



Eastern Oregon Solar Siting Rules

The Land Conservation and Development Commission (LCDC) adopted new rules for Eastern Oregon Solar Siting at the June 2025 LCDC meeting. These rules will go into effect January 1, 2026.

Background

This rulemaking was directed by the passage of House Bill 3409 (HB 3409) in 2023 and the subsequent LCDC charge to DLCD staff in November 2023. DLCD staff formed and worked with a Rulemaking Advisory Committee (RAC) to draft new regulations designed to find opportunities and reduce conflicts when siting photovoltaic solar power generation facilities in Eastern Oregon.

Rulemaking

The new rules aim to make the process of siting photovoltaic solar facilities easier for counties and developers while protecting farmland, wildlife habitat, and important cultural resources.

The RAC met 13 times to help shape these recommendations. Staff held five of these meetings in Eastern Oregon. Five Technical Advisory Committees (TAC's) were also created to help inform this process.

Key updates include:

- New “solar area” designations for Eastern Oregon counties (OAR 660-023-0195)
- The ability for Eastern Oregon counties to review individual solar applications on farmland (OAR 660-033-0130(44))
- An emphasis on community benefits for Eastern Oregon communities
- Protections for wildlife habitat, high-value farmland, and archaeological, historical, and cultural resources

Pathways for Solar Development

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. Counties in Eastern Oregon may continue using existing rules if they prefer.

Solar Areas and Solar Sites

This rulemaking offers two pathways for permitting photovoltaic solar Division 23: Solar Areas and Division 33: Solar Sites. While largely similar, the chart on the following page highlights these similarities and a few important differences between them.



	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

Ongoing Work

HB 3409 requires DLCD to provide a report to the Legislature that will include a summary of the adopted rules. The report will also include related items, such as mitigation practices, technical assistance resources to support local governments and tribes, and recommendations for future consideration. A draft report is due on or before September 15, 2025. The final report is due on or before December 31, 2025.

The department will monitor the effectiveness of these rules over time. Staff will report to LCDC in July 2027 on how effective the rules have been, which counties have implemented them, and suggestions for improvements.

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