Accelerating Clean Energy Deployment Through Oregon's Land Use Planning Framework

Governor's Executive Order 25-29 Findings and Recommendations

Written by the Department of Land Conservation and Development

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DLCD
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I. Purpose

Governor Tina Kotek signed Executive Order 25-29 (EO 25-29) on November 18, 2025.[1] The Executive Order focuses on reducing greenhouse gas emissions and advancing Oregon's clean energy future, and directs all executive branch agencies to align their decisions, activities, and investments with the five least-cost pathways identified in the Oregon Energy Strategy developed and published by the Oregon Department of Energy in November 2025.

The Department of Land Conservation and Development (DLCD or department) has been assigned a role in the implementation of EO 25-29, Section I: *Foster the Transition to a Clean Energy Economy*. The department and other agencies have been directly named in Subsection I.2: *Get Clean Energy Projects Built*. This subsection directs agencies to develop and implement a coordinated, proactive approach to streamline land use and environmental reviews, siting and permitting, and interconnection processes for clean energy projects, energy storage, and associated transmission and distribution infrastructure, with particular focus on those that contribute to energy affordability and reliability.

The department's tasks have been specifically included at EO 25-29, Subsection I.2.b: *Accelerate Clean Energy Deployment Through Oregon's Land Use Planning Framework*, which directs the department to evaluate opportunities and barriers to clean

[1] Or. Exec. Order No. 25-29 (2025). https://www.oregon.gov/gov/eo/eo-25-29.pdf

energy development under Oregon's land use planning goals, review existing rules and practices, and recommend actions and rule changes as needed to accelerate deployment of clean energy resources and grid infrastructure needed to deliver reliability and clean energy to Oregon consumers. The department is further directed to bring recommended actions for discussion and direction to the Land Conservation and Development Commission (LCDC or commission) and deliver a final report with its findings and recommendations to Governor Kotek by July 1, 2026.

The purpose of this report is to carry out the direction of EO 25-29, Subsection I.2.b. While from time to time, this report references the Oregon Energy Facility Siting Council (EFSC), the scope of this report encompasses rules and laws specific to the commission and departments' statutory authority and applicable to the local government decision making process.

II. Definitions

For purposes of work conducted by DLCD pursuant to EO 25-29 the following definitions apply:

"Accelerate" means to implement measures including but not limited to: furnishing assistance to developers and local decision makers, encouraging proactive planning and policy choices, providing possible regulatory relief, and eliminating process redundancies for purposes of reducing the timeframe associated with the application development or local government review of clean energy projects or grid infrastructure proposals. Such measures may be implemented alone or in combination and will maintain consistency with the Oregon Statewide Planning Goals and the mission of Oregon's Statewide Planning Program.

"Barriers" means existing state land use provisions or policies, or the absence of such provisions or policies, that unnecessarily constrain siting approvals for clean energy generation project or transmission in areas considered well suited for development due to their ability to provide opportunity and contribute to the policy objectives of the state while limiting conflicts with other important resources and community interests. Barriers may be found based on complexity, redundancies, not being necessary to carry out the core mission of the land use program, or a lack of local resources.

"Clean Energy" means electricity generated from the following sources and includes both utility and domestic scale projects:

- Wind energy
- Solar photovoltaic and solar thermal energy
- Wave, tidal, and ocean thermal energy

- Geothermal energy
- Certain biomass products, including woody biomass and animal manure
- Landfill gas and other biogases
- Small hydropower
- Thermal energy

"Deliver reliable clean energy to Oregon consumers" means that the electricity generated from a clean energy project approved by a local jurisdiction in Oregon is procured by a utility serving an Oregon market, is used to support development located within the state, or provides other benefits to Oregon ratepayers.

"Deployment" means projects that are permitted, developed, and generating power to be delivered to Oregon consumers.

"Opportunities" means the ability for local decision makers to approve applications for clean energy development, with or without mitigation as identified in administrative rule or other applicable provisions, having no, or minimal impacts on other valued resources (such as wildlife habitat, agricultural lands, forest lands, historic, and cultural and archaeological resources) local priorities, or community interests.

"Well suited for development" means areas that provide opportunities and the potential to contribute to the policy objectives of the state while avoiding, minimizing, or mitigating conflicts with other important resources and community interests.

III. Oregon Energy Strategy

Executive Order 25-29 directs all executive branch agencies to align their decisions, activities, and investments with the five least-cost pathways identified in the Oregon Energy Strategy developed and published by the Oregon Department of Energy in November 2025. Those five least-cost pathways are:

1. **Energy Efficiency** – Advance energy efficiency across buildings, industry, and transportation sectors, including by expanding access to and appeal of multimodal transportation options, to deliver the benefits of a more efficient energy system.
2. **Clean Electricity** – Secure reliable, affordable, and clean electricity by expanding the electricity system and incorporating load flexibility.
3. **Electrification** – Increase electrification of end uses across transportation, building, and industry, while safeguarding reliability, promoting affordability, and maximizing opportunities to use load flexibility as a resource.

4. **Low-Carbon Fuels** – Advance the use of low-carbon fuels in the hardest-to-electrify end uses and to maintain a reliable electric grid.
5. **Resilience** – Strengthen resilience across all levels of the energy system, including utilities, communities, and customers, enhancing Oregon's ability to adapt to climate change and mitigate other risks.

For more information on the Oregon Energy Strategy and its implementation, visit https://energystrategy.oregon.gov/implementing-the-strategy.

IV. Review and Analysis of Existing Oregon Laws and Practices

A. Summary of Local Government Authorities

Local government authority to consider and permit energy generation in Oregon is derived from a combination of Oregon Revised Statutes, Oregon Statewide Planning Goals and Oregon Administrative Rules. The state provisions merge into local comprehensive plans and zoning ordinances where they are implemented by local decision makers.

Oregon Revised Statutes codify legislation that has been passed by the Oregon Legislature and signed into law by the Governor. As such, Oregon Revised Statutes serve at the pinnacle of the state's legal authority. They are the law of the land. Through passing legislation, the Oregon Legislature may express policy, grant authority or limitations, create legal requirements, and provide direction.

The Oregon Legislature vested authority to promulgate statewide planning goals (Goals) with the Land Conservation and Development Commission (LCDC) in 1973. Each of the 19 Goals serve as the foundation of land use planning in Oregon. Some are more applicable to cities, others to counties and some apply only on the coast. The Goals typically serve as broad, high-level expressions of policy. Most were in place by 1975. Some Goals largely identify expectations and process. Examples of process Goals include Goal 1 (Citizen Involvement), Goal 2 (Land Use Planning), Goal 5 (Open Space, Scenic, Historic and Natural Areas) and Goal 11 (Public Facilities and Services). Goals such as Goal 3 (Agricultural Lands) and Goal 4 (Forest Lands) are more active. These goals act as conservation programs with a more direct relationship to land use proposals as applied through statutes and administrative rules.

LCDC may adopt Oregon Administrative Rules to interpret or implement the statewide planning goals. In some instances, rules have been adopted as necessary to further the purpose of certain goals. Other rules have been adopted in response to new statutes or direction from the Oregon Legislature, or to codify case law. Rules may also be adopted to respond to new or unexpected circumstances, such as the temporary

emergency sheltering rules adopted in response to the devastating wildfires across Oregon in 2020. Some of the rules most relevant to land use in Oregon include Division 6 (Goal 4, Forest Lands), Division 23 (Goal 5, Natural Resources, and Division 33 (Goal 3, Agricultural Lands).

More information regarding the legal hierarchy underpinning Oregon's statewide planning program is provided below.

B. Oregon Statewide Planning Goals

Oregon's statewide planning goals, along with their relevant statutes and implementing administrative rules, are the foundation of the Oregon statewide planning program. The Goals exist in a symbiotic framework to create mutual benefits. The more success enjoyed in one Goal will result in more success enjoyed by other Goals. For example, the greater the success of urban goals like Goals 9 (Economic Development), Goal 10 (Housing), and Goal 14 (Urbanization), the greater the success of rural goals such as Goal 3 (Agricultural Lands) and Goal 4 (Forest Land).

In instances where Goals appear to conflict, they are to be read together and harmonized. A common instance of harmonizing different Goals occurs within the urban growth boundary (UGB) expansion process. For example, Goal 14 calls for the establishment and maintenance of UGBs, which are needed to ensure Oregon's cities have an adequate supply of buildable land to remain healthy and strong. Vibrant, successful cities contribute to Oregon's special sense of place and resident identity. Goal 3 (Agricultural Lands) and Goal 4 (Forest Lands) call for the protection and long-term viability of Oregon's Agricultural and Forest lands. Healthy and strong working landscapes are key drivers of the state's economy and contribute to Oregonians' sense of place and identity.

The UGB process recognizes the importance of each of the 19 Goals. Oregon Cities and Counties have a legal duty to maintain an adequate supply of buildable urban lands. The process necessarily steers urban development onto lands less valuable for commercial farming and forestry activities. If the less valuable lands are unable or insufficient to meet the identified needs, more valuable resource lands may be considered. In some situations, the only possible way for an identified need to be satisfied is on some of the highest value lands protected under Goal 3 and Goal 4. When this occurs, some of the finest agricultural or forest land in the state must be included within a UGB. This harmony ensures that a city's growth needs are met while honoring the importance of agricultural and forest lands to Oregon's economy.

The department recognizes the following statewide planning goals as most relevant to clean energy siting and transmission. The sections below identify and describe the Goals, identify the location of applicable Oregon Revised Statues and Oregon

Administrative Rules, and discuss the intersection of the Goal and clean energy and transmission development.

1. Goal 1: Citizen Involvement

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning

a. Applicable Oregon Revised Statutes

While no Oregon Revised Statute explicitly mentions Goal 1, several laws serve to advance the principles of public participation. ORS 197.015(10), ORS 197.610, et seq, and ORS 215.431 all discuss or require a local government to provide notice and an opportunity for a public hearing when considering discretionary land use applications that involve decision makers to exercise their judgment.

b. Applicable Oregon Administrative Rules

There are no Oregon Administrative Rules that implement Goal 1. However, the department's work on this topic has been ongoing and consistent through the legally required Citizen Involvement Advisory Committee (CIAC) to LCDC, and the development of an Equitable Engagement Toolkit for local governments and planners.

c. Discussion

Public participation and community engagement as contemplated by Goal 1 are foundational to Oregon's Statewide Planning Program. Making decisions and policy choices through an open, transparent process helps ensure that community priorities are reflected.

Local planning commissions typically serve to implement the jurisdiction's Citizen Participation Program. Within local communities, large land use proposals can create excitement for the future or anxiety about the unknown. Whether conducted in response to a specific project application or as part of a comprehensive planning effort, an adequate public process allows voices to be heard, points to be considered, and issues to be balanced.

Within the context of clean energy development, Goal 1 is essential because utility scale energy generation and transmission development subject to county jurisdiction

require public notice and are reviewed by local decision makers over the course of one or more public hearings.

2. Goal 2: Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that local governments base their comprehensive plans on "factual information," coordinate their local plans and ordinances with those of other jurisdictions and agencies, review their plans periodically and amend them as needed.

