

EASTERN OREGON SOLAR SITING RULEMAKING ADVISORY COMMITTEE MEETING PACKET #13



April 15, 2025

TO: Solar Siting Rulemaking Advisory Committee Members
FROM: Adam Tate, Renewable Energy Planner
SUBJECT: Rulemaking Advisory Committee (RAC) Meeting Packet #13

Dear Solar Siting Rulemaking Advisory Committee Members,

Thank you for bringing your experience and expertise to this long rulemaking process. We are incredibly grateful for the time and energy you have dedicated to helping us. We now turn our attention to the final scheduled RAC meeting. In this packet you will find a Meeting Summary from our April 2nd RAC meeting, and an updated draft of the RAC Report from Kearns & West. We will be able to provide the updated rule drafts this Thursday. These final working drafts will reflect the feedback we received from the April 2nd RAC meeting, as well as the government-to-government consultation with the Confederated Tribes of the Warm Springs Indian Reservation of Oregon.

Following this RAC meeting, the public comment period for the rulemaking will close at 11:59 pm on April 30th. Staff will include the rules to the Land Conservation and Development Commission (LCDC) at the Commission's June meeting for deliberation and adoption. That packet should be available on the [LCDC website](#) on June 12, two weeks before the commission meeting

The RAC meeting will be on Tuesday, April 22nd from 9:00 am to 11:00 am Pacific Time, held virtually over Zoom for all participants.

RAC Meeting Packet Contents:

1. Cover Memo
2. Meeting Agenda
3. Summary of April 2nd RAC Meeting
4. Updated RAC Report from Kearns & West

Supplemental Packet Contents (Thursday, April 17, 2025):

1. Updated draft rule language for Divisions 4, 6, 23 & 33

To attend the all-virtual meeting, please use the following Zoom link for the meeting:

Topic: LCDC Eastern Solar Siting RAC Meeting #13

Time: Apr 22, 2025 09:00 AM Pacific Time (US and Canada)

Join Zoom Meeting

<https://kearnswest.zoom.us/j/83087543141?pwd=nEpjtwKwtNnrOxR2eRJxbdgcnMXmbn.1>

Meeting ID: 830 8754 3141

Passcode: 821435

Senior Rules Coordinator Casaria Taylor will be providing support for the Zoom meeting.

Casaria.taylor@dlcd.oregon.gov 971-600-7699.

Members of the public can livestream the meeting on the DLCD YouTube Channel

[Oregon DLCD - YouTube](#)

For reference all statewide planning land use planning goals may be found [here](#). Information for this committee, including background information and meeting materials may be found on the Eastern Oregon Solar Siting project page [Department of Land Conservation and Development : Eastern Oregon Solar Siting Possibilities : Laws and Rules : State of Oregon](#).

Thank you,

Adam Tate

Renewable Energy

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AGENDA

Oregon Department of Land Conservation and Development (DLCD) - Solar Siting Rules Advisory Committee (RAC) Meeting

Date and Time

April 22, 2025, from 9:00 am – 11:00 am PT

- The meeting will be held virtually via Zoom.
- Members of the public can livestream the meeting at <https://www.youtube.com/@OregonDLCD>.

Desired Outcomes and Purpose

- Discuss and resolve outstanding sections of the rule.
- Discuss feedback on technical assistance guidance.
- Final review and check-in on rule package.
- Discuss feedback on the RAC Report.

Agenda

Time (PT)	Topic	Lead
9:00 – 9:10 am (10 min)	Welcome and Roll Call	Jamie Damon, Kearns & West Facilitator
9:10 – 9:25 am (15 min)	Staff Updates <ul style="list-style-type: none">• Cultural, Historic, and Archeological updates• Public comment updates• Clarifying Q&A	DLCD
9:25 – 9:50 am (25 min)	Rule Revisions	Gordon Howard, DLCD
9:50 – 10:20 am (30 min)	Technical Assistance <i>(d) Recommendations for technical assistance resources to support county siting processes and the engagement of public bodies, tribal governments and communities in the siting process for renewable energy and transmission development.</i>	Gordon Howard, DLCD



10:20 – 10:40 am (20 min)	Round Robin Check-in	All
10:40 – 10:50 am (10 min)	RAC Report	Jamie Damon, Kearns & West Facilitator
10:50 – 11:00 am (10 min)	Next Steps and Closing <ul style="list-style-type: none">• Timeline• Closing Reflections	Jamie Damon, Kearns & West Facilitator

Eastern Oregon Solar Opportunities Rulemaking Advisory Committee (RAC) Meeting Summary

April 2, 2025, RAC Meeting #12

9 am – 4 pm

Location: Virtual (Zoom)

This meeting was livestreamed, recorded, and available for viewing at
<https://www.youtube.com/Oregondlcd>.

The following is a high-level summary and meeting overview. Please review the recording and archived meeting packet for details and presentation slides.

