

PERMIT No. 217-20-000581 - PLWG



FEES: (Conditional Use)

Modification of Conditions "without" Public Hearing: \$400

Modification of Conditions "with" Public Hearing: \$ 825

Crook County Community Development Department

Planning Division

300 NE 3rd Street, Room 12, Prineville Oregon 97754

Phone: 541-447-8156 / Fax: 541-416-3905

Email: plan@co.crook.or.us / Website: www.co.crook.or.us

MODIFICATION REQUEST - CONDITIONAL USE

(Modification of Conditions "with" or "without" Public Hearing)

NOTICE TO ALL APPLICANTS

The Crook County Community Development Department is required to review all applications for accuracy and to determine whether the staff and/or Planning Commission have the information needed to make a decision. County Ordinances allow the County 30 days to determine whether the application is complete. If it is determined that your application is incomplete, you will be requested, in writing, to provide the necessary missing information, and a decision on your application will be postponed until the information is received. State Law requires that information to support an application be available for public inspection at our office 20-days before a public hearing. Any information submitted after this date may require a postponement of the hearing date if necessary. Please make sure your application is complete. The burden of proof lies with the applicant.

PROPERTY OWNER INFORMATION

Raasch Family Trust

Last Name: Raasch First Name: Ronald

Mailing Address: PO Box 11

City: Powell Butte State: OR Zip: 97753

Day-time phone: (541) 447 - 1992 Cell Phone: () - -

Email (Please print clearly): rar97753@gmail.com

AGENT/REPRESENTATIVE

Last Name: TSR North Solar Farm LLC First Name: Jacob Stephens, Manager

Mailing Address: 2033 E Speedway Blvd., Suite 200

City: Tucson State: AZ Zip: 85716

Day-time phone: (520) 261-8094 Cell Phone: (520) 981-7303

Email (Please print clearly): jstephens@newsunenergy.net

Tax Map # 15-15 1223

State what the original approval was for:

Conditional use approval to construct and operate a solar photovoltaic power generating facility on up to 320 acres.

Explain your request for the modification: what, where, why:

Expand the area within the approved project site boundary up to 585 acres. Please refer to the attached burden of proof statement and exhibits.

Please attach any exhibits to better explain your reasons of modification.

SIGNATURES

I agree to meet the standards governing the laws for "Site Plan Reviews" as outlined in the State of Oregon's OAR, ORS, Crook County Code, and Crook County - Prineville Comprehensive Plan. I agree that all the information contained in this application is true to the best of my knowledge.

Property Owner Signature: See Attached Agent Authorization Date _____
Print name clearly: _____

Property Owner Signature: See Attached Agent Authorization Date _____
Print name clearly: _____

Agent/Representative Signature:  Date 5/28/20
Print name clearly: Jacob H. Stephens

(Note: If an agent/representative is submitting your application on behalf of the property owner, the "Authorization Form" must be completed and attached to this application.



Crook County Community Development Department

300 NE 5th Street, Prineville, OR 97754

Phone: (541) 447.8156 / Fax: 541-416-2139

Email: plan@co.crook.or.us Website: www.co.crook.or.us

AUTHORIZATION FORM

Let it be known that Jacob Stephens
(Print name clearly)

has been retained to act as my authorized agent to perform all acts for development on my property noted below: These acts include: Pre-application conference, filing applications and/or other required documents relative to all Permit applications.

Physical address of property: 6310 SW HWY 126 PRINEVILLE, OR 97754, and described in the records of CROOK COUNTY as:

Township 15 South, Range 15 East, Section 15, 14, 22 Tax lot 1223
Township _____ South, Range _____ East, Section _____, Tax lot _____

The costs of the above actions, which are not satisfied by the agent, are the responsibility of the undersigned property owner.

PROPERTY OWNER (Please Print Clearly)

Signature: [Signature] ~~TRUSTEE~~ Date: 7-26-19
Print Name: Ronald Raasch (Authorized Representative) **RAASCH FAMILY TRUST**

Mailing address: PO Box 11

City: Powell Butte State: OR Zip: 97753

Home Phone: (541) 447 1992 Cell Phone: () -

Email: rar97753@gmail.com

- ☐ Individual(s)
☐ Corporation;
☐ Limited Liability Corporation;



IMPORTANT NOTE: indicates whether property is owned in individual name(s), or by a business or other entity (e.g. Corporation, Limited Liability Company, or Trust). If property is owned by an entity, include names of all authorized agents. See Examples.

If the owner is a Corporation, Limited Liability Corporation or Trust, the following information is required as part of this form.

If a Corporation ~ please provide the name of President or other authorized signor(s).

If a Limited Liability Corporation ~ provide names of ALL members & managers.

