



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office Fax: (503) 378-5518

Third Floor/Measure 37 Fax: (503) 378-5318

Web Address: <http://www.oregon.gov/LCD>

### NOTICE OF ADOPTED AMENDMENT

July 1, 2010

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Angela Houck, Plan Amendment Program Specialist

SUBJECT: Crook County Plan Amendment  
DLCD File Number 002-10



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

### DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: July 15, 2010

This amendment was submitted to DLCD for review with less than the required 45-day notice because the jurisdiction determined that emergency circumstances required expedited review. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

cc: Bill Zelenka, Crook County  
Jon Jinings, DLCD Regional Representative

<paa> YA



# FORM 2

## DLCD NOTICE OF ADOPTION

DEPT OF

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

JUN 24 2010

LAND CONSERVATION  
AND DEVELOPMENT

Jurisdiction: CROOK COUNTY Local File No.: AM-10-0014  
(If no number, use none)

Date of Adoption: JUNE 21, 2010 Date Mailed: June 24, 2010  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: N/A

Comprehensive Plan Text Amendment  Comprehensive Plan Map Amendment  
 Land Use Regulation Amendment  Zoning Map Amendment  
 New Land Use Regulation  Other: \_\_\_\_\_

(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write ASee Attached.≡

AMENDING CODE TO ADOPT STANDARDS FOR COMMERCIAL AND NON-COMMERCIAL  
WIND AND PHOTOVOLTAIC ENERGY SYSTEMS

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write ASame.≡ If you did not give notice for the proposed amendment, write AN/A.≡

SAME

Plan Map Changed from : \_\_\_\_\_ N/A \_\_\_\_\_ to \_\_\_\_\_ N/A \_\_\_\_\_

Zone Map Changed from: \_\_\_\_\_ N/A \_\_\_\_\_ to \_\_\_\_\_ N/A \_\_\_\_\_

Location: \_\_\_\_\_ COUNTY-WIDE \_\_\_\_\_ Acres Involved: \_\_\_\_\_

Specify Density: Previous: \_\_\_\_\_ N/A \_\_\_\_\_ New: \_\_\_\_\_

Applicable Statewide Planning Goals: \_\_\_\_\_ N/A \_\_\_\_\_

Was an Exception Adopted? Yes: \_\_\_\_\_ No:

DLCD File No.: 002-10 (18144) [16193]

Did the Department of Land Conservation and Development **receive** a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: \_\_\_ No: X

If no, do the Statewide Planning Goals apply. Yes: X No: \_\_\_

If no, did The Emergency Circumstances Require immediate adoption. Yes: X No: \_\_\_

Affected State or Federal Agencies, Local Governments or Special Districts: \_\_\_\_\_

Local Contact: BILL ZELENKA Area Code + Phone Number: 541-447-8156

Address: 300 NE THIRD ST RM 11 City: PRINEVILLE

Zip Code+4: 97754 Email Address: bill.zelenka@co.crook.or.us

## ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

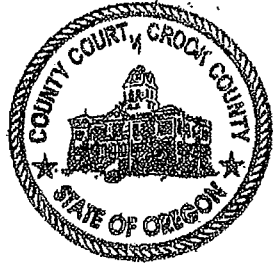
1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the ANotice of Adoption≅ is sent to DLCD.
6. In addition to sending the ANotice of Adoption≅ to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

STATE OF OREGON } SS 2010071  
COUNTY OF CROOK }  
I CERTIFY THAT THE WITHIN INSTRUMENT WAS  
RECEIVED FOR RECORD ON THE 21st DAY OF  
June, 20 10, AT 9:15 AM.  
AND RECORDED IN CR INT  
RECORDS OF SAID COUNTY MF NO: 2010-071  
DEANNA E. BERMAN, CROOK COUNTY CLERK  
BY Jessie Hamme DEPUTY *N/C*

**RECORDING COVER SHEET**  
Any errors in this cover sheet DO NOT affect  
the transactions(s) contained in the instrument  
itself.



**AFTER RECORDING RETURN TO:**  
**CLERK'S VAULT**

**NAME OF TRANSACTION**

**Ordinance 229, amending Title 18 of the Crook  
County Code to adopt standards for commercial  
and non-commercial wind and photovoltaic  
energy systems and declaring an emergency**

**GRANTOR: CROOK COUNTY**

**IN THE COUNTY COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF CROOK**

AN ORDINANCE OF THE CROOK  
COUNTY COURT AMENDING TITLE  
18 OF THE CROOK COUNTY CODE  
TO ADOPT STANDARDS FOR  
COMMERCIAL AND NON-  
COMMERCIAL WIND AND  
PHOTOVOLTAIC ENERGY SYSTEMS  
AND DECLARING AN EMERGENCY

Ordinance No. 229

WHEREAS, the Crook County Planning Commission has recommended that the Crook County Code Title 18 be amended to include provisions for non-commercial and commercial wind and photovoltaic energy systems; and

WHEREAS, an amendment to the code is authorized by Crook County Code Title 18 Chapter 18.168 and the Comprehensive Plan of Crook County;

