

Governor's Executive Order 25-29

Accelerating Clean Energy Deployment Through Oregon's Land Use Planning Framework

Department of Land Conservation and Development

Findings and Recommendations
6-18-2026

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Purpose

Governor Tina Kotek signed Executive Order 25-29 (EO 25-29) on November 18, 2025.¹ The Executive Order focuses on reducing greenhouse gas emissions and advancing Oregon’s clean energy future, and directs all executive branch agencies to align their decisions, activities, and investments with the five least-cost pathways identified in the [Oregon Energy Strategy](#) developed and published by the Oregon Department of Energy in November 2025.

The Department of Land Conservation and Development (DLCD or department) has been assigned a role in the implementation of EO 25-29, Section I: *Foster the Transition to a Clean Energy Economy*. The department and other agencies have been directly named in Subsection I.2: *Get Clean Energy Projects Built*. This subsection directs agencies to develop and implement a coordinated, proactive approach to streamline land use and environmental reviews, siting and permitting, and interconnection processes for clean energy projects, energy storage, and associated transmission and distribution infrastructure, with particular focus on those that contribute to energy affordability and reliability.

The department’s tasks have been specifically included at EO 25-29, Subsection I.2.b: *Accelerate Clean Energy Deployment Through Oregon’s Land Use Planning Framework*, which directs the department to evaluate opportunities and barriers to clean energy development under Oregon’s land use planning goals, review existing rules and practices, and recommend actions and rule changes as needed to accelerate deployment of clean energy resources and grid infrastructure needed to deliver reliability and clean energy to Oregon consumers. The department is further directed to bring recommended actions for discussion and direction by DLCD to the Land Conservation and Development Commission (LCDC or commission) and deliver a final report with its findings and recommendations to the Governor by July 1, 2026.

The purpose of this report is to carry out the direction of EO 25-29, Subsection I.2.b. While from time to time, this report references the Oregon Energy Facility Siting Council (EFSC), the scope of this report encompasses

¹ Or. Exec. Order No. 25-29 (2025). <https://www.oregon.gov/gov/eo/eo-25-29.pdf>

rules and laws specific to the commission and departments' statutory authority and applicable to the local government decision making process.

I. Definitions

For purposes of work conducted by DLCD pursuant to EO 25-29 the following definitions apply:

“Accelerate” means to implement measures including but not limited to: furnishing assistance to developers and local decision makers, encouraging proactive planning and policy choices, providing possible regulatory relief, and eliminating process redundancies for purposes of reducing the timeframe associated with the application development or local government review of clean energy projects or grid infrastructure proposals. Such measures may be implemented alone or in combination and will maintain consistency with the Oregon Statewide Planning Goals and the mission of Oregon’s Statewide Planning Program.

“Barriers” means existing state land use provisions or policies, or the absence of such provisions or policies, that unnecessarily constrain siting approvals for clean energy generation project or transmission in areas considered well suited for development due to their ability to provide opportunity and contribute to the policy objectives of the state while limiting conflicts with other important resources and community interests. Barriers may be found based on complexity, redundancies, not being necessary to carry out the core mission of the land use program, or a lack of local resources.

“Clean Energy” means electricity generated from the following sources and includes both utility and domestic scale projects:

- ❖ Wind energy
- ❖ Solar photovoltaic and solar thermal energy
- ❖ Wave, tidal, and ocean thermal energy
- ❖ Geothermal energy
- ❖ Certain biomass products, including woody biomass and animal manure
- ❖ Landfill gas and other biogases
- ❖ Small hydropower
- ❖ Thermal energy

“Deliver reliable clean energy to Oregon consumers” means that the electricity generated from a clean energy project approved by a local jurisdiction in Oregon is procured by a utility serving an Oregon market, is used to support development located within the state, or provides other benefits to Oregon ratepayers.

“Deployment” means projects that are permitted, developed, and generating power to be delivered to Oregon Consumers.

“Opportunities” means the ability for local decision makers to approve applications for clean energy development, with or without mitigation as identified in administrative rule or other applicable provisions, having no, or minimal impacts on other valued resources (such as wildlife habitat, agricultural lands, forest lands, historic, and cultural and archaeological resources) local priorities, or community interests.

“Well suited for development” means areas that provide opportunities and the potential to contribute to the policy objectives of the state while avoiding, minimizing, or mitigating conflicts with other important resources and community interests.

II. Oregon Energy Strategy

Executive Order 25-29 directs all executive branch agencies to align their decisions, activities, and investments with the five least-cost pathways identified in the [Oregon Energy Strategy](#) developed and published by the Oregon Department of Energy in November 2025. Those five least-cost pathways are:

1. Energy Efficiency – Advance energy efficiency across buildings, industry, and transportation sectors, including by expanding access to and appeal of multimodal transportation options, to deliver the benefits of a more efficient energy system.
2. Clean Electricity – Secure reliable, affordable, and clean electricity by expanding the electricity system and incorporating load flexibility.
3. Electrification – Increase electrification of end uses across transportation, building, and industry, while safeguarding reliability, promoting affordability, and maximizing opportunities to use load flexibility as a resource.
4. Low-Carbon Fuels – Advance the use of low-carbon fuels in the hardest-to-electrify end uses and to maintain a reliable electric grid.
5. Resilience – Strengthen resilience across all levels of the energy system, including utilities, communities, and customers, enhancing Oregon’s ability to adapt to climate change and mitigate other risks.

For more information on the Oregon Energy Strategy and its implementation, please visit <https://energystategy.oregon.gov/implementing-the-strategy>.

III. Review and Analysis of Existing Oregon Laws and Practice

A. Summary of Local Government Authorities

Local government authority to consider and permit energy generation is derived from a combination of Oregon Revised Statutes, Oregon Statewide Planning Goals and Oregon Administrative Rules. The state provisions merge into local comprehensive plans and zoning ordinances where they are implemented by local decision makers.

Oregon Revised Statutes codify legislation that has been passed by the Oregon Legislature and signed into law by the Governor. As such, Oregon Revised Statutes serve at the pinnacle of the state’s legal authority. They are the law of the land. Through passing legislation, the Oregon Legislature may express policy, grant authority or limitations, create legal requirements, and provide direction

The Oregon Legislature vested authority to promulgate statewide planning goals (Goals) with the Land Conservation and Development Commission (LCDC) in 1973. Each of the 19 Goals serve as the foundation of land use planning in Oregon. Some are more applicable to cities, others to counties and some apply only on the coast. The Goals typically serve as broad, high-level expressions of policy. Most were in place by 1975. Some Goals largely identify expectations and process. Examples of process Goals include Goal 1

(Citizen Involvement), Goal 2 (Land Use Planning), Goal 5 (Open Space, Scenic, Historic and Natural Areas) and Goal 11 (Public Facilities and Services). Goals such as Goal 3 (Agricultural Lands) and Goal 4 (Forest Lands) are more active. These goals act as conservation programs with a more direct relationship to land use proposals as applied through statutes and administrative rules.

LCDC may adopt Oregon Administrative Rules to interpret or implement the statewide planning goals. In some instances, rules have been adopted as necessary to further the purpose of certain goals. Other rules have been adopted in response to new statutes or direction from the Oregon Legislature, or to codify case law. Rules may also be adopted to respond to new or unexpected circumstances, such as the temporary emergency sheltering rules adopted in response to the devastating wildfires across Oregon in 2020. Some of the rules most relevant to land use in Oregon include Division 6 (Goal 4, Forest Lands), Division 23 (Goal 5, Natural Resources, and Division 33 (Goal 3, Agricultural Lands).

More information regarding the legal hierarchy underpinning Oregon's statewide planning program is provided below.

B. Oregon Statewide Planning Goals

Oregon's [statewide planning goals](#), along with their relevant statutes and implementing administrative rules, are the foundation of the Oregon statewide planning program. The Goals exist in a symbiotic framework to create mutual benefits. The more success enjoyed in one Goal will result in more success enjoyed by other Goals. For example, the greater the success of urban goals like Goals 9 (Economic Development), Goal 10 (Housing), and Goal 14 (Urbanization), the greater the success of rural goals such as Goal 3 (Agricultural Lands) and Goal 4 (Forest Land).

In instances where Goals appear to conflict, they need to be read together and harmonized. A common instance of harmonizing different Goals occurs within the urban growth boundary (UGB) expansion process. For example, Goal 14 calls for the establishment and maintenance of UGBs, which are needed to ensure Oregon's cities have an adequate supply of buildable land to remain healthy and strong. Vibrant, successful cities contribute to Oregon's special sense of place and resident identity. Goal 3 (Agricultural Lands) and Goal 4 (Forest Lands) call for the protection and long-term viability of Oregon's Agricultural and Forest lands. Healthy and strong working landscapes are key drivers of the state's economy and contribute to Oregonians' sense of place and identity.

The UGB process recognizes the importance of each of the 19 Goals. Oregon Cities and Counties have a legal duty to maintain an adequate supply of buildable urban lands. The process necessarily steers urban development onto lands less valuable for commercial farming and forestry activities. If the less valuable lands are unable or insufficient to meet the identified needs, more valuable resource lands may be included. In some situations, the only possible way for an identified need to be satisfied is on some of the highest value lands protected under Goal 3 and Goal 4. When this occurs, some of the finest agricultural or forest land in the state must be included within a UGB. This harmony ensures that a city's growth needs are met while honoring the importance of agricultural and forest lands to Oregon's economy.

The department recognizes the following statewide planning goals as most relevant to clean energy siting and transmission. Information below identify and describe the Goals, identify the location of applicable Oregon Revised Statutes and Oregon Administrative Rules, and discuss the intersection of the Goal and clean energy and transmission development.

1. Goal 1 CITIZEN INVOLVEMENT

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning

a. Applicable Oregon Revised Statutes

While no Oregon Revised Statute explicitly mentions Goal 1, several laws serve to advance the principles of public participation. ORS 197.015(10), ORS 197.610, et seq, and ORS 215.431 all discuss or require a local government to provide notice and an opportunity for a public hearing when considering discretionary land use applications that involve decision makers to exercise their judgment.

b. Applicable Oregon Administrative Rules

There are no Oregon Administrative Rules that implement Goal 1. However, the department's work on this topic has been ongoing and consistent through the legally required [Citizen Involvement Advisory Committee \(CIAC\)](#) to LCDC, and the development of an [Equitable Engagement Toolkit](#) for local governments and planners.

c. Discussion

Public participation and community engagement as contemplated by Goal 1 are foundational to Oregon's Statewide Planning Program. Making decisions and policy choices through an open, transparent process helps ensure that community priorities are reflected.

Local planning commissions typically serve to implement the jurisdiction's Citizen Participation Program. Large land use proposals can create excitement for the future or anxiety about the unknown. Whether conducted in response to a specific project application or as part of a comprehensive planning effort, an adequate public process allows voices to be heard, points to be considered, and issues to be balanced.

Within the context of clean energy development, Goal 1 is essential because utility scale energy generation and transmission development subject to county jurisdiction require public notice and are reviewed by local decision makers over the course of one or more public hearings.

2. Goal 2 LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that local governments base their comprehensive plans on "factual information," coordinate their local plans and ordinances with those of other jurisdictions and agencies, review their plans periodically and amend them as needed.

Goal 2 also contains standards for taking exceptions to compliance with statewide goals. An exception is a decision to exclude certain land from the requirements of one or more applicable Goals, and may be taken when a statewide goal cannot or should not be applied to a particular area or situation. Where energy development proposals subject to local jurisdiction go beyond what would ordinarily be allowed on lands protected under Goals 3 (Agricultural Land) or 4 (Forest Lands), an exception to the applicable Goal, or Goals, is necessary. The documentation for an exception must be set forth in a local government's comprehensive plan and must support a conclusion that the standards for an exception have been met. The intent of the exceptions process is to permit necessary flexibility in the application of the Statewide Planning Goals.

a. Applicable Oregon Revised Statutes

Oregon Revised Statutes with a nexus to Goal 2 primarily regard the goal exceptions process and are located at ORS 197.732, et seq.

b. Applicable Oregon Administrative Rules

[OAR Chapter 660, Division 4](#) – Interpretation of Goal 2 Exception Process

[OAR 660-014-0030](#) – Rural Lands Irrevocably Committed to Urban Levels of Development

[OAR 660-014-0040](#) – Establishment of New Urban Development on Undeveloped Rural Lands

[OAR Chapter 660, Division 18](#) – Post-Acknowledgement Plan Amendments

[OAR Chapter 660, Division 25](#)– Periodic Review

[OAR Chapter 660, Division 30](#) – Review and Approval of State Agency Coordination Programs

[OAR Chapter 660, Division 31](#) – State Permit Compliance and Compatibility

[OAR Chapter 660, Division 32](#) – Population Forecasts

c. Discussion

Local programs rely on facts and evidence as called for by Goal 2, and informed by a robust, transparent public process as envisioned by Goal 1 are foundational elements of Oregon's Land Use Planning Program. While Goal 1 emphasizes engagement, Goal 2 emphasizes comprehensive planning, which allows a local government to proactively consider its future and how it would prefer uses and development to be arranged on the landscape. Comprehensive planning is different than simply processing individual land use applications. Planning is proactive. Processing siting applications is reactive.

