0130 (5) Approval requires review by the governing body or its designate under ORS 215.296. Uses may be approved only where such uses:

- (a) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
- (b) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

See the response to 18.24.040 Limitations of Specific Conditional Uses, above. The criteria in 18.24.040 are equivalent to those in OAR 660-033-0130 (5).

OAR 660-033-130(38) provides that a proposal to site a photovoltaic energy system is subject to certain definitions and provisions. Only certain subsections apply to this project. (Subsection (a) defines "arable land" and subsection (b) defines "arable soils." Neither (a) nor (b) are applicable to the proposed site).

(c) Nonarable land" means land in a tract that is predominantly not cultivated and predominantly comprised of nonarable soils.

(d)"Nonarable soils" means soils that are not suitable for cultivation. Soils with an NRCS agricultural capability class V-VIII and no history of irrigation shall be considered nonarable in all cases. The governing body or its designate may determine other soils, including soils with a past history of irrigation, to be nonarable based on substantial evidence in the record of a local land use application.

(e) Photovoltaic solar power generation facility" includes, but is not limited to, an assembly of equipment that converts sunlight into electricity and then stores, transfers, or both, that electricity. This includes photovoltaic modules, mounting and solar tracking equipment, foundations, inverters, wiring, storage devices and other components. Photovoltaic solar power generation facilities also include electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, all necessary grid integration equipment, new or expanded private roads constructed to serve the photovoltaic solar power generation facility, office, operation and maintenance buildings, staging areas and all other

necessary appurtenances. For purposes of applying the acreage standards of this section, a photovoltaic solar power generation facility includes all existing and proposed facilities on a single tract, as well as any existing and proposed facilities determined to be under common ownership on lands with fewer than 1320 feet of separation from the tract on which the new facility is proposed to be sited. Projects connected to the same parent company or individuals shall be considered to be in common ownership, regardless of the operating business structure. A photovoltaic solar power generation facility does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.

The Planning Commission considered all Project components described in the application and found that the proposed use meets the definition of a "photovoltaic solar power generation facility." The Planning Commission found that the Applicant does not own or control any existing or proposed facility within 1,320 feet of the subject tract and that the Project, in its entirety, will not permanently occupy more than 320-acres of nonarable land.

(f) For high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not use, occupy, or cover more than 12 acres unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4 or the requirements of paragraph (G) are met.

The Planning Commission found that the project site does not meet the definition of high value farmland in ORS 195.300. No exception is required.

OAR 660-033-0130(38)(h) states, for nonarable lands, a photovoltaic energy system shall not preclude more than 320 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4.

The Planning Commission found that the photovoltaic system, including the solar array and all related and supporting facilities, will not preclude more than 320 acres from use as a commercial agricultural enterprise. No exception is required. The project will not be located on high-value soils or arable soils so provisions of OAR 660-033-0130(38)(h)(A)-(C) do not apply.

(D) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weed species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval;

The requirements of OAR 660-033-0130(38)(f)(D) have been satisfied. The Applicant consulted with the Crook County Weed Master and prepared a Weed Control Plan (Exhibit H of the application).

(E) If a photovoltaic solar power generation facility is proposed to be developed on lands that contain a Goal 5 resource protected under the county's comprehensive plan, and the plan does not address conflicts between energy facility development and the resource, the applicant and the county, together with any state or federal agency responsible for protecting the resource or habitat supporting the resource, will cooperatively develop a specific resource management plan to mitigate potential development conflicts. If there is no program present to protect the listed Goal 5 resource(s) present in the local comprehensive plan or implementing ordinances

and the applicant and the appropriate resource management agency(ies) cannot successfully agree on a cooperative resource management plan, the county is responsible for determining appropriate mitigation measures; and (continue to (F))

The subject property has an area identified in the County's Comprehensive plan as pronghorn-antelope winter range. The Applicant is consulting with the Oregon Department of Fish and Wildlife regarding appropriate mitigation measures.

(F) If a proposed photovoltaic solar power generation facility is located on lands where, after site specific consultation with an Oregon Department of Fish and Wildlife biologist, it is determined that the potential exists for adverse effects to state or federal special status species (threatened, endangered, candidate, or sensitive) or habitat or to big game winter range or migration corridors, golden eagle or prairie falcon nest sites or pigeon springs, the applicant shall conduct a site-specific assessment of the subject property in consultation with all appropriate state, federal, and tribal wildlife management agencies. A professional biologist shall conduct the site-specific assessment by using methodologies accepted by the appropriate wildlife management agency and shall determine whether adverse effects to special status species or wildlife habitats are anticipated. Based on the results of the biologist's report, the site shall be designed to avoid adverse effects to state or federal special status species or to wildlife habitats as described above. If the applicant's site-specific assessment shows that adverse effects cannot be avoided, the applicant and the appropriate wildlife management agency will cooperatively develop an agreement for project-specific mitigation to offset the potential adverse effects of the facility. Where the applicant and the resource management agency cannot agree on what mitigation will be carried out, the county is responsible for determining appropriate mitigation, if any, required for the facility.

The proposed solar power generation facility is not located on land that the Oregon Department of Fish and Wildlife (ODFW) or US Fish and Wildlife (USFWS) have determined has the potential for adverse effects to state or federal special status species. The Applicant will engage a consultant to complete a detailed wildlife survey prior to the start of clearing and grading the subject property. The Applicant will conduct nesting surveys for raptors, including Great horned owls. The Applicant will also avoid migratory bird nesting season or will conduct site monitoring during site clearing. The Applicant agrees to enclose the project area with wildlife "friendly" fence to a height of 8 feet.

(i) The county governing body or its designate shall require as a condition of approval for a photovoltaic solar power generation facility, that the project owner sign and record in the deed records for the county a document binding the project owner and the project owner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices as defined in ORS30.930(2) and (4).

The Applicant agrees to sign and record an agreement not to pursue relief or actions related to farm use surrounding the Property substantially similar to current farm uses. This is included as a condition of approval.

(j) Nothing in this section shall prevent a county from requiring a bond or other security from a

developer or otherwise imposing on a developer the responsibility for retiring the photovoltaic solar power generation facility.

The Applicant addresses the County financial security and project obligations in the discussion of Crook County Code 18.161.010. (Exhibit I of the application).

CONDITIONAL USE STANDARDS CCC 18.160

18.160.050(19) Commercial Power Generating Facilities. A commercial power generating facility that is a conditional use in the applicable zone is governed by the general criteria and conditions in CCC 18.160.020 and 18.160.030 and the provisions of Chapter 18.161 CCC.