NOW, THEREFORE, this 16th day of June 2010 the Crook County Court ordains as follows:

SECTION ONE. *Amendment.* Ordinance 18 Chapters

- 18.08 Definitions
- 18.16 Exclusive Farm Use Zone, EFU-1 (Post-Paulina Area)
- 18.20 Exclusive Farm Use Zone, EFU-2 (Prineville Valley-Lone Pine Areas)
- 18.24 Exclusive Farm Use Zone, EFU-3 (Powell Butte Area)
- 18.28 Forest Zone, F-1
- 18.32 Rural Service Center Zone, RSC
- 18.36 Park Reserve Zone, P-R
- 18.40 Recreation Residential Mobile Zone, RR(M)-5
- 18.44 Recreation Residential Zone, RR-1
- 18.48 Suburban Residential Zone, SR-1
- 18.52 Suburban Residential Mobile Zone, SR(M)-1
- 18.56 Limited Commercial Zone, L-C
- 18.60 Neighborhood Commercial Zone, N-C
- 18.64 Recreation Commercial Zone, R-C
- 18.68 Light Industrial Zone, L-M
- 18.72 Heavy Industrial Zone, H-M
- 18.88 Rural Residential Zone, R-5
- 18.92 Rural Residential Zone, R-10

- 18.96 Forest Recreation, FR-10
- 18.100 Residential Woodlot, RW-40
- 18.108 Powell Butte Rural Residential Zone, PBR-20
- 18.112 Exclusive Farm Use Zone, EFU-JA (Juniper Acres)
- 18.156 Exceptions
- 18.160 Conditional Uses

are amended, and Chapters 18.161 Commercial Power Generating Facilities and 18.162 Non-Commercial Energy Systems are added as shown in Exhibit A.

SECTION TWO. *Findings.* The Crook County Court adopts the recommendation of the Crook County Planning Commission as its findings in support of its Decision.

SECTION THREE. *Emergency.* The Ordinance being necessary for the health, welfare and safety of the people of Crook County, an emergency is hereby declared to exist and this Ordinance shall become effective upon signing and shall remain in effect until 11:59 p.m. October 17, 2010.

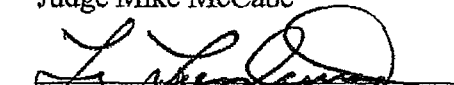
First Reading 19<sup>th</sup> day of May 2010.

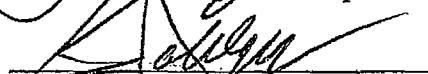
Second Reading 2<sup>nd</sup> day of June 2010 (continued to June 16, 2010).

Dated this 16<sup>th</sup> day of June, 2010.

CROOK COUNTY COURT

  
\_\_\_\_\_  
Judge Mike McCabe

  
\_\_\_\_\_  
Commissioner Lynn Lundquist

  
\_\_\_\_\_  
Commissioner Ken Fahlgren

## Exhibit A

**Title 18 is amended to read the following section as follows:**

18.08.030 C definitions is amended by adding:

“Commercial Power Generating Facility” means a facility that converts energy into a usable form of energy (such as electricity) and conveys that energy to the public. Commercial power generating facilities typically convert mechanical energy into electrical energy. A “Commercial Power Generating Facility” does not include a net metered facility as defined in ORS 757.300 or a facility (either grid-connected or stand-alone) that produces an equal amount or less energy than is consumed by the use(s) to which the facility is accessory over the course of a calendar year, provided that the power generating facility is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.

“Concentrated Solar Thermal System” means an assembly of equipment that uses concentrated sunlight as heat or as a heat source to power a generator that converts mechanical energy into electrical energy. Such systems use lenses or mirrors and tracking systems to focus a large area of sunlight onto a small area. Depending upon the specific technology used, systems may include tubes to hold heated liquids or gases, receivers, dish engines and towers.

18.08.080 H definitions is amended by adding:

“Height of wind energy system” means the vertical distance from the grade to the tip of a wind generator blade when the tip is at its highest point.

18.08.130 M definitions is amended by adding:

“Meteorological Tower” means an assembly of equipment that includes a tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), temperature and pressure sensors, other weather measuring devices attached to the tower, wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit weather information at a given location.

18.08.160 P definitions is amended by adding:

“Photovoltaic Energy System” means an assembly of equipment that converts sunlight into electricity and then stores or transfers that electricity. This equipment includes photovoltaic modules and panels, mounting and sun tracking hardware, foundation, inverter, wiring, batteries, or other components used in the system. A photovoltaic energy system may be a grid-connected or stand-alone system. A photovoltaic energy system does not include a system that utilizes a photovoltaic module or panel that contains a total surface area of nine square feet or fewer.

18.08.230 W definitions is amended by deleting/adding:

Deleting "Reserved"

Adding:

"Wind Energy System". means an assembly of equipment that converts energy from the wind into usable forms of energy (such as electricity) and then stores or transfers the energy. This equipment includes any base, blade, foundation, wind generator, nacelle, rotor, wind tower, transformer, vane, wire, inverter, batteries or other component used in the system. A wind energy system may be a grid-connected or a stand-alone system.