Goal 2 also contains standards for taking exceptions to compliance with statewide goals. An exception is a decision to exclude certain land from the requirements of one or more applicable Goals and may be taken when a statewide goal cannot or should not be applied to a particular area or situation. Where energy development proposals subject to local jurisdiction go beyond what would ordinarily be allowed on lands protected under Goals 3 (Agricultural Land) or 4 (Forest Lands), an exception to the applicable Goal, or Goals, is necessary. The documentation for an exception must be set forth in a local government’s comprehensive plan and must support a conclusion that the standards for an exception have been met. The intent of the exceptions process is to permit necessary flexibility in the application of the Statewide Planning Goals.

a. Applicable Oregon Revised Statutes

Oregon Revised Statutes with a nexus to Goal 2 primarily regard the goal exceptions process and are located at ORS 197.732, et seq.

b. Applicable Oregon Administrative Rules

- OAR Chapter 660, Division 4 – Interpretation of Goal 2 Exception Process
- OAR 660-014-0030 – Rural Lands Irrevocably Committed to Urban Levels of Development
- OAR 660-014-0040 – Establishment of New Urban Development on Undeveloped Rural Lands
- OAR Chapter 660, Division 18 – Post-Acknowledgement Plan Amendments
- OAR Chapter 660, Division 25– Periodic Review
- OAR Chapter 660, Division 30 – Review and Approval of State Agency Coordination Programs

- OAR Chapter 660, Division 31 – State Permit Compliance and Compatibility
- OAR Chapter 660, Division 32 – Population Forecasts

c. Discussion

Local programs built upon facts and evidence as called for by Goal 2, and informed by a robust, transparent public process as envisioned by Goal 1, are foundational elements of Oregon's Land Use Planning Program. While Goal 1 emphasizes engagement, Goal 2 emphasizes comprehensive planning, which allows a local government to proactively consider its future and how it would prefer uses and development to be arranged on the landscape. Comprehensive planning is different than simply processing individual land use applications. Planning is proactive. Processing land use siting applications on individual bases is reactive.

Comprehensive planning allows a jurisdiction to properly account for opportunities and concerns identified through a thoughtful, deliberate public process. Decisions on land use applications and policy choices based on an adequate factual basis are key characteristics of Goal 2.

While a variety of administrative rules serve to implement Goal 2, OAR Chapter 660, Division 4 provides the only interpretation of the Goal 2 exceptions process that is relevant to energy generation facility siting. However, only the interpretation of the Goal 2 exceptions process included in OAR Chapter 660, Division 4 is relevant to siting energy generation facilities. An exception is a decision to exclude certain land from the requirements of one or more applicable statewide goals. The documentation for an exception must be set forth in a local government's comprehensive plan. Such documentation must support a conclusion that the standards for an exception have been met. The intent of the exceptions process is to permit necessary flexibility in the application of the Statewide Planning Goals.

Some energy development proposals subject to local jurisdiction go beyond what would ordinarily be allowed on lands protected under Goals 3 (Agricultural Land) or 4 (Forest Lands). In these instances, an exception to the applicable Goal, or Goals, is necessary.

Not all energy generation facilities require an exception to Goals 3 or 4. For example, wind energy generation does not require an exception to be sited on agricultural lands protected under Goal 3 because it was determined by the commission that this development type did not categorically displace or disrupt large contiguous blocks of land dedicated to common and acceptable farming practices. The commission reached this determination based on the recommendations of a Rulemaking Advisory Committee (RAC) tasked in 2009 to develop rules for siting wind facilities on EFU lands.

The RAC included members representing farming and ranching interests. Their recommendations were shaped over the course of several meetings and informed by a site visit to a wind energy development located in Gilliam County. Among other things, it was observed that wheat producers are able to farm around the towers and livestock graze right by them with little or no apparent effect. Other energy generation types such as biomass, geothermal, small hydro, or landfill gas tend to be able to operate within the parameters established by the Goal 3 and Goal 4 rules, or locate on industrial lands.

Larger photovoltaic solar projects, however, tend to require a Goal exception. Utility scale solar projects typically use a more concentrated development footprint requiring large amounts of contiguous acreage, and proposals for these large projects in Oregon have been increasing in size over the past decade. Because the policy basis of Goal 3 (Agricultural lands) is to conserve large tracts of agricultural lands for agricultural use, the conversion of large swaths of arable and high value farmland is not consistent with the intent of the goal, requiring that an exception to the conservation program be taken.

In 2018 a Oregon Court of Appeals decision identified that the existing exception rules did not provide a good fit for consideration of renewable energy projects.[2] In 2023, LCDC updated the provisions at OAR 660-004-0020(3) to provide an identifiable pathway for the consideration of photovoltaic solar projects requiring an exception on Goal 3 agricultural lands. The rules guarantee that every solar developer can have their day before local decision makers with a fair opportunity to make their case and obtain approval.

3. Goal 3: Agricultural Lands

To preserve and maintain agricultural lands.

Goal 3 requires local governments to preserve and maintain agricultural lands for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policy expressed in ORS 215.243 and 215.700. Counties may authorize farm uses and certain nonfarm uses defined by rule that will not have significant adverse effects on accepted farm or forest practices.

Zoning applied to agricultural land is required to limit uses which can have significant adverse effects on agricultural and forest land, farm and forest uses or accepted farming or forest practices. Counties shall establish minimum sizes for new lots or parcels in each agricultural land designation. The minimum parcel size established for farm uses in farmland zones shall be consistent with applicable statutes.

[2] *1000 Friends v. Jackson County, 292 Or App 173, 189-190 (2018)*

a. Applicable Oregon Revised Statutes

Oregon Revised Statutes with a relationship to Goal 3 are located in ORS Chapter 215 and ORS Chapter 92 and are anchored by the Agricultural Lands Policy Statement at ORS 215.243:

> **"**The Legislative Assembly finds and declares that:
>
> (1) Open land used for agricultural use is an efficient means of conserving natural resources that constitute an important physical, social, aesthetic and economic asset to all of the people of this state, whether living in rural, urban or metropolitan areas of the state.
>
> (2) The preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources and the preservation of such land in large blocks is necessary in maintaining the agricultural economy of the state and for the assurance of adequate, healthful and nutritious food for the people of this state and nation.
>
> (3) Expansion of urban development into rural areas is a matter of public concern because of the unnecessary increases in costs of community services, conflicts between farm and urban activities and the loss of open space and natural beauty around urban centers occurring as the result of such expansion.
>
> (4) Exclusive farm use zoning as provided by law, substantially limits alternatives to the use of rural land and, with the importance of rural lands to the public, justifies incentives and privileges offered to encourage owners of rural lands to hold such lands in exclusive farm use zones. [1973 c.503 §1]"

Other important statutes include but are not limited to: the definition of "farm use" at ORS 215.203, the list of uses permitted in exclusive farm use zones at ORS 215.213 and ORS 215.283, the farm and forest compatibility criteria at ORS 215.296, the "150 day rule" at ORS 215.427, and provisions for "Renewable Energy Facilities" at ORS 215.446.

b. Applicable Oregon Administrative Rules

- OAR Chapter 660, Division 33 – Agricultural Land
- OAR Chapter 660, Division 33, Exhibit A – Declaration of Covenants, Conditions and Restrictions Form
- OAR Chapter 660, Division 33, Exhibit B – Declaration of Restrictive Covenant for Youth Camps
- OAR 660-033-0120 Table – Uses Authorized on Agricultural Land
- OAR Chapter 660, Division 31 – State Permit Compliance and Compatibility

c. Discussion

Goal 1 and Goal 2 express policy choices and overall guidance and provide direction in certain circumstances. In addition to these procedural Goals, Goal 3 provides support for the state's agricultural lands and agricultural economy. State or local provisions implementing Goal 3 are required to apply to local land use applications. When a local plan has been acknowledged as complying with the Goals, most state requirements associated with those Goals cease to apply directly. However, ORS 197.646 requires a local government to update the local program to account for new changes to statutes, statewide planning goals, or administrative rules that implement the goals. Until the local program has been updated, the new statutes, goals, or rules must be applied directly to local planning decisions.

As LCDC began to approve the first comprehensive plans, lands meeting the definition of agricultural land at OAR 660-033-0020(1) were inventoried by counties and placed in agricultural comprehensive plan designations and implemented by exclusive farm use (EFU) zoning ordinances. EFU zoning implements state policies to encourage commercial farming and ranching activities by ensuring land that is suitable for farming is protected for farm and forest practices and other complimentary uses when it is determined that they will not negatively impact farming operations in the area. Many of these provisions flow directly from state law.

Legislative changes to Oregon Revised Statutes relating to EFU lands occur frequently in Oregon. Most of these changes require administrative rule revisions, either conforming to a new statute or to provide additional guidance. Due to the regularity of changes to state law, most county implementing zoning ordinances are out of date. As a result, many county land use decisions on EFU lands require direct application of Oregon Revised Statutes, Oregon Administrative Rules, or both.

Inclusion in a qualifying EFU zone allows a property to enjoy automatic deferral of local property taxes, through the farm tax deferral program (ORS 308A.062). EFU zoning and the state laws on which it is based also provide opportunities to establish many nonfarm related uses on EFU lands, including energy generation. Because the primary focus of an EFU zone is the conservation of land suited for agricultural use, nonfarm uses introduced into areas protected for agriculture must demonstrate that they are compatible with farming operations. Nonfarm uses are generally subject to farm and forest compatibility criteria found at ORS 215.296 and OAR 660-033-0130(5). Some nonfarm uses are subject to additional provisions addressing issues such as distance from urban growth boundaries, high-value farmland considerations, or project size. For example, general energy generation projects may be sited on up to 12-acres of

farmland.[3] Special rules have been developed for wind and photovoltaic solar generation (solar thermal would be subject to the general standards).

All legal criteria, including applicable local provisions, are applied by local decision makers in response to an application made to their local planning department. Responding to applications for uses permitted under the laws and rules related to Goal 3 requires a public process as envisioned by Goal 1. The burden of proof is on the applicant in a land use proceeding. Local government decision makers must determine whether applicable criteria are satisfied based on adequate facts and evidence as contemplated by Goal 2.

Proposals for uses that are not allowed, or that exceed the limitations identified in the legal criteria require an exception to Goal 3, which would follow the process outlined in Goal 2 and the implementing administrative rules at OAR Chapter 660, Division 4.

The Oregon Administrative Rules implementing Goal 3 most directly relevant to energy siting include; mirroring ORS 215.296 at OAR 660-033-0130(5), provisions for energy generation that does not include wind or photovoltaic solar at OAR 660-033-0130(17) & (22), the LCDC wind rule at OAR 660-033-0130(37), the original LCDC photovoltaic solar rule at OAR 660-033-0130(38), and the eastern Oregon photovoltaic solar rule at OAR 660-033-0130(44), which was adopted in 2025 pursuant to HB 3409 (2023). Additional assessment of the Goal 3 Oregon Revised Statutes and Oregon Administrative Rules is offered below.

