

RULE LANGUAGE	COMMENTARY	DISCUSSION POINTS
<p>1 <b><u>OAR 660-033-0130</u></b></p> <p>2 ...</p> <p>3 (38) A proposal to site a photovoltaic solar power</p> <p>4 generation facility except for a photovoltaic solar</p> <p>5 power generation facility <b><u>in Eastern Oregon</u></b></p> <p>6 <b><u>subject to the provisions of subsections</u></b></p> <p>7 <b><u>(45)(a)(B) and (C)</u></b> shall be subject to the</p> <p>8 following definitions and provisions:</p> <p>9 ...</p> <p>10 (45)(a) A county may review a proposed</p> <p>11 photovoltaic solar power generation facility on</p> <p>12 agricultural land in Eastern Oregon under one of</p> <p>13 the following three alternatives:</p> <p>14</p> <p>15 (A) A county may review a proposed photovoltaic</p> <p>16 solar power generation facility on agricultural</p> <p>17 land under the provisions of OAR 660-033-</p> <p>18 0130(38).</p> <p>19</p> <p>20 (B) If a county has not adopted a program under</p> <p>21 the provisions of OAR 660-023-0195, a county</p> <p>22 may review a proposed photovoltaic solar power</p> <p>23 generation facility on agricultural land reviewed in</p> <p>24 Eastern Oregon under the provisions of</p> <p>25 subsections (b) through (l) of this section; or</p> <p>26</p> <p>27 (C) A county may review a proposed photovoltaic</p> <p>28 solar power generation facility on agricultural</p> <p>29 land reviewed in Eastern Oregon under the</p> <p>30 provisions of OAR 660-023-0195.</p> <p>31</p> <p>32</p>	<p><i>The division 38 language is otherwise unchanged. This method remains available with no changes for Eastern Oregon counties and solar developers.</i></p> <p><i>The section (38) existing method, unchanged.</i></p> <p><i>A county has the option of using this method under OAR 660-033-0130(45) or adopting a program under OAR 660-023-0195.</i></p> <p><i>This is the third option, going to OAR 660-023-0195 for a more individualized county program re: solar development.</i></p>	<p><i>Should the existing Division 38 method for Eastern Oregon solar remain completely unchanged? Or should additional conditions regarding wildfire and soil health, perhaps other things, be added?</i></p> <p><i>Clear delineation between three methods for considering solar in Eastern Oregon. Does this work?</i></p>
<p>33 (b) A proposal to site a photovoltaic solar power</p> <p>34 generation facility under OAR 660-038-</p> <p>35 0130(45)(a)(B) shall be subject to the following</p> <p>36 definitions and provisions:</p> <p>37</p> <p>38 (A) “Arable land” means land in a tract that is</p> <p>39 predominantly cultivated or, if not currently</p> <p>40 cultivated, predominantly comprised of arable</p> <p>41 soils.</p> <p>42</p> <p>43 (B) “Arable soils” means soils that are suitable for</p> <p>44 cultivation as determined by the governing body</p> <p>44 or its designate based on substantial evidence in</p> <p>46 the record of a local land use application, but</p> <p>47 “arable soils” does not include high-value</p> <p>48 farmland soils described at ORS 195.300(10)</p> <p>49 unless otherwise stated.</p> <p>50</p> <p>51 (C) “Eastern Oregon” means that portion of the</p> <p>52 State of Oregon lying east of a line beginning at</p> <p>53 the intersection of the northern boundary of the</p> <p>54 state and the western boundary of Wasco</p>	<p><i>These definitions are the same as in Section (38) except as indicated.</i></p> <p><i>A key point to remember: all of the soils definition that involve “land” mean that a parcel of land is looked at as a whole, and if a majority of the soils are “high-value,” “arable,” or “nonarable,” then the whole parcel is classified as that category, despite the existence of a minority of soils in the parcel in another category.</i></p> <p><i>New definition added.</i></p>	<p><i>The department is not aware of any problems with any of these definitions.</i></p>