CCC 18.160.020 General criteria. In judging whether or not a conditional use proposal shall be approved or denied, the planning director or planning commission shall weigh the proposal's appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

(1) The proposal will be consistent with the comprehensive plan and the objectives of the zoning ordinance and other applicable policies and regulations of the county.

The Planning Commission found that the proposed Project is consistent with the comprehensive plan and objectives of the zoning ordinance. Specifically, Crook County's Comprehensive plan includes the following policies:

Air, Water and Land Resource Policies: Encourage non-pollutant industries to locate in Crook County.

Economic Policies: To diversify, stabilize and improve the economy of the County.

Energy – "To encourage renewable and/or efficient energy systems design, siting and construction materials in all new development and improvements in the County."

The comprehensive plan also includes the following statement regarding solar energy production: "Prineville and Crook County receive about 300 days of sunshine per year. Solar energy will be a very feasible source of energy."

The Project is allowed as a conditional use in the County's exclusive farm use (EFU) zones. In addition, the Crook County Court adopted specific standards in the zoning code (Chapter 18.161) for commercial wind and photovoltaic energy systems in June 16, 2010 to help promote development of renewable energy systems in the County and to address potential impacts associated with such developments. (See findings regarding CCC 18.161 below). The proposed location of the solar PV facility adjacent to existing transmission and interconnect facilities, such as the Ponderosa substations, support the County's goals to maximize use of existing infrastructure.

(2) Taking into account location, size, design and operation characteristics, the proposal will have minimal adverse impact on the (a) livability, (b) value and (c) appropriate development of

abutting properties and the surrounding area compared to the impact of development that is permitted outright.

The Planning Commission found that the proposed use will have a minimal adverse impact on the livability, value, or appropriate development of abutting properties and the surrounding area, given the general remoteness of this area, the limited number of residences, the setbacks and existing vegetation surrounding the project, and the low level of potential adverse impacts from the proposed use. Property to the east is zoned for industrial use. The northern side of the property is separated from adjacent properties by Highway 126. Most of the surrounding lands are marginally used rangeland and many are vacant. Property to the southeast is used as an aggregate site. The Applicant will work to minimize potential noise, dust and traffic impacts during construction.

(3) The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrant.

The Project area will be visible from Highway 126. The property is already host to three large transmission lines that cross the highway approximately one-mile south of the project site. The tallest structures closest to the highway will be the safety and security fencing (about 8 feet tall) and the PV module equipment, also about 8 feet tall – depending on the type of tracking equipment. The project is designed so the tallest structures (gen-tie line poles) and largest structure (the project substation) will be located at the southeast end of the project, farthest away from Highway 126 and located adjacent to existing powerlines and substations.

(4) The proposal will preserve assets of particular interest to the county.

The Project will further the County's interest in renewable energy development, and will not have adverse impacts on other County interests. The proposed solar facility is also compatible with the Crook County Airport located to the east. The Applicant will consult with the State Historic Preservation Office to ensure protection of any historic and cultural resources found on the site.

(5) The applicant has a bona fide intent and capability to develop and use the land as proposed and has some appropriate purpose for submitting the proposal, and is not motivated solely by such purposes as the alteration of property values for speculative purposes.

The Planning Commission found that the Applicant has a bona fide intent and capability to develop and use the land as proposed. The Applicant has extensive experience in solar development in Arizona and California and has successfully permitted projects in Crook, Harney and Lake counties in Oregon.

18.160.030 General conditions. In addition to the standards and conditions set forth in a specific zone, this chapter, and other applicable regulations, in permitting a new conditional use or the alteration of an existing conditional use, the planning director or planning commission may impose conditions which it finds necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the county as a whole. These conditions may include the following:

(1) Limiting the manner in which the use is conducted including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.

The Planning Commission found that the proposed use will not cause negative environmental impacts from noise, vibration, air pollution, glare or odor. Restoration and revegetation of temporary disturbance areas and corridors will commence once construction and installations are completed. Environmental effects that may occur during construction will be avoided or mitigated by limiting the hours of construction and controlling airborne dust with use of watering trucks in order to protect surrounding land uses and interests.

(2) Establishing a special yard or other open space or lot area or dimension.
No special setback, yard or open space is required..

(3) Limiting the height, size or location of a building or other structure.
The panels will generally be about 8 feet tall with the tallest possible panel configuration. The transmission line pole structures will range from 75 feet to 130 feet tall depending on topography.

(4) Designating the size, number, location and nature of vehicle access points.
The proposed solar facility will be accessed by an existing driveway extending south from State Highway 126. The access has been permitted by the Oregon Department of Transportation (ODOT) (Permit number 10435306 issued in 1995). The Applicant will work with the County and ODOT to obtain additional road access permits, if necessary.

(5) Increasing the amount of street dedication, roadway width or improvements within the street right-of-way.
No new street or public right-of-way dedication is required for the Project.

(6) Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or loading area.
An area adequate for construction parking, materials delivery and unloading will be provided within the solar project footprint. Once operational, parking spaces will be provided for employees engaged in facility inspection and maintenance. (Exhibit B).

(7) Limiting or otherwise designating the number, size, location, height and lighting of signs.
The Applicant agrees to post signage along Highway 126 for construction traffic. Once the project is operational, there may be a small, permanent sign at the entry point(s) to the facility. The sign will not be lighted.

(8) Limiting the location and intensity of outdoor lighting and requiring its shielding.
The Applicant anticipates limiting the amount of lighting at the Project site and agrees to shield lighting and direct lighting downward (unless these requirements conflict with safety requirements).

(9) Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance.
The Planning Commission has included a condition to require retention of 50' of existing native vegetation to create a buffer along Highway 126.

(10) Designating the size, height, location and materials for a fence.

The Applicant will fence the Project site for security and will incorporate recommendations from the County, ODFW and USFW regarding fence design that minimizes Impacts to wildlife and provides site security. The Applicant is proposing to enclose the project area with fencing to a height of 8 feet.

(11) Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.

The Applicant has chosen a site to minimize impacts to natural resources and wildlife habitat. Vegetation will be removed for the solar arrays but a buffer of existing vegetation will be left along Highway 126.

(12) Other conditions necessary to permit the development of the county in conformity with the intent and purpose of this title and the policies of the comprehensive plan.

No additional conditions were required.

