



Minutes For June 25, 2025
Crook County Planning Commission
Meeting

Meeting minutes are not a complete representation of discussions at the meeting. An audio recording is available from Crook County Community Development at plan@crookcountyor.gov or (541) 447-3211.

Chair Warren called the meeting to order at 4:02 p.m.

The meeting was conducted by Zoom, phone, and in-person at the Crook County Annex.

Attendance

Commissioners Attending:

In Person	Zoom	Commissioner	Excused Absence	Unexcused Absence
x		George Ponte		
x		Marlo Dill		
x		Laquita Stec		
x		Les Williamson		
x		Hunter Neuharth		
x		Mike Warren		
x		Monty Kurtz, pro tem		

Staff Attending:

In Person	Zoom	Crook County Staff
x		John Eisler
x		Katie McDonald
x		Hannah Elliott

Public Comment

None

Final Decision

The Chair stated that the commissioners had the Final Decision for Hegele conditional use, record number 217-24-000198-PLNG before them. Commissioners had no questions so the Chair signed at the conclusion of the meeting.

Consent Agenda

1. Final Plat Review, file number 217-25-000084-PLNG.
2. Final Plat Review, file number 217-23-001387-PLNG.

MOTION: Laquita Stec moved to approve the consent agenda as presented. Les Williamson seconded.

No discussion.

VOTE: Yes votes: Monty Kurtz, Laquita Stec, Les Williamson, Hunter Neuharth, Marlo Dill, and George Ponte. No votes: none. Motion passed 6-0-0.

Public Hearing

Record Number 217-24-000293-PLNG: Conditional use application for a photovoltaic (pv) solar power generation facility located on property zoned Exclusive Farm Use zone, EFU-3. The proposal includes a ground mounted solar array, gen tie transmission lines, a substation, an energy storage system, and an operation and maintenance facility. The project is pro-posed to be a 320-acre site, on a portion of property identified as map tax lot: 1615000000300. It is north of an existing solar facility.

The hearing was being held pursuant to: Crook County Code ("CCC") 18.172 (Administration Provisions)

The Planning Commission evaluated the request against the following applicable criteria.
Crook County Code, Title 18, Chapter 16, Chapter 160, Chapter 161, Chapter 180, the Crook County, Comprehensive Plan, Oregon Administrative Rules, and Oregon Revised Statutes.

The Chair asked if any Commissioner had any bias, prejudice, personal interest, or conflicts of interest to disclose.

Commissioner	No	Disclosure
Marlo Dill	X	
Laquita Stec	X	
Les Williamson	X	
Goerge Ponte	X	
Hunter Neuharth	X	
Mike Warren	X	
Monty Kurtz	X	

The Chair asked if any Commissioner had any Ex Parte Contact with the Applicant or any Member of the Public regarding this matter, noting that Commissioners should disclose if they have visited the site.

Commissioner	No	Disclosure
Marlo Dill	X	Did not specifically tour the site but is familiar with the area.
Laquita Stec	X	No
Les Williamson	X	Has not been to the site.
Goerge Ponte	X	Toured a neighboring site and visited some folks that were either on the property or nearby. Has not been to this site.
Hunter Neuharth	X	Not been to the site but know where it's located.
Mike Warren	X	Has not been to the site nor talked with anybody.
Monty Kurtz	X	Has not been to the site nor talked with anybody.

The Chair asked if any member of the public, including those participating by phone, wished to challenge any member of the Commission.

None.

The Chair reviewed the order of proceedings.

The Chair asked if any Commissioners wished to impose a time limit on testimony.

Commissioner Stec suggested five minutes. The commission agreed.

The Chair asked to hear from staff.

Senior Planner Katie McDonald provides an update on the public hearing for the proposed Moffatt Road solar facility, emphasizing the challenges of reconciling a standard staff report with late-breaking evidence and physical changes to the site. McDonald highlights that the applicant has recently cleared juniper trees from the property, complicating existing "prior to clearing and grading" conditions of approval and potentially impacting wildlife surveys and erosion control. She tasks the Planning Commission with determining if the applicant has met the burden of proof regarding land use compatibility, farm impacts, and visual character, while specifically calling for more clear and objective language in the conditions of approval. Because solar projects lack the traditional building permit milestones of commercial developments, McDonald suggests the Commission refine the timing mechanisms for requirements such as decommissioning plans, weed control, and wildlife mitigation fees to ensure enforceable compliance throughout the construction process.

Chair Warren asked if exhibit 19 addressed all of the concerns.