4. Goal 4: Forest Lands

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Forest lands as defined by OAR 660-006-0005(7) are those lands acknowledged as forest lands as of the date of adoption of this Goal. Where a plan is not acknowledged or a plan amendment involving forest lands is proposed, forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water, and fish and wildlife resources. Forest operations, practices,

[3] OAR 660-033-0120 and OAR 660-033-0130(17) and (22)

and other auxiliary uses shall be allowed on forest lands subject only to such regulation of uses as are found in ORS 527.722.

Uses which may be allowed subject to standards set forth in this goal and administrative rule are: (1) uses related to and in support of forest operations; (2) uses to conserve soil, water and air quality, and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment; (3) locationally dependent uses; (4) dwellings authorized by law.

a. Applicable Oregon Revised Statutes

Oregon Revised Statutes with a relationship to Goal 4 are located in ORS Chapter 215, ORS Chapter 197 and ORS Chapter 92.

b. Applicable Oregon Administrative Rules

- OAR Chapter 660, Division 6 – Goal 4 Forest Lands
- OAR Chapter 660, Division 6, Exhibit A – Declaration of Covenants, Conditions and Restrictions Form
- OAR 660-012-0065 Transportation Improvements on Rural Lands,
- OAR 660-012-0070 Exceptions for Transportation Improvements on Rural Lands
- OAR 660-034-0035 Park Uses on Agricultural and Forest Land
- OAR 660-034-0040 Planning for Local Parks
- OAR Chapter 660, Division 31 – State Permit Compliance and Compatibility

c. Discussion

Just as Goal 3 supports Oregon's agricultural lands, Goal 4 supports Oregon's timberlands, including multiple values furnished by a forest landscape and the forest economy. While Goals 1 and 2 offer overarching principles and are triggered or evoked when needed (i.e. Notice for public hearings as an extension of Goal 1, or the Goal 2 exceptions process for individual applications that would not otherwise be allowed under the applicable Goals) Goal 4 applies consistently to lands that meet the definition at OAR 660-006-0005(7).

When LCDC first began acknowledging local comprehensive plans, lands meeting the definition in Goal 4 were inventoried and placed in forest comprehensive plan designations implemented by forest zoning ordinances. Forest zones carry out the policy goal of encouraging commercial forest uses and the production of merchantable tree species by ensuring these practices and other complimentary uses may be conducted. Many of these provisions flow directly from state law. Please see OAR chapter 660, division 6.

Unlike statutes pertaining to Goal 3, Oregon Revised Statutes relating to Goal 4 primarily focus on opportunities to establish homes and establish parameters for land

divisions. Details regarding other uses are included in OAR Chapter 660, Division 6. Rules that directly pertain to energy and transmission development are located at OAR 660-006-0025(4). As identified above, forest zoning and the state laws on which it is based provide opportunities to establish many nonforest related uses, including energy generation. Nonforest related uses are generally subject to a farm and forest compatibility test similar to that found at ORS 215.296, OAR 660-033-0130(5), and OAR 660-006-0025(5). Fire siting and safety standards, which are applicable to dwellings and structures on forest land, are found at OAR 660-006-0029 and OAR 660-006-0035.

Some nonforest uses are subject to additional provisions addressing season of use or project size. For example, general energy generation projects may be considered on up to 10-acres of forest land. Special rules have been developed for photovoltaic solar generation in eastern Oregon (solar thermal would be subject to the general standards). All legal criteria, including applicable local provisions are applied by local decision makers in response to an application made to their local planning department. Responding to applications for uses permitted under the laws and rules related to Goal 4 requires a public process as envisioned by Goal 1. The burden of proof is on the applicant in a land use proceeding. Local government decision makers must determine whether applicable criteria are satisfied based on adequate facts and evidence as contemplated by Goal 2.

Proposals for uses that are not allowed, or that exceed the limitations identified in the legal criteria require an exception to Goal 4, which would follow the process outlined in Goal 2 and the implementing administrative rules at OAR Chapter 660, Division 4.

Additional assessment of the Goal 4 Oregon Revised Statutes and Oregon Administrative Rules is offered below.

5. Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

To protect natural resources and conserve scenic and historic areas and open spaces.

Local governments are required to adopt programs that will protect natural resources and conserve scenic, historic and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon’s livability.

Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats, wetlands, mineral and aggregate resources, and energy sources, and establishes a process for local governments to inventory and evaluate each resource. If a resource or site is found to be significant, a local government has three policy choices:

preserve the resource, allow proposed uses that conflict with it, or strike a balance between the resource and the uses that would conflict with it.

a. Applicable Oregon Revised Statutes

There are no Oregon Revised Statutes that speak to Goal 5 in the context of energy siting or transmission development.

b. Applicable Oregon Administrative Rules

- OAR 660-023 – Procedures and Requirements for Complying with Goal 5
- OAR 660-016 – Complying with Statewide Planning Goal 5
- OAR 660-031 – State Permit Compliance and Compatibility

c. Discussion

Goal 5 was originally implemented by OAR Chapter 660, Division 16, which has largely been supplanted by OAR Chapter 660, Division 23. The Goal 5 rules are generally considered process oriented. They provide guidance and direction on how to plan for the treatment of a Goal 5 resource, but they do not prescribe an outcome. Other than significant Sage-Grouse habitat identified at OAR 660-023-0115, counties must engage in comprehensive planning activities to establish a local program. Local programs consist of comprehensive plan policies, inventories and maps, and implementing ordinances that are ultimately applied to individual development proposals. Comprehensive planning activities to consider treatment of Goal 5 resources require a public process as envisioned by Goal 1. Local policies and other program attributes must be based on adequate facts and evidence as contemplated by Goal 2 and should allow a local government to achieve a no regret approach for balancing land uses with important resources.

Goal 5 resources may be divided into two basic categories. The first category includes items that are present throughout or on the land. These items may include wildlife habitat, riparian corridors, or landscapes of cultural significance. The second category includes items that involve things that are done to, or on the land.

These items may include activities like mining or energy development. Just as additional clean energy and transmission is needed to help meet Oregon's clean energy goals, access to aggregate resources will serve a critical role in meeting the state's housing goals. Aggregate resources must be available within a reasonable distance of a project area for the project to be economically viable. Clean energy development, however, may occur great distances from demand centers, including out of state, and still serve the needs of Oregon customers. Additional assessment of the Goal 5 Oregon Administrative Rules is offered below.

6. Goal 9: Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Comprehensive plans and policies shall contribute to a stable and healthy economy in all regions of the state. Such plans shall be based on inventories of areas suitable for increased economic growth and activity after taking into consideration the health of the current economic base; materials and energy availability and cost; labor market factors; educational and technical training programs; availability of key public facilities; necessary support facilities; current market forces; location relative to markets; availability of renewable and non-renewable resources; availability of land; and pollution control requirements.

a. Applicable Oregon Revised Statutes

There are no Oregon Revised Statutes that speak to Goal 9 in the context of energy or transmission development.

b. Applicable Oregon Administrative Rules.

Goal 9 is implemented by OAR Chapter 660, Division 9, which does not directly mention energy or transmission development.

c. Discussion

Because land use approvals for siting clean energy facilities are not administered through the lens of Goal 9, clean energy development has not traditionally received much attention under Goal 9 and Division 9. Wind and solar, the most common types of clean energy development in Oregon, are almost always sited on rural, EFU lands. The construction period for these projects often provides a temporary surge into small local communities and economies, however, upon project completion relatively few permanent jobs are retained. Wind energy projects may result in more long-term employment opportunities, with an estimated one technician needed for every 10 MW of installed capacity. Biomass facilities, which operate more like baseload plants, have more on-site employment needs with additional jobs created in the field. Unfortunately, generation facilities with higher labor needs are uncommon in Oregon. An increased interest in serving high appetite energy users such as data centers with clean energy could boost the direct job creation importance of clean energy development.

Streamlining development processes for clean energy production may include indirect and induced economic growth opportunities in rural areas of the state with less diversified local and regional economies. Manufacturers of energy generation and transmission components may find economic efficiencies in co-locating with this

growing industry cluster. Job creation is not the only form of economic growth; business starts, capital investment, and increased energy availability for modern industries will also benefit the state's economic development.

7. Goal 11: Public Facilities and Services

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served. A provision for key facilities shall be included in each plan. Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons. To meet current and long-range needs, a provision for solid waste disposal sites, including sites for inert waste, shall be included in each plan.

a. Applicable Oregon Revised Statutes

There are no Oregon Revised Statutes that speak to Goal 11 in the context of energy or transmission development.

b. Applicable Oregon Administrative Rules.

Goal 11 is implemented by OAR Chapter 660, Division 11, which does not directly mention energy or transmission development.

c. Discussion

Goal 11 matters tend to focus on community public facility plans for water and sewer service within urban growth boundaries, as well as opportunities to extend sewer systems to rural lands outside of urban growth boundaries. However, Goal 11 and the implementing rules at OAR Chapter 660, Division 11 could be interpreted to have broader application. Some have observed that guaranteeing a reliable source of energy, particularly electrical energy, could be considered a "public facility" or "public service" that might be in keeping with other Goal 11 items.

8. Goal 13: Energy Conservation

To conserve energy.

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

a. Applicable Oregon Revised Statutes.

There are no Oregon Revised Statutes that speak directly to or implement Goal 13.

b. Applicable Oregon Administrative Rules

There are no Oregon Administrative Rules that implement Goal 13.

c. Discussion

Conversations regarding updating Goal 13 have been ongoing, in one way or another, for at least a decade. Multiple legislative efforts to address Goal 13 have been offered and considered. Each effort has been well supported by the department and other interested parties. However, securing the necessary funding to responsibly conduct such work has proven challenging.

C. Analysis of Applicable Oregon Laws

The department developed a scoring rubric to assist in the analysis of existing Oregon laws and practices. The rubric identifies four (4) core issues:

- Complexity
- Redundancy
- Necessity
- Sufficiency of Resources.

A scoring value has been assigned based on how the existing law rates within the rubric. The final score provides an assessment of how the existing law constitutes a barrier or an opportunity.

The scoring rubric was applied to more than 30 Statewide Planning Goals, Oregon Revised Statutes, and Oregon Administrative Rules. Please see Attachment B for the full rubric.

As shown in Table 1, none of the reviewed items scored low enough to warrant removal and just four were categorized as potential barriers as that term is understood for purposes of this report. Potential barriers may receive additional attention through refinement, revision, or providing funding to assist local government to guard against them becoming actual barriers.