18.160.050(19) Commercial Power Generating Facilities. A commercial power generating facility that is a conditional use in the applicable zone is governed by the general criteria and conditions in CCC 18.160.020 and 18.160.030 and the provisions of Chapter 18.161 CCC.

Title 18. Zoning. Crook County Code, Chapter 18.161 Commercial Power Generating Facilities, 18.161.010 (2) Commercial Photovoltaic Energy Systems

In addition to the requirements of this chapter, Commercial Photovoltaic Energy Systems in EFU zones are subject to OAR 660-033-0120 and 0130.

The Planning Commission found that the subject property and proposed energy facility meet the requirements of OAR 660-033-0 120 and 0130.

(a) Application Requirements. An application for a Commercial Photovoltaic Energy System shall include the following unless waived by the Director in writing.

A description of the proposed Photovoltaic Energy System, a tentative construction schedule, the legal description of the property on which the facility will be located, and identification of the general area for all components of the Photovoltaic Energy System, including a map showing the location of components and including:

(A) Evidence of an active utility transmission interconnect request and/or process and description

(B) A route and permitting plan for transmission lines connecting the project to the grid.

The Applicant provided a complete description of the proposed solar facility and its components in the application. (Exhibit A of the application and Exhibit B – site plan). A legal description is included in the Applicant’s Exhibit C. The Applicant has provided evidence of an active utility transmission interconnection request with Bonneville Power Administration.

(ii) identification of potential conflicts, if any, with:

(a) Accepted farming practices as defined in ORS 215.203(2)(c) on adjacent lands devoted to farm uses;

(b) Other resource operations and practices on adjacent lands including photovoltaic energy

system facilities on such adjacent lands,

The Planning Commission found that the proposed Project would not affect accepted farming practices on adjacent lands. These findings are discussed under CCC 18.24.040 and provisions of OAR 660-033 above. There are no photovoltaic energy facilities within one-mile of the subject property. There is an active aggregate mining and processing site directly to the east. The construction and operation of the solar facility will not conflict with mining operations. The Applicant is aware of potential dust and truck traffic associated with on-going mining and processing.

(iii) A Transportation Impact Analysis (TIA) or Traffic Assessment Letter (TAL) with proposed recommendations, if any, reflecting the requirements in Section 7.1.7 of the Crook County Transportation System Plan (TSP) and the transportation impacts of the Photovoltaic Energy System upon the local and regional road system during and after - construction, after consultation with the Crook County Road master. The TIA OR TAL will designate the size, number, location and nature of vehicle access points and shall include a construction and vehicle access plan and appropriate road access permits if needed.

The Applicant has submitted an informal traffic assessment letter (Exhibit L). The letter describes the proposed site access roads and the estimates of traffic during construction and normal operation. The operation will not generate enough traffic to require a Transportation Impact Analysis. The access will be from an approved ODOT access from Highway 126.

(iv) A wildlife impact and monitoring plan shall be required for photovoltaic energy systems impacting inventoried wildlife resources identified within the County Comprehensive Plan. The wildlife impact and monitoring plan shall be designed and administered by the applicant's wildlife professionals. Contents and duration of the study shall be recommended by a technical advisory committee. At the request of applicant, this committee requirement may be waived or discontinued by the County Planning Commission. If applicant has completed a wildlife impact study, it can be submitted for review to the Planning Commission. Projects that do not impact inventoried wildlife resources identified within the County Comprehensive Plan shall provide sufficient information to address the application requirement and criteria relating to wildlife in 18.161.010(2)(b)(8) and 18.161.010(2)(c)(4).

The southern portion of the site is identified as being within pronghorn antelope winter range. The Applicant has confirmed that the site is outside County-adopted big game winter range habitat for elk and deer and is not in an area identified as Sage Grouse habitat. The Applicant has voluntarily consulted with Oregon Department of Fish and Wildlife (ODFW). The Applicant is working with ODFW to incorporate mitigation measures similar to other solar facilities in the area. A mitigation plan will be prepared for ODFW and County review and approval prior to site clearing and preparation.

(v) An Emergency Management plan for all phases of the life of the facility. The plan shall address the major concerns associated with the terrain, dry conditions, limited access, and water quality. The plan shall identify the fire district and verify that the district has the appropriate equipment, training and personnel to respond to fires. If the local fire department or district does not have adequate rescue capability, the applicant shall provide a plan for providing such in case of an emergency.

The Project is within the jurisdiction of the Crook County Fire & Rescue Department (CCF&R). The draft Emergency Management Plan is included to the application (Exhibit J). The plan discusses the procedures that may be implemented in the event of an emergency during the construction and long-term operation of the facility. It includes a fire prevention plan as well as other emergency response measures and addresses concerns the CCF&R may have including design for fire prevention, access, internal roads, and potential hazards specific to solar facility projects and high voltage equipment concerns. As part of ongoing development, the Applicant will work with the Fire District to review and further adapt the plan as necessary and will update the plan as site specific information is available. CCF&R will assess an impact fee consistent with their Board Policies for projects of this nature. The impact fee is will be due prior to clearing and grading. The Applicant's plan will be reviewed under the Oregon Fire Code and shall include a full site plan and information on MW capacity.

(vi) An erosion control plan, developed in consultation with the Crook County Soil and Water Conservation District, the Crook County Watershed Council, the Oregon Agricultural Water Quality Management Program (administered by the Oregon Department of Agriculture and Department of Environmental Quality). At a minimum, the plan should include the seeding of all road cuts or related bare road areas as a result of all construction, demolition and rehabilitation with an appropriate mix of native vegetation or vegetation suited to the area. The plan should also address monitoring during post construction.

The Applicant addressed erosion control and mitigation during construction in Exhibit G of the application. The plan discusses erosion control and other mitigation measures to be undertaken by any qualified EPC contractor chosen for project design and construction. The Applicant agrees to have appropriate agencies from the County review aspects of the plan or the facility engineering design as part of the ongoing site development. The Applicant states that erosion control shall be addressed during facility development, including civil engineering for the Project's final site plan. Erosion control mitigation during construction will also be addressed. The Applicant will consult with the Oregon Department of Environmental Quality to determine if a stormwater management permit is required for the site.

(vii) A weed control plan addressing prevention and control of all Crook County identified noxious weeds.

The Applicant has developed a Noxious Weed Control Plan for the Project (Exhibit H of the application). The Plan will be submitted for review by the County Weedmaster prior to ground clearing.