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<p>1 County, thence southerly along the western                  2 boundaries of the counties of Wasco, Jefferson,                  3 Deschutes and Klamath to the southern                  4 boundary of the state.                  5                  6 (D) “High-value farmland means land described                  7 in ORS 195.300(10).                  8                  9 (E) “Nonarable land” means land in a tract that is                  10 predominantly not cultivated and predominantly                  11 comprised of nonarable soils.                  12                  13 (F) “Nonarable soils” means soils that are not                  14 suitable for cultivation. Soils with an NRCS                  15 agricultural capability class V–VIII and no history                  16 of irrigation shall be considered nonarable in all                  17 cases. The governing body or its designate may                  18 determine other soils, including soils with a past                  19 history of irrigation, to be nonarable based on                  20 substantial evidence in the record of a local land                  21 use application.                  22                  23 (G) “Photovoltaic solar power generation facility”                  24 includes, but is not limited to, an assembly of                  25 equipment that converts sunlight into electricity                  26 and then stores, transfers, or both, that                  27 electricity. This includes photovoltaic modules,                  28 mounting and solar tracking equipment,                  29 foundations, inverters, wiring, storage devices                  30 and other components. Photovoltaic solar power                  31 generation facilities also include electrical cable                  32 collection systems connecting the photovoltaic                  33 solar generation facility to a transmission line, all                  34 necessary grid integration equipment, new or                  35 expanded private roads constructed to serve the                  36 photovoltaic solar power generation facility,                  37 office, operation and maintenance buildings,                  38 staging areas and all other necessary                  39 appurtenances, including but not limited to on-                  40 site and off-site facilities for temporary workforce                  41 housing for workers constructing a photovoltaic                  42 solar power generation facility. For purposes of                  43 applying the acreage standards of this section, a                  44 photovoltaic solar power generation facility                  44 includes all existing and proposed facilities on a                  46 single tract, as well as any existing and proposed                  47 facilities determined to be under common                  48 ownership on lands with fewer than 1320 feet of                  49 separation from the tract on which the new                  50 facility is proposed to be sited. Projects                  51 connected to the same parent company or                  52 individuals shall be considered to be in common                  53 ownership, regardless of the operating business                  structure. A photovoltaic solar power generation</p>	<p><i>This language added regarding temporary workforce housing comes from the existing definition in the department’s administrative rules governing wind energy.</i></p>	

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<p>1 facility does not include a net metering project                  2 established consistent with ORS 757.300 and                  3 OAR chapter 860, division 39 or a Feed-in-Tariff                  4 project established consistent with ORS 757.365                  5 and OAR chapter 860, division 84.                  6</p>		
<p>7 (c)(A) A county shall consider applications for a                  8 proposed photovoltaic solar power generation                  9 facility pursuant to OAR 660-033-0130(45)(a)(B)                  10 unless a county has either:                  11                  12 (i) Approved a program for significant solar                  13 photovoltaic resource areas under the provisions                  14 of OAR 660-023-0195; or                  15                  16 (ii) Taken action through the county elected body,                  17 either prior to, or after the effective date of this                  18 rule that declines to consider photovoltaic solar                  19 power generation facilities under OAR 660-033-                  20 0130(45)(a)(B).                  21                  22 (B) A county may choose to consider photovoltaic                  23 solar power generation facilities under OAR 660-                  24 033-0130(45)(a)(A) or (C).                  25                  26</p>	<p><i>This is the “opt out” provision – the county will directly apply the rules in this section unless they take action, through the county elected body, to “opt out.” It would not require a post-acknowledgment plan amendment, thus would not be a land use decision.</i></p> <p><i>The existing rules in Section (38) and the program adoption in 660-023-0195 are entirely voluntary for counties.</i></p>	<p><i>Should counties have to formally opt out of the rules, otherwise apply the “sites” rules in this section directly?</i></p> <p><i>The department is not aware of any issues with this provision.</i></p>
<p>27 (d) A county may approve a photovoltaic solar                  28 power generation facility under OAR 660-033-                  29 0130(45)(a)(B) as follows:                  30                  31 (A) On high-value farmland that qualifies for an                  32 exemption pursuant to the provisions of                  33 subsection (d)(D)(vii) of this section and that is                  34 not otherwise limited by the provisions of                  35 subsection (d)(D)(vi) of this section, the facility                  36 may not use, occupy, or cover more than 160                  37 acres.                  38                  39                  40                  41                  42                  43                  44 (B) On arable land, the photovoltaic solar power                  45 generation facility may not use, occupy, or cover                  46 more than 1,280 acres.                  47                  48                  49                  50                  51 (C) On non-arable land, the photovoltaic solar                  52 power generation facility may not use, occupy, or                  53 cover more than 1,920 acres.                  54</p>	<p><i>A very limited allowance on high value farmlands, see language below for details.</i></p> <p><i>The maximum that these rules can allow on high value farmland is 240 acres per ORS 215.446. This number is lower to encourage counties and solar developers toward the 660-023-0195 “program” method.</i></p> <p><i>This is simpler than the provisions in OAR 660-023-0195 and is half the maximum that these rules can allow (2,560 acres).</i></p> <p><i>This is simpler than the provisions in OAR 660-023-0195 and is half the maximum that these rules can allow (3,840 acres).</i></p>	<p><i>Are these the correct restrictions for any solar development on high-value farmland pursuant to these rules?</i></p> <p><i>Are these numbers appropriate to encourage counties and solar developers who want even larger sites to use the 660-023 method?</i></p>