Table 1 – Scoring Results

Score: 0-2	Score: 3-6	Score: 7-9	Score: 10+
Barrier. Remove.	Possible Barrier. Revise/Refine/Fund	Possible Opportunity. Revise/Refine/Fund	Opportunity. Retain as Written or Expand
	ORS 215.296-6 ORS 215.446-5 OAR 660-023-0190-6 OAR 660-033-0130(5)-6	ORS 215.044 & 047-8 ORS 215.213-9 ORS 215.274-7 ORS 215.275-7 ORS 215.276-10 ORS 215.83-9 ORS 215.447-7 ORS 227.190 & 195-8 OAR 660-004-0022(3) & (4) -9 OAR 660-006-0025(4)(j)-9 OAR 660-006-0025(5)-7 OAR 660-023-0195-7 OAR 660-033-0130(16)-7 OAR 660-033-0130(37)-9 OAR 660-033-0130(38)-9 OAR 660-033-0130(44)-7	ORS 215.276-10 OAR 660-006-0025(3)(c)-10 OAR 660-006-0025(4)(k)-10 OAR 660-006-0025(4)(r)-10 OAR 660-006-0050-11 OAR 660-033-0055-10 OAR 660-033-0130(17)-10 OAR 660-033-0130(22)-10 OAR 660-033-0130(32)-10 OAR 660-033-0145-11

Most of the reviewed items (12) rated as potential opportunities and a near equal amount (10) rated as opportunities as that term is used for purposes of this report.

Potential opportunities may be improved might stand to be improved through revision, refinement or funding to enable them to become actual opportunities. Existing opportunities should be retained as written or expanded to capture an even larger potential.

D. Recent Legislation in Oregon

1. HB 4031 (2026)

HB 4031 (2026) amends ORS 469.320 to exempt an energy facility from needing an Energy Facility Siting Council (EFSC) site certificate if the energy facility produces power from a renewable energy source, qualifies for certain federal renewable energy tax credits, and submits a land use application to the local government with jurisdictional authority over the facility on or before December 31, 2028. Instead, qualifying applications will be processed at the local level by county government.

2. HB 4076 (2026)

HB 4076 requires EFSC to approve an exception to statewide land use planning goals when a power generating facility will deliver electricity to the grid using an existing energy facility's surplus interconnection, will not exceed the existing energy facility's interconnection capacity, and will not require new transmission lines more than two miles away from the existing facility's site boundaries.

Local governments may justify an exception to statewide land use planning goals to allow for the development of a renewable energy facility on agricultural lands if the proposed facility will use an existing energy facility's point of interconnection that is not being utilized, will not exceed the existing energy facility's interconnection capacity, and will not require new transmission lines more than two miles away from the existing facility's site boundaries. In its justification for an exception, a county is required to adopt findings addressing:

- The availability of nonresource lands suitable for the proposed use;
- The availability and use of existing infrastructure, access and rights of way;
- Public health and safety;
- Compatibility with surrounding agricultural and rural uses;
- A mitigation plan to address potential impacts to surrounding land uses, farm practices and water resulting from the construction or operation of the facility; and
- Compliance with local, state or federal requirements.

V. Review of Siting Processes in Other Jurisdictions

A. State Siting Processes

In the United States, environmental and land use impacts of renewable energy projects are reviewed either at the federal, state or local (county or municipal) level. Federal policies encourage the development of solar energy on public lands. Projects proposed on public lands are typically reviewed either by the United States Bureau of Land

Management or the United States Forest Service. For the purpose of this review, the Department has focused on state and local permitting and has provided information on Oregon's approach and five other states for comparison: California, Montana, Nevada, Texas, and Hawai'i. The department conducted qualitative analysis of best practices utilized in each state and interviewed state staff from Nevada, Texas and Hawai'i to inform its review.

1. Permitting Jurisdiction: State vs. Local

Depending on the state, permit requirements may be established and review may be conducted at the state level, at the local level, at both state and local levels, or jurisdiction and regulatory requirements may be contingent on factors such as size of the clean energy project proposed.

Many states have centralized, state permitting authorities which operate similarly to Oregon's Energy Facility Siting Council (EFSC). These authorities are councils, agencies, administrative boards - or in some cases the Public Utility Commission (PUC) – which review proposals for large scale energy facilities. Centralized permitting bodies typically coordinate review across the various federal, state and local entities that are responsible for various aspects of permit approvals. In some states, local permit approvals or a demonstration of consistency with local requirements may be required through state siting approval requirements. In other cases, state requirements replace or preempt local requirements when state review is required or chosen.

States differ on whether the centralized, state-review process is mandatory or optional. In Washington State, for example, a project may voluntarily choose review by the state Energy Facility Site Evaluation Council. Alternatively, in states like Oregon, a threshold based on acreage or capacity is typically used to define a point at which the state process becomes mandatory while projects under the acreage or capacity threshold are reviewed at the local level. In other states like Texas, there is no centralized siting authority with jurisdiction over renewable energy siting. In these cases, permitting decisions are made at the local level by county, municipality or towns.

- **Oregon**: In Oregon, larger projects are required to be reviewed by a centralized permitting authority – the Oregon Energy Facility Siting Council (EFSC) - and smaller projects are reviewed by counties. Smaller projects may decline review by the local authority and opt-in to EFSC review. The threshold is based on project acreage or amount of installed capacity depending on the type of generation. Importantly, however, HB 4031 (2026) allows counties to review certain projects ordinarily within the EFSC review threshold until December 31, 2028.
- **California**: Projects are reviewed by counties by default. However, projects 50MW and larger may request review by the California Energy Commission (CEC). The CEC process supersedes local permitting requirements and ordinances. The CEC

must approve projects within 270 days including time for completeness, public engagement and agency consultation.

- **Montana**: Local governments have the authority to review projects. There is no state level review authority. Certain major infrastructure facilities must obtain a certificate from the Montana Department of Environmental Quality under the Montana Major Facility Siting Act (MFSA).
- **Nevada**: The Nevada Public Utilities Commission (NPUC) has jurisdiction over projects larger than 70MW. Smaller projects are reviewed locally. The NPUC must review an application within 150 days of filing.
- **Texas**: In Texas, energy permitting is conducted at the local level. Individual cities and counties have their own processes, standards, evidence requirements and fees.

2. Environmental and Land Use Review Requirements:

Roughly half of the states in the United States have some degree of state-mandated siting standards. In most states, land use standards are implemented locally. In some cases, the states defer authority to local jurisdictions but have mandated siting standards to some degree at the state level. Some states, like California, have a statewide environmental review framework as well as land use standards.

Each state and local agency takes a different approach to coordinating applicable environmental and land use review. Many jurisdictions review environmental and land use requirements at the same time. In some states, like Nevada, these processes may be conducted separately.

Most land use review processes require at least an evaluation of zoning standards, siting criteria and some form of public engagement process. If the renewable energy facility is allowed in the zone, standards or conditions of approval may be applied to ensure the facility is compatible with other development and uses in the surrounding area. Most states have public engagement requirements which typically involve public notification and hearings. Montana and Texas are two of the states which do not have public involvement requirements.

- **Oregon**: Oregon has statewide criteria for both environmental and land use issues that are applicable to projects reviewed by EFSC as well as projects that go through a county review process. Projects reviewed by EFSC must demonstrate compliance with local land use provisions.
    - *Guidance*: Oregon has published guidance and model ordinances for both wind and solar siting.
- **California**: State planning law requires each city and county to adopt a long-term plan that includes a section on land use that describes objectives, processes, standards, policies, maps and mitigation measures. However, the CEC process

supersedes local permitting requirements and ordinances if a developer chooses to opt in to the state process.

In California, state environmental review requirements are established by the California Environmental Quality Act (CEQA) which is administered by the CEC.

  - *Guidance*: California has published guidance and model ordinances for solar siting.

- **Montana**: In Montana, review is typically conducted by the local jurisdiction. The Montana Major Facility Siting Act (MFSA) applies to certain energy facilities, including hydroelectric facilities 50MW and larger and facilities that use geothermal resources. The MFSA does not regulate wind farms or solar farms. Montana does not have standard minimum or maximum permit review timelines and does not have public involvement requirements. Local land-use planning, zoning and building code provisions apply. The Montana Department of Environmental Quality administers water quality, air quality and other environmental permits and requires all wind and solar projects to submit decommissioning plans and bonds. Other state agencies review wildlife and cultural impacts.

  - *Guidance*: Montana has published guidance for wind siting but no model ordinance for solar or wind.

- **Nevada**: The Nevada Public Utility Commission (NPUC) reviews projects larger than 70MW and applies statewide review standards established in statute (NRS 704.820 through 704.900, and NAC 703.415 through 703.427). Projects reviewed at the NPUC must also secure conditional use permits, building permits, and zoning approvals from the specific county and often require federal permits as well. The NPUC streamlines permitting by facilitating concurrent permit reviews.

  - *Guidance*: Nevada has published guidance for wind and solar siting but no model ordinance.

- **Texas**: Texas does not regulate renewable energy siting. Local governments have the authority to review projects through their individual zoning authority. Individual local reviews in Texas may include zoning standards, like setbacks, and electric and building code requirements. Local jurisdictions also may negotiate individual tax abatement incentives. However, most sources indicate that there are few local regulatory requirements in the state. Texas does not have standard minimum or maximum permit review timelines and does not have public involvement requirements.

  All projects are required to comply with federal and state endangered species regulations and Federal Aviation Administration standards, which may or may not be addressed through the local permit review process.

- *Guidance*: Texas does not have published guidance for wind or solar siting. There is a model solar ordinance available for Texas.

3. Unique State Programs or Features

During its review, the department identified programs and features unique to each reviewed state's clean energy development process. While these approaches may not integrate into the Oregon process, each facilitates clean energy development and deployment within their respective states and should be noted.

In addition to the programs identified below, most states also have a variety of tools, programs and incentives designed to encourage small-scale, distributed and rooftop solar projects and energy efficiency measures to reduce load demand. Some states have also made investments in research, development and incentives to encourage development of related supply and manufacturing industries.

- California
  - California legally requires electric utilities and retail sellers to procure 50% of their electricity from eligible renewable resources by 2026, 60% by 2030, and 100% by 2045.
  - The Tracking Energy Development (TED) Task Force is an inter-agency group comprising GO-Biz, the CPUC, CEC, and the California Independent System Operator (CAISO). It proactively coordinates with developers to clear permitting bottlenecks and speed up renewable infrastructure deployment. They focus on transmission permitting and interconnection queue issues as well as permitting.
  - The California Energy Commission maintains an online Land-Use Screens for Electric System Planning interactive mapping portal to show access limitations and competing land-use priorities. It is intended to assist planners and developers to focus on areas with greater potential for successful deployment of new utility-scale renewable energy capacity and electric transmission.
  - California is the nation's top producer of geothermal electricity and has a Geothermal Grant and Loan Program to promote the development of this resource.
  - California is focused on adding storage capacity to maintain grid stability while integrating variable energy resources like wind and solar and more than doubled its storage capacity since 2022.

    - Southwestern California's deserts have some of the highest solar irradiance values in the US and certain regions particularly suited for wind energy.