If a Trust ~ provide the name of current Trustee(s)

In addition, you will need to **include** a copy of Bylaws (Corporations); an Operating Agreement (Limited Liability Company); or Certificate of Trust (Trusts) that verifies authority to sign on behalf of the entity

Signature: _____

Date: 7/24/19

Print Name: _____

Jacob Stephens

Mailing address: 2033 E Speedway Blvd, Suite 200

City: Tuscon

State: AZ

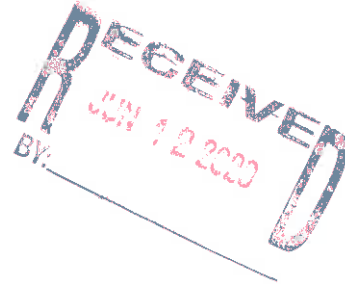
Zip: 87516

Home Phone: (520) 261 - 8094

Cell Phone: (520) 981 - 7303

Email: jstephens@newsunenergy.net

**BEFORE THE CROOK COUNTY COMMUNITY DEVELOPMENT
PLANNING DIVISION**



APPLICANT: TSR North Solar Farm LLC
3500 S. Dupont Hwy
Dover, DE 19901

PROPERTY OWNER: Ron Raasch
P.O. Box 11
Powell Butte, OR 97753

LOCATION: The subject facility property is located on TL 1223 in Crook County, OR, at 6310 SW Hwy 126 Prineville, OR, approximately four miles from the center of Prineville.

REQUEST: Applicant requests approval to modify Permit 217-19-000378-PLNG for a photovoltaic power generating facility in the EFU-3 zone from 320 to up to 585 acres.

SUMMARY: Applicant requests approval to modify the permit within the same property boundary to up to 585 acres rather than 320 acres. A Goal 3 Exception is required. Analysis of other properties in the county show there are no other non-permitted suitable sites of this size that would not require a Goal 3 exception. The site is unique and ideal for a solar PV facility given that it is comprised of primarily nonarable, non-irrigated, uncultivated land, with a Pacificorps (PAC) 115kV transmission line traversing the property. It is proximal to three utility substations. The site is ideally suited for a solar PV facility.

1. APPLICABLE CRITERIA:

Crook County Code (CCC)

Chapter 18.16 Exclusive Farm Use Zones, EFU-1 (Post-Paulina Area),
EFU-2 (Prineville Valley-Lone Pine Areas), and EFU-3
(Powell Butte Area)

Chapter 18.160 Conditional Uses

Chapter 18.161 Commercial Power Generating Facilities

Chapter 18.172.100 Revocation or modification of permit

Crook County Comprehensive Plan

Oregon Revised Statute (ORS)

ORS 197.732 Goal exceptions

ORS 215.416 Permit application

Oregon Administrative Rules

OAR 660-033-0120 Uses Authorized on Agricultural Lands

OAR 660-033-0130 Minimum Standards Applicable to the Schedule of
Permitted and Conditional Uses

OAR 660-004 Interpretation of Goal 2 Exception Process

Oregon Enrolled House Bill (HB) 2329

II. EXHIBITS:

- A. Original Permit 217-19-000029-PLNG
- B. Modified Site Plan

III. PROPOSAL:

Applicant requests approval to modify Permit 217-19-000378-PLNG to up to 585 acres rather than 320 acres. The subject property is still located within T15S, R15E, within portions of Sections 14, 15 and 22, Crook County, Oregon on land owned by Ronald Raasch (Tax Lot No. 1515000001223) in the Exclusive Farm Use Zone, EFU-3 (Powell Butte Area).

IV. PROPOSED FINDINGS:

1. AMENDMENT REQUIREMENTS

CCC 18.161.010(2) Commercial Photovoltaic Energy Systems Criteria.

(d) Amendments. The photovoltaic energy system requirements shall be facility specific, but can be amended as long as the facility does not exceed the boundaries of the Crook County land use permit where the original facility was constructed. An amendment to the specific requirements of the land use permit shall be subject to the standards and procedures found in Chapter 18.170 CCC. Additionally, an amendment shall be required if the facility changes would:

(i) Require an expansion of the established facility boundaries;

(ii) Increase the footprint of the photovoltaic energy system by more than 20 percent;

FINDING: The proposal increases the footprint of the solar PV Facility from 320 to up to 585 acres (83% increase) and therefore requires an amendment.

CCC 172.100 Revocation or modification of permit.

(3) The commission shall hold a public hearing on any proposed revocation or modification after giving written notice to the permittee and other affected persons as set forth in this title. The hearing on the decision, which is subject to revocation

or modification, is subject only to the standards, criteria and conditions that were applicable when the original permit was issued. The commission shall render its decision within 45 calendar days after the conclusion of the hearing.

FINDING: The planning commission will review the proposed amendment, hold a public hearing and issue a decision.

2. COUNTY CONDITIONAL USE STANDARDS AND CRITERIA

CCC 18.160.050(19) Standards governing conditional uses.