"Wind Tower". Means the monopole, freestanding, or guyed structure that supports a wind generator.

18.156.070 is amended to read:

The following types of structures or structural parts are not subject to the building height limitations of this title provided that the applicable land use permit, if any, is obtained: chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, non-commercial wind energy systems utilizing a tower, meteorological towers, smokestacks, flagpoles, radio and television towers, masts, aerials, cooling towers, elevator shafts and other similar projections. This exception does not apply to an airport approach zone. (Ord. 18 § 5.070, 2003)

## **NEW SECTIONS TO BE ADDED TO TITLE 18**

### **EFU1**

#### **18.16.025 Commercial and Non-Commercial Energy Criteria**

In addition to the uses permitted under 18.16.010 and 18.16.020 Non-commercial and commercial wind and photovoltaic energy systems are permitted in the zone to the extent they are consistent with current state law and the applicable criteria in CCC 18.160, 18.161 and 18.162.

### **EFU2**

#### **18.20.025 Commercial and Non-Commercial Energy Criteria**

In addition to the uses permitted under 18.20.010 and 18.20.020 Non-commercial and commercial wind and photovoltaic energy systems are permitted in the zone to the extent they are consistent with current state law and the applicable criteria in CCC 18.160, 18.161 and 18.162.

### **EFU3**



### **18.24.025 Commercial and Non-Commercial Energy Criteria**

In addition to the uses permitted under 18.24.010 and 18.24.020 Non-commercial and commercial wind and photovoltaic energy systems are permitted in the zone to the extent they are consistent with current state law and the applicable criteria in CCC 18.160, 18.161 and 18.162.

#### **F1**

### **18.28.025 Commercial and Non-Commercial Energy Criteria**

In addition to the uses permitted under 18.28.010 and 18.28.020 Non-commercial and commercial wind and photovoltaic energy systems are permitted in the zone to the extent they are consistent with current state law and the applicable criteria in CCC 18.160, 18.161 and 18.162.

### **NEW SUBSECTIONS TO BE ADDED TO EXISTING SECTIONS**

#### **RSC1**

18.32.010 Uses permitted outright.

(12) Non-Commercial Wind Energy Systems and meteorological towers that meet the requirements of 18.162.010.

(13) Non-Commercial Photovoltaic Energy Systems that meet the requirements of 18.162.020.

18.32.020 Conditional uses permitted.

(14) Non-Commercial Wind Energy Systems and meteorological towers that do not meet the requirements of 18.162.010 are subject to any additional standards of the zone and Chapter. 18.160.

(15) Non-Commercial Photovoltaic Energy Systems that do not meet the requirements of 18.162.020 are subject to any additional standards of the zone and Chapter 18.160.

#### **PR**

18.36.010 Uses permitted outright.

(8) Non-Commercial Wind Energy Systems and meteorological towers that meet the requirements of 18.162.010.

(9) Non-Commercial Photovoltaic Energy Systems that meet the requirements of 18.162.020.

18.36.020 Conditional uses permitted.

(10) Non-Commercial Wind Energy Systems and meteorological towers that do not meet the requirements of 18.162.010 are subject to any additional standards of the zone and Chapter. 18.160.

(11) Non-Commercial Photovoltaic Energy Systems that do not meet the requirements of 18.162.020 are subject to any additional standards of the zone and Chapter 18.160.

**PBR-20**

18.108.010 Uses permitted outright.

(6) Non-Commercial Wind Energy Systems and meteorological towers that meet the requirements of 18.162.010.

(7) Non-Commercial Photovoltaic Energy Systems that meet the requirements of 18.162.020.

18.108.020 Conditional uses permitted.

(3) Non-Commercial Wind Energy Systems and meteorological towers that do not meet the requirements of 18.162.010 are subject to any additional standards of the zone and Chapter. 18.160.

(4) Non-Commercial Photovoltaic Energy Systems that do not meet the requirements of 18.162.020 are subject to any additional standards of the zone and Chapter 18.160.

(5) Commercial Power Generating Facilities subject to the standards of Chapter 18.160 and Chapter 18.161.

**RRM-5**

18.40.010 Uses permitted outright.

(8) Non-Commercial Wind Energy Systems and meteorological towers that meet the requirements of 18.162.010.

(9) Non-Commercial Photovoltaic Energy Systems that meet the requirements of 18.162.020.

18.40.020 Conditional uses permitted.

(14) Non-Commercial Wind Energy Systems and meteorological towers that do not meet the requirements of 18.162.010 are subject to any additional standards of the zone and Chapter. 18.160.

(15) Non-Commercial Photovoltaic Energy Systems that do not meet the requirements of 18.162.020 are subject to any additional standards of the zone and Chapter 18.160.

(16) Commercial Power Generating Facilities subject to the standards of Chapter 18.160 and Chapter 18.161.

**RR-1**

18.44.010 Uses permitted outright.

(5) Non-Commercial Wind Energy Systems and meteorological towers that meet the requirements of 18.162.010.

