

**Hannah Elliott**Submitted by  
Applicant to  
CCCD 5/29/2025

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**From:** John Eisler  
**Sent:** Thursday, May 29, 2025 11:19 AM  
**To:** Hannah Elliott  
**Subject:** FW: Applicant's Supplement - TSR North Solar Farm - 217-20-000887-PLNG  
**Attachments:** TSR North \_ Application Supplement OAR 660-004-0022 250529 SUBMITTED.pdf

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**From:** Max Yoklic <myoklic@newsunenergy.net>  
**Sent:** Thursday, May 29, 2025 11:12 AM  
**To:** John Eisler <John.Eisler@crookcountyor.gov>  
**Cc:** James Burton <jburton@newsunenergy.net>; Leslie Schauer <leslie@newsunenergy.net>; Keenan Ordon-Bakalian <keenan.ordon-bakalian@jordanramis.com>  
**Subject:** Applicant's Supplement - TSR North Solar Farm - 217-20-000887-PLNG

Dear Mr. Eisler,

On behalf of the TSR North Solar Farm LLC (Applicant) regarding the application for a Comprehensive Plan Amendment and Goal 3 exception, File No. 217-20-000887-PLNG, please find a Supplemental Applicant Submittal attached to this email.

This supplement responds to the Staff Memo dated May 22, 2025 and testimony submitted by Central Oregon LandWatch (Exhibit 14).

Applicant requests and recommends that the Crook County Board of County Commissioners adopt Applicant's Proposed Supplemental Findings of Fact and Conclusions of Law, which demonstrate that Applicant has complied with the approval criteria and that there is substantial evidence in the record providing reasons that justify an exception from Statewide Land Use Planning Goal 3.

Please include this email and supplement in the record.

Regards,

**Max Yoklic**

**NewSun Energy** | Vice President, In-House Counsel

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**APPLICATION SUPPLEMENT****217-20-000887-PLNG****Applicant's Supplemental Proposed Findings of Fact and Conclusions of Law****OAR 660-004-0020(1)**

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

**Proposed Findings:** As demonstrated in the Application materials, the Planning Commission's decision approving the modification to the conditional use permit and recommending approval of a goal exception, and Staff Memo, there is substantial evidence in the record providing reasons consistent with OAR 660-004-0022 to justify the siting of the facility on exclusive farm use zoned land.<sup>1</sup>

**OAR 660-004-0022(1)**

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

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

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<sup>1</sup> Crook County Planning Commission, *Conditional Use Modification Request – TSR North Solar Facility, Final Decision*, 217-20-000581-PLNG (Apr. 2, 2021) ("Planning Commission Decision"); Crook County Community Development Department, Planning Division, *Memo to Crook County Board of Commissioners, Ordinance 351 - TSR North Solar Farm LLC*, 217-20-000887-PLNG Goal 3. Application materials include materials submitted to the Planning Commission in 217-20-000581-PLNG and are incorporated herein by reference. *Exception* (May 22, 2025) ("Staff Memo").

*within that market area at which the resource depended upon can reasonably be obtained; or*

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

**Proposed Findings:** The proposed use is eligible for a reasons exception under at least three independently sufficient pathways under OAR 660-004-0022 because reasons justify why the state policy embodied in Statewide Land Use Planning Goal 3 (“Goal 3”) should not apply.<sup>2</sup> Reasons justify an exception to Goal 3 based on the criteria in OAR 660-004-0020(2) (as demonstrated in the Staff Memo), OAR 660-004-0022(1), and OAR 660-004-0022(3). The Application materials show that there is a demonstrated need for the proposed use or activity, including based on one or more of the requirements of Goals 3 to 19.<sup>3</sup>

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

- Air, Water and Land Resource: Goal 1, Policy 1 & 4
- Economic: Objective 8, Policy 1, 3 & 7
- Energy: Principle 1, Policy 1 & 7
- Agriculture: Finding 7 & 10, Objective 2, 3 & 8, Policy 1
- Industrial: Policy 2, 3, 11 & 13
- Public Facilities and Services: Policy 6

The Crook County Comprehensive Plan addresses local conditions and priorities consistent with the applicable requirements of the Statewide Land Use Planning Goals. ORS 197.250. The County has adopted the above comprehensive plan policies in order to implement the relevant Statewide Land Use Planning Goals, and the County’s Comprehensive Plan has been acknowledged by LCDC as consistent with the Statewide Land Use Planning Goals.<sup>4</sup> Under OAR 660-004-0022(1), reasons justify an exception to Goal 3 because the proposed use is consistent with the above comprehensive plan policies, which implement Statewide Land Use Planning Goals 3 to 19.