Meeting Attendees

RAC Member Attendees:

- Commissioner James Williams, Lake County
- Andrea Kreiner, Oregon Association of Conservation Districts
- Anahi Segovia Rodriguezr, Verde
- Bill Richardson, Rocky Mountain Elk Foundation
- Brandon McMullen, Harney County Planning Director
- Damien Hall, Oregon Solar+Storage Industries
- Elaine Albrich, Davis Wright Tremain
- Greg Corbin, Green Diamond Resource Company
- Diane Brandt, Renewable Northwest
- Jack Southworth, Oregon Cattlemen's Association
- John Eisler, Crook County Community Development Director
- Garth Fuller, The Nature Conservancy
- Mike Totey, Oregon Hunters Association
- Mike Eng, Lostine Fire Wise

Ex-Officio Attendees:

- Commissioner Mark Bennett, LCDC
- Brian Cochran, Oregon Department of State Lands
- Dan Hubner, Oregon Department of Forestry
- Elissa Bullion, Legislative Commission on Indian Services
- Jeremy Thompson, Oregon Department of Fish and Wildlife
- Tom Jackman, Oregon Department of Energy
- John Pouley, Oregon State Historic Preservation Office

DLCD Staff Attendees:

- Adam Tate, Oregon Department of Land Conservation and Development
- Alexis Hammer, Oregon Department of Land Conservation and Development
- Alyssa Bonini, Oregon Department of Land Conservation and Development
- Angie Brewer, Oregon Department of Land Conservation and Development
- Amanda Punton, Oregon Department of Land Conservation and Development

- Casaria Taylor, Oregon Department of Land Conservation and Development
- Dawn Hert, Oregon Department of Land Conservation and Development
- Gordon Howard, Oregon Department of Land Conservation and Development
- Jon Jinings, Oregon Department of Land Conservation and Development
- Kirstin Greene, Oregon Department of Land Conservation and Development

Welcome, Opening Remarks, and Agenda Review

Jamie Damon, Kearns & West, introduced herself as a neutral third-party facilitator and facilitated introductions between RAC members.

The RAC discussed the flooding in Burns and Brandon McMullen, Harney County Planning Director, provided brief updates from the region.

Jamie provided an overview of the meeting agenda and objectives.

Commissioner Mark Bennett from the Land Conservation and Development Commission (LCDC) shared brief opening remarks.

Jon Jinings, Oregon Department of Land Conservation and Development (DLCD), shared staff updates. Jon shared that DLCD has been doing extensive engagement over the last month, meeting with RAC members, county planners, and various folks within the planning community. He shared that DLCD attended a geographic hearing in Prineville and attended the Association of Oregon Counties Planning Directors conference. In these meetings, DLCD was able to answer questions and receive points of constructive feedback from subject matter experts.

Jamie reminded the RAC to review the DRAFT RAC Report, developed by Kearns & West, and submit any feedback or questions to the Kearns & West team.

Tribal Consultation Updates

Kirstin Greene, DLCD, shared that DLCD received an official request for Government-to-Government Consultation with the Confederated Tribes of Warm Springs Reservation of Oregon, and will meet with Tribal Council on April 9th. She reflected that DLCD staff met with Confederated Tribes of Warm Springs staff on March 31st to begin better understand the Tribe's concern Kirstin shared that the Tribe's concerns include (but are not limited to) the delegation from State to local decision-making, the local designation and evaluation of Tribal resources, and administrative capacity/adaptive management concerns. She also stated that DLCD staff are thinking about how to respond to the Tribe's concerns and shared the working draft recommendations that were developed from the staff-to-staff meeting. Because of the consultation request, DLCD will extend the consultation request window and the public comment window to April 30th. In addition, Kirstin proposed that the RAC convene for one more short meeting prior to the new close of public comment deadline to hear the outcome of the consultation meetings and consider any additional public comments.

One RAC member asked how DLCD is addressing concerns of the Nez Perce Tribe, especially since they are not a state recognized Tribe, yet have a significant presence and Treaty Rights in Wallowa County. Kirstin responded that DLCD defers to the counties to maintain noticing procedures and encourages county coordination and collaboration with tribes. The RAC member shared they are not aware of any formal tribal engagement practices in place by the county and that to their knowledge, engagement by the county with local-based tribes has been limited. The RAC member proposed that counties could develop Memorandum of Understandings (MOUs) with tribes to develop these procedures. Kirstin offered meeting to discuss the notification procedures and potential next steps in a follow up meeting

One RAC member raised concerns about the RAC reviewing the outcome of the consultation meeting and asked for clarification about the RAC's role in the Government-to-Government consultation. DLCD clarified that the RAC's mission in statute aligns with avoiding or minimizing negative impacts on cultural resources and that it was helpful for DLCD to hear to discuss these issues with the RAC. Some RAC members asked for clear sideboards for what the RAC is considering related to the outcome of the consultation meetings and to be mindful of not interfering with the direct consultation discussions. A RAC member expressed concern about finding the time to participate in an additional RAC meeting given the demands of the legislative session.

Rule Revisions

Gordon Howard, DLCD, reflected that the updated rule language incorporated feedback from the previous meeting, with the majority of updates occurring as general refinements and clarifications. He shared that several sections were reformatted and reworded to improve clarity without changing the underlying intent.

Division 23

The RAC reviewed the Division 23 language included in the meeting packet. Jamie facilitated a discussion among RAC members regarding Division 23.

Historical, Cultural and Archeological Resources. Kirstin reminded the RAC that the Burns Paiute Tribe had previously raised a request to reconsider the definition of cultural areas and sites. She shared that the Tribe was currently under evacuation due to flooding and unable to participate but wanted to ensure their earlier concerns were acknowledged. Kirstin introduced the topic of Inadvertent Discovery Plans (IDPs) and mentioned the collaboration between the Legislative Commission on Indian Services (LCIS) and the State Historic Preservation Office (SHPO) in developing a model IDP. Elissa Bullion, LCIS, then provided further details about the model template and its collaborative development with the Nine Federally Recognized Tribes of Oregon. She noted the template is available on the LCIS and SHPO websites and provided a [link to the IDP page](#). The RAC generally agreed with the additional language requiring an IDP for all development.

Areas of Significance. The updated language states that counties may choose *not* to designate areas as significant for solar development even if they meet the technical criteria, reflecting changes called for by the RAC in previous meetings.