McDonald said the exhibit was just received, so she was not sure.

Commissioner Kurtz said his question comes down to prior to grading and site improvements, but everything is done so now what.

McDonald said that was a great question. McDonald advised the Planning Commission to move beyond a narrow focus on juniper removal when defining "clearing and grading." She suggested that the Commission ask the applicant to clarify what "site development" specifically entails for this project to ensure that the conditions of approval remain effective and enforceable. McDonald proposed that the county may need to modernize its regulatory language, moving away from the term "clearing and grading" entirely to better capture the realities of modern site preparation.

Commissioner Kurtz suggests that the intent behind the land disturbance is what truly matters, arguing that even without a formal permit process, any grading or clearing done to prepare for a solar facility should inherently be tied to the conditional use permit requirements. Kurtz stated the connection is "self-explanatory": if a property owner is altering the land specifically to facilitate the proposed use, those actions should fall under the commission's oversight and the project's established conditions.

McDonald responded that the current hearing was for a conditional use permit. It had not been approved yet. The County does not have clearing and grading criteria for private property owners. McDonald clarifies that the historical standard of using "prior to clearing and grading" as a timing mechanism is failing in this case because the site's physical state has already changed. She notes that the applicant has proposed a narrow fix—specifically excluding "juniper removal" from the definition of clearing—but she cautions the Commission that this may not provide the timely compliance they need. McDonald emphasizes that the county requires clear and objective standards with greater specificity regarding when conditions must be met. She encourages the Commission to

look beyond the applicant's suggestion and identify alternative, definitive milestones that ensure the public and staff can track compliance, especially since solar projects lack the built-in "check and balance" of traditional building permits.

Commissioner Ponte asked if the only work that's been done on site is the juniper removal.

McDonald confirmed that was her understanding.

Commissioner Stec asked if the farm impacts have been addressed regarding the 40-acre farm parcel to the south.

McDonald said to refer to exhibit 11 from the applicant.

Commissioner Ponte asked if there had been any other solar projects that started clearing and grading before the issuance of a conditional use permit.

McDonald confirmed that TSR North, along HWY 26 between the Por-tay pit and the highway, had their conditional use permit but it was not valid until the rule exception has been finalized and there is one more hearing on that. The juniper was removed there.

Commissioner Kurtz said that as a private property owner can do whatever they want prior to a conditional use permit, if the intent is to do something with that property at a conditional use or commercial level, that seems like a sidestep.

Agency Testimony

Greg Jackle from the Oregon Department of Fish and Wildlife came to the testimony stand in case the commission had any questions. Jackle offered a past precedent involving the Ponderosa project to explain why the "juniper removal" issue is being scrutinized. He notes that the Ponderosa project cleared junipers before any official activity began, but the project ultimately stalled and never moved forward. According to Jackle, this specific situation is likely what prompted the county to implement stricter conditions—such as "prior to groundbreaking" to ensure that significant land disturbance doesn't occur for projects that might not reach completion.

Commissioner Ponte asked Jackle to confirm that option 2A in the mitigation plan is the preferred option of ODFW.

Jackle confirmed yes, that's what they want to see.

Commissioner Neuharth asked if they are happy with the 2-1 ratio for mitigation and if they liked the area by Shotgun Ranch?

Jackle explained that the Oregon Department of Fish and Wildlife (ODFW) typically seeks a 2:1 mitigation ratio for projects impacting Category 2 habitats, such as winter ranges, to ensure both the replacement of lost habitat and a net benefit to the ecosystem. While this 2:1 ratio is the traditional standard in Crook County, Jackle notes that the requirement is flexible; the ratio could be lowered to 1.5:1 for exceptionally high-quality mitigation sites or increased if the impacted area possesses particularly high habitat value. Jackle said that the Shotgun Ranch is an ideal mitigation site primarily due to its existing conservation easement, which provides the long-term "durability" and legal assurance required by ODFW policy. This protection ensures the land remains free from future developments—such as roads, houses, or energy projects—matching the mitigation's lifespan to the project's 40-year permit. Additionally, Jackle noted that successful mitigation relies on the rigorous monitoring and

maintenance outlined by the SWCD, specifically regarding the long-term treatment of invasive annual grasses to preserve habitat quality over several decades.