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<p>1 (D) Notwithstanding subsections (45)(d)(A)                  2 through (C) of this section, a county may not                  3 approve a photovoltaic solar power generation                  4 facility under OAR 660-033-0130(45)(a)(B) on                  5 land that is:                  6                  7 (i) Significant Sage-Grouse Habitat described at                  8 OAR 660-023-0115(6)(a) and (b). The exact                  9 location of Significant Sage-Grouse Habitat may                  10 be refined during consideration of a specific                  11 project but must be done in consultation with                  12 ODFW.                  13                  14 (ii) Priority Wildlife Connectivity Areas (PWCA's)                  15 as designated by the Oregon Department of Fish                  16 and Wildlife (ODFW) that do not qualify under                  17 section 660-023-0195(3)(d)(E).                  18                  19 (iii) High Use and Very High Use Wildlife                  20 Migration Corridors designated by ODFW. The                  21 exact location of high use and very high use                  22 wildlife mitigation corridors may be refined during                  23 consideration of a site but must be done in                  24 consultation with ODFW.                  25                  26 (iv) Wildlife habitat characterized by ODFW as                  27 Category 1 based on field data provided by the                  28 applicant and developed in consultation with                  29 ODFW. The exact location and characterization                  30 of Category 1 wildlife habitat may be refined                  31 during consideration of a site but must be done in                  32 consultation with ODFW.                  33                  34 (v) On lands included within Urban Reserve                  35 Areas acknowledged pursuant to OAR chapter                  36 660, division 21.                  37                  38                  39                  40                  41                  42                  43                  44                  44                  46                  47 (vi) Soils that are irrigated or not irrigated and                  48 classified prime, unique, Class I or Class II, as                  49 classified by the U.S. Natural Resources                  50 Conservation Service (NRCS), unless such soils                  51 make up no more than five percent of a proposed                  52 Photovoltaic Solar Site and are present in an                  53 irregular configuration or configurations that                  54</p>	<p><i>These sections import the prohibitions on the most sensitive wildlife habitat that have been negotiated and are in OAR 660-023-0195.</i></p> <p><i>Imported from OAR 660-023-0195.</i></p> <p><i>Identical to language included at draft OAR 660-023-0195(3)(k)(E).</i></p>	<p><i>Should wildlife habitat provisions be less restrictive under this method than under the "areas" method in OAR 660-023?</i></p> <p><i>The "one mile from a UGB with a population of greater than 2,500 is removed because it reflects the views of the RAC at this time. The department intends to bring this issue before the commission for its review.</i></p> <p><i>Are these the correct restrictions for any solar development on high-value farmland pursuant to these rules?</i></p>