Agricultural Mitigation. DLCD provided the RAC with a revised mitigation methodology document (found on page 34 in the meeting packet), which provides more detail on the agricultural mitigation payment calculation, translating the previously discussed excel calculator into text with the same steps and results. DLCD staff shared that this methodology strives to be a simple and applicable process of calculating mitigation for impacted community economic activity. The RAC briefly discussed the payment-based approach for agricultural mitigation. One RAC member noted that Division 33 references specific sections within Division 23 that outline specific mitigation payment options.

Community Benefits. RAC members agreed with adding the Nine Federally Recognized Tribes of Oregon as entities that can receive community benefits. The RAC generally agreed with the language additions and clarification regarding required public meetings and public process for community benefits. One RAC member asked for clarification on whether counties had the authority to determine which of the compliance methods for community benefits (e.g., nameplate capacity payment, emergency service provider option) would be followed. Gordon confirmed that counties have this discretion to develop their own community benefit agreements and that the items listed are examples that a county could consider. The RAC member shared appreciation that the approach was not solely based on a simple dollar amount per megawatt and allowed for consideration of local priorities.

Division 33

The RAC reviewed the Division 33 language included in the meeting packet. Jamie facilitated a discussion among RAC members regarding Division 33. Gordon clarified the four potential ways a solar project can be reviewed in Eastern Oregon:

1. County-adopted Goal 5 program (Division 23).
2. Direct application under Division 33.
3. Existing rules (Division 38) requiring a Goal 3 exception for larger projects.
4. Energy Facility Siting Council (EFSC) review for projects exceeding a certain size.

Acreage Thresholds. To encourage counties and developers to utilize the Goal 5 program for larger projects, the rules indicate the maximum acreage allowed under the Division 33 direct application is lower than under a county-adopted Goal 5 program:

- High-value farmland: 160 acres (vs. 240 in Div. 23)
- Arable land: 1,280 acres (vs. 2,560 in Div. 23)
- Non-arable land: 1,920 acres (vs. no maximum for county review in Div. 23)

A RAC member questioned why the acreage thresholds in Division 33 were lower than in Division 23 and suggested aligning them with EFSC jurisdictional thresholds to allow counties to process a

wider range of projects under the Division 33 pathway. Another RAC member argued against aligning the acreages, stating that the lower thresholds in Division 33 are appropriate because it is a "one-off" application compared to the holistic area planning outlined in Division 23. Jamie acknowledged the differing viewpoints and suggested they could be flagged for LCDC's consideration in the RAC Report.

Water Rights. One RAC member asked if the Oregon Water Resources Department had weighed in on the water rights language in the rules. Jon responded that they had been consulted, and their input was reflected in the current language.

County Feedback & Perspectives: A RAC member expressed interest in hearing county perspectives on the mitigation and benefit pathways in Division 33. Jamie invited county representatives present (Lake County Commissioner James Williams, and representatives from Harney and Crook Counties) to comment. Commissioner Williams indicated that Lake County was aligned with this language and acknowledged the diverse opinions among counties on energy and land use issues statewide.

Division 4

The RAC reviewed the Division 4 language included in the meeting packet. Jamie facilitated a brief discussion among RAC members regarding Division 4.

One RAC member reiterated concerns from previous discussions, highlighting that accompanying zone changes are often used with exceptions for various reasons.

The discussion on Division 4 centered on a previously raised issue regarding the prohibition of accompanying zone changes when seeking exceptions to Goals 3 or 4 for solar facilities. DLCD explained the rationale behind treating solar as a temporary use that should not lead to permanent rezoning. There were no other questions or changes on this division.

Division 6

The RAC reviewed the Division 6 language included in the meeting packet. Jamie facilitated a brief discussion among RAC members regarding Division 6, as DLCD indicated there were no changes to this section of the rules since the last RAC meeting.

Commissioner Williams shared he initially agreed with the distinction between site-specific (Division 33) and area-wide (Division 23) approaches, suggesting different acreage limits might be appropriate. However, after further reflection, stated he did not see harm in having the acreage thresholds be the same for both, as the evaluation and approval processes would still apply. He also emphasized the need to consider less-sensitive non-arable lands as a potential location for solar development in order to preserve more critical habitats. He highlighted his direct engagement with Tribal members, including a reservation site visit, to understand the cultural significance of various landscapes. He stressed the importance of incorporating Tribal input early in the siting process to avoid impacting culturally sensitive areas and acknowledged that the RAC may not have

considered the broader role and importance of non-arable lands for habitat, recreation and scenic views.

Commissioner Williams shared his experience with scenic disputes in Lake County, stating that vast landscapes make even distant developments a point of concern for rural communities. He emphasized Oregonians' deep connection to the land, including scenic views, and the importance of considering these values in solar siting. He advocated that if sacrifices are made with the landscape for energy development, the benefits should apply to the areas making those sacrifices.

Next Steps and Closing

Jamie proposed adjourning the meeting early, given the limited discussion.

Kirstin announced that the public comment period would be extended to the end of April due to the request for formal Government-to-Government consultation with the Confederated Tribes of Warm Springs Reservation of Oregon. DLCD staff proposed a "mini meeting" with the RAC the week of April 21st to discuss any changes or proposals arising from the Tribal consultation. Kirstin and Commissioner Bennett emphasized the value of bringing any potential changes resulting from Tribal consultation back to the RAC for transparency, vetting, and to ensure all parties have a voice before the matter goes to the LCDC.