Fire Marshal Russ Deboodt testified that while Crook County Fire and Rescue remains neutral on the proposed solar project, the district requires an expedited Emergency Management Response (EMR) plan due to the recent clearing of vegetation on the site. Deboodt noted that the existing piles of cleared trees now constitute a fire hazard, necessitating immediate coordination between the applicant and the fire district to determine safe disposal options—particularly if the site's proximity to Prineville city limits restricts burning. He emphasized that per county code and board policy, a vetted EMR plan must be in place to address large-scale developments, and he expressed confidence in reaching a solution based on the district's positive history of working with this applicant and other solar developers in the region.

Chair Warren asked Deboodt to confirm that the big piles is part of the plan that he would want expedited.

Fire Marshal Russ Deboodt clarified that while the removal of juniper trees is a common property management practice in Crook County, the scale of this specific 320-acre clearing necessitates a formal disposal and safety strategy within the Emergency Management Response (EMR) plan. He noted that once a Conditional Use Permit is approved, the site transitions into a commercial project, immediately triggering the requirement for a vetted EMR plan. This plan must outline the specific methods for handling and removing the large tree pilings—potentially involving coordination with the Department of Environmental Quality (DEQ) depending on the disposal method chosen—to mitigate the fire risk posed by the accumulated debris.

Commissioner Williamson asked if it was a benefit to cut the trees early and stack them and burn them when they are dry, so they don't have a lot of smoke.

Deboodt detailed the complex balance between burning efficiency and public safety, noting that while seasoned juniper with retained needles burns most effectively and with less smoke, the presence of large combustible piles during peak fire season (July) creates a significant uncontrolled fire threat that alters the district's risk dynamics. He emphasized that the feasibility of burning depends heavily on the project's proximity to city limits, as DEQ permitting requirements—which fall outside the fire district's jurisdiction—may prohibit burning altogether regardless of the land use. Deboodt concluded that while typical juniper treatments involve "resting" the wood for a year to ensure a complete burn in the following season, the transition of this site to a commercial project necessitates an immediate, formal conversation with the applicant to determine if burning or alternative disposal is the safest path forward.

Applicant Testimony

Max Yoklic, appearing on behalf of Moffet Road Solar Farm LLC, testified that the project is a local investment by New Sun Energy with a proven track record of contributing to the Crook County economy, including a community benefits fund that has already distributed \$165,000. He argued that the site is uniquely suited for solar development due to its proximity to the Ponderosa substation—a major transmission hub—and its location on low-value, non-irrigated Class 6 and 7 soils that do not support high-value agriculture or historic cultural sites. Addressing the recent 320-acre juniper removal, Yoklic clarified that this was an outright permitted use performed by the landowner to improve groundwater and soil health, and he requested that the Planning Commission's conditions of approval be amended to explicitly exclude such "outright permitted activities" from the definition of site clearing to avoid restricting standard property maintenance. He detailed a comprehensive mitigation strategy that includes a vetted 2:1 habitat plan at Shotgun Ranch, the use of specialized "air curtain burners" to dispose of wood pilings safely to reduce fire risk and smoke, and the donation of materials to the Crooked River Watershed Council for riparian restoration. Yoklic concluded by emphasizing that the project maintains a short 1.5-mile gentie line that parallels existing infrastructure to minimize visual impacts, respects all county setbacks through

natural BLM buffers, and ensures continued grazing access for neighboring allotments through coordinated movement routes, thereby satisfying all applicable conditional use criteria.

Commissioner Ponte asked if the energy storage system referred to in the staff report was battery storage.

Yoklic clarified that under the Department of Land Conservation and Development (DLCD) rules (OAR 660-033-0020, subsection M), the definition of a photovoltaic solar power generation facility encompasses all primary and ancillary components, including energy storage systems such as batteries. He explained that this state-level definition is mirrored in the Crook County Code, meaning the applicant's request for a permit naturally covers the full legal definition of the facility type. While noting that the "gen-tie" transmission lines running from the site to the substation are governed by separate standards, Yoklic emphasized that the inclusion of storage is standard within the comprehensive definition for which the applicant is seeking approval.

Commissioner Ponte asked if what they have proposed does not include any large building filled with lithium batteries.

Yoklic confirmed that while the legal definition of a solar facility may include energy storage, the current proposal does not include a battery or storage component. He explained that should the applicant decide to add storage in the future, it would trigger a separate and rigorous review process. This would require the applicant to re-coordinate with the fire department and submit comprehensive building, structural, and electrical plans to specifically address and mitigate any potential impacts associated with that type of infrastructure.

Commissioner Stec inquired about a specific provision on page 15 of the staff report regarding the re-evaluation of wildlife habitat impacts prior to site clearing and grading. Stec asked for clarification on whether a biologist had already conducted an analysis to determine if the project site remained consistent with the "pre-development level of analysis," specifically questioning if this assessment was completed before the recent juniper removal occurred.