(viii) Information pertaining to the impacts of the Photovoltaic Energy System on:

(A) Wetlands and Streams;

(B) Wildlife (all wildlife listed as identified Goal 5 resources in the Comprehensive Plan, state and federal listed endangered, threatened sensitive and special status species, bats and raptors and species of local sport and economic importance) .

(C) Wildlife Habitat;

These criteria relate to resources identified as significant natural resources on the County's Goal 5 inventory, required by the State's land use planning laws.

The proposed solar power generation facility is not located on land that is inventoried as wetland. There is an area identified as pronghorn-antelope winter range. Prior to clearing and grading, the

Applicant will conduct site-surveys that may include a Phase I ESA, wetlands delineation, wildlife and cultural resources surveys. Based on findings of these reports, the facility layout may be modified to avoid impacts to any natural or cultural resources.

(D) Criminal Activity (vandalism, theft, trespass, etc.).

Access to the facilities will be restricted by perimeter fencing and the facility entrance(s) will be gated and locked with public safety and security in mind. The fence will be an eight-foot tall, chain link fence. During construction and prior to perimeter fencing being installed, construction lay-down yards will be secured with temporary fencing to minimize potential for criminal activity. It is possible that 24/7 security will be employed during construction and prior to fencing installation. Public safety is addressed as part of the Emergency Management plan.

(ix) A dismantling and decommissioning plan of all components of the Photovoltaic Energy System, as provided in 18.161.010(2)(e).

The Applicant will provide a final decommissioning plan that will be subject to review and approval by the Crook County Counsel, prior to ground breaking. The Applicant will provide a decommissioning surety (a bond, letter or credit, cash deposit, or other financial mechanism acceptable to the County).

(x) A socioeconomic impact assessment of the Photovoltaic Energy System, evaluating such factors as, but not limited to, the project's effects upon the social, economic, public service, cultural, visual, and recreational aspects of affected communities and/or individuals. These effects can be viewed as either positive or negative. The purpose of this information is to provide decision makers with information in order to maximize potential benefits and to mitigate outcomes that are viewed as problematic. The applicant may submit information provided by the Economic Development of Central Oregon or similar entity to meet this requirement.

The Planning Commission found that the subject property would have a positive socio-economic impact on the community. The Applicant listed the following impacts:

Project Development: Frequent trips to Crook County by the developers and project consultants will generate visits to local hotels, eateries, retail and other businesses as well as occasional support from local service providers.

During Construction: Construction will likely take place over a 4-8 month period, with peak activity during a 2-4 month period. Dozens of workers will be required though general and subcontractors using various skilled and unskilled labor including manual labor, equipment operators, electricians and apprentices, management and supervisors. It is expected that labor will be a mix of local and non-local workers depending on the types, and availability of contractors. Local food and lodging support will be needed and will result in positive economic impacts to local businesses.

During Operation: Routine maintenance will occur from time-to-time for the facility. These types of facilities are generally low maintenance but will require routine visits and minor repairs and property maintenance. There may be limited personnel needed to perform these functions. In addition, local property tax revenues will increase when the facility is operational.

The facility is not likely to require any public services or capital support with the exception of services provided by Crook County Fire & Rescue (CCF&R). The Applicant understands that there may be an

Emergency Response assessment to help defray potential CCF&R costs.

At the public hearing, the Applicant described their participation in community events in other Oregon Counties and their contributions to local projects.

CCC 18.161.010 (2)(c) Commercial Photovoltaic Energy Systems Criteria. The following requirements and restrictions apply to the siting of a photovoltaic energy system facility:

(i) **Setbacks.** No portion of the facility shall be within one hundred feet of properties zoned residential use or designated on a Comprehensive Plan as residential. If the facility is located in a residential zone then this restriction does not apply to the lot or parcel that the facility is located on, or any adjacent property in common ownership. Structures shall not be constructed closer than one hundred feet of an existing residence unless a written waiver is obtained from the landowner, which shall become a part of the deed to that property. New electrical transmission lines shall not be constructed closer than 500 feet to an existing residence without prior written approval of the owner, said written approval to be made a part of the deed to that property.

No facilities will be located within 100 feet of any property zoned for residential use. Property surrounding the facility is zoned for Exclusive Farm Use and for Light Industrial use.

(ii) A plan shall identify how the development and operation of the facility will, to the extent practicable, protect and preserve existing trees, vegetation, water resources, wildlife habitat and other significant natural resources.

The Applicant commits to providing a 25 to 100 foot buffer around any identified waterway, wetland, or natural resources on the subject property. The Planning Commission included a condition to require the Applicant to leave a 50' buffer of existing vegetation along Highway 126. The Applicant will work with ODFW and USFW to protect and preserve trees and native vegetation as well as wildlife habitat and other natural resources.

(iii) **Ground Leveling:** The proposed photovoltaic energy system shall be designed and constructed so that ground leveling is limited to those areas needed for effective solar energy collection and so that the natural ground contour is preserved to the greatest extent practical.

According to the Applicant, any earthwork or grading will be minimized to just what is necessary for the PV racking to function as designed, and to provide access roads into the array areas. The site is relatively level so minimal ground leveling will be needed.

(iv) **Wildlife Resources:** The proposed photovoltaic energy system shall be designed to reduce the likelihood of significant adverse effects on wildlife and wildlife habitat. Measures to reduce significant impact may include, but are not limited to, the following:

- (a) Designing foundations and support structures for solar equipment to avoid creation of artificial habitat or shelter for raptor prey.
- (b) Controlling weeds to avoid the creation of artificial habitat suitable for raptor prey
- (c) Using anti-perching protection devices on transmission lines support structures and appropriate spacing of conductors.
- (d) Avoiding construction activities near raptor nesting locations during sensitive breeding periods and using appropriate no construction buffers around known nest sites.
- (e) Using suitable methods such as coloration or sound producing devices to discourage birds from

entering areas of concentrated solar energy.

(f) Fencing as appropriate to limit access by people or wildlife.

The southern portion of the site is mapped antelope winter range (See Exhibit E). Construction and post construction shall follow local ODF&W guidelines for wildlife preservation. Existing raptor nest sites shall be avoided during nesting season. Applicant agrees to work to ensure that facilities do not enhance raptor prey habitat post-construction and will follow guidance from the County Weedmaster approved noxious weed plan for appropriate seed mixes. The solar PV technology proposed is not a concentrating solar technology. Fencing will be placed to limit access by people and wildlife.