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<p>1 prevent them from being independently managed 2 for farm use. 3 4 (vii) Agricultural lands protected under Goal 3 5 with an appurtenant water right on January 1, 6 2024. This subsection does not apply if the ability 7 to use the appurtenant water right to irrigate 8 subject property becomes limited or prohibited 9 due to a situation that is beyond the control of the 10 water right holder including but not limited to: 11 prolonged drought, critical groundwater 12 designations or other state regulatory action, 13 reduced federal contract allocations, and other 14 similar regulatory circumstances. If retained, the 15 appurtenant water right has been transferred to 16 another portion of the subject property, tract or 17 another property and maintained for agricultural 18 purposes. 19 . 20 (viii) Sites where the construction and operation 21 of the photovoltaic solar power generation facility 22 will result in significant adverse impacts to 23 Historic, Cultural or Archaeological Resources 24 that cannot be mitigated pursuant to the 25 provisions of OAR 660-023-0195(5). 26</p>	<p><i>From draft OAR 660-023-0195(3)(k)(G).</i></p> <p><i>Consistent with language included at draft OAR 660-023-0195(3)(k)(H).</i></p>	<p><i>The base language in OAR 660-023-0195(5) is still under consultation with SHPO and Tribes.</i></p>
<p>27 (e) Approval of a proposed photovoltaic solar 28 power generation facility under OAR 660-033- 29 0130(45)(a)(B) is subject to the following 30 requirements: 31 32 (A) The proposed photovoltaic solar power 33 generation facility is located in an area with the 34 following characteristics: 35 36 (i) Topography with a slope that is predominantly 37 15% or less; 38 39 (ii) An estimated Annual Solar Utility-Scale 40 Capacity Factor of 19 percent or greater; and 41 42 (iii) Location predominantly within 10 miles of a 43 transmission line with a rating of 69 KV or above. 44</p>	<p><i>This language is imported from the language negotiated in OAR 660-023-0195.</i></p>	<p><i>The department does not see including the ability of counties to vary “significant” solar areas as in the OAR 660-9023-0195 rules, since these rules are to be directly applied by counties.</i></p>
<p>44 (B) For a proposed photovoltaic solar power 46 generation facility on high-value farmland, the 47 application shall include a cumulative impacts 48 analysis as set forth in OAR 660-033- 49 0130(38)(h)(G), except that the acreage 50 threshold for the analysis set forth in OAR 660- 51 033-0130(38)(h)(G)(i) and (ii) shall be 300 acres 52 and the impact area set forth in OAR 660-033- 53 0130(38)(h)(G) would be a distance of 2.5 miles.</p>	<p><i>This requirement is already in section (38) but would be modified here to reflect larger acreage totals and a corresponding larger impact area. The numbers in section (38) are 48 acres and one mile radius, reflecting conditions and sizes primarily in Western Oregon.</i></p>	<p><i>Should these requirements from Section (38), which apply to all solar development today, be carried over to this section, and if so, should the numbers be enlarged to reflect</i></p>

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1 2 3 4 5 6 7 8 9 10	(C) For a proposed photovoltaic solar power generation facility on arable land, the application shall include a cumulative impacts analysis as set forth in OAR 660-033-0138(i)(D) except that the acreage threshold for the analysis set forth in OAR 660-033-0130(38(i)(D)(i) and (ii) shall be 2,000 acres and the impact area set forth in OAR 660-033-0130(38)(h)G) would be a distance of five miles.	<i>This requirement is already in section (38) but would be modified here to reflect larger acreage totals and a corresponding larger impact area. The numbers in section (38) are 80 acres and one mile radius.</i>	<i>larger projects in Eastern Oregon?</i>
11 12 13 14 15 16 17 18 19 20 21	(D) The proposed photovoltaic solar power generation facility shall take measures to mitigate agricultural impacts as set forth in OAR 660-023-0195(4) (B) and (C).	<i>The reference here is to the “one-time cash payment” section for agricultural mitigation in OAR 660-023-0195(4). This is simpler and more objective for counties and solar developers to implement.</i>	<i>The department does not see a good way to allow the county discretion found in parallel provisions in OAR 660-023-0195, since this would be directly applied by the counties.</i>
22 23 24 25 26 27 28 29 30 31	(E) The proposed photovoltaic solar power generation facility shall take measures to provide community benefits as set forth in OAR 660-023-0195(6)(b).	<i>The reference here is to the simpler and less subjective option for community benefits in OAR 660-023-0195(6). This is simpler and more objective for counties and solar developers to implement.</i>	<i>Same comment as directly above.</i>
32 33 34 35 36	(F) The proposed photovoltaic solar power generation facility shall mitigate potential impacts to fish and wildlife habitat pursuant to the requirements of ORS 215.446(3)(a).	<i>While shorter, this is basically the requirement that is also in OAR 660-023-0195.</i>	
37 38 39 40 41 42 43 44	(G) The proposed photovoltaic solar power generation facility shall mitigate potential impacts to historic, cultural, and archeological resources pursuant to the requirements of OAR 660-023-0195(5).	<i>This would need to be done for every application submitted – to make an individualized determination as to which of the three categories (no impacts, mitigated impacts, not allowed) the site falls into.</i>	<i>This section is currently undergoing consultation with SHPO and Tribes, so is not final.</i>
46 47 48 49 50 51 52 53 54	(H) (i) The application will ensure that considerations for the amount, type, and location of temporary workforce housing have been made. This provision may be satisfied by the submittal and county approval of a workforce housing plan prepared by an adequately qualified individual, that demonstrates how temporary workforce housing resulting in a benefit to the local community will be accommodated or that	<i>These provisions are new.</i>	<i>The department is not aware of any issues with this provision.</i>