Yoklic confirmed that the applicant proactively engaged a certified biologist to conduct pre-clearing surveys, specifically targeting nesting birds to mitigate the primary biological impact of juniper removal. Yoklic argued that such clearing often results in long-term habitat improvements, such as increased biodiversity and enhanced native forage, citing similar observations at nearby facilities and supporting testimony from the City of Prineville regarding soil health. To address potential erosion and dust concerns following the removal, he noted that the applicant is already coordinating with the landowner on an aerial reseeding plan using native grasses to stabilize the site.

Commissioner Ponte asked why inactive nest sites will be destroyed.

Yoklic explained that the biological surveys were conducted in accordance with the Migratory Bird Treaty Act (MBTA), a federal standard focused on protecting active nests. He clarified that while the act strictly prohibits the disturbance of occupied nests, it allows for the removal of inactive ones to facilitate land-use changes. Yoklic confirmed that the applicant's biological consultant specifically verified that no nests on-site were active before the juniper removal proceeded, thereby ensuring compliance with federal bird protection requirements while allowing the project to advance.

Commissioner Warren asked for confirmation on who removed the junipers.

Yoklic confirmed it was undertaken by the landowner. It was independent of the applicant entity that's applying for this application, under the landowner's rights as the owner of the land.

Chair Warren addressed the issue of site setbacks by referencing a photograph submitted by a neighbor, which appeared to show clearing directly up to the property's fence line. He requested clarification on this discrepancy, noting that while the visual evidence suggested a lack of separation, the applicant had previously claimed that a vegetative buffer was preserved along the boundary.

Yoklic offered to submit a map into the record to clarify the status of the required 20-foot vegetative setback. He explained that while the majority of the buffer remained intact, an analysis of geographic information (GIS) revealed that approximately four to six trees were inadvertently removed from within the protected area. Yoklic stated that the applicant has already entered into discussions with the affected landowner to remediate the loss of these trees and reaffirmed that the project intends to maintain the standard county-mandated 20-foot setback from the property line.

Chair Warren sought clarification on the project's physical layout, specifically referring to the aerial imagery presented by staff that outlined the 320-acre development area. He questioned the accuracy of those visual representations, asking whether the solar farm would take the shape of a long rectangle or if the cleared parcel would follow a different configuration within the section.

Yoklic clarified that the 320-acre project area is not a standard rectangle but follows a more rounded, angled shape that transitions from the southern and eastern property boundaries toward the existing intertie line. He emphasized that this specific footprint was an intentional design choice aimed at avoiding steep slopes and, more importantly, protecting cultural and archaeological resources located further north on the hillside. By drawing the project boundary to the south of these sensitive areas, the applicant ensured that the solar facility would steer clear of any potentially eligible historical sites while still utilizing the flatter, more suitable terrain for construction.

Commissioner Dill expressed concern regarding the timing of the juniper removal, noting that because the trees have already been cleared, the Planning Commission has lost the practical opportunity to negotiate or require expanded setbacks—such as 100 feet rather than the standard 20 feet—as a mitigation measure for neighboring properties. Dill further questioned the use of the "prior to clearing and grading" condition in the permit, suggesting that if a property is intended for commercial use, that restriction should arguably apply to all land-altering activities on the site regardless of whether those actions are otherwise permitted for private landowners.

Yoklic argued that the "prior to site clearing and grading" condition should be more narrowly defined to distinguish between commercial development and a landowner's existing property rights. He suggested that while industrial activities—such as heavy grading, excavating, and site construction—rightfully trigger costly commercial requirements like decommissioning bonds and habitat mitigation fees, these should not apply to "outright permitted uses" like juniper removal or building ranch roads. Yoklic urged the Commission to refine the standard permit language to ensure that a conditional use application does not inadvertently strip a landowner of their right to maintain their property before the actual commercial phase of the project begins. Additionally, he noted that the specific setback concerns regarding the neighbor (the Easterlys) had been resolved through direct consultation and were now addressed to the neighbor's satisfaction.

Commissioner Dill asked if the conditional use application had been submitted prior to the juniper removal.

Yoklic relied on staff to confirm the application was deemed complete in November and the tree clearing occurred in April or late March, prior to the first hearing.