(v) A finding by the Energy Facility Siting Council that a proposed energy facility meets the Council's Fish and Wildlife Habitat standard, OAR 345-022-0060, satisfies the requirements of paragraph (4).

Not applicable. The Applicant will meet the requirements of the standards in (4).

(vi) Misdirection of Solar Radiation: The proposed solar energy facility shall be designed and be operated to prevent the misdirection of solar radiation onto nearby property, public roads or other areas accessible to the public.

The Applicant states that the proposed facility shall be designed, constructed and operated to prevent the misdirection of solar radiation to nearby properties, roads or other areas accessible to the public. Fixed tilt and single axis tracking systems with reflection absorbent PV modules neither concentrate nor misdirect solar radiation when properly installed.

(vii) Public Safety: The proposed photovoltaic energy system shall be designed and will be operated to protect public safety, including development and implementation of a plan of operating procedures to prevent public access to hazardous areas.

Gates and fencing will be installed to prevent the public from accessing the site during construction and for the life of the solar facility. All possible hazards (e.g., high voltage components) within the facility shall be appropriately signed according to NEC safety standards and other appropriate high voltage guidelines. The Emergency Management Plan discusses public safety issues in detail.

(viii) Airport Proximity: The proposed photovoltaic energy system is not located adjacent to, or within, the control zone of any airport.

The subject property is not near or located within the portion of the Redmond Airport Control Zone located in Crook County. The Prineville Airport located immediately east of the project does not have a Control Zone. The northeastern portion of the project site is located within the approach zone for runway 15/33 of the Prineville Airport. Consultation with the Airport Manager determined that the solar 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 Planning Commission included a condition of approval requiring the Applicant to apply for a Federal Aviation Administration "Determination of No Hazard" to demonstrate that it will not adversely impact airport operations.

(ix) Cleaning Chemicals and Solvents :During operation of the proposed solar energy project, all chemicals or solvents used to clean photovoltaic panels or heliostats should be low in volatile organic compounds and the operator should use recyclable or biodegradable products to the extent possible.

The Applicant stated that during operation of the proposed facility, all chemicals or solvents used to clean solar panels shall be low in volatile organic compounds and to the extent reasonably practicable, the applicant shall use recyclable or biodegradable products. Water alone generally suffices and is preferred. During construction and operation, site personnel, and their sub-contractors will be required to conform to sit safety plans which include plans for spill containment of commonly used chemicals.

(x) Private access roads established and controlled by the Photovoltaic Energy System shall be gated to protect the facility and property owners from illegal or unwarranted trespass, illegal dumping, and hunting.

According to the Applicant, the property will be fenced and gated during construction and operation to protect the facility from illegal activities.

(xi) Where practicable the electrical cable collector system shall be installed underground, at a minimum depth of 3 feet; elsewhere the cable collector system shall be installed to prevent adverse impacts on agriculture operations.

The Applicant states that all electrical cables within the solar array area that will be underground and will be at a depth of three feet minimum, where feasible. Several stations shall be located above ground and will be used for AC breakers, transformers and other required energy collection. Above ground stations will be appropriately signed and secured.

(xii) In EFU zones any required permanent maintenance/operations buildings shall be located off-site in one of Crook County's appropriately zoned areas.

There may be a project office/maintenance office on site. If the structures are permanent, they will be consistent with the character of other farm buildings on the site and will be removed or converted to farm use upon project decommissioning.

(xiii) If the photovoltaic energy system is located in or adjacent to an EFU zone, a Covenant Not to Sue with regard to generally accepted farming practices shall be recorded with the County. "Generally accepted farming practices" shall be consistent with the definition of Farming Practices under ORS 30.930. The applicant shall covenant not to sue owners, operators, contractors, employees, or invitees of property zoned for farm use for generally accepted farming practices.

The Applicant agrees to sign and record a covenant not to sue. The Applicant and County Counsel will review and approve the document prior to the Applicant signing and reviewing the document.

(xiv) A Road Use Agreement with Crook County regarding the impacts and mitigation on county

roads during and after construction shall be required as a condition of approval.

The Applicant will work with the Crook County Road Master regarding possible road impacts during and post construction and shall develop a road use agreement, if necessary. The Applicant plans to access the project from Highway 126 under an approved access permit from Oregon Department of Transportation (ODOT) and there should be minimal, if any impacts to County roads.

(xv) A plan for dismantling of uncompleted construction and/or decommissioning of the Photovoltaic Energy System shall be required. Contents of the Plan are as set forth in 18.161.010(2)(e).

The Applicant states that a decommissioning plan per CCC and OAR standards will be submitted for County Counsel review prior to clearing and grading the Project site. The Applicant states that the ground lease that will be entered into prior to construction of the Project includes requirements for the removal of the system at the end of the lease term and its useful life, and restoration and reseeded of the site.

(xvi) A Bond or other financial mechanism acceptable to the County shall be established to cover the cost of dismantling of uncompleted construction and/or decommissioning of the facility, and site rehabilitation; see 18.161.010(2)(e). A Bond or other financial mechanism may be phased throughout the proposed project. If phasing is proposed the applicant shall submit a phasing schedule. For projects being sited by the State of Oregon's Energy Facility Siting Council (EFSC), the bond or letter of credit required by EFSC will be deemed to meet this requirement. For non-EFSC projects the EFSC requirements on bonds shall serve as a guideline for the amount of the bond or other financial mechanism.

The Applicant will provide financial security and credit in a form acceptable to the County to cover the cost of dismantling any uncompleted construction and/or decommissioning the facility. The financial security shall be reviewed and accepted by Crook County prior to facility ground breaking.

(xvii) A summary of as built changes in the facility from the original plan, if any, shall be provided by the owner/operator.

The Applicant will provide additional site facility plans showing as-designed and as-built changes to Crook County.

(xviii) Upon request of the County after the end of each calendar year the facility owner/operator shall provide Crook County an annual report.

The Applicant agrees to provide an annual report to the County, upon reasonable request. The Applicant may in the future request that certain informational requirements and/or scheduling of reporting be altered (or discontinued) once the facility is fully operational.

(d) Amendments. The requirements are facility specific, but can be amended as long as the facility does not exceed to boundaries of the Crook County land use permit where the original facility was constructed. An amendment shall be required if the facility changes would:

- (i) require an expansion of the established facility boundaries;
- (ii) increase the foot print of the photovoltaic energy system by more than 20 percent;
- (iii) increase generator output by more than 25 percent relative to the generation capacity authorized by the initial permit due to repowering or upgrading of power generation capacity;
- (iv) any changes to roads or access points to be established at or inside the project boundaries.