During the final RAC meeting, RAC members will have the opportunity to offer final comments on the rules package and submit their level of support if they had not already done so. Differing opinions and areas for further consideration will be documented for LCDC for their discussion at the June commission meeting. Gordon encouraged RAC members to submit any fine-tuning suggestions to the language in their formal public comments to the LCDC.

Jamie and DLCD staff thanked everyone for participating. Commissioner Bennett shared appreciations for the process and engagement from the RAC, DLCD staff and the Kearns & West facilitation team

Next steps include:

- DLCD to engage in Tribal Consultation with the Confederated Tribes of Warm Springs Reservation of Oregon
- DLCD to extend the public comment period to April 30th at 11:59 pm
- RAC members to submit feedback to Kearns & West on the DRAFT RAC Report by April 30th.
- DLCD to schedule RAC Meeting #13
 - This meeting has been scheduled for **Tuesday April 22nd from 9:00-1:00am**

Meeting Adjourn

The meeting adjourned at 2:02pm.

DRAFT: Eastern Oregon Solar Siting Rulemaking Advisory Committee (RAC) Report

Developed by Kearns & West

DRAFT AS OF 04.14.25



Eastern Oregon Solar Siting Rulemaking Advisory Committee Report

Executive Summary

In March 2024, the Oregon Department of Land Conservation and Development (DLCD), convened a Rules Advisory Committee (RAC) to develop guidance to the Land Conservation and Development Commission (LCDC or “the Commission”) on how and where to site photovoltaic solar power generation facilities to minimize conflict and maximize opportunities on land in Eastern Oregon. RAC membership included 31 voting members (and 11 alternates) from tribes, federal and local government, as well as representatives of conservation, wildlife, agriculture, and development interests. State agency staff, legislators, LCDC commissioners and additional tribal representatives were included as ex officio members. DLCD hired Kearns & West, a third-party neutral facilitation team, to support the process. The RAC met 13 times between March 2024 and April 2025; five of these meetings occurring in-person in locations throughout Eastern Oregon. The RAC reached general agreement on the draft rules. Kearns & West developed this report to provide a summary of the process, discussions, and outcomes from the RAC.

Background, Purpose, and Desired Outcomes

LCDC originally adopted specific rules for siting photovoltaic solar power generation facilities on farm and ranch lands protected under Goal 3 in 2011 (OAR 660-033-0130(38)). Since that time there have been conversations about how to identify the best possible locations for solar energy development to reduce conflicts.

In 2023, [House Bill 3409](#) - the Climate Omnibus Package, was passed by the Legislative Assembly and signed into law by Governor Kotek. Sections 35 through 37 of HB 3409 directed LCDC to adopt rules relating to siting photovoltaic solar power generation facilities. Section 35(2) requires the commission to adopt rules that consider a variety of development aspects, natural and cultural resource values, and community needs.

At their November 2, 2023, meeting, the LCDC directed DLCD staff to begin rulemaking to carry out the requirements of Section 35(2), House Bill 3409. The Commission's charge included guidance for consulting with Tribal Governments, establishing the RAC, and an expectation that revisions to [OAR Chapter 660](#), Divisions 6, 23, and 33 will be identified for review and amendment. The provisions of OAR Chapter 660, Division 4, may also be considered.

State and Commission policy requires that community members, or the public, be involved in the drafting of rules. HB3409 outlines the charge of the RAC as follows:

“The rules advisory committee shall prepare a report that includes: (a) A summary of the rules adopted under section 35 of this 2023 Act; (b) Review of renewable energy siting assessment tools used by the State Department of Energy and recommendations regarding missing or outdated data sets; (c) Review of existing practices relating to mitigation of impacts of photovoltaic solar power generation facilities and transmission development and recommendations for: (A) Mitigating impacts on farming practices on agricultural lands through best practices and land use regulations; (B) Mitigating impacts on fish and wildlife habitat in accordance with the policies described under ORS 496.012 and 506.109; (C) Supporting certainty for developers regarding mitigation requirements within the siting process; and (D) Identifying characteristics and considerations of regional and local habitats that may require specific mitigation practices; and (d) Recommendations for technical assistance resources to support county siting processes and the engagement of public bodies, tribal governments and communities in the siting process for renewable energy and transmission development.”

DLCD indicated that the best possible outcome of this rulemaking effort would include identifying sites that support the development of photovoltaic solar projects that will help meet Oregon's clean energy goals and do not unnecessarily encroach upon other resources important to Oregonians including areas of cultural significance, wildlife habitat, and commercial farming and ranching. As outlined in the Eastern Oregon Solar Siting RAC Charter, the overall charge of the RAC was to “develop guidance to the Land Conservation and Development Commission on how and where to site photovoltaic solar power generation facilities to minimize conflict and maximize opportunities.”

DLCD’s goal in convening the RAC is to receive individual and group guidance on developing Oregon Administrative Rules to LCDC for consideration at their June 2025 meeting. It is the agency’s intent for the RAC to strive for broad agreement on their guidance presented to LCDC. This report is a summary of the work of the RAC including areas of agreement and outstanding issues.

Process Summary

DLCD contracted Kearns & West, a third-party neutral facilitation team, to support the process by providing RAC meeting facilitation and documentation. DLCD staff led the RAC member selection process and the process of reviewing applications and selecting representative members that align with HB 3409. A list of RAC members, affiliations, and participation is captured in the appendices below.

The RAC met 13 times between March 2024 and April 2025; with in-person meetings occurring in Christmas Valley, Hermiston, Burns, Madras, and Moro County. Each in-person meeting included site visits and a public meeting opportunity with RAC members and DLCD staff.