- Montana
    - In 2018 the State of Montana and the Bonneville Power Administration released the Montana Renewables Development Action Plan which identified and resolved the core barriers to exporting Montana wind and clean energy to the Pacific Northwest. The initiative identified strategies to solve transmission and grid integration barriers for large-scale renewable energy projects.
    - Permitting for a large-scale transmission expansion project – the North Plains Connector – is underway with an expected energization date in 2032. The project will connect the western and eastern transmission grids, improve grid capacity and resiliency and provide 3 GW of bi-directional transfer capacity.
    - Montana applies a lower property tax rate to transmission lines that primarily carry renewable energy, encouraging the export of green power generated within the state.
    - Montana offers a 50% reduction on the local mill levy for renewable energy systems larger than 1 MW, which is phased out over nine years.
- Nevada
    - Because over 60% of Nevada's land is federally owned, projects typically require navigating both federal environmental reviews and state-specific regulations.
    - Nevada was an early-adopter of a Renewable Portfolio Standard. It was the second state to adopt a RPS. Nevada's RPS was first adopted in 1997 and has been updated several times since. The state has been actively working to refine its renewable energy policies for nearly 30 years.
    - Nevada passed legislation supporting NV Energy's Greenlink transmission project - five new high voltage transmission lines designed to move energy from areas of potential renewable energy development to load centers and market. The project will be rate-based over a 70-year period and is anticipated to be online before 2029.
    - Nevada has a statewide Renewable Energy Tax Abatement (RETA) program for projects 10MW or larger that awards partial sales and use tax and partial property-tax abatements to eligible renewable energy facilities. The program is administered by the Governor's Office of Energy.
    - The Nevada Clean Energy Fund provides financial support to smaller developers that struggle to secure traditional capital.
    - The Governor's Office of Energy manages grants and federal funds to support transmission grid resilience and renewable capacity.

- Texas:
    - Renewable energy deployment in Texas typically takes 2 years for approval. Some sources suggest that developers face fewer environmental, geographic and community land-use hurdles in Texas because of the abundant supply of flat, affordable and undeveloped land.
    - Texas invested heavily in fortifying its transmission capacity across the electrical system over a decade ago which means there is sufficient interconnection capacity in rural, undeveloped parts of the state which are best suited to large-scale renewable energy development.
    - The Electric Reliability Council of Texas (ERCOT) also has an expedited interconnection process which allows projects to come online much more quickly than more heavily regulated grid systems. Wind and solar projects are allowed to interconnect with the understanding that the grid may not always be able to fully accommodate the project output.
    - Texas mandates that utility-scale solar generation be paired with dispatchable resources, like battery storage or a supply contract, to help stabilize the electric grid.
    - Texas recently enacted large load electricity planning and infrastructure cost share laws.
    - The quality of wind and solar sources in Texas result in good capacity factors and positive project economics.
- Hawai'i:
    - The state of Hawai'i's Committing to Reliable Energy and Decarbonization Innovations on Time (CREDIT) Task Force coordinates the "review and development of new renewable energy projects throughout Hawai'i [to] help ensure the lowest cost for ratepayers and improve the reliability of Hawai'i's individual island electric grids." Established in November 2025 by Executive Order 25-10, one function of the Task Force is to ensure streamlined project development schedules in light of expiring federal tax credits for renewable energy projects and to help the state meet its renewable energy and climate goals. Due to similarities between Hawai'i and Oregon's renewable energy and climate goals, the department recommends this approach be studied further.

The Bottom Line: Other Jurisdictions

- Every state has a different and unique approach to siting clean energy projects and transmission.
- Barriers to clean energy development exist in different forms and often reside in state or local government perspectives:
  a. Lack of State Executive Support (Texas)
  b. Local Government Opposition (Nevada)
- Securing development entitlements in other states regularly takes two years or more.
- The department did not observe any game changing best practices for Oregon.
- Other states have had varying success with transmission siting and development. Some deserve to be studied further:
  c. Montana
  d. Nevada
  e. Texas
- Hawai'i's CREDIT Task Force should be studied further for applicability in the Oregon energy environment.

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VI. Oregon Local Governments

Oregon counties directly apply or integrate into their zoning ordinances the statutory and rule provisions that direct renewable energy development in resource zones.[4] Counties have the authority to adopt more restrictive criteria and standards if they choose to do so and several counties do have local standards and criteria that are applied to renewable energy reviews.

The Department reviewed county code provisions and websites for four counties in Oregon to identify unique provisions and resources for renewable energy development.

A. Unique code provisions

All Oregon counties have local criteria that are applied to all conditional use reviews in addition to the solar siting standards and criteria in OAR 660-033-0130(38). Local conditional use criteria typically require consideration of a variety of issues including site suitability, operating characteristics, adequacy of services to the site including road and traffic impacts, natural features of the specific site and compatibility with existing and projected uses on surrounding lands. These criteria are applied to all conditional uses, not only to power generating facilities.

Additionally, most county ordinances authorize the imposition of conditions of approval including performance bonds or other forms of assurance to guarantee development in accordance with the standards. These conditions of approval also apply to all conditional uses.

Many counties have adopted unique local provisions in addition to the standards and criteria in state statute and rule. A selection of these unique provisions is provided below:

- **Deschutes County**: Deschutes County has specific code provisions for hydroelectric and geothermal facilities that are not commonly found in other county ordinances (Deschutes County Code sections 18.116.130, 18.128.260, and 18.128.250).
- **Lake County**: The Lake County Zoning Ordinance contains a variety of local standards for renewable energy facilities generally and for geothermal, wind, solar and hydroelectric facilities specifically (Lake County Zoning Ordinance Section 24.18).

[4] ORS 215.446, ORS 215.447, OAR 660-033-0120, OAR 660-033-0130, OAR 660-006-0025

- **Morrow County**: Morrow County has a self-imposed requirement for processing conditional use permits for projects which have received an EFSC site certificate within four weeks (Morrow County Zoning Ordinance Article 6).
- **Umatilla County**: Umatilla County has detailed siting standards for commercial power generating facilities (Umatilla County Development Code 152.616 and 152.617)

The above referenced ordinances are local provisions that are applied in addition to the land use standards and criteria that are set forth in statute and rule. Such local provisions ensure that the unique issues and concerns of a particular community are addressed as part of local review processes. Codifying these requirements at the local level ensures that the same standards and review criteria are applied equally to all applicants in that jurisdiction.

B. County Planning Practices

In addition to unique local ordinance provisions, some counties provide other resources such as renewable energy specific webpages. Other supports like local clean energy advocacy groups may also play a role in facilitating energy development although these same groups may also oppose energy projects that are not aligned with their particular community vision or values. Examples for the counties reviewed are listed below.

- **Lake County**: Lake County has a webpage dedicated to renewable energy development which does not appear to be maintained currently.
    - Lake County Renewable Energy Transition: An Assessment from the Energy Justice Framework thesis paper.
    - Lake County Resource Initiative (LCRI) is an independent non-governmental organization in Lake County devoted to reducing energy burden, improving home health and safety, stewarding natural resources, and growing local jobs and skills through education, technical assistance, and community projects. Including supporting and expanding upon midsized and larger-scale projects. LCRI has opposed photovoltaic solar projects proposed on irrigated farmland (Blue Marmot).
- **Morrow County**: Morrow County maintains a webpage specifically for renewable energy development in its jurisdiction.
    - Their website includes a regularly updated list of both EFSC and locally permitted renewable energy generators and transmission lines and their permitting and development status. The list includes key dates and deadlines such as permit approval and public comment dates. Their website also includes an interactive map with detailed graphics on acreage impacts and installed capacity.
- **Umatilla County**: Umatilla County has a webpage devoted to wind energy. The website includes a history of wind energy use in the area, an older map of wind

energy projects last updated in 2016 and information that was presented to the planning commission in 2009 on wind energy development.

The Bottom Line: Oregon Counties

- Establishing provisions to avoid conflicts with residential or neighborhood situations makes sense. The establishment of such provisions is best left to local governments, rather the State.
- The department is impressed with GIS mapping work conducted at the local level, particularly the Energy Dashboard provided by Morrow County. Helping other counties to establish similar local tools could be a worthwhile investment.
- Requirements for project retirement are a common feature in local programs. The matter of project retirement should be discussed further. Any discussions must be coordinated with local government partners.

C. Local Government Approvals and Project Development

Nearly all utility scale photovoltaic solar power generation facilities in Oregon are proposed to be sited on rural lands protected for farming, ranching, and forestry uses under Goal 3 (Agricultural Lands) or Goal 4 (Forest Lands).

1. Overview of Renewable Energy Permitting Processes

As noted above, the siting process comes in one of three forms:

1. **The Conditional Use Process** typically applies to small and medium sized projects subject to county jurisdiction. These proposals must abide by acreage limitations and other criteria identified in Oregon Administrative Rules (OAR) Chapter 660, Division 6 (*forestlands rule)* and Division 33 (*agricultural lands rule)*. The conditional use process is generally considered the most straightforward and least risky siting process. Decisions on conditional use applications are most often made by county planning commissions or hearings officers.

2. **The Exceptions Process** is also subject to county jurisdiction and applies to larger projects that exceed acreage thresholds identified in Division 6 or Division 33. The exceptions process allows local government to consider rural uses that would not otherwise be allowed under the applicable goals and are set forth in state statute at Oregon Revised Statutes (ORS) 197.732 and Goal 2 (Land Use Planning). These statutes are further interpreted by OAR Chapter 660, Division 4. An exception requires a Post-Acknowledgement Plan Amendment (PAPA), which is usually accompanied by a locally adopted ordinance. In this instance, a county planning commission or hearings officer will review an application and make a recommendation to local elected officials responsible for making the final local

decision. Goal exceptions are designed to be “exceptional” and require unique findings, often subject to controversy and litigation.

3. **The State Process** applies to the largest projects, which are subject to the jurisdiction of Oregon’s Energy Facility Siting Council (EFSC). The LCDC exceptions rule does not apply to EFSC projects.

Local governments have jurisdiction over small, medium, and some large energy generation projects. Review of these projects is most often conducted by counties and most regularly involves lands that are planned and zoned EFU under Goal 3. Approvals have been granted for projects proposed on forest lands protected under Goal 4 (Hayden Mountain Solar, Klamath County) and other rural lands (Airport Solar, Morrow County). Some projects have been developed on urban or urbanizable lands within urban growth boundaries, as in the cities of Pendleton, Klamath Falls, and Lakeview. However, lands designated EFU continue to receive the greatest amount of attention for energy development.

The ability for counties to consider energy generation on EFU lands has been present in ORS Chapter 215 since at least 1975. Companion provisions have been included in Oregon Administrative Rules for nearly as long. LCDC revised the administrative rules in 1994, making a distinction between the standards for high-value farmland, on which an energy facility may have a 12-acre footprint, and all other farmland, on which an energy facility may have a 20-acre footprint.

In 2007, the commission developed special provisions at OAR 660-033-0130(37) for wind energy generation on EFU lands. Among other things, the new wind rules removed the farmland acreage threshold in favor of an alternatives analysis for high-value farmland and a set of agricultural compatibility standards. The rules also established “arable” and “nonarable” as agricultural lands categories for purposes of considering wind projects.