Notification by the facility owner/operator to the Crook County planning department of changes not requiring an amendment is encouraged but not required.

The Applicant may seek an amendment to the approved conditional use permit if a facility change would be to expand the facility, increase the footprint and/or output, or change access pursuant to these requirements.

(e) Decommissioning. Plan elements shall include:

(1) A plan for dismantling and/or decommissioning that provides for completion of dismantling or decommissioning of the facility without significant delay and protects public health, safety and the environment in compliance with the restoration requirements this section.

(2) A description of actions the facility owner proposes to take to restore the site to a useful, non-hazardous condition, including options for post-dismantle or decommission land use, information on how impacts on wildlife populations and the environment would be minimized during the dismantling or decommissioning process, and measures to protect the public against risk or danger resulting from post-decommissioning site conditions in compliance with the requirements of this section.

(3) A current detailed cost estimate, a comparison of that estimate with present funds of the bond or other financial mechanism for dismantling or decommissioning, and a plan for assuring the availability of adequate funds for completion of dismantling or decommissioning. The cost estimate will be reviewed and be updated by the facility owner/operator on a 5 year basis, unless material changes have been made in the overall facility that would materially increase these costs. If so, the report must be revised within 120 days of completion of such changes.

(4) Restoration of the site shall consist of the following:

(A) Dismantling and removal of all photovoltaic energy system structures. Concrete pads shall be removed to a depth of at least four feet below the surface grade.

(B) The underground collection and communication cables need not be removed if at a depth of three feet or greater. Cables at a depth of three feet or greater can be abandoned in place if they are deemed not a hazard or interfering with agricultural use or other consistent resource uses of the land.

(C) Access roads in EFU zones shall be removed by removing gravel and restoring the surface grade and soil.

(D) In EFU zones after removal of the structures and roads, the area shall be graded as close as is reasonably possible to a condition compatible with farm uses or consistent with other resource uses. Re-vegetation shall include planting by applicant of native plant seed mixes, planting by applicant of plant species suited to the area, or planting by landowner of agricultural crops, as appropriate, and shall be consistent with the weed control plan approved by Crook County.

(E) Roads, fences, gates, and improvements may be left in place if a letter from the land owner is submitted to Crook County indicating said land owner will be responsible for, and will maintain said roads and/or facilities for farm or other purposes as permitted under applicable zoning.

(F) The applicant shall submit to Crook County a bond or other financial mechanism to the County in form and amount and naming Crook County and the landowner as beneficiary or payee. Specific requirements are found in subsections (A) - (G).

The Applicant has submitted a decommissioning plan to address the County's requirements. The plan describes the decommissioning process, and addresses the anticipated schedule and cost of

dismantling project components and restoring the site. The decommissioning plan and financial security are subject to review by Crook County Counsel. The plan and security must be approved prior to Project ground breaking. The Applicant will receive all necessary permits including building permits, prior to commencing any decommissioning work.

PUBLIC HEARING

The Planning Commission held a public hearing regarding the project on August 28, 2019. Jake Stephens, NewSun, spoke on behalf of the project. He described his company's intent to select sites that would have minimal impact on adjacent properties and natural resources. He described his company's community involvement. He responded to Planning Commission questions regarding the types of panels to be used and regarding retention of a vegetative buffer along Highway 126.

CONCLUSION

The Applicant provided a burden of proof statement and supporting evidence to demonstrate that the proposed use of the subject property meets applicable criteria. The application exhibits include maps of the site location, facility components and layout, soils maps, emergency management, weed control and decommissioning plans and a traffic assessment letter. The information provided by the Applicant, information in the staff report and findings, demonstrate that the Project can meet the applicable criteria of the Crook County Comprehensive Plan, the Crook County Code, Oregon Revised Statutes and the Oregon Administrative Code.

DATED THIS 11 DAY OF SEPTEMBER, 2019.



Gary Bedortha, Planning Commission Vice Chair



Ann Beier, Planning Director

NOTICE TO PERSONS PROVIDING TESTIMONY

The above approval may be appealed in writing to the Crook County court no later than 4:00 p.m. on September 23rd, 2019 (twelve working days from the effective date of this approval) on payment of an appeal fee of \$2000.00 plus 20% of the initial application fee. The appellant must also provide written transcripts of the relevant meeting tapes at the appellant's expense.

Appeals must be submitted to the Crook County planning Department, 300 NE Third Street, Prineville, Oregon, and must be received together with the appeal fee by the Planning Department no later than the above time and date.

Attachment A – Site Location

Cc: Oregon Department of Energy
Oregon Department of Fish and Wildlife

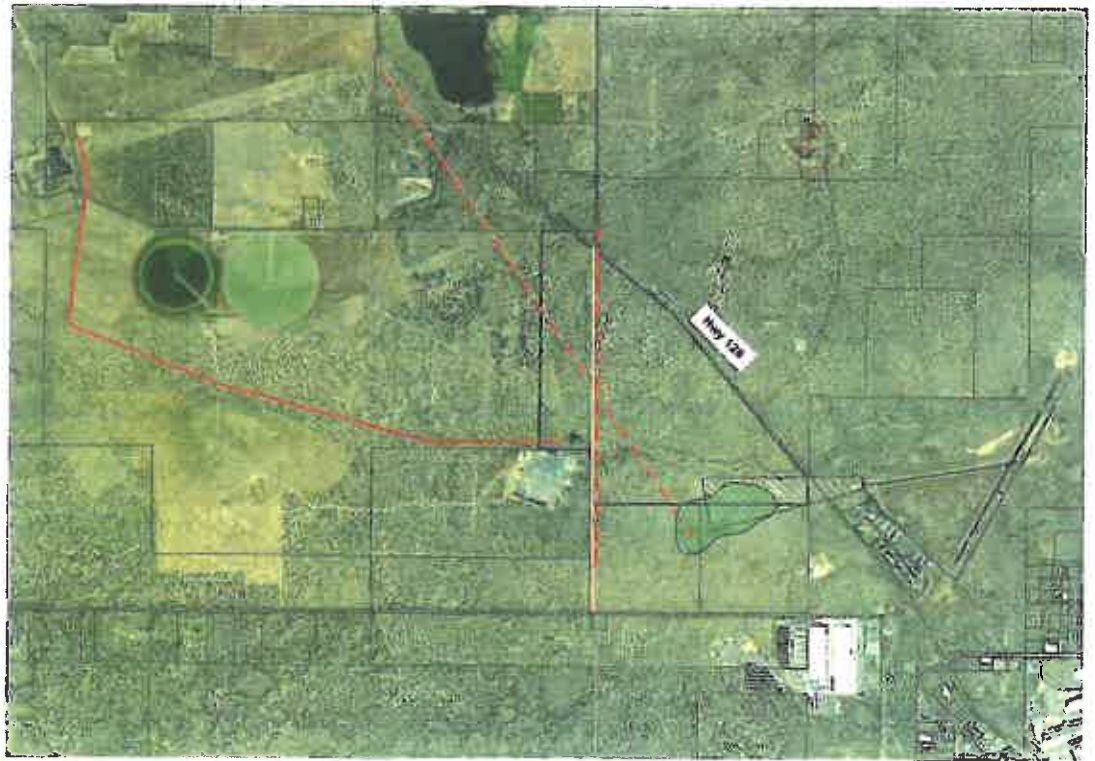
Oregon Department of Transportation
Oregon State Historic Preservation Office
Crook County Fire and Rescue
County Departments