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

CCC 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.

FINDING: As demonstrated in the Permit, which is incorporated herein by this reference, the Application for a commercial photovoltaic energy system meets the applicable criteria in CCC 18.160.020 and 18.160.030. Expanding the footprint of the Project by up to 83% is consistent with the findings set forth in the Permit.

CCC 18.161.010. In addition to any other requirements of the applicable zone, commercial power generating facilities are subject to the following criteria.

(2)(b) Commercial Photovoltaic Energy Systems. Application Requirements. An application for a commercial photovoltaic energy system shall include the following unless waived by the director in writing.

(i) 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 of same; and

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

FINDING: The project description, schedule, legal description, and transmission interconnection all remain the same. The sole change is that the project will now occupy up to 265 additional acres of the originally permitted area as shown on **Exhibit B**. As demonstrated in the Permit, the Application for a commercial photovoltaic energy system meets the applicable criteria in CCC 18.161.010(2)(b)(i). Expanding the footprint of the Project by up to 83% is consistent with the findings in the Permit.

(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.

FINDING: The project will continue to have limited potential conflicts with accepted farming practices on adjacent lands devoted to farm use. The Applicant has already agreed to sign and record a covenant not to sue owners, operators, contractors, employees, or invitees of property zoned for farm use for generally accepted farming practices (as defined in Oregon Revised Statute 30.930[2]) for this property.

After limited impacts during construction, operation of the project is not expected to impact resource operations and practices, including photovoltaic energy system facilities, on this land to the east.

CCC 18.161.010(2)(b)(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.

FINDING: A transportation assessment letter was provided to support the Permit. Expanding the footprint of the Project by up to 83% does not materially change transportation impacts during operation of the completed facility. There are no additional trips than were previously identified and analyzed.

CCC 18.161.010(2)(b)(iv) A wildlife impact and monitoring plan.

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 subsections (2)(b)(viii) and (2)(c)(iv) of this section; however, a comprehensive wildlife impact and monitoring plan is not required.

FINDING: The Project site is not located in an area identified in the County Comprehensive Plan's Goal 5 inventory of big game habitat, nor is it within Oregon Department of Fish and Wildlife (ODFW) mapped big game winter range for deer or elk. However, approximately 220 acres of the site is located within ODFW district mapped winter range for pronghorn antelope. This type of habitat is identified as being of concern in the Crook County Comprehensive plan. The Applicant conferred with ODFW and the U.S. Fish and Wildlife Service to address their concerns and continues to do so. The Applicant discussed concerns with USFWS regarding owl/raptor nesting sites and migratory bird nesting. They agreed to adopt proper procedures to avoid nesting periods or to monitor for nest sites if construction occurs during normal nesting period. The Applicant has hired a professional biologist to prepare a site-specific wildlife and sensitive plant review which is attached as Exhibit C. In addition, a Wildlife Mitigation Plan (WMP) is being developed with consultation from ODFW and will be submitted under separate cover. This information will

be provided to the County and ODFW. Additional avoidance, mitigation or monitoring provisions may be adopted. Expanding the area of the solar PV facility within the original permitted project boundary will not materially impact any additional inventoried wildlife resources.

CCC 18.161.010(2)(b)(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.

FINDING: An emergency management plan was provided to Crook County Fire and Rescue to support the Permit and will be updated to reflect the amended project boundary. Expanding the footprint of the Project by up to 83% does not change emergency response impacts.

CCC 18.161.010(2)(b)(vi) An erosion control plan, developed in consultation with the Crook County soil and water conservation district, the Crook County watershed council, and 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.

FINDING: The Applicant addressed erosion control and mitigation in the original application and provided an erosion control plan. The Applicant agrees to have appropriate state and local agencies (Oregon Department of Agriculture and Oregon Department of Environmental Quality and Crook County Soil and Water Conservation District or the Crook County Watershed Council) review final aspects of the plan, or the facility engineering design, as part of ongoing site development. Expanding the footprint of the Project by up to 83% does not change erosion impacts.

CCC 18.161.010(2)(b)(vii) A weed control plan addressing prevention and control of all Crook County identified noxious weed.

FINDING: A weed control plan was provided to Crook County to support the Permit and will be updated as necessary to reflect the increased area of the solar PV facilities.

CCC 18.161.010(2)(b)(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

FINDING: There are no known wetlands or streams in the original or amended project boundary. 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 resource. The subject property has not been identified as big game habitat for pronghorn, mule deer or elk in the County's Goal 5 big game habitat inventory. The property is also not identified as Sage Grouse Habitat. A Wildlife Mitigation Plan (WMP) is being developed with consultation from ODFW and will be submitted under separate cover. **CCC 18.161.010(2)(b)(viii) Information pertaining to the impacts of the photovoltaic energy system on:**

(D) Criminal activity (vandalism, theft, trespass, etc.). Include a plan and proposed actions to avoid, minimize or mitigate impacts.