Comprehensive planning allows a jurisdiction to properly account for opportunities and concerns identified through a thoughtful, deliberate public process. Decisions on land use applications and policy choices based on an adequate factual basis are key characteristics of Goal 2.

While a variety of administrative rules serve to implement Goal 2, OAR Chapter 660, Division 4 is the only interpretation of the Goal 2 exceptions process that is relevant to energy generation facility siting. However, only the interpretation of the Goal 2 exceptions process included in OAR Chapter 660, Division 4 is relevant to siting energy generation facilities. An exception is a decision to exclude certain land from the requirements of one or more applicable statewide goals. The documentation for an exception must be set

forth in a local government's comprehensive plan. Such documentation must support a conclusion that the standards for an exception have been met. The intent of the exceptions process is to permit necessary flexibility in the application of the Statewide Planning Goals.

Some energy development proposals subject to local jurisdiction go beyond what would ordinarily be allowed on lands protected under Goals 3 (Agricultural Land) or 4 (Forest Lands). In these instances, an exception to the applicable Goal, or Goals, is necessary.

Not all energy generation facilities require an exception to Goals 3 or 4. Wind energy generation does not require an exception to be sited on agricultural lands protected under Goal 3 because it was determined by the commission that this development type did not categorically displace or disrupt large contiguous blocks of land dedicated to common and acceptable farming practices. The commission reached this determination based on the recommendations of the Rulemaking Advisory Committee (RAC).

The RAC included members representing farming and ranching interests. Their recommendations were shaped over the course of several meetings and informed by a site visit to a wind energy development located in Gilliam County. Among other things, was observed that wheat producers are able to farm around the towers and livestock graze right by them with little or no apparent effect. Other energy generation types such as biomass, geothermal, small hydro, or landfill gas tend to be able to operate within the parameters established by the Goal 3 and Goal 4 rules, or locate on industrial lands.

Larger photovoltaic solar projects, however, tend to require a Goal exception. Utility scale solar projects typically use a more concentrated development footprint requiring large amounts of contiguous acreage, and proposals for these large projects in Oregon have been increasing in size over the past decade. Because the policy basis of Goal 3 (Agricultural lands) is to conserve large tracts of agricultural lands for agricultural use, the conversion of large swaths of arable and high value farmland is not consistent with the intent of the goal, requiring that an exception to the conservation program be taken.

In 2018 an Oregon Court of Appeals decision identified that the existing exception rules did not provide a good fit for consideration of renewable energy projects. Please see *1000 Friends v. Jackson County*, 292 Or App 173, 189-190 (2018). In 2023, LCDC updated the provisions at OAR 660-004-0020(3) to provide an identifiable pathway for the consideration of photovoltaic solar projects requiring an exception on Goal 3 agricultural lands. The rules guarantee that every solar developer can have their day before local decision makers with a fair opportunity to make their case and obtain approval.

3. Goal 3 AGRICULTURAL LANDS

To preserve and maintain agricultural lands.

Goal 3 requires local governments to preserve and maintain agricultural lands for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policy expressed in ORS 215.243 and 215.700. Counties may authorize farm uses and certain nonfarm uses defined by rule that will not have significant adverse effects on accepted farm or forest practices.

Zoning applied to agricultural land is required to limit uses which can have significant adverse effects on agricultural and forest land, farm and forest uses or accepted farming or forest practices. Counties shall establish minimum sizes for new lots or parcels in each agricultural land designation. The minimum parcel size established for farm uses in farmland zones shall be consistent with applicable statutes.

a. Applicable Oregon Revised Statutes

Oregon Revised Statutes with a relationship to Goal 3 are located in ORS Chapter 215 and ORS Chapter 92 and are anchored by the Agricultural Lands Policy Statement at ORS 215.243:

“The Legislative Assembly finds and declares that:

(1) Open land used for agricultural use is an efficient means of conserving natural resources that constitute an important physical, social, aesthetic and economic asset to all of the people of this state, whether living in rural, urban or metropolitan areas of the state.

(2) The preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state’s economic resources and the preservation of such land in large blocks is necessary in maintaining the agricultural economy of the state and for the assurance of adequate, healthful and nutritious food for the people of this state and nation.

(3) Expansion of urban development into rural areas is a matter of public concern because of the unnecessary increases in costs of community services, conflicts between farm and urban activities and the loss of open space and natural beauty around urban centers occurring as the result of such expansion.

(4) Exclusive farm use zoning as provided by law, substantially limits alternatives to the use of rural land and, with the importance of rural lands to the public, justifies incentives and privileges offered to encourage owners of rural lands to hold such lands in exclusive farm use zones. [1973 c.503 §1]”

Other important statutes include but are not limited to: the definition of “farm use” at ORS 215.203, list of uses permitted in exclusive farm use zones at ORS 215.213 and ORS 215.283, the farm and forest compatibility criteria at ORS 215.296, the “150 day rule” at ORS 215.427, and provisions for “Renewable Energy Facilities” at ORS 215.446.

b. Applicable Oregon Administrative Rules

[OAR Chapter 660, Division 33](#) – Agricultural Land

[OAR Chapter 660, Division 33, Exhibit A](#) – Declaration of Covenants, Conditions and Restrictions Form

[OAR Chapter 660, Division 33, Exhibit B](#) – Declaration of Restrictive Covenant for Youth Camps

[OAR 660-033-0120 Table](#) – Uses Authorized on Agricultural Land

[OAR Chapter 660, Division 31](#) – State Permit Compliance and Compatibility

c. Discussion

Goal 1 and Goal 2 express policy choices and overall guidance, and provide direction in certain circumstances. In addition to these procedural Goals, Goal 3 provides support for the state's agricultural lands and agricultural economy. State or local provisions implementing Goal 3 are required to apply to local land use applications. When a local plan has been acknowledged as complying with the Goals, most state requirements associated with those Goals cease to apply directly. However, ORS 197.646 requires a local government to update the local program to account for new changes to statutes, statewide planning goals, or rules that implement the goals. Until the local program has been updated, the new statutes, goals, or rules must be applied directly to local planning decisions.

As LCDC began to approve the first comprehensive plans, lands meeting the definition of agricultural land at OAR 660-033-0020(1) were inventoried by counties and placed in agricultural comprehensive plan designations and implemented by exclusive farm use (EFU) zoning ordinances. EFU zoning implements state policies to encourage commercial farming and ranching activities by ensuring land that is suitable for farming is protected for farm and forest practices and other complimentary uses when it is determined that they will not negatively impact farming operations in the area. Many of these provisions flow directly from state law.

Legislative changes to Oregon Revised Statutes relating to EFU lands occur frequently in Oregon. Most of these changes require administrative rule revisions, either conforming to a new statute or to provide additional guidance. Due to the regularity of changes to state law, most county implementing zoning ordinances are out of date. As a result, many county land use decisions on EFU lands require direct application of Oregon Revised Statutes, Oregon Administrative Rules, or both.

Inclusion in a qualifying EFU zone allows a property to enjoy automatic deferral of local property taxes, through the farm tax deferral program (ORS 308A.062). EFU zoning and the state laws on which it is based also provide opportunities to establish many nonfarm related uses on EFU lands, including energy generation. Because the primary focus of an EFU zone is the conservation of land suited for agricultural use, nonfarm uses introduced into areas protected for agriculture must demonstrate that they are compatible with farming operations. Nonfarm uses are generally subject to farm and forest compatibility criteria found at ORS 215.296 and OAR 660-033-0130(5). Some nonfarm uses are subject to additional provisions addressing issues such as distance from urban growth boundaries, high-value farmland considerations, or project size. For example, general energy generation projects may be sited on up to 12-acres of farmland. Please see OAR 660-033-0120 and OAR 660-033-0130(17) and (22). Special rules have been developed for wind and photovoltaic solar generation (solar thermal would be subject to the general standards).

All legal criteria, including applicable local provisions, are applied by local decision makers in response to an application made to their local planning department. Responding to applications for uses permitted under the laws and rules related to Goal 3 requires a public process as envisioned by Goal 1. The burden of proof is on the applicant in a land use proceeding. Local government decision makers must determine whether applicable criteria are satisfied based on adequate facts and evidence as contemplated by Goal 2. Proposals for uses that are not allowed, or that exceed the limitations identified in the legal criteria require an exception to Goal 3, which would follow the process outlined in Goal 2 and the implementing administrative rules at OAR Chapter 660, Division 4.

The Oregon Administrative Rules implementing Goal 3 most directly relevant to energy siting include; mirroring ORS 215.296 at OAR 660-033-0130(5), provisions for energy generation that does not include wind or photovoltaic solar at OAR 660-033-0130(17) & (22), the LCDC wind rule at OAR 660-033-0130(37), the original LCDC photovoltaic solar rule at OAR 660-033-0130(38), and the eastern Oregon photovoltaic solar

rule at OAR 660-033-0130(44), which was adopted in 2025 pursuant to HB 3409 (2023). Additional assessment of the Goal 3 Oregon Revised Statutes and Oregon Administrative Rules is offered below.

4. Goal 4 FOREST LANDS

To conserve forest lands by maintaining the forest land base and to protect the state’s forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Forest lands as defined by OAR 660-006-0005(7) are those lands acknowledged as forest lands as of the date of adoption of this Goal. Where a plan is not acknowledged or a plan amendment involving forest lands is proposed, forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water, and fish and wildlife resources. Forest operations, practices, and other auxiliary uses shall be allowed on forest lands subject only to such regulation of uses as are found in ORS 527.722.

Uses which may be allowed subject to standards set forth in this goal and administrative rule are: (1) uses related to and in support of forest operations; (2) uses to conserve soil, water and air quality, and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment; (3) locationally dependent uses; (4) dwellings authorized by law.

a. Applicable Oregon Revised Statutes

Oregon Revised Statutes with a relationship to Goal 4 are located in ORS Chapter 215, ORS Chapter 197 and ORS Chapter 92.

b. Applicable Oregon Administrative Rules

[OAR Chapter 660, Division 6](#) – Goal 4 Forest Lands

[OAR Chapter 660, Division 6, Exhibit A](#) – Declaration of Covenants, Conditions and Restrictions Form

[OAR 660-012-0065](#) Transportation Improvements on Rural Lands,

[OAR 660-012-0070](#) Exceptions for Transportation Improvements on Rural Lands

[OAR 660-034-0035](#) Park Uses on Agricultural and Forest Land

[OAR 660-034-0040](#) Planning for Local Parks

[OAR Chapter 660, Division 31](#) – State Permit Compliance and Compatibility

c. Discussion

Just as Goal 3 supports Oregon’s agricultural lands, Goal 4 supports Oregon’s timberlands, including multiple values furnished by a forest landscape and the forest economy. While Goals 1 and 2 offer overarching principles and are triggered or evoked when needed (ie. Notice for public hearings as an extension of Goal 1, or the Goal 2 exceptions process for individual applications that would not otherwise be allowed under the applicable Goals) Goal 4 applies consistently to lands that meet the definition at OAR 660-006-0005(7).

When LCDC first began acknowledging local comprehensive plans, lands meeting the definition in Goal 4 were inventoried and placed in forest comprehensive plan designations implemented by forest zoning

ordinances. Forest zones carry out the policy goal of encouraging commercial forest uses and the production of merchantable tree species by ensuring these practices and other complimentary uses may be conducted. Many of these provisions flow directly from state law. Please see OAR chapter 660, division 6.

Unlike statutes pertaining to Goal 3, Oregon Revised Statutes relating to Goal 4 primarily focus on opportunities to establish homes and establish parameters for land divisions. Details regarding other uses are included in OAR Chapter 660, Division 6. Rules that directly pertain to energy and transmission development are located at OAR 660-006-0025(4). As identified above, forest zoning and the state laws on which it is based also provide opportunities to establish many nonforest related uses, including energy generation. Nonforest related uses are generally subject to a farm and forest compatibility test similar to that found at ORS 215.296, OAR 660-033-0130(5), and OAR 660-006-0025(5). Fire siting and safety standards, which are applicable to dwellings and structures on forest land, are found at OAR 660-006-0029 and OAR 660-006-0035.