Commissioner Kurtz expressed concern regarding the timing of land disturbance activities that occur after a commercial or conditional use application has been filed but before it has been fully processed. While he stated his support for juniper clearing, he emphasized that the resulting unintended consequences—such as soil grading and significant ground disruption—require oversight to ensure the right process is followed. He argued that once an intent for development is established through an application, critical safeguards like erosion control plans and

emergency response measures should be implemented immediately to prevent landowners from bypassing regulations or avoiding costs through premature site work.

Chair Warren asked if they'd be agreeable to expediting the emergency management plan with the fire department.

Yoklic confirmed that coordination with Crook County Fire and Rescue is already underway to address emergency management and site safety. He noted that the applicant intends to utilize the approved Emergency Management Plan (EMP) template recently developed for the West Prineville solar project to ensure a thorough and expedited safety review. Yoklic reported that the landowner is engaging local contractors for juniper clearing, with plans to utilize an air curtain burner to minimize smoke impact during disposal and reiterated the applicant's commitment to finalizing these protective measures as quickly as possible.

Chair Warren sought clarification regarding the extent of the site work already performed, specifically distinguishing between vegetation management and infrastructure development. He questioned whether the observed ground disturbance was limited strictly to the removal of juniper trees or if the landowner had progressed into actual site preparation, such as formal grading or the construction of new access roads.

Yoklic clarified that no site work, grading, or road construction related to the commercial application has occurred while the permit is pending. He emphasized a clear distinction between the applicant's activities and the landowner's actions, stating that the juniper clearing was performed independently by the landowner at their own discretion and with their own contractors. Yoklic reaffirmed that the applicant has taken no steps to develop the proposed commercial use, while the conditional use permit application is pending.

Commissioner Ponte questioned the applicant regarding the nature of the relationship between the project developers and the property owner. He sought confirmation that a formal, legal agreement is in place granting the applicant the right to construct and operate the proposed facility on the landowner's private property.

Yoklic confirmed that while the applicant has a signed lease agreement with the landowner, the decision to clear the juniper was made independently by the owner prior to the project's formal progression. He noted that removing the juniper creates a sequencing benefit for the project's secondary goals, such as integrated agricultural opportunities. Yoklic detailed ongoing discussions with local ranchers and neighbors to explore sheep grazing, honey bee or wild bee pollination, and the planting of native vegetation under the solar panels—endeavors he argued are significantly more viable once the invasive juniper is removed.

Commissioner Ponte expressed his support for both solar development and juniper reduction, stating that the current discussion would not change his position on approving the permit. However, he voiced significant discomfort with the handling of the project to date, specifically addressing the proposed language changes regarding juniper removal. He cautioned that adjusting the code or permit conditions to retroactively accommodate site activities felt like "the tail wagging the dog" and directed these concerns primarily toward staff for future consideration.

Commissioner Neuharth inquired whether the landowner had sought financial assistance for the juniper removal through established conservation programs. Specifically, he asked if the owner had applied for grants from organizations such as the Natural Resources Conservation Service (NRCS), the Crook County Soil and Water Conservation District, or other water-related agencies to help offset the costs of the clearing. He asked if it was his impression that the landowner paid out of pocket.

Yoklic clarified that, to his knowledge, the landowner paid for the juniper removal out of pocket rather than through grant funding. He noted that while there has been coordination with the Crooked River Watershed

Council to utilize some of the cleared materials for local restoration projects, he was not aware of any financial assistance from agencies like the NRCS.

Dill requested clarification regarding the legal timeline of the project, asking whether the applicant had officially filed for the Conditional Use Permit before securing a formal lease or contract with the property owner.

Yoklic stated he could not provide the exact dates at that moment. He committed to reviewing the lease agreements and comparing the execution dates against the application filing date to provide a definitive answer to the Commission.

Testimony in Support

None

Neutral Testimony

None

Testimony in Opposition

None

Applicant Rebuttal

None

Staff

Director Eisler introduced two late submissions into the record as Exhibits 20 and 21, both supporting House Bill 3135 regarding juniper removal. The first letter, from the Oregon Association of Conservation Districts, emphasizes the role of juniper management in protecting sage grouse habitat and conserving water. The second letter, from the City of Prineville's City Engineer, highlights the environmental benefits of removal, noting that juniper coverage has increased tenfold since the 1880s and poses risks to groundwater and fire safety. These letters will be formally processed and added to the record the following day.

Chair Warren stated that the concern is not about why we don't like juniper, it's the process they went about it.