(6) Non-Commercial Photovoltaic Energy Systems that meet the requirements of 18.162.020.

18.44.020 Conditional uses permitted.

(10) Non-Commercial Wind Energy Systems and meteorological towers that do not meet the requirements of 18.162.010 are subject to any additional standards of the zone and Chapter. 18.160.

(11) Non-Commercial Photovoltaic Energy Systems that do not meet the requirements of 18.162.020 are subject to any additional standards of the zone and Chapter 18.160.

**SR-1**

18.48.010 Uses permitted outright.

(6) Non-Commercial Wind Energy Systems and meteorological towers that meet the requirements of 18.162.010.

(7) Non-Commercial Photovoltaic Energy Systems that meet the requirements of 18.162.020.

18.48.020 Conditional uses permitted.

(16) Non-Commercial Wind Energy Systems and meteorological towers that do not meet the requirements of 18.162.010 are subject to any additional standards of the zone and Chapter. 18.160.

(17) Non-Commercial Photovoltaic Energy Systems that do not meet the requirements of 18.162.020 are subject to any additional standards of the zone and Chapter 18.160.

**SR(M)-1**

18.52.010 Uses permitted outright.

(6) Non-Commercial Wind Energy Systems and meteorological towers that meet the requirements of 18.162.010.

(7) Non-Commercial Photovoltaic Energy Systems that meet the requirements of 18.162.020.

18.52.020 Conditional uses permitted.

(16) Non-Commercial Wind Energy Systems and meteorological towers that do not meet the requirements of 18.162.010 are subject to any additional standards of the zone and Chapter. 18.160.

(17) Non-Commercial Photovoltaic Energy Systems that do not meet the requirements of 18.162.020 are subject to any additional standards of the zone and Chapter 18.160.

**L-C**

18.56.010 Uses permitted outright.

(26) Non-Commercial Wind Energy Systems and meteorological towers that meet the requirements of 18.162.010.

(27) Non-Commercial Photovoltaic Energy Systems that meet the requirements of 18.162.020.

18.56.020 Conditional uses permitted.

(9) Non-Commercial Wind Energy Systems and meteorological towers that do not meet the requirements of 18.162.010 are subject to any additional standards of the zone and Chapter. 18.160.

(10) Non-Commercial Photovoltaic Energy Systems that do not meet the requirements of 18.162.020 are subject to any additional standards of the zone and Chapter 18.160.

#### **N-C**

18.60.010 Uses permitted outright.

(14) Non-Commercial Wind Energy Systems and meteorological towers that meet the requirements of 18.162.010.

(15) Non-Commercial Photovoltaic Energy Systems that meet the requirements of 18.162.020.

18.60.020 Conditional uses permitted.

(9) Non-Commercial Wind Energy Systems and meteorological towers that do not meet the requirements of 18.162.010 are subject to any additional standards of the zone and Chapter. 18.160.

(10) Non-Commercial Photovoltaic Energy Systems that do not meet the requirements of 18.162.020 are subject to any additional standards of the zone and Chapter 18.160.

#### **R-C**

18.64.010 Uses permitted outright.

(13) Non-Commercial Wind Energy Systems and meteorological towers that meet the requirements of 18.162.010.

(14) Non-Commercial Photovoltaic Energy Systems that meet the requirements of 18.162.020.

18.64.020 Conditional uses permitted.

(7) Non-Commercial Wind Energy Systems and meteorological towers that do not meet the requirements of 18.162.010 are subject to any additional standards of the zone and Chapter. 18.160.

(8) Non-Commercial Photovoltaic Energy Systems that do not meet the requirements of 18.162.020 are subject to any additional standards of the zone and Chapter 18.160.

#### **L-M**

18.68.010 Uses permitted outright.

(16) Non-Commercial Wind Energy Systems and meteorological towers that meet the requirements of 18.162.010.

(17) Non-Commercial Photovoltaic Energy Systems that meet the requirements of 18.162.020.

18.68.020 Conditional uses.

(17) Non-Commercial Wind Energy Systems and meteorological towers that do not meet the requirements of 18.162.010 are subject to any additional standards of the zone and Chapter 18.160.

(18) Non-Commercial Photovoltaic Energy Systems that do not meet the requirements of 18.162.020 are subject to any additional standards of the zone and Chapter 18.160.

(19) Commercial Power Generating Facilities subject to the standards of Chapter 18.160 and Chapter 18.161.

#### **H-M**

18.72.010 Uses permitted outright.

(22) Non-Commercial Wind Energy Systems and meteorological towers that meet the requirements of 18.162.010.

(23) Non-Commercial Photovoltaic Energy Systems that meet the requirements of 18.162.020.

18.72.020 Conditional uses.

(14) Non-Commercial Wind Energy Systems and meteorological towers that do not meet the requirements of 18.162.010 are subject to any additional standards of the zone and Chapter 18.160.

(15) Non-Commercial Photovoltaic Energy Systems that do not meet the requirements of 18.162.020 are subject to any additional standards of the zone and Chapter 18.160.