Some nonforest uses are subject to additional provisions addressing season of use or project size. For example, general energy generation projects may be considered on up to 10-acres of forest land. Special rules have been developed for photovoltaic solar generation in eastern Oregon (solar thermal would be subject to the general standards). All legal criteria, including applicable local provisions are applied by local decision makers in response to an application made to their local planning department. Responding to applications for uses permitted under the laws and rules related to Goal 4 requires a public process as envisioned by Goal 1. The burden of proof is on the applicant in a land use proceeding. Local government decision makers must determine whether applicable criteria are satisfied based on adequate facts and evidence as contemplated by Goal 2.

Proposals for uses that are not allowed, or that exceed the limitations identified in the legal criteria require an exception to Goal 3, which would follow the process outlined in Goal 2 and the implementing administrative rules at OAR Chapter 660, Division 4.

Additional assessment of the Goal 4 Oregon Revised Statutes and Oregon Administrative Rules is offered below.

Goal 5 OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES

To protect natural resources and conserve scenic and historic areas and open spaces.

Local governments are required to adopt programs that will protect natural resources and conserve scenic, historic and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability.

Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats, wetlands, mineral and aggregate resources, and energy sources, and establishes a process for local governments to inventory and evaluate each resource. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike a balance between the resource and the uses that would conflict with it.

a. Applicable Oregon Revised Statutes

There are no Oregon Revised Statutes that speak to Goal 5 in the context of energy siting or transmission development.

b. Applicable Oregon Administrative Rules

[OAR 660-023](#) – Procedures and Requirements for Complying with Goal 5

[OAR 660-016](#) – Complying with Statewide Planning Goal 5

[OAR 660-031](#) – State Permit Compliance and Compatibility

c. Discussion

Goal 5 was originally implemented by OAR Chapter 660, Division 16, which has largely been supplanted by OAR Chapter 660, Division 23. The Goal 5 rules are generally considered process oriented. They provide guidance and direction on how to plan for the treatment of a Goal 5 resource, but they do not prescribe an outcome. Other than significant Sage-Grouse habitat identified at OAR 660-023-0115, counties must engage in comprehensive planning activities to establish a local program. Local programs consist of comprehensive plan policies, inventories and maps, and implementing ordinances that are ultimately applied to individual development proposals. Comprehensive planning activities to consider treatment of Goal 5 resources require a public process as envisioned by Goal 1. Local policies and other program attributes must be based on adequate facts and evidence as contemplated by Goal 2 and should allow a local government to achieve a no regret approach for balancing land uses with important resources.

Goal 5 resources may be divided into two basic categories. The first category includes items that are present through, or on the land. These items may include wildlife habitat, riparian corridors, or landscapes of cultural significance. The second category includes items that involve things that are done to, or on the land.

These items may include activities like mining or energy development. Just as additional clean energy and transmission is needed to help meet Oregon's clear energy goals, access to aggregate resources will serve a critical role in meeting the Governor's housing goals. Aggregate resources must be available within a reasonable distance of a project area for the project to be economically viable. Clean energy development, however, may occur great distances from demand centers, including out of state, and still serve the needs of Oregon customers. Additional assessment of the Goal 5 Oregon Administrative Rules is offered below.

5. Goal 9 ECONOMIC DEVELOPMENT

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Comprehensive plans and policies shall contribute to a stable and healthy economy in all regions of the state. Such plans shall be based on inventories of areas suitable for increased economic growth and activity after taking into consideration the health of the current economic base; materials and energy availability and cost; labor market factors; educational and technical training programs; availability of key public facilities; necessary support facilities; current market forces; location relative to markets; availability of renewable and non-renewable resources; availability of land; and pollution control requirements.

a. Applicable Oregon Revised Statutes

There are no Oregon Revised Statutes that speak to Goal 9 in the context of energy or transmission development.

b. Applicable Oregon Administrative Rules.

Goal 9 is implemented by OAR Chapter 660, Division 9, which does not directly mention energy or transmission development.

c. Discussion

Because land use approvals for siting clean energy facilities are not administered through the lens of Goal 9, clean energy development has not traditionally received much attention under Goal 9 and Division 9. Wind and solar, the most common types of clean energy development in Oregon, are almost always sited on rural, EFU lands. The construction period for these projects often provides a temporary surge into small local communities and economies, however, upon project completion relatively few permanent jobs are retained. Wind energy projects may result in more long-term employment opportunities, with an estimated one technician needed for every 10 MW of installed capacity. Biomass facilities, which operate more like baseload plants, have more on-site employment needs with additional jobs created in the field. Unfortunately, generation facilities with higher labor needs are uncommon in Oregon. An increased interest in serving high appetite energy users such as data centers with clean energy could boost the direct job creation importance of clean energy development.

Streamlining development processes for clean energy production may include indirect and induced economic growth opportunities in rural areas of the state with less diversified local and regional economies. Manufacturers of energy generation and transmission components may find economic efficiencies in co-locating with this growing industry cluster. Job creation is not the only form of economic growth; business starts, capital investment, and increased energy availability for modern industries will also benefit the state's economic development.

Goal 11 PUBLIC FACILITIES AND SERVICES

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served. A provision for key facilities shall be included in each plan. Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons. To meet current and long-range needs, a provision for solid waste disposal sites, including sites for inert waste, shall be included in each plan.

a. Applicable Oregon Revised Statutes

There are no Oregon Revised Statutes that speak to Goal 11 in the context of energy or transmission development.

b. Applicable Oregon Administrative Rules.

Goal 11 is implemented by OAR Chapter 660, Division 11, which does not directly mention energy or transmission development.

c. Discussion

Goal 11 matters tend to focus on community public facility plans for water and sewer service within urban growth boundaries, as well as opportunities to extend sewer systems to rural lands outside of urban growth boundaries. However, Goal 11 and the implementing rules at OAR Chapter 660, Division 11 could be interpreted to have broader application. Some have observed that guaranteeing a reliable source of energy, particularly electrical energy, could be considered a "public facility" or "public service" that might be in keeping with other Goal 11 items.

6. Goal 13 ENERGY CONSERVATION

To conserve energy.

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

a. Applicable Oregon Revised Statutes.

There are no Oregon Revised Statutes that speak directly to or implement Goal 13.

b. Applicable Oregon Administrative Rules

There are no Oregon Administrative Rules that implement Goal 13.

c. Discussion

Conversations regarding updating Goal 13 have been ongoing, in one way or another, for at least a decade. Multiple legislative efforts to address Goal 13 have been offered and considered. Each effort has been well supported by the department and other interested parties. However, securing the necessary funding to responsibly conduct such work has proven challenging.

C. Analysis of Applicable Oregon Laws

The department developed a scoring rubric to assist in the analysis of existing Oregon laws and practices. The rubric identifies four (4) core issues:

- ❖ Complexity
- ❖ Redundancy
- ❖ Necessity
- ❖ Sufficiency of Resources.

A scoring value has been assigned based on how the existing law rates within the rubric. The final score provides an assessment of how the existing law constitutes a barrier or an opportunity.

The scoring rubric was applied to more than 30 Statewide Planning Goals, Oregon Revised Statutes, and Oregon Administrative Rules. Please see Attachment B.

As shown in Table 1, none of the reviewed items scored low enough to warrant removal and just four were categorized as potential barriers as that term is used for purposes of this report. Potential barriers may receive additional attention through refinement, revision, or providing funding to assist local government to guard against them becoming actual barriers.

TABLE 1 SCORING RESULTS

Score: <u>0-2</u>	Score: 3-6	Score: 7-9	Score: 10+
Barrier. Remove	Possible Barrier. Revise/Refine/Fund	Possible Opportunity. Revise/Refine/Fund	Opportunity. Retain as Written or Expand
	ORS 215.296 – 6 ORS 215.446 – 5 OAR 660-023-0190 - 6 OAR 660-033-0130(5) - 6	ORS 215.044 & 047 – 8 ORS 215.213 – 9 ORS 215.274 – 7 ORS 215.275 – 7 ORS 215.276 – 10 ORS 215.83 – 9 ORS 215.447 – 7 ORS 227.190 & 195 – 8 OAR 660-004-0022(3) & (4) – 9 OAR 660-006-0025(4)(j) – 9 OAR 660-006-0025(5) – 7 OAR 660-023-0195 – 7 OAR 660-033-0130(16) - 7 OAR 660-033-0130(37) - 9 OAR 660-033-0130(38) – 9 OAR 660-033-0130(44) - 7	ORS 215.276 – 10 OAR 660-006-0025(3)(c) – 10 OAR 660-006-0025(4)(k) - 10 OAR 660-006-0025(4)(r) – 10 OAR 660-006-0050 – 11 OAR 660-033-0055 – 10 OAR 660-033-0130(17) – 10 OAR 660-033-0130(22) – 10 OAR 660-033-0130(32) – 10 OAR 660-033-0145 - 11

Most of the reviewed items (12) rated as potential opportunities and a near equal amount (10) rated as opportunities as that term is used for purposes of this report.

Potential opportunities may be improved might stand to be improved through revision, refinement or funding to enable them to become actual opportunities. Existing opportunities should be retained as written or expanded to capture an even larger potential.

D. Recent Legislation

1. HB 4031 (2026)

HB 4031 (2026) amends ORS 469.320 to exempt an energy facility from needing an Energy Facility Siting Council (EFSC) site certificate if the energy facility produces power from a renewable energy source, qualifies for certain federal renewable energy tax credits, and submits a land use application to the local government with jurisdictional authority over the facility on or before December 31, 2028. Instead, qualifying applications will be processed at the local level by county government.

2. HB 4076 (2026)

HB 4076 requires EFSC to approve an exception to statewide land use planning goals when a power generating facility will deliver electricity to the grid using an existing energy facility's surplus interconnection, will not exceed the existing energy facility's interconnection capacity, and will not require new transmission lines more than two miles away from the existing facility's site boundaries.

Local governments may justify an exception to statewide land use planning goals to allow for the development of a renewable energy facility on agricultural lands if the proposed facility will use an existing energy facility's point of interconnection that is not being utilized, will not exceed the existing energy facility's interconnection capacity, and will not require new transmission lines more than two miles away from the existing facility's site boundaries. In its justification for an exception, a county is required to adopt findings addressing:

- a. The availability of nonresource lands suitable for the proposed use;
- b. The availability and use of existing infrastructure, access and rights of way;
- c. Public health and safety;
- d. Compatibility with surrounding agricultural and rural uses;
- e. A mitigation plan to address potential impacts to surrounding land uses, farm practices and water resulting from the construction or operation of the facility; and
- f. Compliance with local, state or federal requirements.

VI. Review of Siting Processes in Other Jurisdictions

A. State Siting Processes

In the United States, environmental and land use impacts of renewable energy projects are reviewed either at the federal, state or local (county or municipal) level. Federal policies encourage the development of solar energy on public lands. Projects proposed on public lands are typically reviewed either by the United States Bureau of Land Management or the United States Forest Service. For the purpose of this review, the Department has focused on state and local permitting and has provided information on Oregon's approach and five other states for comparison: California, Montana, Nevada, Texas, and Hawaii. The department conducted interviews with staff and qualitative analysis of best practices utilized in each state to inform its review.

1. Permitting Jurisdiction: State vs. Local

Depending on the state, permit requirements may be established and review may be conducted at the state level, at the local level, at both state and local levels, or jurisdiction and regulatory requirements may be contingent on factors such as size of the clean energy project proposed.

Many states have centralized, state permitting authorities which operate similarly to Oregon's Energy Facility Siting Council (EFSC)[1]. These authorities are councils, agencies, administrative boards - or in some cases the Public Utilities Commission - which review proposals for large scale energy facilities. Centralized permitting bodies typically coordinate review across the various federal, state and local entities that are responsible for various aspects of permit approvals. In some states, local permit approvals or a demonstration of consistency with local requirements may be required through state siting approval requirements. In other cases, state requirements replace or preempt local requirements when state review is required or chosen.

States differ on whether the centralized, state-review process is mandatory, or optional. In Washington State, for example, a project may voluntarily choose review by the state Energy Facility Site Evaluation Council. Alternatively, in states like Oregon, a threshold based on acreage or capacity is typically used to define a point at which the state process becomes mandatory while projects under the acreage or capacity threshold are reviewed at the local level. In other states like Texas, there is no centralized siting authority with jurisdiction over renewable energy siting. In these cases, permitting decisions are made at the local level by county, municipality or towns.