McDonald provided technical context for the record, noting that the application was officially received on October 24th with signed owner authorization, though she clarified that the county has not yet received the biological surveys mentioned by the applicant. She highlighted a significant lack of clarity in the current county code regarding the definition of "clearing and grading," explaining that without specific language, it is difficult to determine exactly when a construction project officially begins. McDonald emphasized that while landowners have the right to manage their property, the Commission's role in deliberation is to refine these conditions—such as requiring consultation with the County Weed Master for native revegetation—to ensure the public and staff have a clear, enforceable roadmap for the project's development.

Eisler echoed the need for technical precision, suggesting that "clearing and grading" has become an imprecise "catch-all" term in the county's conditions. He recommended that moving forward, the Commission should move away from a single benchmark and instead categorize requirements—such as erosion control and biological surveys—under more specific milestones like "electrical permits" or "active development." Eisler concluded that using three or four distinct, well-defined terms would better suit the different stages of a project and provide more appropriate oversight than a single, potentially overused phrase.

Commissioner Stec offered a practical distinction between the activities, suggesting that "juniper removal" involves minimal impact—essentially crews with chainsaws and trucks—whereas "clearing and grading" implies the use of heavy machinery like bulldozers to fundamentally change the landscape. Stec questioned if the

Commission was overcomplicating the terminology, arguing that the intent is simply to ensure no actual site development or leveling for solar racks occurs until the required approvals are in place.

Eisler pointed out a legal nuance in the current language, noting that the phrase "clearing and grading" uses a conjunctive "and," technically implying that both actions must occur to trigger the standard. He suggested that simply removing trees ("clearing") might not meet the definition of "clearing and grading" as currently written. To resolve this ambiguity, he encouraged the Commission to either define the terms more substantively or move toward more objective language that prevents different people from interpreting the project's start date in different ways.

Commissioner Stec asked if they just yanked out juniper is that clearing or is that or is that removable?

Eisler differentiated between selective juniper removal, which provides ecological benefits like groundwater recharge and habitat restoration, and site clearing, which involves stripping all vegetation. He noted that while selective removal is a positive activity, it still requires oversight—specifically regarding erosion control to prevent "kicking up dirt" and fire safety reviews for wood disposal. He concluded by asking the Commission to use their wisdom to define these activities within the conditions of approval to balance property rights with environmental and safety standards.

Commissioner Stec questioned whether the Commission could legally or fairly hold the applicant responsible for the juniper removal performed independently by the landowner. Stec argued that since the developer's specific plan for "clearing and grading" to install solar racks is a separate, future phase of development, the applicant should not be penalized for actions taken by the property owner prior to the project's start.

Eisler clarified that the goal is not to penalize the applicant, but rather to replace "squishy" language with clear and objective standards. He explained that well-defined conditions are essential for enforcement; they allow staff to point to specific rules to determine whether a developer is in compliance or in violation of their permit. He concluded by expressing his hope that the Commission could craft a final decision with enough "teeth" to ensure the project is held to firm, enforceable benchmarks.

Chair Warren agreed that the discussion was not about penalizing the applicant. He noted that while the timing of the clearing looks bad during an active application, the landowner had a legal right to manage his property. Warren pointed out that if the juniper had been cleared two years prior, it wouldn't even be a topic of discussion. He concluded that the Commission's primary goal was simply ensuring all procedural basics were covered, despite the optics of the situation.

McDonald pressed the Commission to establish definitive benchmarks for project oversight, arguing that without a clear definition of "clearing and grading," the county lacks the authority to enforce critical safety requirements like erosion control and site plans. She noted that while selective juniper removal is often framed as simple maintenance, large-scale operations involving heavy equipment can create significant fugitive dust and environmental impacts before any formal plans are even submitted. With several solar projects currently active in the county, she urged the Commission to decide whether these compliance triggers should be tied to specific actions like the issuance of electrical permits or the removal of vegetation, emphasizing that the current ambiguity leaves staff without the "teeth" needed to protect the community's interests.

The Commissioners brainstormed a more nuanced approach to development triggers, focusing on the intensity of the activity rather than a single start date. They suggested that while cutting junipers with chainsaws poses little risk to soil, using heavy equipment to rip out roots should require an erosion control plan beforehand. To address fire risks and neighbor impacts without over-regulating landowners, they discussed potential future guidelines—similar to those used in other regions—where moving a specific volume of dirt or modifying large acreage would require notifying the fire and planning departments. This "guidance-first" approach would ensure that before a

developer "bulldozes a bunch of stuff," they are provided with the necessary requirements for erosion control and emergency response.