At the first RAC meeting, members adopted discussion ground rules, shared collaboration values, and agreed to seek consensus to adopt the final rule package. The first few RAC meetings focused on information sharing, including presentations on the current solar siting process, developer

considerations, wildlife considerations, military considerations, and state energy strategies. The later RAC meetings focused on reviewing, discussing, and refining draft rule language.

Early in the process, five Technical Advisory Committees (TAC) were formed: Wildlife Mitigation; Agricultural and Forestry Mitigation; Archaeological, Cultural, and Historical Resources; Implementation; and Community Benefits. DLCD staff facilitated the TAC meetings, which met almost 30 times over a four-month period from June to October 2024. Outcomes from TACs were reported to the RAC and included proposed rule language concepts for consideration. DLCD staff also held weekly office hours from December 9, 2024, to April 28, 2025 for RAC members to drop in and discuss questions, thoughts, and ideas on the rule language.

At the November 5th, 2024, RAC meeting, the RAC agreed that a small group of members comprised of developer, county, and land use representatives would meet to provide technical language expertise and edits to the draft revised rules. Kearns & West facilitated this small group, which met three times to develop proposals for the full RAC to consider.

The RAC was originally set to provide their final recommendations to LCDC in December 2024. As the RAC worked through their recommendations, it became clear more time was needed. The RAC requested DLCD staff to seek LCDC approval for a timeline extension through April 2024 with a final report delivered to LCDD in June 2025, which was approved.

RAC Conversation Key Themes

In general, RAC members are somewhat supportive (3 or higher on a five-point scale) for the current rule language draft. Division 33 reflects the pathway for direct application by the counties and Division 23 reflects the Goal 5 pathway. Below is a summary of issue areas where the RAC reached alignment and areas that need further discussion.

Areas of Alignment

Balancing Development Opportunity While Minimizing Impacts: There was a consistent emphasis across the RAC to find a balance between providing opportunities to develop solar resources while minimizing impacts to sensitive lands. RAC members shared the values of both conservation and responsible development. Members discussed the importance of finding suitable land for solar projects while minimizing impacts to agricultural lands, forest lands, important habitat, cultural resources, military training areas, and other sensitive lands. Members discussed what lands should be avoided for solar projects and under what circumstances certain lands may be considered if mitigation measures are implemented. Multiple members encouraged development in less impacted areas to minimize mitigation burdens and align rule language with wind siting guidelines to support projects with minimal environmental impact.

Recognition of Competing Goals: A recurring theme throughout the discussions was the inherent tension between the state's renewable energy goals and its commitment to protect agricultural and

forestry lands. RAC members acknowledged and agreed that achieving both objectives will require difficult trade-offs and compromises.

Areas of Significance (Quality, Quantity, Location): This was a key discussion topic, and the RAC came to a consensus on a list of factors to guide where solar development may be feasible. These factors include:

- Topography with a slope that is predominantly 15% or less
- An estimated Annual Solar Utility-Scale Capacity Factor of 19 percent or greater
- Location predominantly within 10 miles of a transmission line with a rating of 69 KV or above

Mapping: RAC members appreciated DLCD staff’s effort to map the solar opportunities and noted that not all resources are able to be accurately mapped such as wildlife, cultural resources, and substrate constraints. Some RAC members shared their opinion that areas identified for possible solar development are unlikely to be completely developable, as when additional considerations are applied to the maps the acreage would be further reduced. For example, the narrower areas shown on the maps, such as ridgelines, would likely not be developed, as building projects on larger connected tracts of land is more economical. While the total acreage identified on the maps is enough to support the state’s clean energy goals, the application of additional considerations could result in area reductions that are not enough to support the state’s clean energy goals. RAC members suggested mapping substrate, sage grouse habitat, wildlife corridors, category one habitat, national historic registered cultural resources, and attitude as additional layers.

The Areas of Significance factors will allow county planners to use the map to understand where solar resource development may be possible. County planners can put together more specific maps with site-specific data. RAC members agreed that “non-mappable” items such as cultural resources, should be addressed on a project-by-project basis. RAC members highlighted the importance of discussing the schedule and process for presenting these rules to the counties.

Photovoltaic Solar Resource Areas versus Facilities (Sites): RAC members discussed trade-offs of having an opt-in or -out approach for counties to apply the rules. RAC members suggested having a different process for “areas” and “sites.” The RAC reached consensus on recommending a pathway for counties to choose to designate “areas” (Division 23) and consider sites within areas, or consider “sites” individually unless they formally “opt out” of considering facilities/sites (Division 33).

Wildlife: Members agreed that certain areas, such as sage-grouse habitat and key migration corridors, should be avoided. Members indicated that proposed development should comply with ORS 215.416 and Oregon Department of Fish and Wildlife’s Habitat Categorization Policy, and that mitigation should be required for habitat categories 2, 3, and 4. Members noted that proposed projects also go through the Conditional Use Permit (CUP) process, which may include mitigation requirements. RAC members shared concerns about wildlife impacts and displacement and noted that the rule language is a compromise for conservation, as there is overlap between wildlife corridors and transmission lines, and the potential for cumulative impacts.

Voluntary implementation: The RAC agreed to add language clarifying voluntary implementation and Post Acknowledgement Plan Amendment (PAPA) processes. Some RAC members suggested this rule to require implementation concurrent with PAPA procedures, with an additional requirement for more public meetings and community conversations when adopting a local program to establish resource areas. Other RAC members disagreed with the requirement for additional public hearings. The RAC discussed public meetings noticing requirements and the importance of timely notification and engagement of community members. RAC members agreed to omit the additional meeting requirement and defer to the embedded PAPA process while leaving the choice for additional public meetings and notification to the discretion of the counties.