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<sup>2</sup> See *Schaefer v. Marion County*, 523 P.3d 1142 (2022).

<sup>3</sup> See Statewide Land Use Planning Goals 5 (designation of power generation facility sites), 6 (maintenance and improvement of air, land, and water), 9 (comparative advantages of commercial uses), 11 (designation of power generation facility sites and transmission lines to support urban and rural development), 12 (utilization of existing facilities and rights-of-way for electricity); and 13.

<sup>4</sup> *Doob v. Josephine County*, 31 Or LUBA 275, 282 (1996).

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

## **Crook County Comprehensive Plan**

### **Air, Water and Land Resource Goals and Policies**

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

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

**Proposed Findings:** Photovoltaic solar power generation facilities produce renewable electricity with zero greenhouse gas emissions and are therefore a non-pollutant industry. The facility will contribute to reducing carbon emission in electricity generation and consumption, in furtherance of numerous state goals and policies related clean energy.<sup>5</sup> Compared to another, non-renewable power generating sources in Crook County, the proposed facility will improve the quality of the air in the county by generating electricity without producing emissions. Similarly, the proposed facility will impose minimal strains on water availability because solar facilities use little to no water once constructed; the Application states that panels may be washed once or twice annually as necessary. Further, the property is densely populated with juniper trees. Juniper trees are extremely water intensive.<sup>6</sup> Juniper trees will be removed from the property to allow construction of

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<sup>5</sup> See HB 2021 (2021) (clean energy targets), SB 838 (2007), SB 1547 (2016) (renewable portfolio standard).

<sup>6</sup> See Bend Bulletin, *Explainer: Why Central Oregon Juniper Trees are being Axed* (Dec. 28, 2024), <https://bendbulletin.com/2024/12/28/explainer-why-central-oregon-juniper-trees-are-being-axed/> (“According to an Oregon State University study, a mature juniper tree uses 4,718 gallons of water annually.”); OSU, *Juniper Hydrology - The Camp Creek Paired Watershed Study (CCPWS) in Central Oregon* (last visited

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

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

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

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

The Application and Planning Commission Decision also ensure compliance with the Oregon Department of Fish and Wildlife (“ODFW”) habitat avoidance, minimization, and mitigation standards under the ODFW Habitat Mitigation Policy (217-20-00321-PLNG). Applicant has indicated that it intends to elect mitigation Option 2, which is a fee-in-lieu payment to Crook County Soil and Water Conservation District (CCSWCD) to implement a juniper treatment project on Shotgun Ranch to provide no net loss of habitat quantity or

quality for big game winter range. Applicant's affiliates have already made payments to CCSWCD for mitigation projects in the same vicinity.

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

### Economic Objectives & Policies

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

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

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

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

**Proposed Findings:** The proposed facility would diversify, stabilize and improve the economy of Crook County. As stated in the Application materials, the proposed facility will contribute a significant increase in tax revenue, which is likely to exceed \$12 million in property tax payments over the lifetime of the facility. Property tax in 2024 was \$34.16.<sup>7</sup> These taxes will contribute a significant funding source for public services including education, fire response, and county governance, supporting Economic Policy 1.

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

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<sup>7</sup> Crook County Property Assessment and Taxation,  
<https://apps.lanecounty.org/PropertyAssessmentTaxationSearch/crook/Real/TaxInformation/16211>.

likely to materially benefit from the proposed development, especially during construction, and long-term operations and maintenance jobs may be created. Therefore, the proposed use aligns with Economic Policy 3 and 8.

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

#### Energy Principles and Policies

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

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

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

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

#### Agriculture Findings and Policy

*Policy 1. It shall be the policy of Crook County, Oregon, to preserve agricultural lands, to protect agriculture as an economic enterprise, to balance economic and*

*environmental considerations, to limit non-agricultural development, to maintain a “low” population density, and to maintain a high level of livability in the county.*

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

**Proposed Findings:** The agriculture policies in the Crook County Comprehensive Plan are implemented through Crook County Code sections 18.16, 18.160, and 18.161. Responses demonstrating compliance with those code sections are provided in the Planning Commission Decision and in the Application materials. Although the facility would be sited on land that has provided minimal grazing in the past, the project will not adversely affect the agricultural land resources of the County overall because it will not impact the ability of existing farms and ranches in the vicinity (including the current grazing lessee on the property) to continue their agricultural operations. The Planning Commission Decision and Application provide substantial evidence demonstrating that the subject property does not have the soil quality or irrigation water rights to be developed as productive farmland. Therefore, the subject property falls within the type of property described in Agriculture Finding 7 as being “restricted generally by soil capabilities, a short growing season, and limited sources and supplies of water for irrigation.”

