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LAND CONSERVATION
AND DEVELOPMENT



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Land Conservation and Development Commission
635 Capitol Street, N.E., Suite 150
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October 5, 2011

RE: Proposed Goal 3 12/20 Solar Rule Revisions

Dear Commissioners:

Element Power would like to thank you for the opportunity to participate in the Rules Advisory Committee related to the Goal 3 12/20 solar rule. We appreciate the dedication of Commissioners Jenkins and Pellet and DLCD staff's efforts at bringing together a very broad stakeholder group and incorporating a variety of concerns and issues related to solar development on agricultural lands in Oregon. While we believe the latest draft has resolved some of our concerns over earlier drafts, we still believe our original request to streamline a complicated permitting process has not been met.

Specific concerns with the latest draft include new requirements to consider wildlife impacts specific to solar development, which other development projects on EFU lands are not subject to. Additionally, we are not satisfied with the minimal acreage increase (100 acres on non-arable lands) on a subset of agricultural lands in Oregon, while the original acreage limitations were effectively maintained for the remaining agricultural lands. Finally, we feel that the original request by industry to modify the regulation to be less complicated and less prone to litigation has not been met in the current draft. Essentially we believe the current draft replaces some confusing language with new and equally complicated standards to meet.

We truly appreciate DLCD staff's attempts to redraft the 12/20 rule to address industry's concerns and would like to be involved in future discussions regarding this rule and other land use rules pertaining to solar energy development in Oregon.

Sincerely,

Nicole Hughes
Senior Project Manager