(16) Commercial Power Generating Facilities subject to the standards of Chapter 18.160 and Chapter 18.161.

#### **R-M**

18.76.010 Uses permitted outright.

(10) Non-Commercial Wind Energy Systems and meteorological towers that meet the requirements of 18.162.010.

(11) Non-Commercial Photovoltaic Energy Systems that meet the requirements of 18.162.020.

18.76.020 Conditional uses.

(8) Non-Commercial Wind Energy Systems and meteorological towers that do not meet the requirements of 18.162.010 are subject to any additional standards of the zone and Chapter 18.160.

(9) Non-Commercial Photovoltaic Energy Systems that do not meet the requirements of 18.162.020 are subject to any additional standards of the zone and Chapter 18.160.

**R-5**

18.88.010 Uses permitted outright.

(7) Non-Commercial Wind Energy Systems and meteorological towers that meet the requirements of 18.162.010.

(8) Non-Commercial Photovoltaic Energy Systems that meet the requirements of 18.162.020.

In an R-5 zone, the following uses and their accessory uses may be permitted subject to Chapter 18.160 CCC:

(8) Non-Commercial Wind Energy Systems and meteorological towers that do not meet the requirements of 18.162.010 are subject to any additional standards of the zone and Chapter 18.160.

(9) Non-Commercial Photovoltaic Energy Systems that do not meet the requirements of 18.162.020 are subject to any additional standards of the zone and Chapter 18.160.

(10) Commercial Power Generating Facilities subject to the standards of Chapter 18.160 and Chapter 18.161.

**R-10**

18.92.010 Uses permitted outright.

(7) Non-Commercial Wind Energy Systems and meteorological towers that meet the requirements of 18.162.010.

(8) Non-Commercial Photovoltaic Energy Systems that meet the requirements of 18.162.020.

18.92.020 Conditional uses permitted.

(5) Non-Commercial Wind Energy Systems and meteorological towers that do not meet the requirements of 18.162.010 are subject to any additional standards of the zone and Chapter 18.160.

(6) Non-Commercial Photovoltaic Energy Systems that do not meet the requirements of 18.162.020 are subject to any additional standards of the zone and Chapter 18.160.

(7) Commercial Power Generating Facilities subject to the standards of Chapter 18.160 and Chapter 18.161.

**FR-10**

18.96.020 Permitted uses.

(12) Non-Commercial Wind Energy Systems and meteorological towers that meet the requirements of 18.162.010.

(13) Non-Commercial Photovoltaic Energy Systems that meet the requirements of 18.162.020.

18.96.030 Conditional uses permitted.

(4) Commercial Power Generating Facilities subject to the standards of Chapter 18.160 and Chapter 18.161.

18.100.020 Permitted uses.

(12) Non-Commercial Wind Energy Systems and meteorological towers that meet the requirements of 18.162.010.

(13) Non-Commercial Photovoltaic Energy Systems that meet the requirements of 18.162.020.

**RW-40**

18.100.030 Conditional uses permitted.

(3) Non-Commercial Wind Energy Systems and meteorological towers that do not meet the requirements of 18.162.010 are subject to any additional standards of the zone and Chapter 18.160.

(4) Non-Commercial Photovoltaic Energy Systems that do not meet the requirements of 18.162.020 are subject to any additional standards of the zone and Chapter 18.160.

(5) Commercial Power Generating Facilities subject to the standards of Chapter 18.160 and Chapter 18.161.

**PBR-20**

18.108.010 Uses permitted outright.

(12) Non-Commercial Wind Energy Systems and meteorological towers that meet the requirements of 18.162.010.

(13) Non-Commercial Photovoltaic Energy Systems that meet the requirements of 18.162.020.

18.108.020 Conditional uses permitted.

(3) Non-Commercial Wind Energy Systems and meteorological towers that do not meet the requirements of 18.162.010 are subject to any additional standards of the zone and Chapter 18.160.

(4) Non-Commercial Photovoltaic Energy Systems that do not meet the requirements of 18.162.020 are subject to any additional standards of the zone and Chapter 18.160.

(5) Commercial Power Generating Facilities subject to the standards of Chapter 18.160 and Chapter 18.161.

**THE FOLLOWING TWO SECTIONS ARE ADDED TO 18.160.050:**

(19) Commercial Power Generating Facilities

A Commercial Power Generating Facility that is a conditional use in the applicable zone is governed by the general criteria and conditions in 18.160.020 and 18.160.030 and the provisions of Chapter 18.161.

(20) Non-Commercial Energy Systems.

A non-commercial energy system that is a conditional use in the applicable zone is governed by the general conditional use criteria and conditions in 18.160.020 and 18.160.030 and the provisions of Chapter 18.162.

**THE FOLLOWING TWO CHAPTERS ARE ADDED TO TITLE 18:**

18.161 Commercial Power Generating Facilities

18.161.010 In addition to any other requirements of the applicable zone, Commercial Power Generating Facilities are subject to the following criteria.

(1) Commercial Wind Energy Systems

(a) In addition to the requirements of this chapter, Wind Energy Systems in EFU zones are subject to OAR 660-033-0120 & 0130.