Historic, Cultural, and Archeological Resources: DLCD staff shared that on December 5th, 2024, LCDC passed the Goal 5 Cultural Areas Rule to require Tribal consultation and developer and/or applicant engagement with the Nine Federally Recognized Tribes in Oregon. DLCD staff have been working with Tribal representatives and the Oregon State Historic Preservation Office to provide input to the RAC on the language. At the February 2025 meeting, the RAC supported outcomes of this work and the language. At the April 2, 2025 meeting, DLCD staff introduced the Inadvertent Discovery Plans (IDPs) model. The RAC generally agreed with the additional language requiring an IDP for all development.

Zone Changes: The RAC agreed that the underlying zone designation would not change unless there was a concurrent zone change request.

Predominance Use Test: The RAC agreed that predominance use tests should be utilized to determine land use.

Agricultural Mitigation: The RAC had significant discussion regarding the metrics for allowing solar development on agricultural land with and without mitigation and agreed to use the accepted soil classification and forage metrics established by the U.S. Natural Resources Conservation Service (NRCS). The RAC discussed how to determine mitigation payments, and the use of a mitigation calculator. RAC members thought having a calculator would be helpful. Some RAC members suggested describing what the calculator does in the rule – not attaching the tool to the rule and providing the calculator as a tool on the DLCD website.

Areas for Further Discussion

Local vs. State Control: RAC members reflected varying views regarding local and state control with some RAC members advocating for greater local decision-making and others emphasizing the importance of statewide consistency. Some RAC members reflected a belief that local governments are best positioned to understand and address the specific needs and concerns of their communities. Conversely, some RAC members called for statewide consistency to address the need for a uniform regulatory framework to guide solar development across the state. Many RAC members recognized that land use planning is inherently complex, involving competing interests and difficult trade-offs. RAC members were interested in understanding how these rules would be coordinated with the Energy Facility Siting Council (EFSC) process.

Forest Lands: RAC members highlighted the need for further discussion and broader stakeholder engagement regarding forestry issues, with some members expressing concerns that the forestry sector was not adequately represented on the RAC. Overall, the RAC recognized that there were gaps in their knowledge and shared a desire for future conversation about forest land use and agreed to remove forest lands from consideration in this phase of the rulemaking.

Appurtenant Water Rights and Irrigation Districts: RAC members recognized the complexity of water rights and irrigated lands when considering siting solar developments. Some RAC members advocated for balance between protecting irrigated land and allowing landowner flexibility to diversify their land with solar. The RAC agreed to rule language allowing for protection of land with appurtenant water rights and allowing flexibility if the water is unavailable due to circumstances beyond the control of the water rights holder. The RAC identified that more discussion with irrigation districts and technical experts is needed to develop additional recommendations.

High-Value Farmland, Soil Health, and Return to Agriculture: RAC members emphasized the importance of including language that ensures soil health will be maintained, and land can be returned to farm use after solar is terminated. There was concern about retaining foundational lands and avoiding checkerboard development. The group indicated some support for rules that recognize the accessory use of solar for agricultural purposes, while others were concerned that high-value farmland would not be used to its fullest capacity. Some members advocated against a definition of high-value farmland whose definition is based on yield, others advocated for classifying farmland based on soil type, and a few others had concerns about soil mapping. RAC members shared that additional data, and mapping would be needed to know if the soil categories are correct and asked for a guidance document to be created. RAC members shared that the Natural Resources Conservation Service (NRCS) has reliable and refined data to consider and is currently referenced in the rules.

Agrivoltaics: RAC members discussed concerns and opportunities relating to agrivoltaics. The RAC did not have enough time or information to adequately include agrivoltaics in this phase.

Temporary Workforce Housing: A few RAC members wanted to clarify what situations would necessitate workforce housing requirements. One RAC member wanted to know what type of person would be qualified to provide a workforce housing report, and another member suggested having workforce housing be satisfied by an agreement between an applicant and a county. RAC members asked for these rules to align with how workforce housing is addressed in the wind rules as an accessory use.

Community Benefits: RAC members continuously recognized that solar projects could have significant impacts on local communities and agricultural landscapes. The RAC expressed a desire to ensure that these projects provide tangible benefits to the communities where they are located, and that they minimize negative impacts on community resources. RAC members offered examples of solar-project-based community engagement and community benefit agreements. The RAC discussed offering a set of examples conveying the variety of mitigation and community benefits costs, as a starting place for negotiations between counties and developers. RAC members

suggested benefits such as performance commitment from developers, energy resilience guarantees, and payments. RAC members also shared that some benefits could come from the state and others from the developer. RAC members suggested having benefits that provide a variety of options for each county and community to decide what is best for them. Members shared a need to connect community benefits to a clear metric, such as community infrastructure, services, or resiliency. Members noted community benefits are important to showcase incentives to counties.

Rate per Megawatt Nameplate: RAC members discussed a range of ways to quantify community benefits. Some RAC members expressed concern about the cumulative cost of community benefits in addition to agricultural and habitat mitigation cost. Some RAC members suggested having a pricing scale for the nameplates, where larger projects would have a smaller per-nameplate cost, and smaller projects would have a larger per-nameplate cost to ensure that smaller projects have a minimum threshold to provide some benefit. Other members expressed concern about this proposed price scale and asked for the price scale to be relative to community impacts, as determined by the county, regardless of the size of the facility. Some RAC members suggested \$1000 per nameplate megawatt, and others suggested \$250-300 per nameplate megawatt.