FINDING: The plan to avoid criminal activity includes fencing and gates and will not need to be amended as part of this application.

CCC 18.161.010(2)(b)(ix) A dismantling and decommissioning plan of all components of the photovoltaic energy system, as provided in subsection (2)(e) [Decommissioning Plan elements] of this section.

FINDING: As a condition of approval in the original permit of September 2019, the Applicant agreed to establish a bond, letter of credit or other financial assurance, as required by CCC 18.161.010(2)(xvi). The proposed expansion of the solar PV facility does not change the basic elements of this condition and a final decommissioning plan and financial assurance, acceptable to Crook County Counsel, shall be in place prior to project site clearing and grading.

CCC 18.161.010(2)(b)(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.

FINDING: As found in the original permit, facilities shall be designed to minimize adverse socioeconomic impacts to the County, including, but not limited to, increased demands for governmental services or capital expenditures. The facilities are expected to generally result in net positive socioeconomic impacts to the County, particularly as relates to positive local economic benefits. The County's findings in the Permit are applicable to the expanded solar PV facilities area.

CCC 18.161.010 In addition to any other requirements of the applicable zone, commercial power generating facilities are subject to the following criteria.

(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 100 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 100 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.

(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.

(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.

() Wildlife Resources. The proposed photovoltaic energy system shall be designed to reduce the likelihood of significant adverse effects on wildlife and wildlife habitat.

(iv) 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 subsection (2)(c)(iv) of this section.

(v) 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.

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

(ix) Cleaning Chemicals and Solvents. During operation of the proposed photovoltaic energy system, 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.

(vi) 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.

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

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

() 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.

(i) 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.

(xiii) 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 subsection (2)(e) [Decommissioning Plan Elements] of this section.

(ii) 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 subsection (2)(e) of this section. 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 required.

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

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

FINDING: The project as originally approved and the project as modified under the expanded area has been designed and will be constructed and operated to meet these criteria. The County's findings in the Permit are applicable to the expanded solar PV facilities area.

3. OREGON ENERGY FACILITY RULES

HB 2329 Subsection 3 provides that in order to issue a permit, the county shall require that the applicant to:

(a)(A) Consult with the State Department of Fish and Wildlife, prior to submitting a final application to the county, regarding fish and wildlife habitat impacts and any mitigation plan that is necessary;

(B) Conduct a habitat assessment of the proposed development site;

(C) Develop a mitigation plan to address significant fish and wildlife habitat impacts consistent with the administrative rules adopted by the State Fish and Wildlife Commission for the purposes of implementing ORS 496.012; and

(D) Follow administrative rules adopted by the State Fish and Wildlife Commission and rules adopted by the Land Conservation and Development Commission to implement the Oregon Sage-Grouse Action Plan and Executive Order 15-18.

FINDING: Applicant consulted with the State Department of Fish and Wildlife prior to submitting this amendment application regarding fish and wildlife impacts. A site-specific habitat assessment conducted by a qualified professional biologist is included as Exhibit C of this application. The property is not identified as Sage Grouse Habitat. The Project site is not located in an area identified in the County Comprehensive Plan's Goal 5 inventory of big game habitat for deer or elk, nor is it within Oregon Department of Fish and Wildlife (ODFW) mapped big game winter range for deer or elk. A portion of the site (approximately 220 acres) is identified as being within ODFW district mapped winter range for pronghorn antelope. This type of habitat is identified as being of concern in the Crook County Comprehensive plan. The Applicant conferred with ODFW and the U.S. Fish and Wildlife Service to address their concerns and continues to do so. The Applicant discussed concerns with USFWS regarding owl/raptor nesting sites and migratory bird nesting. They agreed to adopt proper procedures to avoid nesting periods or to monitor for nest sites if construction occurs during normal nesting period. The Applicant has hired a professional biologist to prepare a site-specific wildlife and sensitive plant review which is attached as Exhibit C. In addition, a Wildlife Mitigation Plan (WMP) is being developed with consultation from ODFW and will be submitted under separate cover. This information will be provided to the County and ODFW. Additional avoidance, mitigation or monitoring provisions may be adopted. Expanding the area of the solar PV facility within

the original permitted project boundary will not materially impact any additional inventoried wildlife resources.

(b) Demonstrate that the construction and operation of the renewable energy facility, taking into account mitigation, will not result in significant adverse impacts to historic, cultural and archaeological resources that are:

(A) Listed on the National Register of Historic Places under the National Historic Preservation Act (P.L. 89-665, 54 U.S.C. 300101 et seq.);

(B) Inventoried in a local comprehensive plan; or

(C) Evaluated as a significant or important archaeological object or archaeological site, as those terms are defined in ORS 358.905.