McDonald refocused the Commission on their immediate legal duties, suggesting that broader policy changes be saved for a future work session. She emphasized that their task that night was twofold: first, determining if the applicant had met the burden of proof for the proposed use; and second, ensuring the conditions of approval provided enough specificity to create a clear timeline for the public, staff, and the applicant. She noted that if the Commission chose "prior to clearing and grading" as a benchmark, it must be applied with enough clarity to function as a reliable mechanism for the project's development.

Commissioner Ponte asked what the ramifications would be if they didn't make any changes to the conditions and approved it as it was.

McDonald highlighted the practical urgency of defining project milestones, specifically questioning when the county should trigger requirements for erosion control and site plans. Using proposed Condition 6 as an example—which requires a site plan showing setbacks and preserved vegetation—she asked the Commission to pinpoint a more enforceable "trigger" than the ambiguous "clearing and grading." She suggested alternatives like requiring these documents prior to electrical plan reviews or initial site disturbance to ensure staff has the necessary oversight before significant work begins.

Commissioner Kurtz asked if a site plan was submitted.

McDonald pointed out a deficiency in the current record, noting that the site plan provided in the application materials (Exhibit B) is insufficient for actual construction oversight. She described it as a small, high-level "3x3 picture" that only serves as a general overview and an "example" of a solar facility. Because the current plan lacks the specific detail needed for permitting—such as exact setbacks and structure locations—she emphasized the need for a condition that requires a formal, finalized site plan before the project advances to a more critical stage of development.

The Commission and staff debated how to establish enforceable triggers for the project given the lack of county grading standards and state-level structural permits for solar facilities. Because the "clearing and grading" benchmark has proven too ambiguous—and much of the site work has already occurred—the discussion shifted toward using specific time-based deadlines for this particular permit. Commissioners proposed requiring the applicant to submit an erosion control plan within 30 days and an emergency response plan within 90 days of approval to address immediate concerns like soil stability and the fire risk posed by downed juniper. While acknowledging that time limits can be burdensome, the group agreed that the unique circumstances of this application justify distinct, measurable milestones to ensure compliance and public safety regardless of when active construction begins.

Representing the applicant, Matt Yoklic argued that a rigid 30-day deadline for an Emergency Management Plan (EMP) or erosion control plan is impossible to meet because these documents require 90% completion of civil and electrical design drawings to be accurate. He explained that these plans must reflect the actual site grading and layout—details that might not be finalized for several years under the four-year permit validity. As an alternative to the ambiguous "clearing and grading" trigger, Yoklic suggested tying compliance to "permanent above-ground disturbances" or actions not otherwise permitted by right in the zone, which would signal the transition from general land management to active facility construction. He emphasized that the applicant is already voluntarily working with the fire department and implementing aerial seeding to address current site conditions, but cautioned the Commission against setting deadlines that pre-date the technical engineering required to fulfill them.

Eisler proposed a middle ground by suggesting a new, separate condition specifically designed to address the immediate risks on-site without forcing the applicant into premature technical filings. Under this approach, the applicant would be required to consult with Fire and Rescue to develop a targeted plan for the currently stacked juniper, independent of the broader project-wide Emergency Management Plan. Additionally, Eisler pushed for an interim erosion strategy, such as reseedling, to stabilize the soil during the gap between the landowner's recent clearing and the developer's future construction.

Yoklic proposed a solution to bridge the gap between immediate environmental concerns and long-term technical requirements, suggesting that the applicant could consult with the Soil and Water Conservation District and the Watershed Council within 60 days of approval. This approach would allow the parties to develop a targeted remediation plan, such as aerial seeding with crested wheatgrass, to address potential erosion caused by the recent juniper removal. By decoupling these immediate mitigation efforts from the final construction-grade plans, Yoklic argued the Commission could create performable conditions that ensure site stability and safety without imposing technically impossible deadlines on the comprehensive facility design.

The Commission and staff debated a creative linguistic fix to bypass the problematic "clearing and grading" terminology by introducing a dual-deadline structure for critical safety plans. Commissioner Stec and others proposed that the Emergency Management Plan (EMP) and Erosion Control Plan be due either prior to permanent above-ground construction or within 60 days of permit approval—whichever comes first. This strategy aimed to ensure that even if actual construction is delayed for years, the developer must still provide the county with actionable plans to manage the existing fire hazards and soil stability issues within two months. While some members expressed concern about setting a precedent or penalizing the developer for the landowner's actions, the consensus shifted toward requiring these plans upfront to ensure the "teeth" of the permit are in place before any further site disturbance occurs.

