

Affiliated Tribes of Northwest Indians  
AirWorks, Inc.  
Alaska Housing Finance Corporation  
Alliance to Save Energy  
Allumia  
Alternative Energy Resources Organization  
Ameresco  
American Rivers  
Backbone Campaign  
Beneficial State Bank  
BlueGreen Alliance  
Bonneville Environmental Foundation  
Byrd Barr Place  
Citizens' Utility Board of Oregon  
City of Ashland  
City of Seattle Office of Sustainability & Environment  
CleanTech Alliance  
Climate Smart Missoula  
Climate Solutions  
Community Action Center of Whitman County  
Community Action Partnership Assoc. of Idaho  
Community Action Partnership of Oregon  
Earth and Spirit Council  
Earth Ministry  
Ecova  
eFormative Options  
Energy350  
Energy Savvy  
Energy Trust of Oregon  
Environment Oregon  
Environment Washington  
EQL Energy  
Forth  
Global Ocean Health  
Home Performance Guild of Oregon  
Housing and Comm. Services Agency of Lane Co.  
Human Resources Council, District XI  
Idaho Clean Energy Association  
Idaho Conservation League  
Idaho Rivers United  
Interfaith Network for Earth Concerns  
League of Women Voters Idaho  
League of Women Voters Oregon  
League of Women Voters Washington  
Montana Audubon  
Montana Environmental Information Center  
Montana Renewable Energy Association  
Montana River Action  
National Center for Appropriate Technology  
National Grid  
Natural Resources Defense Council  
New Buildings Institute  
Northern Plains Resource Council  
Northwest EcoBuilding Guild  
Northwest Energy Efficiency Council  
NW Natural  
OneEnergy Renewables  
Opower  
Opportunities Industrialization Center of WA  
Opportunity Council  
Oregon Energy Fund  
Oregon Environmental Council  
Oregon Physicians for Social Responsibility  
OSEIA  
Pacific Energy Innovation Association  
Pacific NW Regional Council of Carpenters  
Portland Energy Conservation Inc.  
Portland General Electric  
Puget Sound Advocates for Retired Action  
Puget Sound Cooperative Credit Union  
Renewable Northwest  
Save Our wild Salmon  
Seattle City Light  
Seinergy  
Sierra Club  
Sierra Club, Idaho Chapter  
Sierra Club, Montana Chapter  
Sierra Club, Washington Chapter  
Small Business Utility Advocates  
Smart Grid Northwest  
Snake River Alliance  
Solar Installers of Washington  
Solar Oregon  
Solar Washington  
South Central Community Action Partnership  
Southeast Idaho Community Action Partners  
Spark Northwest  
Spokane Neighborhood Action Partners  
Sustainable Connections  
The Climate Trust  
The Energy Project  
Transition Missoula  
UCONS, LLC  
Union Of Concerned Scientists  
United Steelworkers of America, District 12  
Washington Environmental Council  
Washington Local Energy Alliance  
Washington Physicians for Social Responsibility  
Washington State Department of Commerce  
Washington State University Energy Program  
YMCA Earth Service Corps  
Zero Waste Vashon



**NW Energy Coalition**  
*for a clean and affordable energy future*

January 23, 2019

From: NW Energy Coalition

To: Commissioners, Land Conservation and Development Commission

Comments on Rulemaking – Solar Facilities on High-Value Farmland

The NW Energy Coalition (NVEC) submits the following comment to the Land Conservation and Development Commission on the proposed amendments to Oregon Administrative Rules (OAR) 660-033-0130(38).

NVEC is an alliance of over 100 environmental, civic, and human service organizations, progressive utilities, and businesses in Oregon, Washington, Idaho, Montana and British Columbia. Since 1981, we have promoted development of renewable energy and energy conservation, consumer protection, low-income energy assistance, and fish and wildlife restoration in Oregon and the Northwest.

The NW Energy Coalition opposes adoption of the amendments because the proposal does not achieve the right balance between the integrity of Oregon's land use system and planning goals and Oregon's policies supporting development of renewable energy within our state.

In particular, Department of Land Conservation and Development staff has provided no justification for the severe limitations proposed by the draft amendments. In Section A of their report ("Use, Occupy or Cover") of January 10, 2019, staff notes that "The commission adopted a temporary rule on July 27, 2018 to correct what the commission believed to be multiple misapplications of provisions regarding to the acreage thresholds established in the rule."