New rules specific to photovoltaic solar generation facilities proposed on EFU lands were adopted by the LCDC in 2011. The new solar rules carried forward the multiple land categories identified by the wind rules: high-value farmland, arable land, and nonarable land. The commission chose to retain the acreage thresholds of 12-acres for high-value farmland and 20-acres for arable land. The greatest opportunity was given to lands with the lowest value for commercial agriculture, nonarable lands, and the least importance for wildlife habitat based on coordination with appropriate state, federal, and tribal wildlife management agencies. The acreage threshold for nonarable land was originally set at 100-acres, which was about the size needed for a 10 MW project eligible for consideration for standard contracts and pricing as a Qualifying Facility (QF) under the Public Utility Regulatory Policies Act (PURPA) at that time. Projects up to 80 MW may be considered a QF. However, the larger projects must negotiate contract and pricing terms with the applicable utility.

Over the next few years, the acreage threshold for nonarable lands was raised from 100-acres to 250-acres, to 320-acres. In 2016, the Oregon Public Utility Commission (PUC) reduced eligibility for standard rates for solar Qualifying Facilities to 3 MW. In 2025, the Oregon State Legislature raised eligibility for standard rates with investor-owned utilities back to 10 MW through HB 3863.

In 2018 LCDC received a letter from the Oregon Board of Agriculture expressing concerns about high levels of solar interest on high-value farmland, particularly in the northern Willamette Valley. The Board of Agriculture officially requested LCDC review the solar rules to ensure the rules provided adequate protection to the state's highest quality, irreplaceable agricultural lands. In 2019, LCDC conducted a review of the existing rules and adopted additional safeguards for high-value farmland.

2. Review Authority Thresholds: EFSC or County Lead Review

As noted above, in Oregon, smaller projects are reviewed by counties and larger projects are reviewed by a centralized state permitting council. Jurisdictional authority for reviewing renewable energy applications is established in state statute in two places – ORS Chapter 469, which concerns state energy facility siting, and ORS Chapter 215, which concerns county land use topics. The thresholds are based either on project footprint or on generating capacity depending on the type of energy source. These thresholds have been modified several times over the past decade.

As a frame of reference, one-square mile, also known as a "section", is 640 acres.

In 2019 the Oregon Legislature passed HB 2329, which revised sections of ORS Chapter 469 and established ORS 215.446 Renewable Energy Facilities. This legislation significantly increased the authority of local jurisdictions to review certain renewable energy facilities. For example, the threshold triggering the transition from county jurisdiction to EFSC jurisdiction for wind and geothermal projects was elevated from projects with an average electrical generating capacity of 35 MW or more, to projects with an average electrical generating capacity 50 MW or more. For photovoltaic solar, the thresholds were raised from 100 acres of high-value or arable farmland to 160 acres and 1,280 acres, respectively. The threshold for other lands, including non-arable and forest areas was raised from 320 acres to 1,920 acres.

In 2023, the thresholds for county jurisdiction of photovoltaic solar proposals in ORS 215.446 and ORS Chapter 469 were raised again through the passage of HB 3179. Under this legislation, the ability for counties to preside over photovoltaic solar proposals on high-value farmland and arable land grew from 160 acres to 240 acres, and from 1,280 acres to 2,560 acres, respectively. The threshold for other lands, including non-arable and forest areas, increased from 1,920 acres to 3,840 acres. As a frame of reference, one-square mile, also known as a "section" is 640 acres. More

recently, in 2025, HB 3874 increased the threshold for wind projects from an average electrical energy generating capacity of 50 MW or more, to an average electrical energy generating capacity of 100 MW or more.

Figure 1 – All County Energy Approvals on EFU Lands, 2017-2023

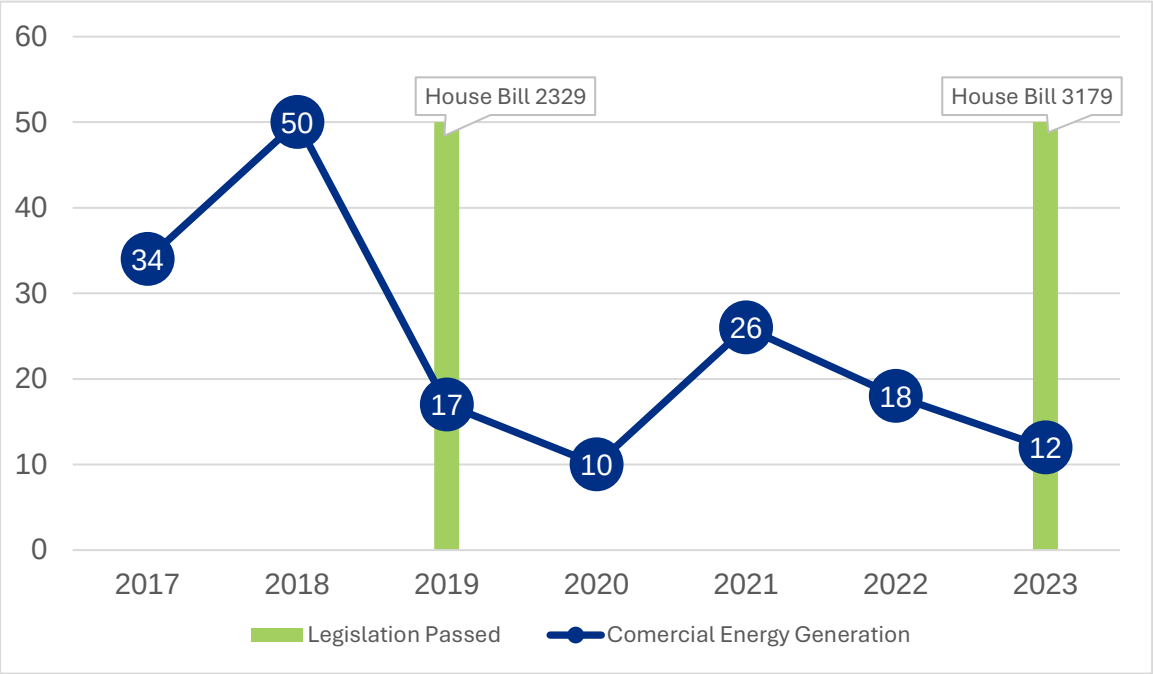
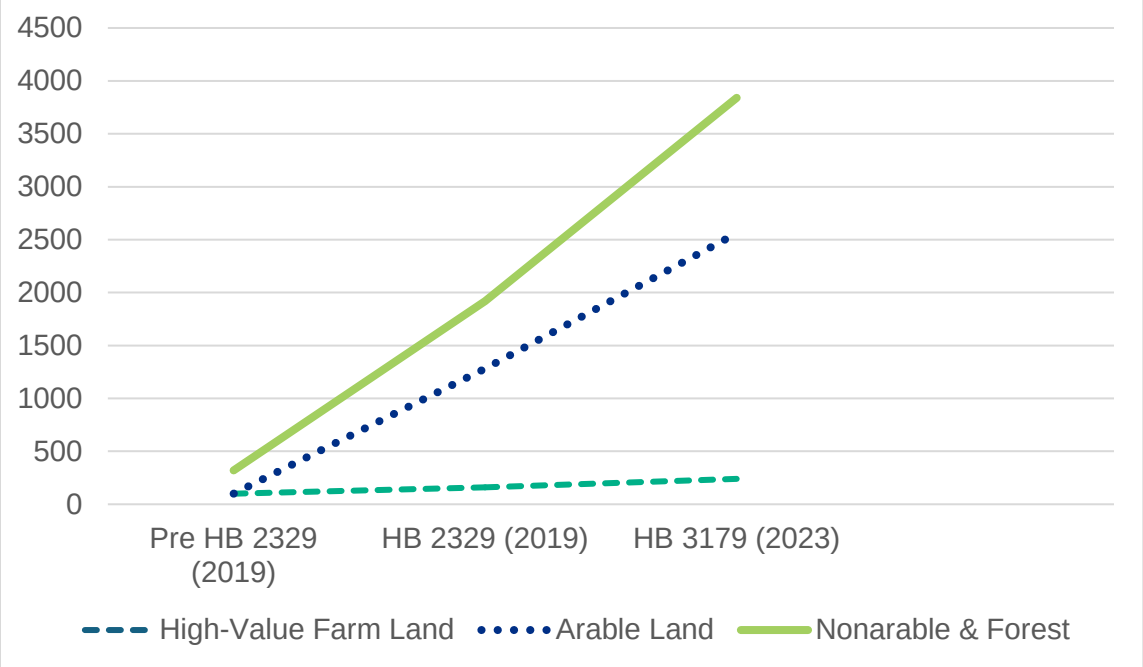


Figure 2 – Increases to Local Jurisdiction for photovoltaic solar projects 2019-2023



Significant increases in county jurisdiction and the transition away from EFSC jurisdiction were accompanied by establishment of “EFSC style” criteria in ORS 215.446(3). In addition to other applicable state and local provisions, including the Goal 2 exceptions process, county decision makers are required to apply statutory criteria regarding wildlife and consultation with the Oregon Department of Fish and Wildlife (ODFW), showing that a proposed facility will have no significant adverse effects to historic, cultural, or archaeological resources, and project retirement. In addition, a local government is required to provide notice to the following entities when an energy project application is received: ODFW, Oregon Department of Energy (ODOE), Oregon Department of Aviation, United States Department of Defense (DoD), Oregon State Historic Preservation Office (SHPO), and Federally recognized Indian Tribes that may be affected by the application. The department receives notice of these applications as required by the longstanding post acknowledgment plan amendment (PAPA) process.

As indicated on Figure 1, it does not appear that HB 2329 (2019) has resulted in a meaningful increase in county approvals of energy projects on EFU lands. Current information does not extend far enough to provide an indication on the results of HB 3179 (2023). Current department records do not show any meaningful uptick in the number of exceptions proposed for larger projects on EFU lands between 2019 and 2026. However, department records show there have been at least two large photovoltaic solar projects approved through an exceptions process on forest land. Both projects are located in Klamath County, and prior to HB 2329 and HB 3179, both projects would have been subject to EFSC jurisdiction.

3. Eastern Oregon Least-Conflict Siting Rules

In 2023, the Oregon Legislature passed House Bill 3409, which directed LCDC to adopt new administrative rules for the purpose of finding opportunities and reducing conflicts when siting photovoltaic solar generation facilities in eastern Oregon. DLCD staff formed and worked with a large and diverse Rulemaking Advisory Committee (RAC) for this purpose. The new rules aim to make the process of siting photovoltaic solar facilities more efficient for counties and developers while continuing to protect farmland, wildlife habitat, important cultural resources, and other important values. The RAC met 13 times to help shape these recommendations. Five RAC meetings were held in Eastern Oregon (Christmas Valley, Burns, Boardman, Madras, Moro). Five Technical Advisory Committees (TAC’s) were also created to help inform this process.

The new rules were adopted at the June 2025 LCDC meeting. The commission was sensitive to the fact that some counties had expressed concerns about implementing provisions that would allow larger solar projects. In response, the commission included a delayed effective date that allow counties to “opt-out” from rule implementation. The rules became effective on January 1, 2026. Prior to that date five (5) counties elected to opt-out. Those counties are Deschutes, Jefferson, Sherman, Umatilla, and Wasco.