- Oregon: In Oregon larger projects are required to be reviewed by a centralized permitting authority - the Oregon Energy Facility Siting Council (EFSC) - and smaller projects are reviewed by counties. Smaller projects may decline review by the local authority and opt-in to EFSC review. The threshold is based on project acreage or amount of installed capacity depending on the type of generation.
- California: Projects are reviewed by counties by default. However, projects 50MW and larger may request review by the California Energy Commission (CEC). The CEC process supersedes local permitting requirements and ordinances. The CEC must approve projects within 270 days including time for completeness, public engagement and agency consultation.
Montana: Local governments have the authority to review projects. There is no state level review authority. Certain major infrastructure facilities must obtain a certificate from the Montana Department of Environmental Quality under the Montana Major Facility Siting Act (MFSA).
- Nevada: The Nevada Public Utilities Commission (NPUC) has jurisdiction over projects larger than 70MW. Smaller projects are reviewed locally. The NPUC must review an application within 150 days of filing.
- Texas: In Texas, energy permitting is conducted at the local level. Individual cities and counties have their own processes, standards, evidence requirements and fees.

2. Environmental and Land Use Review Requirements:

Roughly half the states in the US have some degree of state-mandated siting standards. In most states, land use standards are implemented locally. In some cases, the states defer authority to local jurisdictions but have mandated siting standards to some degree at the state level. Some states, like California, have a statewide environmental review framework as well as land use standards.

Each state and local agency takes a different approach to coordinating applicable environmental and land use review. Many jurisdictions review environmental and land use requirements at the same time. In some state, like Nevada, these processes may be conducted separately.

Most land use review processes require at least an evaluation of zoning standards, siting criteria and some form of public engagement process. If the renewable energy facility is allowed in the zone, standards or conditions of approval may be applied to ensure the facility is compatible with other development and uses in the surrounding area. Most states have public engagement requirements which typically involve public notification and hearings. Montana and Texas are two of the states which do not have public involvement requirements.

- Oregon: Oregon has statewide criteria for both environmental and land use issues that are applicable to projects reviewed by the OR EFSC as well as projects that go through a county review process. Projects reviewed by EFSC must demonstrate compliance with local land use provisions.

Guidance: Oregon has published both [guidance](#) and [model ordinances](#) for both wind and solar siting.

- California: State planning law requires each city and county to adopt a long-term plan that includes a section on land use that describes objectives, processes, standards, policies, maps and mitigation measures. However, the CEC process supersedes local permitting requirements and ordinances if a developer chooses to opt in to the state process.

In California, state environmental review requirements are established by the California Environmental Quality Act (CEQA) which is administered by the CEC.

Guidance: California has [published guidance](#) and [model ordinances](#) for solar siting.

- Montana: In Montana, review is typically conducted by the local jurisdiction. The Montana Major Facility Siting Act (MFSA) applies to certain energy facilities, including hydroelectric facilities 50 megawatts (MW) and larger and facilities that use geothermal resources. The MFSA does not regulate wind farms or solar farms. Montana does not have standard minimum or maximum permit review timelines and does not have public involvement requirements. Local land-use planning, zoning and building code provisions apply. The Montana Department of Environmental Quality administers water quality, air quality and other environmental permits and requires all wind and solar projects to submit decommissioning plans and bonds. Other state agencies review wildlife and cultural impacts.

Guidance: Montana has [published guidance for wind siting](#) but no model ordinance for solar or wind.

- Nevada: The Nevada Public Utility Commission (NPUC) reviews projects larger than 70MW and applies statewide review standards established in statute ([NRS 704.820 through 704.900](#), and [NAC 703.415](#)

[through 703.427](#)). Projects reviewed at the NPUC must also secure conditional use permits, building permits, and zoning approvals from the specific county and often require federal permits as well. The NPUC streamlines permitting by facilitating concurrent permit reviews.

Guidance: Nevada has [published guidance for wind and solar siting](#) but no model ordinance.

- Texas: Texas does not regulate renewable energy siting. Local governments have the authority to review projects through their individual zoning authority. Individual local reviews in Texas may include zoning standards, like setbacks, and electric and building code requirements. Local jurisdictions also may negotiate individual tax abatement incentives. However, most sources indicate that there are few local regulatory requirements in the state. Texas does not have standard minimum or maximum permit review timelines and does not have public involvement requirements.

All projects are required to comply with federal and state endangered species regulations and Federal Aviation Administration standards, which may or may not be addressed through the local permit review process.

Guidance: Texas does not have published guidance for wind or solar siting. There is a [model solar ordinance](#) available for Texas.

3. Unique state programs or features

During its review, department identified programs and features unique to each state's clean energy development process. While these approaches may not integrate into the Oregon process, each facilitates clean energy development and deployment within their respective states and should be noted.

In addition to the programs identified below, most states also have a variety of tools, programs and incentives designed to encourage small-scale, distributed and rooftop solar projects and energy efficiency measures to reduce load demand. Some states have also made investments in research and development and incentives to encourage development of related supply and manufacturing industries.

- California
 - California legally requires electric utilities and retail sellers to procure 50% of their electricity from eligible renewable resources by 2026, 60% by 2030, and 100% by 2045.
 - The [Tracking Energy Development \(TED\)](#) Task Force is an inter-agency group comprising GO-Biz, the CPUC, CEC, and the California Independent System Operator (CAISO). It proactively coordinates with developers to clear permitting bottlenecks and speed up renewable infrastructure deployment. They focus on transmission permitting and interconnection queue issues as well as permitting.
 - The California Energy Commission maintains an online [Land-Use Screens for Electric System Planning](#) interactive mapping portal to show access limitations and competing land-use priorities. It is intended to assist planners and developers to focus on areas with greater potential for successful deployment of new utility-scale renewable energy capacity and electric transmission.
 - California is the nation's top producer of geothermal electricity and has a [Geothermal Grant and Loan Program](#) to promote the development of this resource.
 - California is focused on adding storage capacity to maintain grid stability while integrating variable energy resources like wind and solar and more than doubled its storage capacity since 2022.

- Southwestern California's deserts have some of the highest solar irradiance values in the US and certain regions particularly suited for wind energy.
- Montana
 - In 2018 the State of Montana and the Bonneville Power Administration released the [Montana Renewables Development Action Plan](#) which identified and resolved the core barriers to exporting Montana wind and clean energy to the Pacific Northwest. The initiative identified strategies to solve transmission and grid integration barriers for large-scale renewable energy projects.
 - Permitting for a large-scale transmission expansion project – [the North Plains Connector](#) – is underway with an expected energization date in 2032. The project will connect the western and eastern transmission grids, improve grid capacity and resiliency and provide 3 GW of bi-directional transfer capacity.
 - Montana applies a lower property tax rate to transmission lines that primarily carry renewable energy, encouraging the export of green power generated within the state.
 - Montana offers a 50% reduction on the local mill levy for renewable energy systems larger than 1 MW, which is phased out over nine years.
- Nevada
 - Because over 60% of Nevada's land is federally owned, projects typically require navigating both federal environmental reviews and state-specific regulations.
 - Nevada was an early-adopter of a Renewable Portfolio Standard. It was the second state to adopt a RPS. [Nevada's RPS](#) was first adopted in 1997 and has been updated several times since. The state has been actively working to refine its renewable energy policies for nearly 30 years.
 - Nevada passed legislation supporting NV Energy's [Greenlink transmission project](#) - five new high voltage transmission lines designed to move energy from areas of potential renewable energy development to load centers and market. The project will be rate-based over a 70-year period and is anticipated to be online before 2029.
 - Nevada has a statewide [Renewable Energy Tax Abatement](#) (RETA) program for projects 10MW or larger that awards partial sales and use tax and partial property-tax abatements to eligible renewable energy facilities. The program is administered by the Governor's Office of Energy.
 - The [Nevada Clean Energy Fund](#) provides financial support to smaller developers that struggle to secure traditional capital.
 - The [Governor's Office of Energy](#) manages grants and federal funds to support transmission grid resilience and renewable capacity.
- Texas:
 - Renewable energy deployment in Texas typically takes 2 years for approval. Some sources suggest that developers face fewer environmental, geographic and community land-use hurdles in Texas because of the abundant supply of flat, affordable and undeveloped land.
 - Texas invested heavily in fortifying its transmission capacity across the electrical system over a decade ago which means there is sufficient interconnection capacity in rural, undeveloped parts of the state which are best suited to large-scale renewable energy development.
 - ERCOT also has an expedited interconnection process which allows projects to come online much more quickly than more heavily regulated grid systems. Wind and solar projects are allowed to interconnect with the understanding that the grid may not be able to fully accommodate the project output all of the time.
 - Texas mandates that utility-scale solar generation be paired with dispatchable resources, like battery storage or a supply contract, in order to help stabilize the electric grid.
 - Texas recently enacted large load electricity planning and infrastructure cost share laws.

- The quality of wind and solar sources in Texas result in good capacity factors and positive project economics.
- Hawaii:
 - The state of Hawai'i's [Committing to Reliable Energy and Decarbonization Innovations on Time \(CREDIT\) Task Force](#) coordinates the “review and development of new renewable energy projects throughout Hawai'i [to] help ensure the lowest cost for ratepayers and improve the reliability of Hawai'i's individual island electric grids.” Established in November 2025 by [Executive Order 25-10](#), one function of the Task Force is to ensure streamlined project development schedules in light of expiring federal tax credits for renewable energy projects and to help the state meet its renewable energy and climate goals. Due to similarities between Hawai'i and Oregon's renewable energy and climate goals, the department recommends this approach be studied further.

The Bottom Line: Other Jurisdictions

- Every state has a different and unique approach to siting clean energy projects and transmission.
- Barriers to clean energy development exist in different forms and often reside in state or local government perspectives:
 - Lack of State Executive Support (Texas)
 - Local Government Opposition (Nevada)
- Securing development entitlements in other states regularly takes two years or more.
- The department did not observe any game changing best practices.
- Other states have had varying success with transmission siting and development. Some deserve to be studied further:
 - Montana
 - Nevada
 - Texas
- Hawai'i's CREDIT Task Force should be studied further for applicability in the Oregon energy environment.

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^[1] Oregon, Ohio, Massachusetts, Minnesota, North Dakota.

VII. Oregon Local Governments

Oregon counties directly apply or integrate into their zoning ordinances the statutory and rule provisions that direct renewable energy development in resource zones.² Counties have the authority to adopt more restrictive criteria and standards if they choose to do so and several counties do have local standards and criteria that are applied to renewable energy reviews.

The Department reviewed county code provisions and websites for six counties in Oregon to identify unique provisions and resources for renewable energy development.

A. Unique code provisions

All Oregon counties have local criteria that are applied to all conditional use reviews in addition to the solar siting standards and criteria in OAR 660-033-0130(38). Local conditional use criteria typically require consideration of a variety of issues including site suitability, operating characteristics, adequacy of services to the site including road and traffic impacts, natural features of the specific site and compatibility with existing and projected uses on surrounding lands. These criteria are applied to all conditional uses, not only to power generating facilities.

Additionally, most county ordinances authorize the imposition of conditions of approval including performance bonds or other forms of assurance to guarantee development in accordance with the standards. These conditions of approval also apply to all conditional uses.

Many counties have adopted unique local provisions in addition to the standards and criteria in state statute and rule. A selection of these unique provisions is provided below:

- Deschutes County: Deschutes County has specific code provisions for hydroelectric and geothermal facilities that are not commonly found in other county ordinances (Deschutes County Code sections 18.116.130, 18.128.260, and 18.128.250).
- Lake County: The Lake County Zoning Ordinance contains a variety of local standards for renewable energy facilities generally and for geothermal, wind, solar and hydroelectric facilities specifically (Lake County Zoning Ordinance Section 24.18).
- Morrow County: Morrow County has a self-imposed requirement for processing conditional use permits for projects which have received an EFSC site certificate within four weeks (Morrow County Zoning Ordinance Article 6).
- Umatilla County: Umatilla County has detailed siting standards for commercial power generating facilities (Umatilla County Development Code 152.616 and 152.617)

² ORS 215.446, ORS 215.447, OAR 660-033-0120, OAR 660-033-0130, OAR 660-006-0025

The above referenced ordinances are local provisions that are applied in addition to the land use standards and criteria that are set forth in statute and rule. Such local provisions ensure that the unique issues and concerns of a particular community are addressed as part of local review processes. Codifying these requirements at the local level ensures that the same standards and review criteria are applied equally to all applicants in that jurisdiction.

B. County Planning Practices

In addition to unique local ordinance provisions, some counties provide other resources such as renewable energy specific webpages. Other supports like local clean energy advocacy groups may also play a role in facilitating energy development although these same groups may also oppose energy projects that are not aligned with their particular community vision or values. Examples for the counties reviewed are listed below.