FINDING: The Applicant has initiated consultation with the State Historical Preservation Office (SHPO) to review issues and perform a database review and will coordinate appropriate confirmation that there are no sites of cultural or historical significance in accordance with SHPO policies and procedures. No historic, cultural or archeological resources that are listed on the National Register of Historic Places or are inventoried in a local comprehensive plan have been identified. To the extent that during investigation or the construction process any issue or cultural resource of material significance is identified, such issues/resources will either be 1) avoided through project design or 2) mitigation will be implemented which conforms to applicable current regulation and subject to SHPO's reasonable concurrence on such plans.

(c) Demonstrate that the site for a renewable energy facility, taking into account mitigation, can be restored adequately to a useful, nonhazardous condition following permanent cessation of construction or operation of the facility and that the applicant has a reasonable likelihood of obtaining financial assurances in a form and amount satisfactory to the county to secure restoration of the site to a useful, nonhazardous condition.

FINDING: As a condition of approval in the original permit of September 2019, the Applicant agreed to establish a bond, letter of credit or other financial assurance, as required. The proposed expansion of the solar PV facility does not change the basic elements of this condition and a final decommissioning plan and financial assurance, acceptable to Crook County Counsel, shall be in place prior to project site clearing and grading.

Meet the general and specific standards for a renewable energy facility adopted by the Energy Facility Siting Council under ORS 469.470 (2) and 469.501 that the county determines are applicable.

FINDING: The administrative rules that implement the specific standards set by the Energy Facility Siting Council (EFSC) are located in OAR Chapter 345. The purpose of this chapter is to implement specific standards for the siting and operation of energy

facilities. Certain types of facilities (like radioactive material facilities) and certain size of facilities (large scale operations) require an EFSC site certificate. These administrative rules apply to those types of uses that require a site certificate from EFSC.

This proposal does not require an EFSC site certificate because the project's total acreage is less than what EFSC has determined to require additional review standards. For example, certain type of solar energy facilities require site certificates and certain facilities are exempt from requiring a site certificate. A solar project that would require an EFSC site certificate would be a project located on greater than 1,920 acres of non-irrigated, low value farmland. This acreage standard has been adopted by the Oregon legislature and will be implemented in ORS 469.300(11)(D)(3), as amended by HB 2329. This proposal will be located on land less than 1,920 acres of non-irrigated, non-arable land.

Additionally, the County has determined what EFSC standards are applicable; the County's established review standards for commercial photovoltaic facilities are addressed in Section 2 of this document. This amendment application and burden of proof demonstrate that the county's renewable energy facility standards have been met.

(d) Provide the financial assurances described in paragraph (c) of this subsection in the form and at the time specified by the county.

FINDING: The financial assurance for the decommissioning plan has been put in place as discussed above under (c).

4. OREGON ADMINISTRATIVE RULES

CCC 18.161.010. In addition to any other requirements of the applicable zone, commercial power generating facilities are subject to the following criteria.

(2)(a) 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 660-033-0130.

OAR 660-033-0120 provides that a "photovoltaic solar power generation facility as 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 or its designate under ORS 215.296. The use requires notice and the opportunity for a hearing.

FINDING: Crook County is the governing body of this application and will review the use of agricultural land as part of the conditional use approval review. The county will provide the requisite notice and opportunity for a hearing for conditional use approval modification.

OAR 660-033-130 provides the minimum standards applicable to a schedule of permitted and conditional uses. The relevant sections applicable to the proposed photovoltaic energy system begin at subsection (5), which is more commonly

known as the "significant impact test" and include subsection (38) which applies specifically to photovoltaic energy systems.

OAR 660-033-130(5)(a) provides that the proposed use may only be approved by the county where such use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use.

OAR 660-033-130(5)(b) provides that the proposed use may only be approved by the county where such use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

FINDING: The project will continue to be compatible with accepted farming practices on adjacent lands devoted to farm use. The Applicant has already agreed to review and file a Farm Covenant Not to Sue releasing liability against farming practices (as defined in Oregon Revised Statute 30.930(2)) for this property; see Exhibit K of original application. The up to 265 additional acres of solar PV facilities are still within the original project site. No new neighboring properties are impacted by the amended proposal.

OAR 660-033-130(38) provides that a proposal to site a photovoltaic energy system is subject to certain definitions and provisions. For this application, only certain subsections require a response.

The first applicable provision is OAR 660-033-0130(38)(f) which provides for high-value farmland described at ORS 195.300(10), requires that a photovoltaic energy system shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4.

FINDING: The soil resource report for the project site is the same as in the original approved permit. The majority of site soils are classified as Class 6 (non-arable). Approximately 10% along the eastern edge are classified as Class 4 (arable) non-irrigated. Please see Exhibit F of the original permit for additional information derived from currently available NRCS data and website. All of these soil types have no history of irrigation and are currently not being cultivated. Neither the original nor the proposed expanded solar PV facilities area consist of high-value farmland.