Microgrids: RAC members noted that microgrids are a good way to provide community benefits, improve timelines for implementation, and increase buy-in from communities due to the possibility of lowered utility rates. RAC members suggested adding microgrids as a benefit. Many members expressed concern about the microgrid definition and how rules would impact smaller, community projects. Some RAC members shared that other solar rules and local regulations already address this topic. The RAC did not have enough time to adequately consider the inclusion of microgrids.

Cumulative Impacts: Some RAC members expressed concern about the cumulative impacts of multiple solar projects in an area and that a cumulative impact analysis is important. Some RAC members shared that this would be a consideration of the conditional use process and should not be an additional requirement. The RAC did not reach agreement on how best to address cumulative impacts.

Review of Rule Effectiveness: Some RAC members wondered if two years was enough time to learn about its effectiveness and suggested increasing the timeline. A RAC member noted that two years may not solicit enough information but could indicate how many counties have adopted a Goal 5 Area.

Achieving Outcomes and Goals: Members discussed that projects should demonstrate they are benefiting Oregon. One member suggested using the New York State Energy Research and Development Authority's Smart Solar Siting Scorecard as a model for developing an Oregon rubric to determine project effectiveness. Other members suggested not including this in the rule and determining other ways to address this. This could be a topic of discussion as part of the rule review.

Process: Some RAC members expressed concerns about scope creep and divergence from legislative directive. Some RAC members felt that Goal 5 was not the correct method to implement these rules. Some RAC members had asked to split out the Eastern Oregon and Western Oregon rule language, others found this too complicated.

Conclusion & Next Steps

Kearns & West developed this report as a summary of all the RAC discussions. It identifies areas of agreement around Eastern Oregon solar siting as well as areas for further deliberation, serving as a bridge between the RAC's collective contributions and the forthcoming draft revised rules shared by DLCD. By documenting areas of agreement and highlighting remaining areas of consideration, this report aims to provide the Commission with a clear reflection of the RAC discussions. This report documents the collaborative efforts of the RAC, DLCD staff, and other parties towards efficient and effective solar siting rules development for Eastern Oregon.

RAC Participants

Voting Members

Name	Affiliation	03/12/24	04/18/24	05/30/24	07/17/24	08/28/24	10/01/24	11/05/24	11/13/24	12/05/24	12/18/24	01/09/25	02/20/25	04/02/25	TOTAL
Andrew Mulkey, Jim Johnson	1000 Friends of Oregon	✓		✓	✓	✓	✓	✓	✓				✓		8
Mike W. McArthur, James Williams	Community Renewable Energy Association	✓		✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	11
Will Van Vactor, John Eisler	Crook County Community Development Director		✓										✓	✓	3
Elaine Albrich	Davis Wright Tremain	✓	✓	✓	✓	✓		✓	✓	✓		✓	✓	✓	11
Kimberly Peacher	Department of the Navy	✓	✓	✓			✓	✓	✓	✓	✓				8
Greg Corbin, Jason Callahan	Green Diamond Resource Company	✓		✓	✓	✓	✓	✓	✓		✓	✓		✓	10
Brandon McMullen	Harney County Planning Director	✓	✓		✓			✓	✓	✓	✓	✓	✓	✓	10
Councilor Les Anderson	Klamath Tribes	✓						✓					✓		3
Commissioner James Williams	Lake County	✓	✓	✓	✓	✓			✓			✓	✓	✓	9
Michael Eng	Lostine Fire Wise	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	12
Max Yoklic	New Sun Energy	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		11
Marc Hudson	Oregon Agricultural Trust	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓			10
Andrea Kreiner	Oregon Association of Conservation Districts	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	13
Jack Southworth	Oregon Cattlemen's Association	✓	✓		✓	✓	✓	✓	✓	✓	✓		✓	✓	11
Dan Orzech	Oregon Clean Power			✓	✓		✓	✓	✓	✓	✓	✓	✓		9
Lauren Poor, Ryan Krabill	Oregon Farm Bureau	✓	✓	✓			✓			✓					5
Mike Totey	Oregon Hunters Association	✓	✓	✓	✓	✓	✓	✓		✓		✓	✓	✓	11
Damien Hall, Jack Watson, Alyssa Forest	Oregon Solar+Storage Industries Association	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	13

Name	Affiliation	03/12/24	04/18/24	05/30/24	07/17/24	08/28/24	10/01/24	11/05/24	11/13/24	12/05/24	12/18/24	01/09/25	02/20/25	04/02/25	TOTAL
April Snell, Ken Yates	Oregon Water Resources Congress	✓		✓	✓	✓	✓		✓		✓	✓	✓		9
Thad Eakin, Nicole Mann	Oregon Wheat Growers League	✓			✓	✓	✓				✓	✓			6
Travis Sellers	Pendleton Building and Construction Trades Council	✓		✓		✓	✓				✓				5
Dugan Marieb	Pine Gate Renewables	✓	✓	✓	✓			✓	✓	✓	✓	✓			9
Mark Lindley	Portland General Electric	✓	✓												2
Emily Griffith, Max Greene, Diane Brandt	Renewable Northwest	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	12
Steve Knudsen	Retired BPA	✓			✓	✓									3
Bill Richardson	Rocky Mountain Elk Foundation	✓	✓	✓	✓	✓		✓		✓	✓	✓	✓	✓	11
Denise Stillwell	South Central Oregon Economic Development District	✓	✓	✓											3
Laura Tabor, Garth Fuller, Lauren Link	The Nature Conservancy	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	13
Anahi Segovia Rodriguez	Verde	✓	✓	✓		✓		✓		✓				✓	7