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<p>1 such temporary housing is reasonably likely to                  2 occur. The plan need not obligate the applicant                  3 to financially secure the temporary housing. The                  4 approved plan shall be attached to the decision                  5 as a condition of approval.                  6                  7 (ii) On-site and off-site facilities for temporary                  8 workforce housing for workers constructing a                  9 photovoltaic solar power generation facility must                  10 be removed or converted to an allowed use                  11 under OAR 660-033-0130(19) or other statute or                  12 rule when project construction is complete.                  13                  14 (iii) Temporary workforce housing facilities not                  15 included in the initial approval may be considered                  16 through a minor amendment request filed after a                  17 decision to approve a photovoltaic solar power                  18 generation facility. A minor amendment request                  19 shall be subject to OAR 660-033-0130(5) and                  20 shall not have no effect on the original approval                  21 of the project.                  22</p>		
<p>23 (I) The requirements of OAR 660-033-                  24 0130(38)(h)(A) through (D) have been satisfied                  25 for proposed photovoltaic solar power generation                  26 facilities on high-value farmland and arable land,                  27 and the requirements of OAR 660-033-                  28 0130(38)(h)(D) have been satisfied for proposed                  29 photovoltaic solar power generation facilities on                  30 nonarable land.                  31                  32                  33                  34                  35                  36                  37                  38                  39                  40                  41                  42                  43                  44                  44                  46                  47                  48                  49                  50                  51                  52                  53                  54</p>	<p><i>These are a direct reference to existing requirements for all solar development on high value and arable farmland. They read as follows in section (38):</i></p> <p><i>(A) The proposed photovoltaic solar power generation facility will not create unnecessary negative impacts on agricultural operations conducted on any portion of the subject property not occupied by project components. Negative impacts could include, but are not limited to, the unnecessary construction of roads dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing photovoltaic solar power generation facility project components on lands in a manner that could disrupt common and accepted farming practices;</i></p> <p><i>(B) The presence of a photovoltaic solar power generation facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be</i></p>	<p><i>Should these standards, which apply to solar developments throughout Oregon through Section 38, apply to projects in Eastern Oregon reviewed under this method?</i></p>

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<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40</p>	<p><i>satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied. The approved plan shall be attached to the decision as a condition of approval;</i></p> <p><i>(C) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval;</i></p> <p><i>(D) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weed species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval;</i></p>	
<p>41 42 43 44 44 46 47 48 49 50 51 52</p>	<p><i>While other conditions of approval aren't mandated by these rules, a county is explicitly authorized to add other conditions, such as wildfire risk mitigation.</i></p>	<p><i>Should new requirements regarding wildlife and soil health should be made mandatory as opposed to at the discretion of the county?</i></p>
<p>53 54</p>	<p><i>This language addresses two issues: 1) a site that is arable</i></p>	<p><i>Should these requirements,</i></p>



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<p>1 project is not located on arable soils unless it can                  2 be demonstrated that:                  3                  4 (i) Siting the facility on nonarable soils present on                  5 the subject tract would significantly reduce the                  6 project’s ability to operate successfully; or                  7                  8 (ii) The proposed site is better suited to allow                  9 continuation of an existing commercial farm or                  10 ranching operation on the subject tract as                  11 compared to other possible sites also located on                  12 the subject tract, including sites that are                  13 comprised of nonarable soils;                  14                  15                  16                  17                  18                  19                  20                  21                  22                  23                  24                  25                  26                  27                  28                  29                  30                  31                  32                  33                  34                  35                  36                  37                  38                  39                  40                  41                  42                  43                  44                  45                  46                  47                  48                  49                  50                  51                  52 (L) For a photovoltaic solar power generation                  53 facility located on nonarable lands no more than</p>	<p><i>land but contains some nonarable soils; and 2) a site that is nonarable land but contains some arable soils.</i></p> <p><i>The express limitations on high value soils at (d)(D)(vi) “Soils that are irrigated or not irrigated and classified prime, unique, Class I or Class II...” are sufficient to make this issue moot for high value soils.</i></p> <p><i>In each case, this language would require “first choice” for location of the solar facility on nonarable soils, unless the applicant and county could make one of the two findings expressed in subsections (i) and (ii).</i></p> <p><i>The current language in section (38) reads as follows:</i></p> <p><i>(B) The project is not located on those high-value farmland soils listed in OAR 660-033-0020(8)(b)-(e) or arable soils unless it can be demonstrated that:</i></p> <p><i>(i) Nonarable soils are not available on the subject tract;</i></p> <p><i>(ii) Siting the project on nonarable soils present on the subject tract would significantly reduce the project’s ability to operate successfully; or</i></p> <p><i>(iii) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of nonarable soils;</i></p>	<p><i>currently required of all solar developments under section (38), be required for projects considered under these rules as well?</i></p> <p><i>An alternative on nonarable lands would be to allow development on arable soils within the project site if those soils would have allowed solar development under the provisions of OAR 660-023-0195 and not allow such development if those soils would not have allowed solar development under the provisions of OAR 660-023-0195.</i></p>