The second applicable provision is OAR 660-033-0130(38)(h)(A) which 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.

FINDING: Because the proposed photovoltaic energy system as amended will preclude more than 320 acres from use as a commercial agricultural enterprise, a goal exception is required.

A goal "exception" is a "decision to exclude certain land from the requirements of [an] applicable statewide goal." See OAR 660-004-0000(2). The exceptions process is intended to permit necessary flexibility in the application of the Statewide Planning Goals. *Id.* at (3).

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

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

"A local government may adopt an exception to a goal if:

(c) The following standards are met:

(A) Reasons justify why the state policy embodied in the applicable goals should not apply;

(B) Areas that do not require a new exception cannot reasonably accommodate the use;

(C) The long term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and

(D) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts."

The applicable administrative rules set forth in OAR Chapter 660 Division 4, Interpretation of Goal 2 Exception Process, and in particular OAR 660-004-0020(2), Exception Requirements, outline how each of the four standards in ORS 197.732(2)(c) should be met. This addressed in the following numbered responses 1-4.

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

Both the original and amended proposal have demonstrated that the subject property, while zoned agriculture, does not have the soil quality or water rights to be developed as productive farmland and therefore the goal to protect agricultural land should not apply to

this property. In general, as noted in the County's Comprehensive Plan Agriculture Section 7 (p41), while agriculture is an important part of the county's economy, "only a relatively small portion, approximately 5% [of the County's Agricultural lands] are classified as agricultural cropland of which only 60% are under irrigation, the remaining cropland being dry land farming....agricultural cropland in the county is restricted generally by soil capabilities, a short growing season, and limited sources and supplies of water for irrigation." The subject property is rangeland and per the Comprehensive Plan (p46) can be developed through the goal exception process.

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

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

To identify areas to consider, the applicant reviewed and incorporates below, recent analysis provided by Crook County Planning with the Community Development Department and the County's GIS department to identify suitable lands in all of Crook County for a similar solar PV facility expansion. This analysis used a four-phased process to identify a site for a new solar generating facility: (i) Identify the zones both in Crook County and the City of Prineville that authorize a commercial photovoltaic facility as a permitted or conditional use; (ii) Identify lands that are 400 acres or greater, whether as a single parcel or as a contiguous block; (iii) Identify parcels within proximity to a high-voltage transmission facility or substation or be able to site a transmission facility in order to relay electricity to a substation¹; and (iv) Identify conflicts as to the use proposed and the surrounding land uses.

Review of Crook County Lands

A review of Crook County Code reveals that commercial power generating facilities are not allowed as an outright, permitted use in any zone.² Instead, the county authorizes

¹ As discussed herein, the City of Prineville code would allow solar arrays in many zones but would not allow the transmission lines which are deemed an associated major utility facility.

² In contrast, non-commercial solar energy facilities are authorized as an outright, permitted use in the Light Industrial Zone, L-M zone, in CCC 18.68.010(17) (with some limits imposed). A non-commercial power generating facility operates as a standalone power generator and is not connected to a utility grid. CCC18.08.140 N Definitions. In this case, the applicant will connect the power generated from the solar PV facility into one of the utility grid

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commercial power generating facilities as a conditional use in the EFU zone, Forest Recreation (FR-10), Powell Butte Rural Residential Zone (PBR-20), Rural Residential Zone (R-5), Light Industrial Zone (LM), Heavy Industrial Zone (H-M), Recreational Residential Mobile Zone (RR(M)-5) and Rural Residential Zone (R-10).

Any other lot zoned EFU would also require an exception to Goal 3. Similarly, any site over 320 acres in the FR-10 would require an exception to Statewide Land Use Planning Goal 4. Thus, no other lots with these zoning designations were further analyzed.

There are no single or contiguous lots within PBR-20, R-5, LM and H-M that met or exceeded the 400-acre requirement. Thus, no lots within this zoning designation were further analyzed.

There are certain lots within RR(M)-5 that are larger than 400 acres. These are located in the southeastern part of the county, south of Prineville and east of the Crooked River in the Juniper Canyon area. However, none of the parcels are contiguous to a high-voltage transmission line. There are some low-voltage transmission lines in the area owned by Central Electric Cooperative, however a project of this size needs to interconnect to a high-voltage (115 kV or 230 kV) transmission line or substation. Therefore, connecting to existing high-voltage transmission would be costly and produce additional impacts. Furthermore, all of these large parcels are located within Mule Deer Winter Range. The Oregon Department of Fish and Wildlife and Crook County have both discouraged solar development in mapped big game habitat. Thus, no lots within this zoning designation were further analyzed.