Ex-Officio Attendees

Name	Affiliation	03/12/24	04/18/24	05/30/24	07/17/24	08/28/24	10/01/24	11/05/24	11/13/24	12/05/24	12/18/24	01/09/25	02/20/25	04/02/25	TOTAL
Jim Johnson	Oregon Department of Agriculture	✓	✓	✓	✓	✓		✓							6
Jeremy Thompson, Greg Jackle	Oregon Department of Fish & Wildlife	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	12
Dan Hubner	Oregon Department of Forestry	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	12
Michael Darin	Oregon Department of Geology and Mineral Industries	✓			✓			✓	✓						4

Name	Affiliation	03/12/24	04/18/24	05/30/24	07/17/24	08/28/24	10/01/24	11/05/24	11/13/24	12/05/24	12/18/24	01/09/25	02/20/25	04/02/25	TOTAL
Tom Jackman, Michael Freels, Rob Del Mar, Jillian DiMedio	Oregon Department of Energy		✓	✓				✓	✓	✓	✓	✓	✓	✓	9
Brian Cochran, Amber McKernan, Shawn Zumwalt, Vernon Wolf	Oregon Department of State Lands	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	12
Todd Farmer, Randy Bentz	Oregon Military Department	✓	✓	✓	✓	✓	✓					✓	✓		8
Chad Higgins	Oregon State University	✓	✓	✓	✓	✓				✓	✓		✓		8
Ryan Andrews	Oregon Water Resources Department											✓			1
Vice Chair Nick Lelack, Commissioner Mark Bennett	Oregon Land Conservation and Development Commission	✓	✓		✓						✓	✓		✓	6
Diane Teeman	Burns Paiute Tribe		✓										✓		2
Commissioner Dan Dorrn	Umatilla County			✓											1
Commissioner David Sykes	Morrow County			✓											1
Representative Ken Helm	Oregon State Legislature			✓											1
Carey Miller	Confederated Tribes of the Umatilla Indian Reservation						✓								1
Elissa Bullion	Legislative Commission on Indian Services						✓						✓	✓	3
John Pouley	Oregon State Historic Preservation Office												✓	✓	2

Department of Land Conservation and Development Staff

Name	Affiliation	03/12/24	04/18/24	05/30/24	07/17/24	08/28/24	10/01/24	11/05/24	11/13/24	12/05/24	12/18/24	01/09/25	02/20/25	04/02/25	TOTAL
Adam Tate	Oregon Department of Land Conservation and Development	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	12
Alexis Hammer	Oregon Department of Land Conservation and Development	✓	✓	✓				✓	✓					✓	6
Alyssa Bonini	Oregon Department of Land Conservation and Development											✓	✓	✓	3
Amanda Punton	Oregon Department of Land Conservation and Development											✓	✓	✓	3
Angie Brewer	Oregon Department of Land Conservation and Development	✓	✓	✓	✓	✓	✓	✓					✓	✓	9
Brenda Ortigoza Bateman	Oregon Department of Land Conservation and Development	✓													1
Casaria Taylor	Oregon Department of Land Conservation and Development	✓	✓		✓	✓	✓	✓	✓			✓	✓	✓	10
Dawn Marie Hert	Oregon Department of Land Conservation and Development	✓	✓	✓	✓		✓		✓	✓		✓	✓	✓	10
Gordon Howard	Oregon Department of Land Conservation and Development	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	12
Jon Jinings	Oregon Department of Land Conservation and Development	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	13
Kirstin Greene	Oregon Department of Land Conservation and Development											✓	✓	✓	3
Sadie Carney	Oregon Department of Land Conservation and Development	✓	✓	✓											3

Links to Meetings and Materials

All meeting recordings can be found on the [DLCD Eastern Oregon Solar Siting YouTube Playlist](#).

Date and Location	Documents
March 12, 2024 Christmas Valley, Oregon	<ul style="list-style-type: none"> • Agenda • Meeting Packet • Presentation • Maps 1 • Maps 2 • Tour Materials • Travel Information
April 18, 2024 Burns, Oregon 97720	<ul style="list-style-type: none"> • Meeting Packet • Comment - OSSIA • Presentation - ODFW • Presentation - DLCD • Tour Map • Tour Materials
May 30, 2024 Hermiston, Oregon	<ul style="list-style-type: none"> • Agenda • Meeting Packet • Outline of Possible Revisions to Other OARs • Draft Rule Text with Note Boxes • Tour Materials • Presentation - Overview Oregon Energy Strategy • Presentation - Encroachment Brief • Presentation - OR Military Department Brief • Comment - OSSIA Rulemaking Proposal • Map

Date and Location	Documents
July 17, 2024 Madras, Oregon	<ul style="list-style-type: none"> • Agenda • Meeting Packet
August 28, 2024 Moro County, Oregon	<ul style="list-style-type: none"> • Meeting Agenda • Meeting Packet • Comment - McCullough • Comment - COLW • Comment - Dept of Navy
October 1, 2024	<ul style="list-style-type: none"> • Agenda • Meeting Packet
November 5, 2024 and November 13, 2024	<ul style="list-style-type: none"> • Agenda • Meeting Packet
December 5, 2024	<ul style="list-style-type: none"> • Meeting Packet
December 18, 2024	<ul style="list-style-type: none"> • Meeting Packet
January 9, 2025	<ul style="list-style-type: none"> • Meeting Packet
February 20, 2025	<ul style="list-style-type: none"> • Meeting Packet
April 2, 2025	<ul style="list-style-type: none"> • Meeting Packet
April 22, 2025	<ul style="list-style-type: none"> • TBD