Staff also briefly mentions some of the viewpoints of members of the rulemaking advisory committee (RAC) and notes that deliberations took longer than expected and did not result in consensus. Yet the amendments proposed by staff go far beyond the interpretive questions the Commission initially addressed in adopting the temporary order.

Instead, the draft proposal would effectively and permanently preclude nearly all Willamette Valley high value farmland from any possibility of solar installation. The staff concludes:

The majority of the approved solar power-generating capacity in the state is in eastern and central Oregon and not on high-value farmland, suggesting that perhaps the rule has achieved its purpose of directing projects to appropriate areas. The department does not agree with this view because the impacts on high-value farmland in certain local agricultural areas have been disproportionate and are obscured by examination of statewide data. In the context of the policy to preserve that maximum amount of a limited supply of farmland, the department has found that the existing rule is too permissive on high-value farmland.

DLCD Staff, January 10, 2019, p. 10

Notably, however, staff provides no analysis or justification for its finding that impacts in certain local areas “have been disproportionate,” and therefore that the existing rule is too permissive. In fact, less than 1000 acres out of nearly 1.5 million acres of Willamette Valley high-value farmland currently have solar installations or projects in development. The proposed rule amendments appear to be a major overreach.

NWEC strongly shares the view of most Oregonians that our land use system must be protected and retain its integrity. However, land use rules providing for a balanced approach to renewable energy development have been in place since at least 1994, and additional protection has been applied since 2011. There is no persuasive indication that this has led to misuse of Oregon high value farmland or resulted in cumulative impacts deserving a severe reversal in Oregon land policy.

Our concern is further amplified by the appearance of this proposed amendment at the very time when Oregon is also sponsoring development of a new community solar program under legislative direction. This program is intended to enable households served by investor-owned utilities (PGE, Pacific Power and Idaho Power) to subscribe to solar generation when they cannot install solar equipment for their own direct use, because they are renters, solar access is not favorable on their property, or the up-front cost is simply unaffordable.

While some projects are likely to be installed in neighborhoods near subscribers, the Oregon PUC rules provide that they may subscribe to projects located anywhere in their utility service territory. Because land and development costs are high in urban areas, and mid-scale (up to 3 MW) projects may not be physically feasible in almost all urban areas, it has been anticipated that some proportion of community solar projects will be located within PGE’s Willamette Valley service area. This will not only provide better value to electric utility customers but also provide supplemental income to farmland owners.

The PUC’s current rules provide for up to 93 MW of community solar development within PGE’s service territory and 65 MW for Pacific Power. Assuming for illustrative purposes that community solar projects require 6 acres per MW, the amount of land needed for 100 MW of new solar, enough to provide a full year of electricity for over 15,000 households, would amount to 600 additional acres. Not all of the nearly 1.5 million acres of Willamette Valley high-value farmland would be appropriate for such development, but NWEC believes that farmland owners, with appropriate guidance from the existing rules, are already making such assessments and providing for solar development where appropriate. The existing rules and local land use review should continue to be sufficient for the anticipated increase of solar development including the community solar program.

Since the community solar program will extend for several years, there is ample time to allow for it to develop in accordance with the existing rules, and for the Commission to assess going forward whether negative cumulative effects of any kind are developing, and to take action as appropriate. We suggest that instead of adopting this arbitrary proposal, the Commission consider options for further study of this issue and provide oversight to assure that the current rules are being applied fairly and effectively.

NWEC believes that a better way forward can be found to enhance renewable energy development in Oregon for the benefit of Oregonians, while protecting farmlands and the integrity of the Oregon land use system, and providing mutual benefits to urban and agricultural areas across our state.

Thank you for your consideration of these comments.



Fred Heutte  
Senior Policy Associate  
NW Energy Coalition  
503.757-6222  
fred@nwenergy.org

cc:

Jim Rue, Director, Department of Land Conservation and Development  
Janine Benner, Director, Oregon Department of Energy  
Jason Miner, Natural Resources Policy Manager, Office of Governor Kate Brown  
Amira Streeter, Natural Resources Policy Advisor, Office of Governor Kate Brown  
Kristen Sheeran, Energy and Climate Change Policy Advisor, Office of Governor Kate Brown; Director of Carbon Policy Office  
Jon Jinings, Department of Land Conservation and Development  
Rob Hallyburton, Department of Land Conservation and Development