- Lake County: Lake County has a webpage dedicated to renewable energy development which does not appear to be maintained currently.

Lake County Renewable Energy Transition: An Assessment from the Energy Justice Framework thesis paper

Lake County Resource Initiative (LCRI) (<https://www.lcri.org/>) is an independent non-governmental organization in Lake County devoted to reducing energy burden, improving home health and safety, stewarding natural resources, and growing local jobs and skills through education, technical assistance, and community projects. Including supporting and expanding upon mid-sized and larger-scale projects. LCRI has opposed photovoltaic solar projects proposed on irrigated farmland (Blue Marmot).

- Morrow County: Morrow county maintains a webpage specifically for renewable energy development in its jurisdiction at <https://www.morrowcountyor.gov/planning/page/renewable-energy-1>

Their website includes a regularly updated list of both EFSC and locally permitted renewable energy generators and transmission lines and their permitting and development status. The list includes key dates and deadlines such as permit approval and public comment dates. Their website also includes an interactive map with detailed graphics on acreage impacts and installed capacity.

- Umatilla County: Umatilla county has a webpage devoted to wind energy at <https://www.co.umatilla.or.us/departments/community-development/planning-division/wind-energy>
The website includes a history of wind energy use in the area, an older map of wind energy projects last updated in 2016 and information that was presented to the planning commission in 2009 on wind energy development.

The Bottom Line: Oregon Counties

- Establishing provisions to avoid conflicts with residential or neighborhood situations makes sense. The establishment of such provisions is best left to local governments, rather the State.
- The department is impressed with GIS work conducted at the local level, particularly the Energy Dashboard provided by Morrow County. Helping other counties to establish similar local tools could be a worthwhile investment.
- Requirements for project retirement are a common feature in local programs. The matter of project retirement should be discussed further. Any discussions must be coordinated with local government partners.

C. Local Government Approvals and Project Development

Nearly all utility scale photovoltaic solar power generation facilities in Oregon are proposed to be sited on rural lands protected for farming, ranching, and forestry uses under Goal 3 (Agricultural Lands) or Goal 4 (Forest Lands).

1. Overview of Renewable Energy Permitting Processes

As noted above, the siting process comes in one of three forms:

1. The Conditional Use Process typically applies to small and medium sized projects subject to county jurisdiction. These proposals must abide by acreage limitations and other criteria identified in Oregon Administrative Rules (OAR) Chapter 660, Division 6 (*forestlands rule*) and Division 33 (*agricultural lands rule*). The conditional use process is generally considered the most straightforward and least risky siting process. Decisions on conditional use applications are most often made by county planning commissions or hearings officers.
2. The Exceptions Process is also subject to county jurisdiction and applies to larger projects that exceed acreage thresholds identified in Division 6 or Division 33. The exceptions process allows local government to consider rural uses that would not otherwise be allowed under the applicable goals and are set forth in state statute at Oregon Revised Statutes (ORS) 197.732 and Goal 2 (Land Use Planning). These statutes are further interpreted by OAR Chapter 660, Division 4. An exception requires a Post-Acknowledgement Plan Amendment (PAPA), which is usually accompanied by a locally adopted ordinance. In this instance, a county planning commission or hearings officer will review an application and then make a recommendation to the local elected officials, who are responsible for making the final local decision. Goal exceptions are designed to be “exceptional” and require unique findings, often subject to controversy and litigation.
3. The State Process applies to the largest projects, which are subject to the jurisdiction of Oregon’s Energy Facility Siting Council (EFSC). The LCDC exceptions rule does not apply to EFSC projects.

Local governments have jurisdiction over small, medium, and some large energy generation projects. Review of these projects is most often conducted by counties and most regularly involves lands that are planned and zoned EFU under Goal 3. Approvals have also been granted for projects proposed on forest lands protected under Goal 4 (Hayden Mountain Solar, Klamath County) and other rural lands (Airport Solar, Morrow County). Some projects have been developed on urban or urbanizable lands within urban growth boundaries, as in the cities of Pendleton, Klamath Falls, and Lakeview. However, lands designated EFU continue to receive the greatest amount of attention for energy development.

The ability for counties to consider energy generation on EFU lands has been present in ORS Chapter 215 since at least 1975. Companion provisions have been included in Oregon Administrative Rules for nearly as long. LCDC revised the administrative rules in 1994, making a distinction between the standards for high-value farmland, on which an energy facility may have a 12-acre footprint, and all other farmland, on which an energy facility may have a 20-acre footprint.

In 2007, the commission developed special provisions at OAR 660-033-0130(37) for wind energy generation on EFU lands. Among other things, the new wind rules removed the farmland acreage threshold in favor of an alternatives analysis for high-value farmland and a set of agricultural compatibility standards. The rules also established “arable” and “nonarable” as agricultural lands categories for purposes of considering wind projects.

New rules specific to photovoltaic solar generation facilities proposed on EFU lands were adopted by the LCDC in 2011. The new solar rules carried forward the multiple land categories identified by the wind rules: high-value farmland, arable land, and nonarable land. The commission chose to retain the acreage thresholds of 12-acres for high-value farmland and 20-acres for arable land. The greatest opportunity was given to lands with the lowest value for commercial agriculture, nonarable lands, and the least importance for wildlife habitat based on coordination with appropriate state, federal, and tribal wildlife management agencies. The acreage threshold for nonarable land was originally set at 100-acres, which was about the size needed for a 10 MW project eligible for consideration as a Qualifying Facility (QF) under the Public Utility Regulatory Policies Act (PURPA) at that time. According to the Community Renewable Energy Association (CREA), there are many details and obstacles in the process of developing and maintaining a small-scale renewable energy project. PURPA requires utilities to purchase power from qualifying facilities at an Avoided Cost Rate (the rate at which it would have cost the utility to generate the same unit of power).

Over the next few years the acreage threshold for nonarable lands was raised from 100-acres to 250-acres, to 320-acres. In 2016, the Oregon Public Utility Commission (PUC) reduced eligibility for consideration as a Qualifying Facility in Oregon from 10 MW to 3 MW.

In 2018 LCDC received a letter from the Oregon Board of Agriculture expressing concerns about high levels of solar interest on high-value farmland, particularly in the northern Willamette Valley. The Board of Agriculture officially requested LCDC review the solar rules to ensure the rules provided adequate protection to the state’s highest quality, irreplaceable agricultural lands. In 2019, LCDC conducted a review of the existing rules and adopted additional safeguards for high-value farmland.

2. Review Authority Thresholds: EFSC or County Lead Review

As noted above, in Oregon smaller projects are reviewed by counties and larger projects are reviewed by a centralized state permitting council.

Jurisdictional authority for reviewing renewable energy applications is established in state statute in two places – ORS Chapter 469, which concerns state energy facility siting, and ORS Chapter 215, which concerns county land use topics. The thresholds are based either on project footprint or on generating capacity depending on the type of energy source. These thresholds have been modified several times over the past decade.

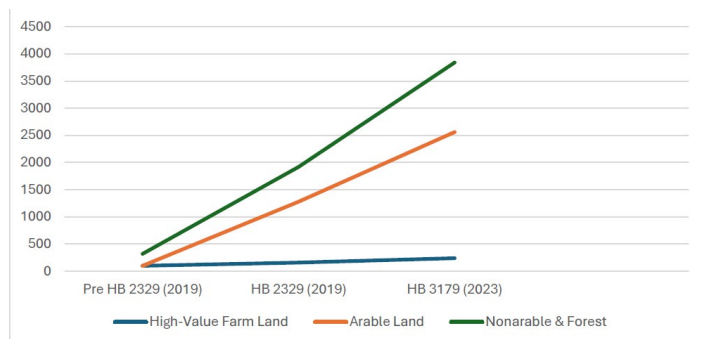


Figure 1 - Increases to Local Jurisdiction for Photovoltaic Solar Projects 2019 - 2023

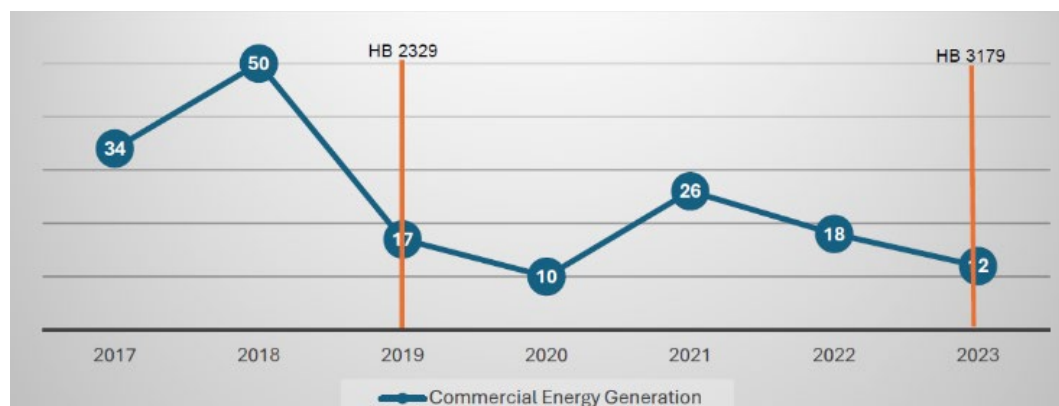
In 2019 the Oregon Legislature passed HB 2329, which revised sections of ORS Chapter 469 and established ORS 215.446 Renewable Energy Facilities. This legislation significantly increased the authority of local jurisdictions to review certain renewable energy facilities. For example, the threshold triggering the transition from county jurisdiction to EFSC jurisdiction for wind and geothermal projects was elevated from projects with an average electrical generating capacity of 35 MW or more, to projects with an average electrical generating capacity 50 MW or more. For photovoltaic solar, the thresholds were raised from 100 acres of high-value or arable farmland to 160 acres and 1,280 acres, respectively. The threshold for other lands, including non-arable and forest areas was raised from 320 acres to 1,920 acres.

In 2023, the thresholds for county jurisdiction of photovoltaic solar proposals in ORS 215.446 and ORS Chapter 469 were raised again through the passage of HB 3179. Under this legislation, the ability for counties to preside over photovoltaic solar proposals on high-value farmland and arable land grew from 160 acres to 240 acres, and from 1,280 acres to 2,560 acres, respectively. The threshold for other lands, including non-arable and forest areas, increased from 1,920 acres to 3,840 acres. As a frame of reference, one-square mile, also known as a “section” is 640 acres. More recently, in 2025, HB 3874 increased the threshold for wind projects from an average electrical energy generating capacity of 50 MW or more, to an average electrical energy generating capacity of 100 MW or more.

As a frame of reference, one-square mile, also known as a “section” is 640 acres.

Significant increases in county jurisdiction and the transition away from EFSC jurisdiction were accompanied by establishment of “EFSC style” criteria in ORS 215.446(3). In addition to other applicable state and local provisions, including the Goal 2 exceptions process, county decision makers are required to apply statutory criteria regarding wildlife and consultation with the Oregon Department of Fish and Wildlife (ODFW), showing that a proposed facility will have no significant adverse effects to historic, cultural, or archaeological resources, and project retirement. In addition, a local government is required to provide notice to the following entities when an energy project application is received: ODFW, Oregon Department of Energy (ODOE), Oregon Department of Aviation, United States Department of Defense (DoD), Oregon State Historic Preservation Office (SHPO), and Federally recognized Indian Tribes that may be affected by the application. The department receives notice of these applications as required by the longstanding post acknowledgment plan amendment (PAPA) process.

TABLE 2 ALL COUNTY ENERGY APPROVALS ON EFU LANDS 2017-2023



As indicated on Table 2, it does not appear that HB 2329 (2019) has resulted in a meaningful increase in county

approvals of energy projects on EFU lands. Current information does not extend far enough to provide an indication on the results of HB 3179 (2023). Current department records do not show any meaningful uptick in the number of exceptions proposed for larger projects on EFU lands between 2019 and 2026. However, department records show there have been at least two large photovoltaic solar projects approved through an exceptions process on forest land. Both projects are located in Klamath County on lands owned by Green

Diamond Resource Company. Prior to HB 2329 and HB 3179, both projects would have been subject to EFSC jurisdiction. The department is not aware if either project is under construction.

3. Eastern Oregon Least-Conflict Siting Rules

In 2023, the Oregon Legislature passed House Bill 3409, which directed LCDC to adopt new administrative rules for the purpose of finding opportunities and reducing conflicts when siting photovoltaic solar generation facilities in eastern Oregon. DLCD staff formed and worked with a large and diverse Rulemaking Advisory Committee (RAC) for this purpose. The new rules aim to make the process of siting photovoltaic solar facilities more efficient for counties and developers while continuing to protect farmland, wildlife habitat, important cultural resources, and other important values. The RAC met 13 times to help shape these recommendations. Five RAC meetings were held in Eastern Oregon (Christmas Valley, Burns, Boardman, Madras, Moro). Five Technical Advisory Committees (TAC's) were also created to help inform this process.