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

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



facility has little to no conflict with area agricultural uses. As described in the Staff Memo, “adjacent uses include vacant, non-irrigated farm ground, an aggregate mining and processing site and vacant property zoned for industrial uses.” In addition, the Planning Commission determined that the proposed use would not force a significant change or increase the cost of accepted farm practices on surrounding land devoted to farm use under OAR 660-033-0130 due to the minimal or non-agricultural nature of surrounding properties, conditions of approval requiring a farm covenant not to sue, and the lack of impact on water. Construction impacts such as dust will be limited to a 4 to 8 month construction window and controlled through a noxious weed control management plan, stormwater and erosion control plans, and transportation planning (Planning Commission Decision COAs). Finally, the proposed use could provide secondary economic benefits to an agricultural enterprise by providing contracting opportunities and revenue to local residents involved in agricultural practices. Therefore, the proposed use complies with Agriculture Finding 10.

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

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

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

**Proposed Finding:** The facility will minimize detrimental effects of land use and development relative to wildlife, natural hazards, public costs, resource carrying capacities, and livability. The Board of Commissioners and ODFW approved Applicant’s Habitat Mitigation Policy, which provides for a no net loss and net benefit to wildlife habitat and resource carrying capacity that may be impacted by the proposed project (217-21-000321-PLNG). The facility does not present natural hazards, is not located in an area that

is expected to suffer from natural hazard, and will avoid flood hazards (Application Exhibit 7; Planning Commission Decision COA 19). The facility has minimal to no cost for the public because it does not require sewer, water, or other public services (Staff Memo) and will instead contribute significant tax revenue to the County to provide additional public services. Finally, the proposed facility will not impact livability of the area because it is located on an undeveloped property adjacent to industrially zoned properties and existing aggregate resources, and is a much less intensive land use than those uses. Therefore, the proposed use aligns with Agriculture Objective 3.

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

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

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

#### Industrial Policies

*Policy 2. Direct future industrial growth to the following designated sites: . . . (c) Airport vicinity between Houston Lake Road and the Redmond Highway. . . (e) Les Schwab vicinity between the Madras Highway and O'Neil Highway and from the Crooked River Bridge to and including the sewer lagoon.*

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

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

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

**Proposed Findings:** While photovoltaic solar power generating facilities (commercial energy facilities under CCC 18.161) are not considered industrial uses, the proposed facility will support industrial development in furtherance of these Industrial Policies. The property is located immediately south of State Highway 126 (Redmond Highway), across the street from Prineville Airport and just west of the Les Schwab site. Solar facilities are non-competitive with existing businesses; rather, solar facilities offer contractual

employment opportunities for various existing businesses in Crook County and Prineville including aggregate, civil contractors, electricians, laborers, truck drivers, restaurants, and hotels, especially during 6 to 8 months of facility construction. The proposed project also directly supports Industrial Policy 13 because it is a clean development with low pollution impact on air, water, and land. In addition, the Staff Memo explains that the facility “may help support the ability of the County to attract additional data center development because of increased local renewable electricity generation” which may “bring jobs and tax revenue to the area.” As discussed above, the subject property is not zoned for industrial use, but is located immediately adjacent to existing industrially-zoned parcels that may be available for data center development, thereby facilitating opportunities for behind-the-meter clean energy generation for industrial uses, increasing grid-stability for such industrial uses, and preserving industrially-zoned areas for appropriate industrial uses. For these reasons, the proposed use also complies with the Industrial Policies in the Crook County Comprehensive Plan and a Goal 3 exception is justified.

*Public Facilities and Services Policy*

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

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

**OAR 660-004-0022(3)**

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

*(a) The use is significantly dependent upon a unique resource located on agricultural or forest land. Examples of such resources and resource sites include geothermal*

*wells, mineral or aggregate deposits, water reservoirs, natural features, or river or ocean ports;*

*(b) The use cannot be located inside an urban growth boundary due to impacts that are hazardous or incompatible in densely populated areas; or*

*(c) The use would have a significant comparative advantage due to its location (e.g., near existing industrial activity, an energy facility, or products available from other rural activities), which would benefit the county economy and cause only minimal loss of productive resource lands. Reasons for such a decision should include a discussion of the lost resource productivity and values in relation to the county's gain from the industrial use, and the specific transportation and resource advantages that support the decision.*

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

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

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

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

Solar facilities are most often sited in vicinity to major high-voltage electrical infrastructure. New rules proposed by the Land Conservation and Development Commission examining

locations to minimize conflicts with solar development place proximity to high-voltage transmission lines as a core factor in determining appropriate facility siting.

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

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

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

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

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

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