Notice of the August 28, 2019 public hearing was sent to property owners within 750' of the subject properties and Published in the Central Oregonian



Site Plan: Present Overview TL 1223

- Legend**
- Tax Lot Boundaries
 - Existing Access/Driveways
 - - - Associated Transmission Line(s) (example routing)
 - Proposed Gen-Tie Routing Area (Alt. Routes Possible)
 - Existing residential power line
 - Existing Buildings
 - Prineville Airport Approach Zone
 - Mapped FEMA Floodplain



Existing BPA Ponderosa Substation

GENERAL NOTES

1. DISTANCES, LOCATIONS, AND ROUTING OF ASSOCIATED TRANSMISSION LINES AND ACCESS ARE APPROXIMATE AND SUBJECT TO APPLICANT'S FINAL DESIGN.
2. SOLAR PV FACILITIES SUBJECT TO APPLICABLE ACREAGE RESTRICTIONS.
3. PV FACILITIES FOOTPRINT WILL NOT EXCEED 320 ACRES TOTAL.
4. SETBACK REQUIREMENTS SHALL CONFORM TO CROOK COUNTY STANDARDS FOR PARCELS ZONED EFU-3 INCLUDING TAX LOT BOUNDARIES.
5. CALCULATION FOR ACREAGE OF AGGREGATE GEN-TIE TO BE BASED ON GROUND FOOTPRINT OF POLE AND OTHER GROUND MOUNTED STRUCTURES.
6. ASSOCIATED TRANSMISSION LINES/GEN-TIE(S) ROUTING SUBJECT TO FINAL DESIGN FOR FACILITIES, WITH ROUTING OPTIONS TO INCLUDE BOTH AS SHOWN, AND OTHER ROUTES, INCLUDING AND ALONG OTHER TRANSMISSION AND ROAD FACILITIES IN THE PROJECT SITING AREA AND VICINITY.
7. NOT ALL POWER LINES AND RELATED FACILITIES IN AREA SHOWN.



NOTES: Revision History	TITLE: SITE PLAN OVERALL
Prepared for: TSK North Solar Farm LLC	Drawn by: Alex Spickard
	Checked by: [blank]
	Scale: [blank]
	PL 003

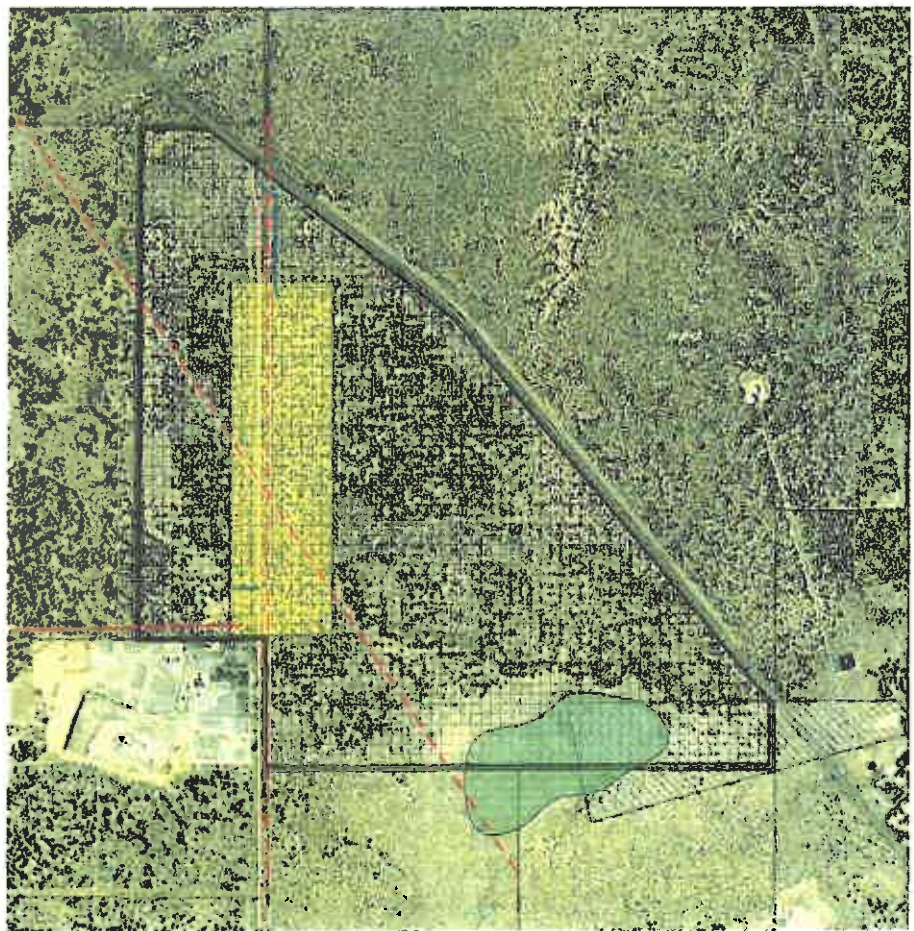


Site Plan: PV Facility Siting Area

Legend

- Modified Access Roads
- Existing Access Road
- PV Facility Siting Area
- Temporary Laydown Yard(s)
- Temporary Construction Trailer Options
- Existing Transmission lines and associated easements
- Associated Transmission Line(s) (example routing)
- Substation Facilities Siting Area*
- Pineville Airport Approach Zone
- Mapped FEMA Floodplain

* generally to be adjacent to solar facilities and/or transmission system in vicinity of site.