The new rules were adopted at the June 2025 LCDC meeting. The commission was sensitive to the fact that some counties had expressed concerns about implementing provisions that would allow larger solar projects. In response, the commission included a delayed effective date that allow counties to “opt-out” from rule implementation. The rules became effective on January 1, 2026. Prior to that date five (5) counties elected to opt-out. Those counties are Deschutes, Jefferson, Sherman, Umatilla, and Wasco.

Key elements of the new rules include:

- Two new pathway opportunities:
 - The ability for comprehensive planning to establish local programs identifying preferred locations for photovoltaic solar development and consider large projects without the need for an exception (OAR 660-023-0195).
 - The ability for Eastern Oregon counties to respond to much larger photovoltaic solar applications a conditional use on farmland (OAR 660-033-0130(44))
- Identification of mappable features necessary for successful photovoltaic solar development projects: slope, proximity to transmission, solar resource value.
- Continued protections for wildlife habitat, high-value farmland, and archaeological, historical, and cultural resources, including mitigation opportunities.
- A newly placed emphasis on community benefits for Eastern Oregon communities.
- An extended timeframe for county land use approval. Local land use permits granted under this opportunity are valid for up to 12 years.

	Division 23: Solar Areas	Division 33: Solar Sites
Applicability	Requires Plan Amendment	Direct unless county opts out
Acreage Thresholds	240 acres high value farmland 2,560 acres arable land 3,840 acres nonarable land	160 acres high value farmland 1,280 acres arable land 1,920 acres nonarable land
Agricultural Mitigation Considerations	Payment Option and Alternative Option	Payment Option only
Wildlife Mitigation Considerations	Yes, with recommendations from ODFW	Yes, with recommendations from ODFW
Historic, Cultural, Archaeological	Individual project review required	Individual project review required
Community Benefits Considerations	Payment Option and Alternative Option	Payment Option only
Military Airspace Considerations	Yes	Yes
Robust Public Process and Community Engagement	Yes	No

It is important to note that these new pathways for solar development are in addition to existing permitting pathways of OAR 660-033-0130(38), the Exceptions Process, and the option of going through the Energy

Facility Siting Council (EFSC). These rules apply only to eastern Oregon. Standards for renewable energy development in Western Oregon remain unchanged.

Table 3, County Approaches to Implementation of Eastern Oregon Least-Conflict Siting Rules		
Counties Opting -Out of OAR 660-033-0130(44)	Counties Not Opting-Out of OAR 660-033-0130(44)	Counties Pursuing Local Program Development Pursuant to OAR 660-023-0195
Deschutes Jefferson Sherman Umatilla Wasco	Baker Lake Crook Malheur Gilliam Morrow Grant Union Harney Wallowa Klamath Wheeler	Crook

Maps prepared by the department to illustrate use of the prescribed filters indicate that more than 2.2 million acres in eastern Oregon may be potentially eligible for low conflict solar siting opportunities. Please See Attachment A.

4. Permitted, Constructed and Operating Projects

The information displayed on Table 4 illustrates the total number of utility scale clean energy projects that are operational in Oregon, based on available data. This information has been drawn from a variety of sources and is deemed reliable but may not be complete. The table does not attempt to identify whether the lands occupied by generation facilities are designated for resource use or are planned and zoned for development. Furthermore, the type of land use approval (local government, EFSC, other) is not identified.

Aside from wind and solar projects, it can be complicated to determine how a project was approved. Presumably the two geothermal projects were approved through a county conditional use process. Unfortunately, the Paisley Geothermal project developed by the Surprise Valley Electric Cooperative in Lake County is no longer in Service. Biomass projects are often associated with lumber mills and are sited within urban growth boundaries or other lands planned and zoned for industrial uses. Some biomass projects have been in operation since the 1950's. Landfill gas projects are usually sited on rural lands and may have been permitted in conjunction with the landfill as part of the solid waste disposal site application. Small hydropower projects are often associated with irrigation districts and are sometimes located on public lands.

TABLE 4 – CLEAN ENERGY PLANTS IN OREGON

Clean Energy Generation Type	Number of Operating Plants	Estimated Installed Capacity (MW)
Wind energy	43	3,983
Solar photovoltaic	102	1,200
Solar thermal	0	NA
Wave, tidal, and ocean thermal energy	0	NA
Geothermal energy	1 (Paisley no longer operational)	33
Certain biomass products, including woody biomass and animal manure	14 Methane Digesters?	232
Landfill gas and other biogases	7	37
Small hydropower (up to 10MW)	22	76
Thermal energy	0 (Covanta Marion not included)	NA
Total Numbers	175	28,529 MW (28.529 GW)

The department has tracked local government decisions on EFU lands under Goal 3 and forestry activities under Goal 4 since at least 1985. Counties submit information regarding dwellings, land divisions, and other uses, which are then tabulated by the department and reported through the biennial [Farm and Forest Reports](#). Available information shows that in the period from 1993-2007 counties approved 13 conditional use applications for “commercial utility facilities for the purpose of generating power for public use by sale”

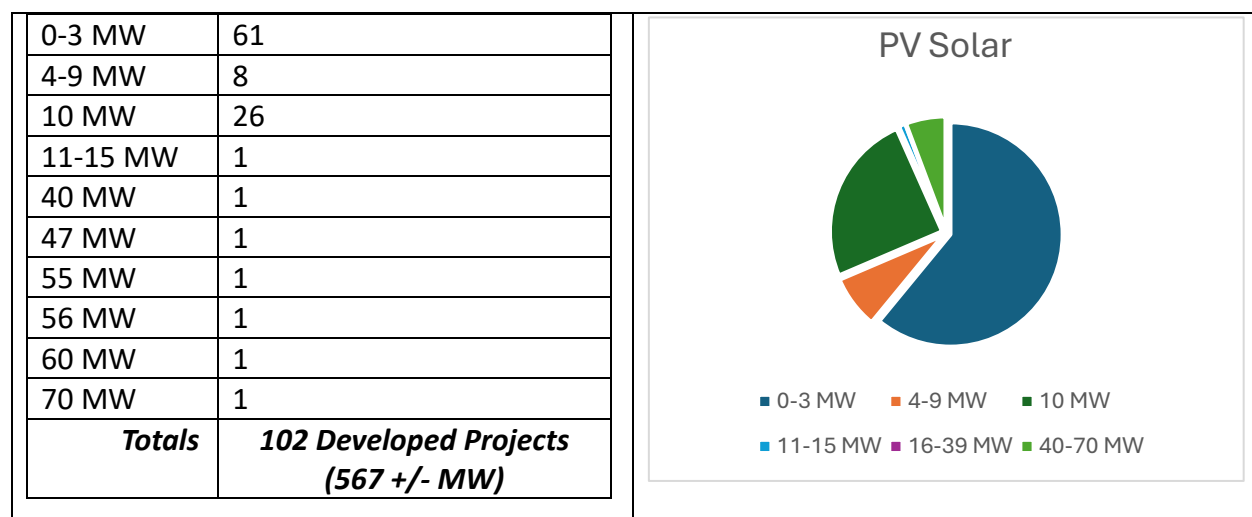
on lands designated for exclusive farm use. Available data from 2008-2024, which accounts for both conditional use applications and exception proposals on lands designated for exclusive farm use shows that there were 293 county approvals granted for commercial power generating facilities. Of the 306 county approvals between 1993-2024, approximately 96% occurred after 2008. Most, if not all, of these approvals were related to clean energy proposals. The department does not actively track local denials. However, it is our understanding that very, very few proposals subject to county jurisdiction have failed to be successful.

5. County Photovoltaic Solar Permitted vs. Constructed and Operating

Naturally, there is a difference between projects that are approved and projects that are developed. Applying information from DLCD's Farm & Forest Reports shows that approximately 185 photovoltaic solar energy generation facilities were approved by county decision makers from 2008-2024. Of these 185 approvals, 163 came through the conditional use process, while 22 came through the exceptions process. Comparing those figures with the number of photovoltaic solar energy generation facilities that are developed and operational in Oregon suggests that approximately 100 of those 185 approvals have been actualized.

Additional information regarding local approvals of utility scale photovoltaic solar proposals that successfully moved to operation is provided below:

TABLE 5 PHOTOVOLTAIC SOLAR PROJECTS DEVELOPED PURSUANT TO LOCAL GOVERNMENT APPROVALS



As previously mentioned, the information provided regarding developed projects is considered reliable but is not guaranteed to be complete. With that said, the available information indicates that facilities of 10 MW or less represent about 93% of successful project development. This would suggest that most of the photovoltaic solar development in Oregon has occurred as Qualifying Facilities under PURPA, which guarantees a power purchase agreement is offered by the relevant Investor Owned Utility (IOU).

Additional research shows that power generated by the six (6) largest projects developed based on local land use approval is utilized in different ways. Airport Solar in Lake County (47 MW) and Skysol Solar in Klamath County (56 MW) provide power that is utilized by PGE and PacifiCorp, respectively to support customers across their regions. Three projects in Crook County, Oregon; Prineville Solar (40 MW), Millican Solar (70 MW) and Solar Star Oregon (56 MW) provide power that is partially or completely utilized by local data centers. Cartwright Solar (60 MW in phases I & II) is also located in Crook County near Prineville. Power from

Cartwright Solar is utilized by Seattle City Light serving customers in and around Seattle, Washington. All of the Crook County photovoltaic solar facilities appear to rely on the Pondersa Substation.

The department has also conducted a cursory review of files from the Oregon Land Use Board of Appeals (LUBA) to identify the nature, number, and outcome of any challenges to local government approvals authorizing photovoltaic solar development. This review indicated that of the 185 approvals, around a dozen (6.5%) have been appealed. Of those identified appeals, five (5) were filed by solar project applicants objecting to local government conditions of approval or other interpretation of local code. Three appeals were filed by state agencies regarding concerns about wildlife habitat, which were either dismissed at the request of the parties or resolved upon remand. At least one appeal resulted in case law that served to constrain opportunities for photovoltaic solar projects related to the exceptions process.³ In 2023, LCDRC adopted revisions to OAR 660-004-0022(3) to provide an identifiable pathway for counties to be able to receive and consider exception applications. Other questions raised by LUBA decisions were addressed through other elements of the commission's HB 3409 rulemaking.

The Bottom Line: County Level Photovoltaic Solar

- County level applicants have enjoyed a high rate of success, either through the exceptions process or as conditional use applications.
- Very few local approvals have been appealed. Those that have were largely resolved. Adverse case law has been corrected by LCDRC through administrative rule revisions.
- Nearly all projects developed pursuant to local approvals appear to be Qualifying Facilities (QF) under the federal Public Utilities Regulatory Policies Act (PURPA).
- Half of the larger projects approved by local government provide power to data centers.
- Most, but not all county level projects provide power used by Oregon consumers, including data centers.
- The total installed capacity of developed county level projects is about 576 MW, which is a fraction of what is needed to meet Oregon's Clean Energy Goals.
- If developed, a single project approved by EFSC (Sunstone Solar (1,200 MW)) would generate more than twice as much power as all of the currently developed county level projects.

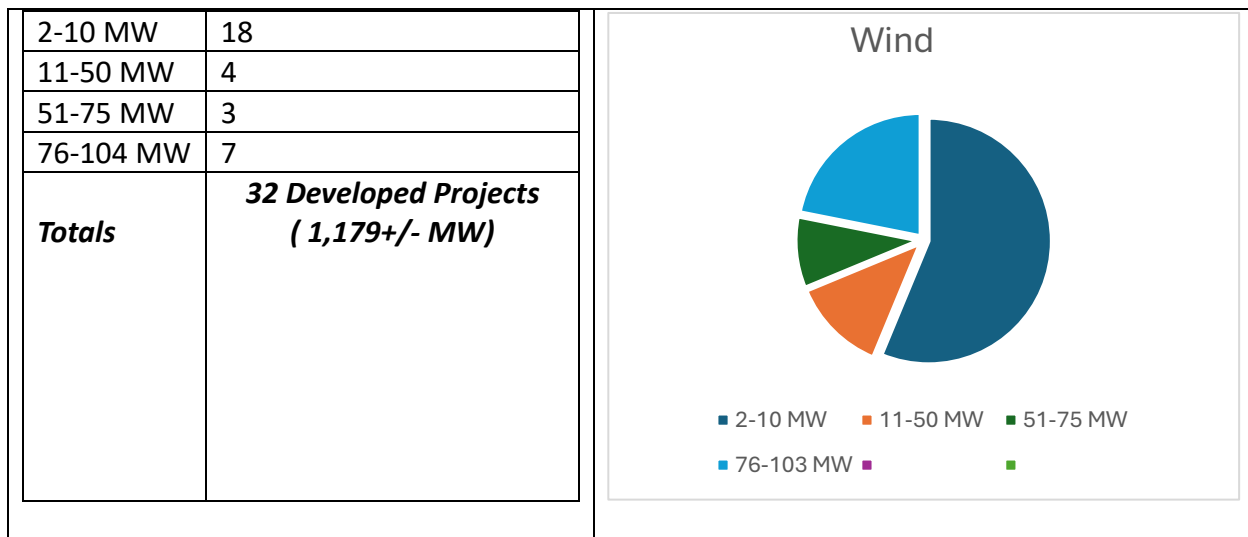
6. Wind Energy

Information from the Farm & Forest Reports shows that about 46 photovoltaic wind energy generation facilities were approved by county decision makers from 2002-2024. Comparing those figures against the number of wind energy generation facilities that are developed and operational in Oregon suggests that about 32 of those 46 approvals have been developed.