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

(1) A description of the proposed Wind 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 Wind Energy System, including a map showing the location of components and including

(a) evidence of wind monitoring data qualifying the wind resources within the project boundary;

(b) evidence of an active utility transmission interconnect request and/or process and description of same; and

(c) a route and permitting plan for transmission lines connecting the project to the grid.

(2) 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 wind power generation facilities on such adjacent lands,



(3) A Transportation Impact Analysis (TIA) or Traffic Assessment Letter (TAL), with proposed recommendations, if any, reflecting the requirements of Section 7.1.7 of the Crook County Transportation System Plan (TSP) and the transportation impacts of the Wind 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.

(4) A wildlife impact and monitoring plan. The 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.

(5) 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 and high rise rescue and spills. If the local fire department or district does not have adequate high rise rescue capability, the applicant shall provide a plan for providing such in case of an emergency. A spill prevention control and counter measure plan (SPCC) shall also be provided. An Operation and Maintenance plan (O&M) shall be submitted detailing expected work force, local response capability, controlled access, and, in the case of transmission lines, proof of emergency response capability in accordance with OPUC rules governing operation and maintenance of such lines.

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

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

- (8) Information pertaining to the impacts of the Wind 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; and
  - (d) Criminal Activity (vandalism, theft, trespass, etc.). Include a plan and proposed actions to avoid, minimize or mitigate impacts.

(9) A dismantling and decommissioning plan of all components of the Wind Energy System, as provided in 18.161.010(1)(e).

(10) A socioeconomic impact assessment of the Wind 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.

(c) Criteria

The following requirements and restrictions apply to the siting of a Wind Energy System facility:

(1) Setbacks. No portion of the facility shall be within one half mile 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. Towers and turbines shall not be constructed closer than one half mile 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. Turbine towers must be set back from any public roadway a minimum distance of 1.5 times the total blade tip height.

(2) 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 & other significant natural resources.

(3) The turbine towers and transmission support structures shall be designed and constructed to discourage bird nesting and wildlife attraction. The proposed wind energy system shall be designed to reduce the likelihood of significant adverse effects on wildlife and wildlife habitat. Measures to reduce significant impact may include, but are not limited to, the following:

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

(4) A finding by the Energy Facility Siting Council that a proposed energy facility meets the Council's Fish and Wildlife Habitat standard, OAR 345-022-0060, satisfies the requirements of paragraph (3).

(5) The turbine towers shall be of a size and design to help reduce noise or other detrimental effects. At a minimum the facility shall be designed and operated within the limits of noise standards established by the State of Oregon.

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

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

(8) In EFU zones any required permanent maintenance/operations buildings shall be located off-site in one of Crook County's appropriately zoned areas, except that such a building may be constructed on-site if

- (a) the building is designed and constructed generally consistent with the character of similar buildings used by commercial farmers or ranchers, and
- (b) the building will be removed or converted to farm use upon decommissioning of the Wind Energy System consistent with the provisions of 18.161.010.(e).

(9) A Wind Energy System shall comply with the Specific Safety Standards for Wind Facilities delineated in OAR 345-024-0010 (as adopted at time of application).

(10) Airport Proximity: The Wind Energy System shall not be located adjacent to, or within, the control zone of any airport.

(11) Cleaning Chemicals and Solvents: During operation of the Wind Energy System, all chemicals or solvents used to clean equipment should be low in volatile organic compounds and the operator should use recyclable or biodegradable products to the extent possible.

(12) If the Wind 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.

(13) 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.

(14) Compliance with the standards found in. OAR 660-033-0130 (37) shall need to be demonstrated.

(15) A plan for dismantling of uncompleted construction and/or decommissioning of the Wind Energy System shall be required. Contents of the Plan are set forth in 18.161.010(1)(e).

(16) A Bond or other financial mechanism acceptable to the County shall be established to cover the cost of dismantling of uncompleted construction and/or decommissioning of the facility, and site rehabilitation; see 18.161.010(1)(e). 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 for Bonds shall serve as a

guideline for the amount of the bond or other financial mechanism required.

(17) The actual latitude and longitude location or State plane NAD 83(91) coordinates of each turbine tower, connecting lines, and transmission lines, shall be provided to Crook County Planning Department within 90 days of starting construction.

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

(19) Upon request of the County after the end of each calendar year the facility owner/operator shall provide Crook County an annual report including the following information:

- (a) A summary of changes to the facility that do not require facility requirement amendments.
- (b) A summary of the wildlife monitoring program - bird injuries, casualties, positive impacts on area wildlife and recommendations for changes in the monitoring program.
- (c) Employment impacts to the community and Crook County during and after construction.
- (d) Success or failure of weed control practices.
- (g) Status of the decommissioning bond or other financial mechanism.
- (e) Summary comments of any problems with the projects, any adjustments needed, or any suggestions.
- (f) For facilities under EFSC jurisdiction and for which an annual report is required, the annual report to EFSC satisfies this requirement.

d) Amendments. The Wind 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 18.171. Additionally, an amendment shall be required if the facility changes would

- (1) Require an expansion of the established facility boundaries;
- (2) Increase the number of turbine towers by more than 20%;
- (3) Increase generator output by more than 25% relative to the generation capacity authorized by the initial permit due to the repowering or upgrading of power generation capacity.

