



October 1, 2026

Department of Land Conservation and Development

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Re: Comments in Support of the Petition for Rulemaking to Amend OAR 660-023-0195, OAR 660-033-0130, and OAR 660-033-0140 (Photovoltaic Solar Facility Permit Duration and Extension Provisions)

Dear Director and Commission:

The Oregon Solar and Storage Industries Association (OSSIA) is a trade organization representing more than 80 corporate, nonprofit, and individual members across Oregon's solar and energy storage industry. Our mission is to promote the responsible expansion of solar and energy storage technologies statewide.

OSSIA strongly supports the petition's request to clarify and standardize the permit duration and extension provisions in Oregon Administrative Rules (OAR) Chapter 660, Division 33. The requested change would make Oregon's solar permitting process more consistent, transparent, and predictable across the state.

In 2023, House Bill 3409 established a Rulemaking Advisory Committee (RAC) to work with Department of Land Conservation and Development (DLCD) to develop a process for identifying opportunities and reducing conflicts in siting solar photovoltaic energy facilities. Section 37(10) specifically provided that "[DLCD] and the [RAC] shall coordinate with and support any efforts to establish a *statewide* energy strategy."

In 2025, as part of that rulemaking, DLCD adopted a new permit validity period standard that provides that permits for photovoltaic solar power generation facilities are valid until commencement of construction or for six years, whichever is less, with extensions available upon written request. That standard was developed and agreed upon by the RAC members because it provides greater certainty for counties, communities, and developers alike.

In what appears to be an administrative or drafting error, that permit validity period was placed into section (44) of the new rules. Section (44) offered counties the opportunity to "opt out" of the new permitting framework. Many counties opted out of those rules, inadvertently making the



new permit validity period inapplicable across most of Eastern Oregon. That was not the intent of the RAC.

This rulemaking would correct that error by placing the consensus language developed by the RAC within the rules that broadly govern photovoltaic solar facilities. Moving the provisions out of OAR 660-033-0130(44)(j) and (k) into OAR 660-033-0140 would allow the same timelines to apply to all photovoltaic solar facilities in Oregon reviewed under Division 33, not only those using the direct county review process in section 44.

The permit validity standard set forth by the RAC was intended to reflect the time it can take to interconnect a solar facility to the electric grid. From the initial request through technical studies, required grid upgrades, and final approval, this process can take approximately ten years. If a land-use permit expires much sooner, a viable project could lose its approval while waiting to complete steps that are largely outside the developer's control. Prior to the rulemaking, county-specific approaches often tied permit validity to when a developer "commenced construction." This benchmark can be difficult to apply to projects built in phases.

Standardizing the permit validity period across the state gives local governments, developers, and communities greater certainty. For governments, adopting uniform standards now may help avoid inconsistent administration of permit timelines, ensure similarly situated projects are subject to the same standards regardless of jurisdiction or approval process, and reduce the potential for future procedural disputes as solar development expands across the state. Predictable permit periods help developers plan, secure financing, coordinate grid connection, and schedule construction. For communities, defined permit periods prevent approvals from remaining indefinitely active and help locals understand which projects are active, assess overall energy development, and anticipate future growth. Applying the same permit periods statewide would also support solar investment in every Oregon county, not only in jurisdictions that opted into the section (44) process.

OSSIA appreciates the substantial work of DLCD and the RAC to develop these permit duration provisions and create a coherent statewide framework for siting photovoltaic solar facilities. For these reasons, OSSIA respectfully urges DLCD to adopt the proposed amendments.

Sincerely,

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