Table 2 – Comparing Division 22 and Division 33

	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	Individual project review required	Payment Option only
Military Airspace Considerations	Yes	Yes
Robust Public Process and Community Engagement	Yes	No

Key elements of the new rules include:

- Two new pathway opportunities:
  - The ability for comprehensive planning to establish local programs identifying preferred locations for photovoltaic solar development and consider large projects without the need for an exception (OAR 660-023-0195).
  - The ability for Eastern Oregon counties to respond to much larger photovoltaic solar applications a conditional use on farmland (OAR 660-033-0130(44))
- Identification of mappable features necessary for successful photovoltaic solar development projects: slope, proximity to transmission, solar resource value.

- Continued protections for wildlife habitat, high-value farmland, and archaeological, historical, and cultural resources, including mitigation opportunities.
- A newly placed emphasis on community benefits for Eastern Oregon communities.
- An extended timeframe for county land use approval. Local land use permits granted under this opportunity are valid for up to 12 years.

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.

Table 3 – County Approaches to Implementation of Eastern Oregon Least-Conflict Siting Rules

Counties Opting - Out of OAR 660-033-0130(44)	Counties Not Opting-Out of OAR 660-033-0130(44)		Counties Pursuing Local Program Development Pursuant to OAR 660-023-0195
Deschutes	**Baker**	**Lake**	**Crook**
Jefferson	**Crook**	**Malheur**	
Sherman	**Gilliam**	**Morrow**	
Umatilla	**Grant**	**Union**	
Wasco	**Harney**	**Wallowa**	
	Klamath	**Wheeler**	

Maps prepared by the department to illustrate use of the prescribed filters indicate that more than 2.2 million acres in eastern Oregon may be potentially eligible for low conflict solar siting opportunities. Please See Attachment A.

4. Permitted, Constructed and Operating Projects

The information displayed on Table 4 illustrates the total number of utility scale clean energy projects that are operational in Oregon, based on available data. This information has been drawn from a variety of sources including but not limited to the Oregon Renewable Energy Siting Assessment (ORESA) online mapping tool, Interactive Map of U.S. Power Plants provided by Synapse Energy Economics, and

Table 4 – Clean Energy Plants in Oregon

Clean Energy Generation Type	Number of Operating Plants	Estimated Installed Capacity
Wind Energy	43	3,983
Solar photovoltaic	102	1,200
Solar thermal	0	NA
Wave, tidal, and ocean thermal energy	0	NA
Geothermal energy	1 (Paisley no longer operational)	33
Certain biomass products, including woody biomass and animal manure	14 Methane digesters?	232
Landfill gas and other biogases	7	37
Small hydropower (up to 10 MW)	22	76
Thermal energy	0 (Covanta Marion not included)	NA
Total Numbers	*175*	*28,529 MW (28.529 GW)*

DLCD Farm and Forest Reports. This information is deemed reliable but may not be complete. The table does not attempt to identify whether the lands occupied by generation facilities are designated for resource use or are planned and zoned for development. Furthermore, the type of land use approval (local government, EFSC, other) is not identified.

Aside from wind and solar projects, it can be complicated to determine how a project was approved. Presumably, the two geothermal projects in the table above were approved through a county conditional use process. Unfortunately, the Paisley Geothermal project developed in Lake County is no longer in service. Biomass projects are often associated with lumber mills and are sited within urban growth boundaries or other lands planned and zoned for industrial uses. Some biomass projects have been in operation since the 1950's. Landfill gas projects are usually sited on rural lands and may have been permitted in conjunction with the landfill as part of the solid waste disposal site application. Small hydropower projects are often associated with irrigation districts and are sometimes located on public lands.

The department has tracked local government decisions on EFU lands under Goal 3 and forestry activities under Goal 4 since at least 1985. Counties submit information regarding dwellings, land divisions, and other uses, which are then tabulated by the department and reported through DLCD's biennial Farm and Forest Reports. Available information shows that in the period from 1993-2007 counties approved 13 conditional use applications for "commercial utility facilities for the purpose of generating power for public use by sale" on lands designated for exclusive farm use. Available data from 2008-2024, which accounts for both conditional use applications and exception proposals on lands designated for exclusive farm use shows that there were 293 county approvals granted for commercial power generating facilities. Of the 306 county approvals between 1993-2024, approximately 96% occurred after 2008. Most, if not all, of these approvals were related to clean energy proposals. The department does not actively track local denials. However, it is the department's understanding that very, very few proposals subject to county jurisdiction have failed to be successful.

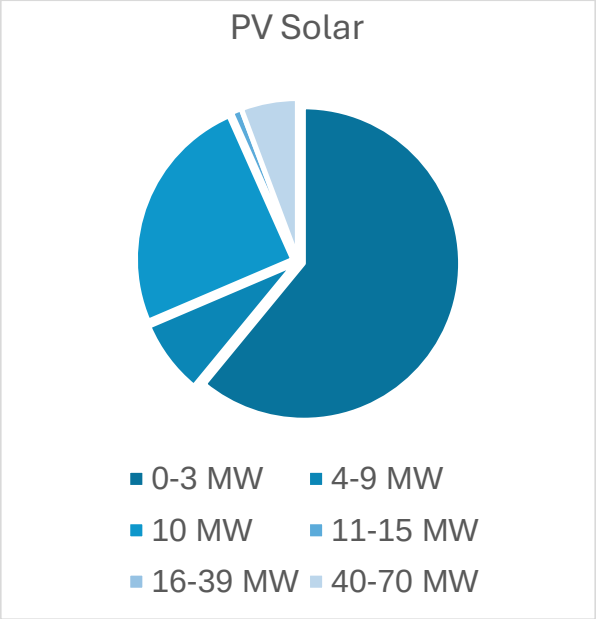
5. County Photovoltaic Solar Permitted vs. Constructed and Operating

There is a difference between projects that are approved and projects that are developed. Applying information from DLCD's Farm & Forest Reports shows that approximately 185 photovoltaic solar energy generation facilities were approved by county decision makers from 2008-2024. Of these 185 approvals, 163 came through the conditional use process, while 22 came through the exceptions process. Comparing those figures with the number of photovoltaic solar energy generation facilities that are developed and operational in Oregon suggests that approximately 100 of those 185 approvals have been actualized.

Additional information regarding local approvals of utility scale photovoltaic solar proposals that successfully moved to operation is provided below:

Table 5 – Photovoltaic Solar Projects developed pursuant to local government approvals

Production Capacity	Number of Developed Projects
0-3 MW	61
4-9 MW	8
10 MW	26
11-15 MW	1
40 MW	1
47 MW	1
55 MW	1
56 MW	1
60 MW	1
70 MW	1
Totals	***102 Developed Projects (567 +/- MW)***



As previously mentioned, the information provided regarding developed projects is considered reliable but is not guaranteed to be complete. However, the available information indicates that facilities of 10 MW or less represent about 93% of successful project development. This would suggest that most of the photovoltaic solar development in Oregon has occurred as Qualifying Facilities under PURPA, which guarantees a power purchase agreement is offered by the relevant Investor Owned Utility (IOU).

Additional research shows that power generated by the six (6) largest projects developed based on local land use approval is utilized in different ways. Airport Solar in Lake County (47 MW) and Skysol Solar in Klamath County (56 MW) provide power that is utilized by PGE and PacifiCorp, respectively to support customers across their regions. Three projects in Crook County, Oregon; Prineville Solar (40 MW), Millican Solar (70 MW) and Solar Star Oregon (56 MW) provide power that is partially or completely utilized by local data centers. Cartwright Solar (60 MW in phases I & II) is also located in Crook County near Prineville. Power from Cartwright Solar is utilized by Seattle City Light serving customers in and around Seattle, Washington. All of the Crook County photovoltaic solar facilities appear to rely on the Pondersa Substation.

The department has also conducted a cursory review of files from the Oregon Land Use Board of Appeals (LUBA) to identify the nature, number, and outcome of any challenges to local government approvals authorizing photovoltaic solar development. This review indicated that of the 185 approvals, around a dozen (6.5%) have been appealed. Of those identified appeals, five (5) were filed by solar project applicants objecting to local government conditions of approval or other interpretation of local code. Three appeals were filed by state agencies regarding concerns about wildlife habitat, which were either dismissed at the request of the parties or resolved upon remand. At least one appeal resulted in case law that served to constrain opportunities for photovoltaic solar projects related to the exceptions process.[5] In 2023, LCDC adopted revisions to OAR 660-004-0022(3) to provide an identifiable pathway for counties to be able to receive and consider exception applications. Other questions raised by LUBA decisions were addressed through other elements of the commission's HB 3409 rulemaking.

[5] *See* 1,000 Friends v Jackson County, 76 Or LUBA 220 (2017).

The Bottom Line: County Level Photovoltaic Solar

- County level applicants have enjoyed a high rate of success, either through the exceptions process or as conditional use applications.
- Very few local approvals have been appealed. Those that have were largely resolved. Adverse case law has been corrected by LCDC through administrative rule revisions.
- Nearly all projects developed pursuant to local approvals appear to be Qualifying Facilities (QF) under the federal Public Utilities Regulatory Policies Act (PURPA).
- Half of the larger projects approved by local governments provide power to data centers.
- Most, but not all county level projects provide power used by Oregon consumers, including data centers.
- The total installed capacity of developed county level projects is about 576 MW, which is a fraction of what is needed to meet Oregon's Clean Energy Goals.
- If developed, a single project approved by EFSC (Sunstone Solar (1,200 MW)) would generate more than twice as much power as all of the currently developed county level projects.

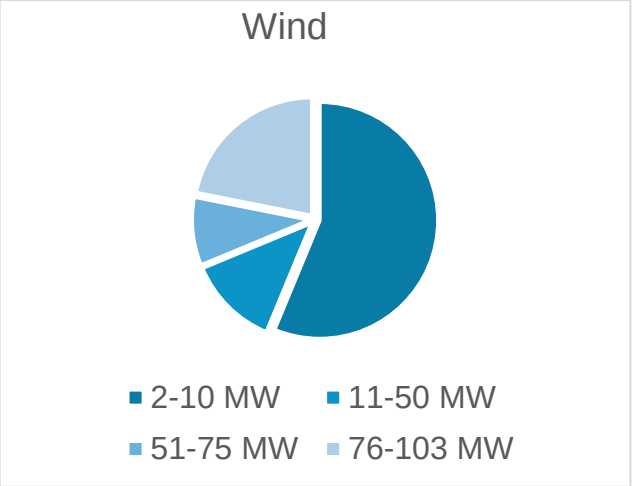
6. Wind Energy

Information from DLCD's Farm & Forest Reports shows that about 46 photovoltaic wind energy generation facilities were approved by county decision makers from 2002-2024. Comparing those figures against the number of wind energy generation facilities that are developed and operational in Oregon suggests that about 32 of those 46 approvals have been developed.