- (4) Change any roads or access points at or inside the project boundaries.
- (5) Notification by the facility owner/operator to the Crook County Planning Department of changes not requiring an amendment are encouraged, but not required. An amendment to a Site Certificate issued by EFSC will be governed by the rules for amendments established by EFSC.

(e) Decommissioning. Plan elements shall include:

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

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

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

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

(a) Dismantling and removal of all turbines, towers, pad-mounted transformers, meteorological towers and related above ground equipment. All concrete turbine pads shall be removed to a depth of at least four feet below the surface grade.

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

(c) Gravel shall be removed from areas surrounding turbine pads.

(d) Access roads shall be removed by removing gravel and restoring the surface grade and soil.

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

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

(5) The facility owner/operator shall submit to Crook County a bond or other financial mechanism, acceptable to the County in form and amount and naming Crook County and the landowner as beneficiary or payee.

(a) The calculation of present year dollars shall be made using the U. S. Gross Domestic Product Implicit Price Deflator as published by the U. S. Department of Commerce's Bureau of Economic Analysis, or any decommissioning standards established by a successor agency. The amount of the bond or other financial mechanism shall be increased at such time when the cumulative requirements in the Index exceeds 10 percent from the last change. If at any time the Index is no longer published, Crook County and the applicant shall select a comparable calculation of present year dollars. The amount of the bond or other financial mechanism shall be pro-rated within the year to the date of decommissioning.

(b) The decommissioning bond or other financial mechanism shall not be subject to revocation or reduction before decommissioning of the Wind Energy System and rehabilitation of the site.

(c) The facility owner/operator shall describe the status of the decommissioning bond or other financial mechanism in the annual report submitted to Crook County, or upon request.

(d) If any disputes arise between Crook County and the landowner on the expenditure of any proceeds from the bond or other financial mechanism, either party may request non-binding arbitration. Each party shall appoint an arbitrator, with the two arbitrators choosing a third. The arbitration shall proceed according to the Oregon statutes governing arbitration. The cost of the arbitration (excluding attorney fees) shall be shared equally by the parties.

(e) For projects sited by EFSC, compliance with EFSC's financial assurance and decommissioning standards shall be deemed to be in compliance with the dismantling and decommissioning requirements of this section.

(f) Crook County may impose additional clear and objective conditions in accordance with the Crook County Comprehensive Plan, County Zoning Code and state law, which Crook County considers necessary to protect the best interests of the surrounding area, or Crook County as a whole.

(g) Prior to commencement of any decommissioning work, all necessary permits shall be obtained, e.g. Crook County Land Use Permits, road access and other permits from the Crook County Road master and the Oregon Department of Transportation; or other entities.

## (2) Commercial Photovoltaic Energy Systems

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

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

(1) 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.

(2) 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,

(3) 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.

(4) 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 18.161.010(2)(b)(8) and 18.161.010(2)(c)(4), however a comprehensive wildlife impact and monitoring plan is not required.

(5) 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.

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

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

(8) 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; and

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

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

(10) 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.

(c) Criteria

The following requirements and restrictions apply to the siting of a Photovoltaic Energy System facility:

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

(2) 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 & other significant natural resources.

(3) 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.

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

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

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

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

(7) 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.

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

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

biodegradable products to the extent possible.

(10) 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.

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

(12) In EFU zones any required permanent maintenance/operations buildings shall be located off-site in one of Crook County's appropriately zoned areas, except that such a building may be constructed on-site if

- (a) the building is designed and constructed generally consistent with the character of similar buildings used by commercial farmers or ranchers, and
- (b) the building will be removed or converted to farm use upon decommissioning of the Photovoltaic Energy System consistent with the provisions of 18.161.010.(e).

(13) 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.

(14) 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.

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

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

guideline for the amount of the bond or other financial mechanism required.

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

(18) Upon request of the County after the end of each calendar year the facility owner/operator shall provide Crook County an annual report including the following information:

- (a) A summary of changes to the facility that do not require facility requirement amendments.
- (b) A summary of the wildlife monitoring program - bird injuries, casualties, positive impacts on area wildlife and recommendations for changes in the monitoring program.
- (c) Employment impacts to the community and Crook County during and after construction.
- (d) Success or failure of weed control practices.
- (e) Status of the decommissioning bond or other financial mechanism.
- (f) Summary comments of any problems with the projects, any adjustments needed, or any suggestions.
- (g) The annual report requirement may be discontinued or required at a less frequent schedule by the County. The reporting requirement and/or reporting schedule shall be reviewed, and possibly altered, at the request of the facility owner/operator. For facilities under EFSC jurisdiction and for which an annual report is required, the annual report to EFSC satisfies this requirement.