There is a single lot within R-10 that is larger than 400 acres, Map and Tax Lot #1516000000800. It is located on a butte in the Juniper Canyon area north of the RR(M)-5 zoned lands and due south of Prineville and the Urban Grown Boundary. While there appears to be a high-voltage transmission line through this property, this line as shown is an approximate location and the physical line is not actually through or adjacent to the property. However, this land was further analyzed to demonstrate how it is not a suitable alternative due to conflicts with the proposed use and surrounding land uses. There are a number of issues that make this alternative site unsuitable for a solar PV facility.

Access Issue

The only existing access to this alternative site is off SE Davis Loop, which is a residential street. During construction of the solar project, a high volume of vehicles would make use of the residential road. The Comprehensive Plan states that any industry that generates more than 20 auto-truck trips a day shall not locate in a residential neighborhood. P. 61.

Additionally, SE Juniper Canyon Road provides residential access to Crook County residents and the limited access to the Juniper Canyon area is of concern for emergency purposes. Earlier this year, the County considered an alternate access to serve the

systems in the area. Thus, Crook County lands carrying this zone designation do not allow the requested use, which is defined as a commercial power generating facility.

residents of this area south of Prineville. Local newspapers illustrated a proposed secondary emergency access road that would cross this R-10 property and connect Crooked River Highway to SE Davis Loop. The article indicated that the emergency access road would serve for emergencies only and would not be open to the public.

Rimrock Issue

The alternative site is surrounded on the north, west, and east sides by rimrock. The Comprehensive Plan seeks to protect natural rimrock per this excerpt:

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

The County's Supplementary Provisions require that any structure located on the rimrock shall be set back 200 feet from the edge of said rimrock. CCC 18.124.100. The setback requirement would reduce the usable and developable size, potentially limiting the solar facility to site closer to the residential properties and the aggregate site located south of the property.

Housing Issue

The Comprehensive Plan details the projected need of housing in an effort to ensure enough land is earmarked for housing. See e.g. P. 16. And one of the County's Energy Policies is to encourage high density residential development in close proximity to high employment areas and commercial areas. P. 34. This alternative site is in close proximity to and in fact overlooks downtown Prineville where Crook County High School and the Fairgrounds are located. The site is already zoned for rural residential development, has existing residential development nearby, and is likely intended to serve future residential needs of the County.

Although the solar PV facility is not an "industrial use", it seems most compatible when sited adjacent to industrial uses or other large EFU land holdings. The County's comprehensive plan is to direct industrial growth areas away from residential neighborhoods through zoning and other planning regulation. P. 58.

City of Prineville Lands

The applicant also reviewed land located within the City of Prineville to determine whether there are any zones that would allow a commercial generating facility. In the City, a commercial solar array facility is referred to as a "Minor Utility Facility" if it is a "smaller scale...self-generating facility that will not impact surrounding properties." In contrast,

related power transmission lines including poles or towers are considered a "Major Utility Facility". City of Prineville Code, Chapter 153: Land Development.

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

There are several large M-1 parcels, however the largest contiguous parcels comprise two 160-acre parcels which even when combined do not meet the 400-acre requirement. Further, it is the City's policy to protect industrial lands as they produce more employment in comparison to other lands, such as agricultural lands located in the county. The City's Urban Growth Boundary (UGB) is developed, in part, to provide for the development of lands that cannot be built outside the UGB in the County. To remove lands within the City's UGB for a solar facility is counterintuitive to the very purpose of building solar facilities to generate power to serve businesses and residents. Thus, these industrial zoned lands were not further analyzed.

Also, the City's Planning Director confirmed that there are no single or contiguous lots in R-1 through R-5, C-1, C-2, C-5 and IP that meet or exceed the 400-acre requirement. Thus, no lots within these zoning designations were further analyzed.

3. The next criterion to address is the long term environmental, economic, social and energy consequences resulting from the use at the proposed site location. One must also consider measures designed to reduce adverse impacts that are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. ORS 197.732(2)(c)(C). Because this statute and the applicable administrative rules largely use identical language, with the administrative rules providing additional specificity as to exceptions requirements, the findings below pertain to the administrative rules as set forth in OAR 660-004-0020.

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

Environmental

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

The subject property is ideal in that it is comprised of primarily (> 90 percent) nonarable land and soil types, is non-irrigated, and is otherwise nonproductive. The site is currently being used as an intermittent cattle grazing site, which further reduces the probability of it being cultivated. The site is outside of any Goal 5 resource areas and is not within mapped big game winter range for deer or elk. While a portion of the site (approximately 38 percent) is located within ODFW district mapped pronghorn antelope winter range, mitigation measures designed to reduce adverse impacts, as described in the Applicant's Wildlife Mitigation Plan, will ensure any adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Furthermore, it is uniquely located near existing transmission infrastructure and large energy users. As can be seen in the site plan (Exhibit B), the project is traversed by an existing 115kV transmission line, and is proximal to Pacificorps and BPA major substations (BPA Ponderosa, PAC Ponderosa, and PAC Stearns Butte Substation). The site is ideally suited for a solar PV facility.

