



Oregon

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Department of Land Conservation and Development

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DATE: February 7, 2019
TO: Interested Parties
FROM: Jim Rue, Director
SUBJECT: Updated Notice of Proposed Amendments to Rules Relating to Siting Photovoltaic Solar Power Generating Facilities



The Land Conservation and Development Commission (LCDC) is considering adoption of amendments to an existing administrative rule concerning criteria for approval of photovoltaic solar power generating facilities in exclusive farm use zones.

The proposed rule amendments change the criteria for when a county may approve a utility-scale solar facility on certain high-quality soils and certain land identified as wildlife habitat. The proposal clarifies existing rules and deletes the sunset date for a requirement to complete an assessment of impacts to wildlife habitat by solar facility development. The proposal incorporates language from a temporary rule.

The Department of Land Conservation and Development is soliciting public comment regarding the proposed rule amendments to [OAR 660-033-0130](#).

Background

DLCD provided notice of the proposed rule amendments and accepted public comment through the January 24, 2019, hearing. LCDC received a timely request to postpone the rule adoption under the state Administrative Procedures Act; therefore, LCDC extended the comment period and established a deadline of February 15, 2019, to submit additional data, views or arguments. Based on advice received after the hearing to lengthen the comment period, this deadline is extended to May 7, 2019.

Rulemaking notices and fiscal statements are available on DLCD's website at <https://www.oregon.gov/lcd/LAR/Pages/Rulemaking.aspx>. Staff will recommend that LCDC consider the amendments that were discussed at the January 2019 meeting, which are reflected in an updated draft available at: https://www.oregon.gov/lcd/LAR/Documents/660-033-0130_TempRule_Mark-up.pdf.

Opportunity to Participate

LCDC will hold a public hearing for this rulemaking and may adopt the amended rules on May 23, 2019. Interested persons may provide written comments to LCDC regarding the proposed rules. Interested parties must send data, views or arguments, and any other written comment, to DLCD by **May 7, 2019**. LCDC will accept oral comment at the rulemaking hearing, which is scheduled to begin at 9:00 a.m. on May 23, 2019, at 635 Capitol Street NE, Salem, Oregon 97301.

How to Participate in Writing

Written data, views or arguments should be addressed to the Land Conservation and Development Commission.

- If submitted by email, please send the message to:
LCD.rulecomment@state.or.us
- If submitted by US mail, please send to:
c/o Rules Coordinator
Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301

Comments submitted using the addresses above will be included in the LCDC materials and the rulemaking record. We cannot ensure that comments submitted to other staff or commissioners will be included in the official commission or rulemaking records.

Additional Information

If you have questions about the proposed rule amendments or the LCDC meeting, you may contact Jon Jinings, Community services Specialist, at jon.jinings@state.or.us.

To obtain copies of the proposed rule amendments and related information by mail or email please contact Casaria Taylor at 503-934-0065 or casaria.taylor@state.or.us. The agenda for LCDC's May 23, 2019, meeting will be available on DLCD's website at <https://www.oregon.gov/lcd/Commission/Pages/Meetings.aspx>.