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1 2 3	1,280 acres of the facility will be located on arable soils.		
4 5 6 7 8 9 10 11	(f) Notwithstanding any other rule in this division, a county may determine that ORS 215.296 and OAR 660-033-0130(5) for a proposed photovoltaic solar power generation facility are met when the applicable provisions of OAR 660-033-0130(45)(b) through (e) are found to be satisfied.	<i>This is the provision that states compliance with these rules satisfies the “farm impacts” or “good neighbor” test set by the Legislature in ORS 215.296.</i>	<i>The department is not aware of any issues with this provision.</i>
12 13 14 15 16	(g) A county shall satisfy the requirements of OAR 660-023-0195(8)(a) and (b).	<i>This is a reference to the Department of Defense airspace requirements in OAR 660-023-0195,</i>	<i>The department is not aware of any issues with this provision.</i>
17 18 19 20 21 22 23 24 25 26	(h) A permit approved for a photovoltaic solar power generation facility shall be valid until commencement of construction or for six years, whichever is less. A county may grant up to two extensions for a period of up to 24 months each when an applicant makes a written request for an extension of the development approval period that is submitted to the county prior to the expiration of the approval period.	<i>This is the time period before expiration of a permit language agreed to in Moro by the RAC.</i>	<i>The department is not aware of any issues with this provision.</i>
27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44	(i) A county may grant a permit described in subsection (j) a third and final extension for period of up to 24 months if:  (A) An applicant makes a written request for an extension of the development approval period prior to the expiration of the second extension granted under subsection (f) of this section;  (B) The applicant states reasons that prevented the applicant from beginning or continuing development within the approval period; and  (C) The county determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible.		
45 46 47 48 49 50 51	(j) In addition to other sources, a local government may rely on data from online mapping tools, such as that data included in the Oregon Renewable Energy Siting Assessment (ORESA), to inform determinations made under this rule.	<i>This is language referencing using ORESA as an option.</i>	<i>The department is not aware of any issues with this provision.</i>
52 53 54	(k) The county governing body or its designate shall require as a condition of approval for a photovoltaic solar power generation facility, that	<i>These last two provisions are in Section (38) and are carried over to here.</i>	<i>The department is not aware of any</i>

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<p>1 the project owner sign and record in the deed                  2 records for the county a document binding the                  3 project owner and the project owner's successors                  4 in interest, prohibiting them from pursuing a claim                  5 for relief or cause of action alleging injury from                  6 farming or forest practices as defined in ORS                  7 30.930(2) and (4).                  8                  9 (I) Nothing in this section shall prevent a county                  10 from requiring a bond or other security from a                  11 developer or otherwise imposing on a developer                  12 the responsibility for retiring the photovoltaic                  13 solar power generation facility.                  14</p>		<p><i>issues with this provision.</i></p>
<p>15 <b><u>660-033-0145</u></b>                  16 Agriculture/Forest Zones                  17                  18 (1) Agriculture/forest zones may be established                  19 and uses allowed pursuant to OAR 660-006-                  20 0050;                  21                  22 (2) Land divisions in agriculture/forest zones may                  23 be allowed as provided for under OAR 660-006-                  24 0055; and                  25                  26 (3) Land may be replanned or rezoned to an                  27 agriculture/forest zone pursuant to OAR 660-                  28 006-0057.                  29                  30 <b><u>(4) A county in Eastern Oregon shall apply</u></b>                  31 <b><u>either OAR chapter 660, division 6 or 33</u></b>                  32 <b><u>standards for siting a photovoltaic solar</u></b>                  33 <b><u>power generation facility in an</u></b>                  34 <b><u>agriculture/forest zone based on the</u></b>                  35 <b><u>predominant use of the tract on January 1,</u></b>                  36 <b><u>2024.</u></b></p>	<p><i>Language regarding mixed farm-forest zoning districts agreed to by the RAC.</i></p>	<p><i>The department is not aware of any issues with this provision.</i></p>