Additional information regarding local approvals of utility scale wind energy proposals that have successfully move to operation is provide in Table 6 below:

³ See 1,000 Friends v Jackson County, 76 Or LUBA 220 (2017).

TABLE 6 WIND ENERGY GENERATION PROJECTS DEVELOPED PURSUANT TO LOCAL GOVERNMENT APPROVALS



As noted above, information regarding developed projects is considered reliable but is not guaranteed to be complete. However, the available information indicates that facilities of 10 MW or less represent approximately 56% of successful project development. This would suggest that most of the wind development under county permitting jurisdiction in Oregon has occurred as Qualifying Facilities under PURPA, which guarantees a power purchase agreement is offered by the relevant Investor Owned Utility (IOU). This situation is similar to photovoltaic solar in that most of the developed projects are small. However, rather than the number of project applications precipitously dropping as project size increases, wind projects over 50 MW represent a more substantial 31% of project development. Available information indicates that many smaller projects came online around 2017 and most larger projects came online from 2002-2010. It would be interesting to know how many wind projects benefited from Oregon's Business Energy Tax Credit (BETC). It would also be interesting to know how many approved projects were not developed when California changed its policies on importing energy from other states.

Additional research shows that the four (4) largest projects in Oregon developed based on local land use approval utilize their generated power in different ways. Two projects deliver power used by Investor Owned Utilities with service territory in Oregon. Power generated by VanSycle II (102 MW) in Umatilla County is utilized by PGE to serve customers in the Portland area and northern Willamette Valley. Power generated by the Elkhorn Valley Project in Union County (101 MW) is utilized by Idaho Power to support their customer base. Power generated by Hay Canyon (101 MW) is utilized by the Snohomish Public Utilities District in Washington State. Power generated by the Arlington Wind Project (aka Rattlesnake Road) is utilized by Pacific Gas and Electric in the state of California.

The Bottom Line: County Wind Approvals

- County level wind applicants have enjoyed a high rate of success in Oregon.
- Very few local approvals, if any, have been appealed.
- A slim majority of wind projects developed pursuant to local approvals appear to be Qualifying Facilities (QF) under the federal Public Utilities Regulatory Policies Act (PURPA).
- There are only about one-third as many developed wind projects as compared to developed solar projects. However, developed wind projects generate about twice as much power.
- Half of the larger projects approved by local government provide power to out-of-state consumers.
- The total installed capacity of developed county level projects is about 1,179 MW, which is a fraction of what is needed to meet Oregon's Clean Energy Goals.
- The 10-12 wind projects developed pursuant to EFSC approvals add an additional 2,804 MW of installed capacity.

VIII. Engagement and Outreach

A. Tribal Coordination

DLCD staff invited formal consultation on its recommendations arising from EO 25-29 to each of Oregon's nine Federally Recognized Tribes first by way of a letter in April to Tribal Chairs. According to DLCD policy and practice, staff followed up with calls to Tribal staff representatives. Several Tribal representatives responded with interest in meeting. DLCD staff presented its draft recommendations and provided opportunity for discussion and questions at intervals throughout the department's report drafting process. A timeline of department staff's presentation and coordination efforts is below:

- **January 28, 2026** - Legislative Commission on Indian Services (LCIS) Cultural Resources Cluster
- **April 9, 2026** - LCIS Natural Resources Working Group
- **April 14, 2026** - Meeting with representatives of the Burns Paiute Tribe
- **May 5, 2026** - Meeting with representatives of the Confederated Tribes of the Umatilla Indian Reservation Tribe
- **May 20, 2026** - Meeting with representatives of the Confederated Tribes of the Coos, Lower Umatilla and Siuslaw Indians
- **May 28, 2026** - Meeting with representatives of the Klamath Tribe and Klamath County

B. County Planner Updates

Department staff held two listening sessions with county planners with the intent to solicit feedback on the department's draft recommendations.

- **May 12, 2026** - County Planner Update #1
- **May 14, 2026** - County Planner Update #2

1. Public Comment Period and Other Engagement

In addition to the opportunities above, department staff solicited public comment on its draft recommendations during the period between April 24, 2026 - May 15, 2026. These comments were considered and help shape the department's recommendations, included at section X, as did comments and observations received over the course of the engagement efforts described in this section. Due to timing

constraints, written comments received after May 15, 2026 may not be included in the substance of this report. All comments received will be included with this report.

Additionally, department staff presented its progress on the EO 25-29 report in the following forums:

- **May 29, 2026** – Association of Oregon County Planning Directors
- **June 5, 2026**- Oregon Board of Agriculture

IX. Findings

The process for developing a clean energy project is often a marathon, not a sprint. In Oregon, obtaining land use approvals at the state or local level can be the shortest part of the process. However, identifying candidate properties and negotiating site control can take years. Once a conditional use application has been submitted and deemed complete, county government has 150 days to make a final decision, including resolution of all local appeals.⁴ Projects that include an exception are not subject to the 150-day timeframe. After land use approval is obtained it can take years for a project to be developed, due to a variety of factors beyond the scope of this report.

Most conditional use approvals are valid for 2-4 years with an opportunity for extension.⁵ In the Eastern Oregon rulemaking, renewable energy developers successfully argued that local land use decisions approving photovoltaic solar projects should be valid for up to 12-years. This time frame is meant to accommodate certain challenges of bringing a project to development that are out of the developer's control. Such challenges may include acquiring a Power Purchase Agreement (PPA) or securing transmission interconnection. While these challenges do not extend to QF's under PURPA, as discussed above, larger projects do not enjoy such certainty. Changes to federal tax credits can also affect project viability.

A. Opportunities

The department has conducted a review of state law as assisted by the siting rubric and reviewed other project catalogues such as the work conducted pursuant to HB 3409. The department has received input from partners and interested parties including federally recognized Oregon Tribes, Oregon Counties, and Clean Energy Developers and Advocates. The department has had discussions with other state agencies, other states, and reviewed local county provisions. Based on available information, the department finds that the following opportunities, or potential opportunities to accelerate clean energy development are present in Oregon:

- An abundance of land with the potential to support clean energy development. HB 3409 mapping work indicated that more than 2.2 million acres in eastern Oregon may be eligible for the new eastern Oregon siting rules.
- The ability for counties, particularly counties in eastern Oregon, to establish local programs that identify preferred (significant) siting locations that are informed by community engagement and offer the ability to site large projects without the need for an exception.
- Responsible siting processes at the state and local level that steer development away from sensitive areas (avoidance), particularly through the new eastern Oregon Siting Rules.

⁴ ORS 215.427

- The ability to offset impacts that cannot be avoided on less sensitive areas (minimization, compensatory mitigation).
- The ability to facilitate early and often communications among interested parties.
- The ability to enable counties to coordinate on identifying preferred transmission corridor locations. Further work on this front should be coordinated with efforts underway with the Oregon Department of Energy (ODOE).

B. Barriers

The department has conducted a review of state law as assisted by the siting rubric and reviewed other project catalogues such as the work conducted pursuant to HB 3409. The department has received input from partners and interested parties including federally recognized Oregon Tribes, Oregon Counties, and Clean Energy Developers and Advocates. The department has had discussions with other state agencies, other states, and reviewed local county provisions. Based on available information, the department finds that the following barriers, or potential barriers to accelerate clean energy development are present in Oregon.

- Complicated and highly discretionary criteria that may be difficult to apply. These criteria may include but are not limited to the long-term environmental, economic, social and energy consequences (EESSE) analysis required as part of the exceptions process at OAR 660-004-0020(2)(c), or the farm and forest compatibility test at ORS 215.296. However, criteria of this nature are necessary to implement the department's mission and ensure local judgement is retained. The nature of such criteria suggests that administrative rules could be promulgated to assist local government decision makers, applicants, and interested parties. The department included this approach in the original draft of recommendations. Please see recommendation b.2., on page 5 of the April 23-24 LCDC Staff Report.

Note: due to concerns raised by the county planning community, clean energy developers and advocates, and the Oregon Farm Bureau, the department has withdrawn the recommendation and is not pursuing it at this time.

- An absence of Battery Energy Storage Systems (BESS) siting provisions, which creates risk and uncertainty.
- No opportunity to site electrical substations in a forest zone, which is not consistent with opportunities on lands designated for exclusive farm use and requires an exception.
- Insufficient assistance for local government.
- Out of date comprehensive plan inventories at the local level, which may be often attributed to insufficient local resources.
- A general absence of comprehensive planning for utility scale clean energy development at the county level, which may often be attributed to insufficient local resources.
- A general absence comprehensive planning for cultural resources and culturally significant landscapes at the state and local level, which may often be attributed to insufficient local resources.
- Insufficient consideration of community needs and benefits, which can heighten community concerns and increase project opposition.

X. Recommendations

Based on the information provided in this report and the findings included in Section IX, the department offers the following recommendations:

1. Short-Term (0-24 Months)

- a. **Develop statute and rule provisions regarding stand-alone Battery Energy Storage Systems (BESS). Creating clear authorization for this use likely requires legislative action to adjust ORS Chapter 215, which would trigger necessary conforming updates to OAR Chapter 660, Division 33. Additional administrative rulemaking could be necessary if directed by the Legislature.**

Staff Comments

Battery Energy Storage Systems (BESS) are considered an important piece of meeting Oregon's clean energy goals. A BESS is a standalone bank of batteries that collects, retains and stores energy for a period of time before discharging it to the grid when needed. There are currently no land use laws that are specific to BESS development. This lack of clear authorization and standards creates risk and confusion for applicants. Establishing an identifiable process for applicants to follow with reasonable criteria for local decision makers to consider will remove barriers and create opportunity for BESS development in proper locations.

- b. **Develop rules to provide for substations to be located in Forest Zones by adding a use to OAR 660-006-0025(4), or by revising existing provisions at OAR 660-006-0025(4)(r).**

Staff Comments

Substations are a vital part of any electrical transmission or distribution network because, among other things, they allow voltage levels to be transformed between the generation source and the end user. While power generating facilities and transmission and distribution lines may be permitted on forest land protected under Goal 4, the rule that implements the goal is silent on substations. New rules correcting the situation will remove a barrier to deploying clean energy in regions with characteristics that require load serving entities, including both consumer-owned utilities and investor-owned utilities, to operate in Forested areas.

- c. **Develop guidance for local government implementation of HB 4031(2026) and undertake conforming rulemaking on OAR 660-004-0022 to account for HB 4076 (2026).**

Staff Comments:

HB 4031 waives Energy Facility Siting Council (EFSC) jurisdiction for certain clean energy projects within a particular short timeframe. HB 4076 creates pathways for the Energy Facility Siting Council (EFSC) and local governments to approve or justify an exception to Goal 3 to allow for the development of certain renewable energy facilities with certain characteristics. Conducting this work will remove barriers to clean energy deployment by clarifying complexities inherent in implementing new laws and providing support to local decision makers and development applicants.

d. Work with Federally Recognized Tribes in Oregon to inventory and protect cultural resources with a nexus to clean energy generation and transmission.

Staff Comments:

An absence of comprehensive planning efforts to inventory cultural resources increases time and uncertainty for development projects, which constitute barriers. Supporting this type of work will allow resolution of issues and lead to mutually positive outcomes for Tribes, Developers, and Local Decision Makers.

2. Mid-Term (12-36 Months)

a. Expand the “Green Corridor” rule in OAR 660-033-0055 to apply statewide to facilitate and streamline transmission siting.