GENERAL NOTES

1. DISTANCES, LOCATIONS, AND ROUTING OF ASSOCIATED TRANSMISSION LINES AND ACCESS ARE APPROXIMATE AND SUBJECT TO APPLICANT'S FINAL DESIGN.
2. SOLAR PV FACILITIES SUBJECT TO APPLICABLE ACREAGE RESTRICTIONS.
3. CONSTRUCTION LAYDOWN AREAS TO BE FINALIZED BASED ON FINAL DESIGN.
4. SETBACK REQUIREMENTS SHALL CONFORM TO CROOK COUNTY STANDARDS FOR PARCELS ZONED BFU-3.
5. PV FACILITIES FOOTPRINT WILL NOT EXCEED 320 ACRES TOTAL.

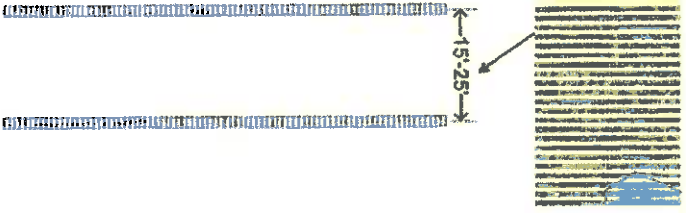
Notes: Revision History		TITLE SITE PLAN OVERALL	
Prepared for: TSN North Solar Farm LLC		DRAWN BY: Sara Bickman	DATE: 12/21/21



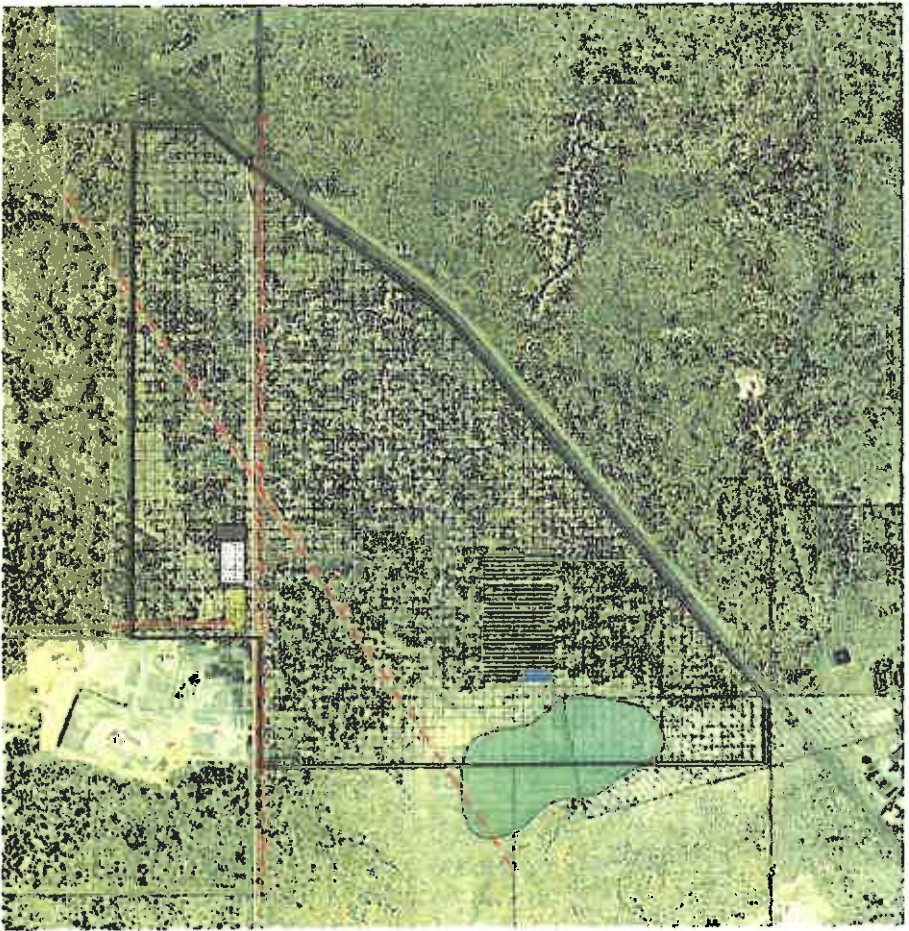
Site Plan: Example Solar PV Facility

(for illustrative purposes only)

ZOOMED IN VIEW OF MODULE/ TRACKER ROWS



Row distance may vary and be increased or decreased in final design.



GENERAL NOTES

1. DISTANCES, LOCATIONS, AND ROUTING OF ASSOCIATED TRANSMISSION LINES AND ACCESS ARE APPROXIMATE AND SUBJECT TO APPLICANT'S FINAL DESIGN.
2. SOLAR PV FACILITIES SUBJECT TO APPLICABLE ACREAGE RESTRICTIONS. TOTAL PV FACILITIES SITING AREA CONSIDERED IS LESS THAN 320 ACRES, TOTAL.
3. INTERCONNECTION MAY BE TO ONE OR MORE VARIOUS TRANSMISSION AND DISTRIBUTION FACILITIES IN VICINITY.
4. SETBACK REQUIREMENTS SHALL CONFORM TO CROOK COUNTY STANDARDS FOR PARCELS ZONED EFU-3.
5. PV STRUCTURES LAYOUTS ARE SHOWN IN APPROXIMATE LOCATIONS ONLY. TRACKER ROWS RUN NORTH SOUTH, FIXED RACKS RUN EAST-WEST. ACTUAL LOCATION SUBJECT TO FINAL DESIGN.
6. DRAWING NOT TO SCALE.

Legend

- Modified Access Roads
- Existing Access Road
- PV Facility Stiring Area
- Temporary Laydown Yard(s)
- Temporary Construction Trailer Options
- Existing Transmission Lines
- Associated Transmission Line(s) (example routing)
- Substation Facilities Siting Area
- Prineville Airport Approach Zone
- Mapped FEMA Floodplain

Notes:
Revision History

Prepared for: TSK North Solar Farm LLC	TITLE: SITE PLAN: PV LAYOUT
	DRAWN BY: [REDACTED]
	REV: [REDACTED]
	DATE: [REDACTED]
	PAGE: [REDACTED]