Yoklic proposed a formal bifurcation of the requirements to solve the technical impasse: the high-level engineering documents would remain tied to the construction phase, while a new, immediate requirement would address the current site hazards. Under this framework, the comprehensive Emergency Management Plan (EMP) and Erosion Control Plan—which require 90% design completion—would be due prior to any permanent above-ground construction. Simultaneously, a separate condition would mandate that the applicant consult with Crook County Fire and Rescue and relevant natural resource agencies within 60 days of approval to specifically address the existing juniper piles and immediate erosion risks. This compromise ensures the county receives an actionable safety plan for the current state of the land without requiring the developer to produce finished engineering drawings years before breaking ground.

The Commission and staff focused on identifying a concrete administrative "trigger" for development since traditional building permits are not required for solar facilities in this jurisdiction. McDonald noted that because the state lacks structural plan reviews for photovoltaic systems, the submittal of an electrical plan review serves as the primary mechanism to alert the county that development has officially begun. This milestone was proposed as the deadline for technical requirements like finalized site plans and comprehensive erosion control, effectively replacing the ambiguous "clearing and grading" language that had complicated previous discussions.

The conversation also addressed the immediate fire and safety risks posed by the "change of use" from agricultural land to a commercial solar site. Staff emphasized that while clearing juniper for grazing is a standard use, doing so for a solar facility brings conditional use requirements to the forefront, such as fire life-safety plans and dust mitigation. To handle the unique challenges of this application—which includes an unusually high 23 proposed conditions—the group discussed the need for immediate remediation of the existing juniper slash, noting that such materials represent a significant hazard that cannot wait for the construction phase.

Ultimately, the Commission decided to continue the hearing to July 9th rather than rushing to a final decision with floating conditions. This extension allows staff to return with more refined, specific language for the conditions of

approval that clearly separate immediate safety requirements (like fire marshal consultation) from the long-term technical plans triggered by electrical permits. The commissioners expressed that a completed staff report with these detailed revisions is necessary to ensure a legally sound and enforceable final order.

Planning Commission Action

MOTION: Commissioner Stec moved to close this hearing and the record and continue for deliberations only to the next date and time certain which will include more refined conditions with more detail about the concerns that we've had tonight from staff. Date and time certain would be July 9th at 4:00 PM, same time, same place.

DISCUSSION: The commission discussed dates as July 9th would not have all commissioners available.

AMENDED MOTION: Commissioner Stec amended her motion to July 2nd.

Commissioner Williamson seconded the motion.

Chair Warren asked for discussion.

No Discussion.

Chair Warren called for the vote:

Commissioner	Yes	No	Abstain
George Ponte	x		
Marlo Dill	x		
Laquita Stec	x		
Les Williamson	x		
Hunter Neuharth	x		
Mike Warren			
Monty Kurtz, pro tem	x		
Motion passes 6-0-0			

McDonald clarified that there would be an updated staff report with conditions of approval.

Staff Updates/Planning Commission Comments

Director Eisler provided a comprehensive departmental update, noting that development activities—including permits and code compliance cases—have stabilized and are currently aligned with the three-year averages for 2023 through 2025. Key upcoming agenda items for the Board of Commissioners include the final reading for the TSR North hearing on July 1st and the Lester zone amendment. Eisler also highlighted the recent receipt of a large-scale application for Hidden Canyon (phases 1 through 6), which is expected to require significant staff resources moving forward.

The discussion then shifted to the upcoming Planning Commission schedule and administrative matters:

- Upcoming Hearings: The Mueller subdivision is set for July 9th, and a proposal for a childcare center in Powell Butte near the fire station is anticipated for August.

- Personnel Updates: Interviews for the vacant Planning Commission position (formerly held by Monty) are scheduled for July 9th, with three new applicants currently under consideration.
- Procedural Improvements: A commissioner requested better communication regarding County Court approvals of their programs, noting they were unaware of recent approvals. Eisler acknowledged the oversight, explaining that notice had gone to the administration office instead of the planning staff, and committed to ensuring the commissioners receive timely email updates on such decisions in the future.

Commissioner Ponte moved to adjourn the meeting.

Commissioner Stec seconded the motion.

Chair Warren called for the vote:

Commissioner	Yes	No	Abstain
George Ponte	x		
Marlo Dill	x		
Laquita Stec	x		
Les Williamson	x		
Hunter Neuharth	x		
Mike Warren	x		
Monty Kurtz, pro tem	x		
Motion passes 7-0-0			

Meeting adjourned at 6:43p.m.