Staff Comments:

OAR 660-033-0055 was established to allow Morrow and Umatilla Counties to coordinate on the location of preferred transmission corridors and was motivated by the Boardman to Hemingway (“B2H”) high voltage transmission line proposed by Idaho Power Company.

Expanding OAR 660-033-0055 to apply statewide to establish preferred transmission corridors would create a level of certainty and incentivize developers to voluntarily select the preferred location. Use of comprehensive planning tools to reduce risk and provide certainty serves to remove barriers and create opportunity.

b. Implement the Enhanced Technical Resource recommendations made in the Department’s Least Conflict Solar Siting in Eastern Oregon (HB 3409) Final Report of 2025.

Staff Comments:

On December 30, 2025, the department completed a report pursuant to HB 3409 (2024) identifying administrative rules adopted and suggesting recommendations, included in Attachment D of this staff report, for the purpose of “finding opportunity and reducing conflict in siting photovoltaic solar power generation facilities.” The report identified that insufficient local resources are a chronic issue and significant barrier to clean energy deployment. In the report’s recommendations section, it was suggested that providing direct, meaningful technical resources could benefit the development community, local and Tribal Governments, and other interested parties.

Implementing this recommendation to provide enhanced technical resources to support the planning for and development of renewable energy projects would reduce barriers associated with insufficient local resources.

c. Support the Oregon Department of Energy’s (ODOE) “Tribal Energy Block Grant” concept.

Staff Comments:

According to ODOE, the Tribal Energy Block Grant funding mechanism could be used to:

- ✓ “Provide flexible funding to Tribes that support the Tribe’s energy priorities, cultural values and community needs.
- ✓ Activities would be aligned with the Oregon Energy Strategy or the Tribe’s own energy planning process.
- ✓ Identified as an opportunity to address the five themes that ODOE heard through the development of the Energy Strategy.”

This concept is similar to the Enhanced Technical Assistance (ETA) recommendations included in the Final HB 3409 report. It could serve to remove barriers in the manner described in the recommendation above and generate opportunities for creative clean energy deployment on and off Tribal lands.

d. Consider developing new policies prioritizing re-use of existing sites, or technical assistance to implement existing laws that prioritize the re-use of existing sites.

Staff Comments:

Once a renewable energy site has been developed and operating for a period of time, it becomes part of the landscape. Reuse of previously developed sites has less impact on the landscape and surrounding resources and communities than new development. Creating new policies that prioritize the re-use of existing sites, rather than retiring them, could significantly reduce the siting process for certain projects, creating opportunity through increased simplicity.

e. Policies promoting “behind the meter” noncommercial renewable energy development (rooftop solar and other types).

Staff Comments:

Creating voluntary land use incentives to support behind the meter clean energy development is a unique opportunity that would complement existing initiatives such as the [Oregon Department of Energy’s Solar + Storage Rebate Program](#) and [Community Renewable Energy Grant Program](#), which have supported renewable energy development for individual residences and communities. Oregon is currently prioritizing rapid increases in the number of new housing units and rapid deployment of clean energy. For example, promoting rooftop solar on new and existing development could save thousands of acres of farmland (one Gigawatt of installed photovoltaic solar development would occupy approximately 6,000 acres), reduce the need for new transmission, and provide reliable energy and cost certainty for Oregon households and businesses.

f. Consider provisions for Community Solar Projects.

Staff Comments:

According to the Oregon Community Solar Program “Community solar is solar energy generated from a central location and shared by multiple subscribers. That means you don’t need your own rooftop panels to get the benefits of solar. If you’re a customer of Portland General Electric, Pacific Power or Idaho Power, you can subscribe to a community solar project and receive credits back on your utility bill. Households meeting low-income guidelines receive subscription discounts and guaranteed savings.”

Advocates have claimed that limitations on development of most high-value farmland soils create a particular barrier to community solar development. If this is accurate, responsibly considering

provisions for community solar projects could create additional opportunity for clean energy deployment and increase the number of Oregonians who enjoy the benefits of solar development.

g. Consider provisions for Agrivoltaics.

Staff Comments:

Agrivoltaics involves developing the same area of land for both a photovoltaic solar power generation facility and for farm use. While remaining popular in concept, the true potential of commercial scale agrivoltaics in Oregon remains to be seen. Current statewide land use provisions are ambivalent on this subject. Agrivoltaic development is neither rewarded, nor discouraged. The commission did establish temporary provisions for modestly enhanced “dual-use” development opportunities on high-value farmland as part of the 2018-19 rulemaking efforts. These provisions received very little attention and expired on January 1, 2022. However, the department continues to believe that the right type of agrivoltaics at proper locations could produce beneficial results and that additional consideration is warranted.

h. Normalize Community Benefit conversations.

Staff Comments:

How can the state promote outcomes that leave all parties feeling satisfied? The department continues to hear frustrations that small, primarily rural communities are expected to accept the burdens of development so that distant population centers may receive clean energy. In the view of some, most everyone involved in such an arrangement is receiving benefit. The developer enjoys building a project. The subject landowner enjoys a long-term lease agreement and revenue stream. The county receives tax revenues or alternatives like Payment in Lieu of Taxes (PILOT) or Strategic Investment Programs. The purchasing utility receives help in meeting their clean energy obligations. The end user enjoys using clean energy. While so many parties benefit, some are left to feel that all they receive is burdens.

Community benefit conversations should include all cities, rural communities, rural neighborhoods and properties, and Tribes that stand to be effected. Community benefits should provide mutual uplift. Having all the right entities in the discussion is the only way to ensure that everyone is heard and everyone’s issues are addressed.

Community Benefit Agreements are becoming more common nationally as part of large projects that may otherwise prove controversial. Receiving payment or other benefits in exchange for local support is not always a good fit for a standards-based land use approval process. Continuing to work through these issues remains our shared challenge. Creating partnerships, improving acceptance, generating excitement will help projects be sited more efficiently and with greater public support.

i. Reconsider high-value farmland limitations for non-irrigated lands in American Viticultural Areas (AVAs).

Staff Comments

Oregon Revised Statute includes two definitions of high-value farmland. The original definition is located at ORS 215.710, which speaks to lands in a tract and a predominance of soil types. A second definition was developed after Measures 37 and 49 and is found at ORS 195.300(10). This definition incorporates the language at ORS 215.710. Among other things, it also adds irrigated lands not otherwise considered high-value, as well as categories of lands included within irrigation districts. Lands with certain

topographical features with American Viticultural Areas (AVA) are also included in the second definition of high-value farmland.

An AVA is a designated wine grape growing region. Lands within AVAs in Oregon, particularly eastern Oregon, with the characteristics identified in ORS 195,300(10) have proven unlikely to be put to vineyard production without irrigation. Many of these lands are not irrigated and are unlikely to become irrigated. Commissioners may remember this point at issue in the Pendleton Affordable Housing Pilot Project rulemaking from October, 2025.

Continued conversations on the best way to approach non-irrigated lands within AVAs was also identified as a “Potential Topic for Additional Research and Future Consideration” in the Final HB 3409 Report on Finding Opportunities and Reducing Conflicts in Siting Photovoltaic Solar Power Generation Facilities. The department believe this is an issue worth additional consideration. While the commission does not have the authority to amend statute the commission may choose which definition applies to certain land use proposals.

- j. Consider establishing high-value farmland, arable land, and nonarable land as the three overall categories for considering commercial energy generation proposals and elevating the threshold for non high-value farmland from 20-acres to 100-acres.**

Staff Comments:

Existing administrative rules establish two categories of agricultural lands that apply to most commercial energy generation facilities: high-value farmland and non high-value farmland. Proposals on high-value farmland may not use, occupy, or cover more than 12-acres without taking an exception to Goal 3. Proposals on non high-value farmland may not use, occupy, or cover more than 20-acres without taking an exception to Goal 3. Please see OAR 660-033-0130(17) and (22).

Existing administrative rules establish three categories of agricultural lands that apply to commercial photovoltaic solar and wind energy generation facilities: high-value farmland, arable land, and nonarable land. Photovoltaic solar projects not subject to the eastern Oregon siting rules proposed on high-value farmland may not use, occupy, or cover more than 12-acres without taking an exception to Goal 3. Photovoltaic solar projects not subject to the eastern Oregon siting rules proposed on arable land may not use, occupy, or cover more than 20-acres without taking an exception to Goal 3. Both photovoltaic solar and wind have more generous provisions for nonarable land. Wind projects are not subject to acreage thresholds. Photovoltaic solar projects subject to the eastern Oregon siting rules have a larger acreage threshold. Please see OAR 660-033-0130(37), (38), and (44).

The department believes it would be reasonable to consider establishing high-value farmland, arable land, and nonarable land as the three overall categories for considering commercial energy generation proposals and elevating threshold for non high-value farmland from 20-acres to 100-acres. The following tables illustrate existing acreage thresholds and how possible adjustments could look.

Existing Acreage Thresholds for Energy Generation on EFU				
Generation Type	Farmland Categories			
	High-Value	Non HV	Arable	Nonarable
General	12	20	NA	NA
PV Solar (38)	12	NA	20	320
Wind	NA	NA	NA	NA

Possible Acreage Thresholds for Energy Generation on EFU				
Generation Type	Farmland Categories			
	High-Value	Non HV	Arable	Nonarable
General	12	NA	100	320
PV Solar (38)	12	NA	100	320
Wind	NA	NA	NA	NA

k. Consider establishing provisions for placing photovoltaic solar panels in the corners of center pivot irrigation systems.

Staff Comments:

A center pivot irrigation system (pivot) involves elevated pipes equipped with drop tube sprinklers. The pipes are supported by triangular metal “towers” mounted on wheels, which rotate in a circular pattern around a central pivot point usually powered by an electric motor. Utilizing pivots is a common and accepted means of irrigating agricultural land. There are thousands of pivots in Oregon. Some large-scale farming operations use more than 100 pivots by themselves. In some regions of the state, irrigated agriculture is almost completely conducted under pivots.

Pivots are most often installed on a 160-acre square field (quarter-section). The circular motion of the pivot directly provides irrigation water to about 125-acres. Sometimes an irrigation sprinkler gun is mounted on the end of the last pipe to provide additional coverage. Regardless, the result of a circular irrigation arrangement in a square field is four unirrigated pivot corners, which usually add up to a total of 30 or more acres. These dry pivot corners are rarely cultivated or put to agricultural use.

[House Bill 3346](#) was introduced in 2025, which directed the state to study installing solar panels in unused agricultural irrigation pivot corners. This legislation was well supported although ultimately unsuccessful due to multiple competing priorities. The department continues to believe the concept of utilizing pivot corners for energy production has merit and deserves further consideration.

3. Long-Term (24 months and beyond)

a. Consider updating Statewide Planning Goal 13, Energy Conservation, and if necessary, develop a new administrative rule to provide guidance for clean energy planning and siting.

Staff Comments:

Statewide Planning Goal 13 requires land and uses developed on the land to be managed to conserve energy. It does not speak to energy development. The department has supported this concept for more than a decade. It is raised almost every legislative session. Updating Goal 13 would provide an opportunity to modernize overarching state land use policy related to balancing energy efficiency and renewable energy development with resource conservation to responsibly meet Oregon’s energy needs now and in the future. Completing this recommendation would be a several-year endeavor requiring additional funding resources and staff capacity.

XI. Conclusion

Significantly reducing the permitting timeframe would require that proper consideration of important resources and values be limited or all together abandoned. There is absolutely no guarantee that an increase in permitted projects will result in an increase in constructed projects. Furthermore, as things now stand there is no guarantee that an increase in constructed project will result in more clear energy serving Oregon consumers.

While some clean energy projects have struggle to get built, it does not appear that county level projects experienced any genuine barriers to gaining local land use approval. Similar to housing, it appears that other factors far beyond the permitting process are the root cause constraining production. The state would do well to consider what other factors are negatively influencing outcome and consider what resources may be brought to bear in those spaces. Access to transmission appears to be a primary factor inhibiting in-state clean energy development. Unless this is resolved, Oregon will need to accept that new clean energy development may lag behind the state’s ambitious goals and utilizing out of state energy sources may need to be emphasized.

XII. Exhibits (Comment Letters Received)

- a.** Greg Miller, Energy and Environmental Lobbyist, League of Oregon Cities
- b.** Jacob Ripper, New Sun Energy
- c.** Kelly Howsley Glover, Wasco County
- d.** Oregon Clean Grid Collaborative
- e.** Ryan J. Krabill, Oregon Farm Bureau
- f.** Angela Crowley-Koch, Oregon Solar + Storage Industries Association
- g.** Katie Chamberlin, Renewable Northwest
- h.** Lauren Link, The Nature Conservancy