Secretary of State

STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Land Conservation and Development

660

Agency and Division

Administrative Rules Chapter Number

Adopt permanent rules specifically applicable to siting photovoltaic solar power generation facilities

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency’s intended action.)

In the Matter of: Amendments to OAR Division 660, Chapter 33, creating specific opportunities to site photovoltaic solar power generation facilities on farm and ranch land without a Goal 2 exception.

Statutory Authority: ORS 197.040

Other Authority: Statewide Planning Goals 2 and 3

Stats. Implemented: ORS 215.213 and ORS 215.283

Need for the Rule(s): Oregon’s laws protecting agricultural lands include provisions for siting commercial scale energy generation facilities through a conditional use process. LCDC adopted new rules for siting of solar photovoltaic facilities in October, 2011. However, the Governor has asked, in conjunction with the House Energy, Environment and Water committee, that the commission consider revising a limited number of elements in those rules, including an acreage limit for siting such facilities on non-arable EFU zoned lands.

Documents Relied Upon, and where they are available: OAR Chapter 660, Division 33, available on the Department of Land Conservation and Development’s website: http://www.lcd.state.or.us/; or at the department offices at 635 Capitol St. NE, Suite 150, Salem, Oregon 97301-2540. Or contact Casaria Tuttle, 503-373-0050 Ext 322; email casaria.r.tuttle@state.or.us

Fiscal and Economic Impact: The proposed rules would amend rules adopted in October, 2011 in a limited manner. Based on available information, the department believes the proposed rules would have a positive economic impact on businesses by raising the acreage threshold for certain projects.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): Based on available information, these rules are not expected to create any cost of compliance impact to DLCD or any other state agency. The rules would clarify state requirements for this type of commercial power generation facilities in terms of what action is required by local government to review such activities.

2. Cost of compliance effect on small business (ORS 183.336):
   a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:
   The Department anticipates that fewer than 25 different renewable energy small businesses will utilize and, therefore, be subject to the proposed rules. Photovoltaic solar power generation facilities sometimes lease land from local farms and ranches that will almost always be considered small businesses. However, it is not possible for the department to predict how many local farms and ranches will be directly affected because each project selects its land ownership tenure and each project is different.

   b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:
   The costs of any reporting, record keeping and other administrative activities required for compliance are expected to be minimal, no more than any other authorized land use.

   c. Equipment, supplies, labor and increased administration required for compliance:
   No additional equipment, supplies, labor or increased administration is expected to be required to ensure compliance with these rules.

How were small businesses involved in the development of this rule?
Small businesses have been directly involved in the development of this rule. Farming and ranching interests have been represented on the Department’s Solar Rules Advisory Committee (RAC). Farming, ranching as well as other businesses have attended RAC meetings and offered written and verbal testimony to assist the Department’s rulemaking effort.

Administrative Rule Advisory Committee consulted?: Yes

If not, why?: NA

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<td>Jim Rue</td>
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Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007