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 18.171. additionally, an amendment shall be required if the facility changes would

- (1) Require an expansion of the established facility boundaries;
- (2) Increase the footprint of the photovoltaic energy system by more than 20%;
- (3) Increase generator output by more than 25% relative to the generation capacity authorized by the initial permit due to the repowering or upgrading of power generation capacity.
- (4) Changes to any roads or access points to be established at or inside the project boundaries. Notification by the facility owner/operator to the Crook County Planning Department of changes not requiring an amendment are encouraged, but not required. An amendment to a Site

Certificate issued by EFSC will be governed by the rules for amendments established by EFSC.

(e) Decommissioning. Plan elements shall include:

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

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

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

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

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

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

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

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

and shall be consistent with the weed control plan approved by Crook County.

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

(5) The facility owner/operator shall submit to Crook County a bond or other financial mechanism to the County in form and amount and naming Crook County and the landowner as beneficiary or payee.

(a) The calculation of present year dollars shall be made using the U. S. Gross Domestic Product Implicit Price Deflator as published by the U. S. Department of Commerce's Bureau of Economic Analysis, or any decommissioning standards established by a successor agency. The amount of the bond or other financial mechanism shall be increased at such time when the cumulative requirements in the Index exceeds 10 percent from the last change. If at any time the Index is no longer published, Crook County and the applicant shall select a comparable calculation of present year dollars. The amount of the bond or other financial mechanism shall be pro-rated within the year to the date of decommissioning.

(b) The decommissioning bond or other financial mechanism shall not be subject to revocation or reduction before decommissioning of the Photovoltaic Energy System and rehabilitation of the site.

(c) The facility owner/operator shall describe the status of the decommissioning bond or other financial mechanism in the annual report submitted to Crook County, or upon request.

(d) If any disputes arise between Crook County and the landowner on the expenditure of any proceeds from the bond other financial mechanism, either party may request non-binding arbitration. Each party shall appoint an arbitrator, with the two arbitrators choosing a third. The arbitration shall proceed according to the Oregon statutes governing arbitration. The cost of the arbitration (excluding attorney fees) shall be shared equally by the parties.

(e) For projects sited by EFSC, compliance with EFSC's financial assurance and decommissioning standards shall be deemed to be in compliance with the dismantling and decommissioning requirements of this section.

(f) Crook County may impose additional clear and objective conditions in accordance with the Crook County Comprehensive Plan, County Zoning Code and state law, which Crook County considers necessary to protect the best interests of the surrounding area, or Crook County as a whole.

(g) Prior to commencement of any decommissioning work, all necessary permits shall be obtained, e.g. Crook County Land Use Permits, road access and other permits from the Crook County Road master and the Oregon Department of Transportation; or other entities.



## **18.162 Non-Commercial Energy Systems**

### **18.162.010 Non-Commercial Wind Energy Systems**

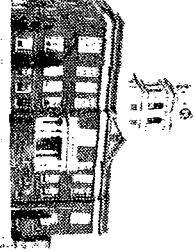
All new or replacement Wind Energy Systems that are not Commercial Power Generating Facilities shall be a permitted use in all zones. In addition to any requirements of the applicable zone, all new or replacement Wind Energy Systems that are not Commercial Power Generating Facilities shall be subject to the following standards:

1. Wind Energy Systems are subject to the setback requirements of the zone. In addition the wind energy system shall be setback at least the height of the wind energy system from all property lines. The wind energy system shall not be located closer to dwellings on adjacent property than to existing dwellings on the parcel or lot where the wind energy system is located.
2. Roof-mounted, building-integrated, building-mounted or architectural wind energy systems may extend an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher.
3. Wind energy system towers must meet the dimensional standards for building and structure heights in the applicable zone.
4. Wind energy systems and meteorological towers shall comply with all applicable state construction and electrical codes, and the National Electrical Code. The applicant shall obtain all necessary building and electrical permits from the Crook County Building Department prior to installation or alteration of the wind energy system.

### **18.162.020 Non-Commercial Photovoltaic Energy Systems**

All new or replacement Photovoltaic Energy Systems that are not Commercial Power Generating Facilities shall be a permitted use in all zones. In addition to any requirements of the applicable zone, all new or replacement Photovoltaic Energy Systems that are not Commercial Power Generating Facilities shall be subject to the following standards:

1. Photovoltaic Energy Systems are subject to the setback requirements of the zone.
2. All components of a Photovoltaic Energy System shall comply with the height restrictions of the zone. For installations mounted flush with a pitched roof, the height of the panels will not be calculated unless the panels will extend above the highest ridge of the roof.
3. Photovoltaic Energy Systems may be mounted to an approved on-site structure or established as a free standing structure, provided that the other requirements of this section are met.
4. Photovoltaic Energy Systems shall comply with all applicable state construction and electrical codes, and the National Electrical Code. The applicant shall obtain all necessary building and electrical permits from the Crook County Building Department prior to installation or alteration of the Photovoltaic Energy System.



**Crook County  
Planning Department**

300 N.E. 3rd St.  
Prineville, Oregon 97754

ATTENTION: PLAN AMENDMENT SPECIALIST  
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