Potential adverse environmental impacts include temporary construction impacts, soil erosion, and consideration of the existing water table. Although this site is not known to be used by notable avian or bat species, mitigation measures designed to reduce adverse impacts include conditions of approval in the original permit such as conducting vegetation pre-clearing activities prior to the onset of the nesting season and or ensuring that pre-construction surveys for migratory bird species occur if clearing is to occur during nesting season and maintaining adequate disturbance buffers in consultation with the appropriate wildlife agencies. Using the existing soils and perimeter vegetation wherever reasonably possible to reduce erosion, and to make partial use of City water if needed to minimize impacts to the water table. Eight-foot fencing will assist to keep big game on the perimeter of the site.

City water could be used in addition to using water from a permitted, existing well on the property during construction for dust control and to keep clean the solar panels to optimize the energy produced. Water will be returned to the water table through the soils that filter water quickly. The same type of soils that make the subject property not ideal for agricultural production make the subject property ideal for return of water to the water system through quick filtration.

The identified adverse impacts of installing a solar PV facility at the subject site are not significantly more adverse than would typically result from the same proposal being located in other areas of the county. In other words, if the proposal were sited elsewhere in the county, we would anticipate additional adverse impacts such as visuals or construction traffic impacting adjacent residential properties and/or the greater presence of identified Goal 5 resources such as Pronghorn antelope. However, other sites in the county were not ideal in any case because of the criteria mentioned at the beginning of this section. Siting such a proposed low development density on this site will reduce any large-scale environmental impacts on this or adjacent properties.

The County's air, water and land resource policy in the Comprehensive Plan is to "encourage non-pollutant industries to locate in Crook County" P. 23. The photovoltaic

energy system will generate electricity without polluting air or water resources in the county.

Economic

The original and amended proposal do not require extension of public services such as water, sewer or roads. The project will be accessed via an existing private access road that crosses the south side of the property off of Highway 126, , which is an ODOT permitted access point. The project will not generate additional traffic that would warrant improving any additional roads in the area. There are no costs to special service districts.

The facts used to determine which resource land is least productive included reviewing properties that were not irrigated as a first measure and then performing a soil resource study to ensure the soil type would not be otherwise deemed high-value farmland. Since the subject site has not been utilized as a commercial agricultural operation, has not been farmed, and does not receive irrigation, there is little long-term economic impact on the general area caused by the removal of land from the resource base. The project is not irreversible; the solar PV facility may be removed per the submitted Decommissioning Plan and used for farming or other operations in the future.

The County's economic policy in the Comprehensive Plan is "to diversify, stabilize and improve the economy of the county." (p29) The long-term economic benefit of the proposed expansion would be both direct and indirect. During construction the project will employ approximately 100 full-time-equivalent workers, some of whom will be from the surrounding area. During operations, the project will employ approximately two to four full-time-equivalent employees. There will be indirect benefits to businesses such as restaurants, hotels, gas stations, grocery stores and equipment suppliers.

Additionally, the proposal may help support the ability of the county to attract data centers because of the increased local renewable electricity generation. Oregon Senate Bill 611 allows local jurisdictions to attract data centers and inherently recognizes that data centers may prefer to use locally generated electricity. Data centers bring jobs and tax revenue to the area. The county has been a supporter of data centers as one part of an engine to support rural communities' economic stability. And the county prefers data centers and other employers to locate on industrial-zoned property rather than proposals such as this photovoltaic energy system. In this way, they can concentrate public services within the City of Prineville.

Social

When addressing the social impacts of a project, it is helpful to analyze the potential impacts to nearby residences. There are no residences in the vicinity. The facility substation is proposed to be in the southeast corner of the site where the adjacent land use is a gravel pit. The associated transmission lines are located in the southeast corner of the subject property as well, away from residential development.

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

Energy

Energy efficiencies are realized by transmitting the energy production to growing energy users in the immediate Prineville area. New energy consuming services for water and sewer do not need to be constructed.

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

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

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

The findings for Section 2 of this document support the fact that the proposed use is compatible with other adjacent uses or will be rendered through measures such as a Farm Covenant Not to Sue, which the Applicant agrees to sign and record.

V. CONCLUSION:

Applicant believes that its amended proposal meets all of the applicable criteria, with conditions, and hereby requests approval to construct and operate a commercial solar photovoltaic energy facility on up to 585 acres, rather than 320 acres, in the EFU-3 zone.

EXHIBITS

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

Exhibit B — Modified Site Plan

Exhibit C — Wildlife Assessment