Additional information regarding local approvals of utility scale wind energy proposals that have successfully move to operation is provide in Table 6 below:

Table 6 – Wind Energy Generation Projects developed pursuant to local government approvals

Production Capacity	Number of Developed Projects
2-10 MW	18
11-50 MW	4
51-75 MW	3
76-104 MW	7
Totals	***32 Developed Projects*** ***(1,179+/- MW)***



As noted above, information regarding developed projects is considered reliable but is not guaranteed to be complete. However, the available information indicates that facilities of 10 MW or less represent approximately 56% of successful project development. This would suggest that most of the wind development under county permitting jurisdiction in Oregon has occurred as Qualifying Facilities under PURPA, which guarantees a power purchase agreement is offered by the relevant Investor Owned Utility (IOU). This situation is similar to photovoltaic solar in that most of the developed projects are small. However, rather than the number of project applications precipitously dropping as project size increases, wind projects over 50 MW represent a more substantial 31% of project development. Available information indicates that many smaller projects came online around 2017 and most larger projects came online from 2002-2010. The department suggests further investigation into how many wind projects benefited from Oregon's Business Energy Tax Credit (BETC) and how many approved projects were not developed when California changed its policies on importing energy from other states.

Additional research shows that the four (4) largest projects in Oregon developed based on local land use approval utilize their generated power in different ways. Two projects deliver power used by IOUs with service territory in Oregon. Power generated by VanSycle II (102 MW) in Umatilla County is utilized by PGE to serve customers in the Portland area and northern Willamette Valley. Power generated by the Elkhorn Valley Project in Union County (101 MW) is utilized by Idaho Power to support their customer base. Power generated by Hay Canyon (101 MW) is utilized by the Snohomish Public

Utilities District in Washington State. Power generated by the Arlington Wind "Rattlesnake Road" Project is utilized by Pacific Gas and Electric in the state of California.

The Bottom Line: County Wind Approvals

1. County level wind applicants have enjoyed a high rate of success in Oregon.
2. Very few local approvals, if any, have been appealed.
3. A slim majority of wind projects developed pursuant to local approvals appear to be Qualifying Facilities (QF) under the federal Public Utilities Regulatory Policies Act (PURPA).
4. There are only about one-third as many developed wind projects as compared to developed solar projects. However, developed wind projects generate about twice as much power.
5. Half of the larger projects approved by local government provide power to out-of-state consumers.
6. The total installed capacity of developed county level projects is about 1,179 MW, which is a fraction of what is needed to meet Oregon's Clean Energy Goals.
7. The 10-12 wind projects developed pursuant to EFSC approvals add an additional 2,804 MW of installed capacity.

VII. Engagement and Outreach

A. Tribal Coordination

DLCD staff invited formal consultation on its recommendations arising from EO 25-29 to each of Oregon's nine Federally Recognized Tribes first by way of a letter in April to Tribal Chairs. According to DLCD policy and practice, staff followed up with calls to Tribal staff representatives. Several Tribal representatives responded with interest in meeting. DLCD staff presented its draft recommendations and provided opportunity for discussion and questions at intervals throughout the department's report drafting process. A timeline of department staff's presentation and coordination efforts is below:

- **January 28, 2026** - Legislative Commission on Indian Services (LCIS) Cultural Resources Cluster

- **April 9, 2026** - LCIS Natural Resources Working Group
- **April 14, 2026** – Meeting with representatives of the Burns Paiute Tribe
- **May 5, 2026** – Meeting with representatives of the Confederated Tribes of the Umatilla Indian Reservation Tribe
- **May 20, 2026** – Meeting with representatives of the Confederated Tribes of the Coos, Lower Umatilla and Siuslaw Indians
- **May 28, 2026** – Meeting with representatives of the Klamath Tribe and Klamath County

B. County Planner Updates

Department staff held two listening sessions with county planners with the intent to solicit feedback on the department's draft recommendations.

- **May 12, 2026** – County Planner Update 1
- **May 14, 2026** – County Planner Update 2

C. Public Comment Period and Other Engagement

In addition to the opportunities above, department staff solicited public comment on its draft recommendations during the period between April 24, 2026 – May 15, 2026. These comments were considered and help shape the department's recommendations, included at Section IX of this report, as did comments and observations received over the course of the engagement efforts described in this section. Due to timing constraints, written comments received after May 15, 2026 may not be included in the substance of this report. All comments received are appended to this report.

Additionally, department staff presented its progress on the EO 25-29 report in the following forums:

- **May 29, 2026** – Association of Oregon Counties Planning Directors
- **June 5, 2026**- Oregon Board of Agriculture

D. Land Conservation and Development Commission Direction

Department staff presented draft recommendations arising from their work on this report to the Land Conservation and Development Commission (LCDC) on April 24, 2026 for direction and feedback pursuant to EO 25-29. On June 25, 2026, department staff brought the final report and recommendations back to LCDC for a final briefing and opportunity to provide feedback. Opportunity for public comment on the recommendations was provided at both April and June LCDC meetings. Recordings of both presentations and subsequent discussion are available online:

- **April 24, 2026** – Agenda Item 7 (1:55:20)

- **June 25, 2026** – Agenda Item 9 (6:30:00)

VIII. Findings

The process for developing a clean energy project is often a marathon, not a sprint. Identifying candidate properties and negotiating site control can take several years. Securing interconnection can take several more years. In Oregon, obtaining land use approvals at the state or local level can be the shortest part of the process. Once a conditional use application has been submitted and deemed complete, county government has 150 days to make a final decision, including resolution of all local appeals.[6] Projects that include an exception are not subject to the 150-day timeframe. After land use approval is obtained it can take years for a project to be developed, due to a variety of factors beyond the scope of this report.

Most conditional use approvals are valid for 2-4 years with an opportunity for extension. In the Eastern Oregon rulemaking, renewable energy developers successfully argued that local land use decisions approving photovoltaic solar projects should be valid for up to 12-years. This time frame is meant to accommodate certain challenges of bringing a project to development that are out of the developer's control. Such challenges may include acquiring a Power Purchase Agreement (PPA) or securing transmission interconnection. While these challenges do not extend to QF's under PURPA eligible for standard contracts and pricing, as discussed above, larger projects do not enjoy such certainty. Changes to federal tax credits can also affect project viability.

A. Opportunities

The department has conducted a review of state law as assisted by the siting rubric and reviewed other project catalogues such as the work conducted pursuant to HB 3409. The department has received input from partners and interested parties including federally recognized Oregon Tribes, Oregon Counties, and Clean Energy Developers and Advocates. The department has had discussions with other state agencies, other states, and reviewed local county provisions. Based on available information, the department finds that the following opportunities, or potential opportunities to accelerate clean energy development are present in Oregon:

- An abundance of land with the potential to support clean energy development.
  HB 3409 mapping work indicated that more than 2.2 million acres in eastern Oregon may be eligible for the new eastern Oregon siting rules.

[6] ORS 215.427

- The ability for counties, particularly counties in eastern Oregon, to establish local programs that identify preferred (significant) siting locations that are informed by community engagement and offer the ability to site large projects without the need for an exception.
- Responsible siting processes at the state and local level that steer development away from sensitive areas (avoidance), particularly through the new eastern Oregon Siting Rules.
- The ability to offset impacts that cannot be avoided on less sensitive areas (minimization, compensatory mitigation).
- The ability to facilitate early and often communications among interested parties.
- The ability to enable counties to coordinate on identifying preferred transmission corridor locations. Further work on this front should be coordinated with efforts underway with the Oregon Department of Energy (ODOE).

B. Barriers

The department has conducted a review of state law as assisted by the siting rubric and reviewed other project catalogues such as the work conducted pursuant to HB 3409. The department has received input from partners and interested parties including federally recognized Oregon Tribes, Oregon Counties, and Clean Energy Developers and Advocates. The department has had discussions with other state agencies, other states, and reviewed local county provisions. Based on available information, the department finds that the following barriers, or potential barriers to accelerate clean energy development are present in Oregon:

- Complicated and highly discretionary criteria that may be difficult to apply. These criteria may include but are not limited to the long-term environmental, economic, social and energy consequences (EESE) analysis required as part of the exceptions process at OAR 660-004-0020(2)(c), or the farm and forest compatibility test at ORS 215.296. However, criteria of this nature are necessary to implement the department's mission and ensure local judgement is retained. The nature of such criteria suggests that administrative rules could be promulgated to assist local government decision makers, applicants, and interested parties. The department included this approach in its original draft of recommendations. Please see recommendation b.2., on page 5 of the April 23-24 LCDC Staff Report.

  Note: Due to concerns raised by the county planning community, clean energy developers and advocates, and the Oregon Farm Bureau, the department has withdrawn the recommendation and is not pursuing it at this time.
- An absence of Battery Energy Storage Systems (BESS) siting provisions, which creates risk and uncertainly.
- No opportunity to site electrical substations in a forest zone, which is not consistent with opportunities on lands designated for exclusive farm use and requires an exception.
- Insufficient assistance for local and Tribal governments.

- Out of date comprehensive plan inventories at the local level, which may be often attributed to insufficient local resources.
- A general lack of comprehensive planning for utility scale clean energy development at the county level, which may often be attributed to insufficient local resources.
- A general absence comprehensive planning for cultural resources and culturally significant landscapes at the state and local level, which may often be attributed to insufficient local resources.
- Insufficient consideration of community needs and benefits, which can heighten community concerns and increase project opposition.

IX. Recommendations

Based on the information provided in this report and the findings included in Section VII, the department offers the following recommendations:

A. Modest Resource Needs (0-24 Months)

1. Develop statute and rule provisions regarding stand-alone Battery Energy Storage Systems (BESS). Creating clear authorization for this use likely requires legislative action to adjust ORS Chapter 215, which would trigger necessary conforming updates to OAR Chapter 660, Division 33. Additional administrative rulemaking could be necessary if directed by the Legislature.

Staff Comments

Battery Energy Storage Systems (BESS) are considered an important piece of meeting Oregon's clean energy goals. A BESS is a standalone bank of batteries that collects, retains and stores energy for a period of time before discharging it to the grid when needed. There are currently no land use laws that are specific to BESS development. This lack of clear authorization and standards creates risk and confusion for applicants. Establishing an identifiable process for applicants to follow with reasonable criteria for local decision makers to consider will remove barriers and create opportunity for BESS development in proper locations.

2. Develop rules to provide for substations to be located in Forest Zones by adding a use to OAR 660-006-0025(4), or by revising existing provisions at OAR 660-006-0025(4)(r).

Staff Comments

Substations are a vital part of any electrical transmission or distribution network because, among other things, they allow voltage levels to be transformed between the generation source and the end user. While power generating facilities and transmission and distribution lines may be permitted on forest land protected under Goal 4, the rule that implements the goal is silent on substations. New rules correcting the situation will remove a barrier to deploying clean energy in regions with characteristics that require load serving entities, including both consumer-owned utilities and investor-owned utilities, to operate in Forested areas.

3. Develop guidance for local government implementation of HB 4031.

Staff Comments

HB 4031 waives Energy Facility Siting Council (EFSC) jurisdiction for certain clean energy projects within a particular short timeframe. Conducting this work will remove barriers to clean energy deployment by clarifying complexities inherent in implementing new laws and providing support to local decision makers and development applicants.

4. Work with Federally Recognized Tribes in Oregon to inventory and protect cultural resources with a nexus to clean energy generation and transmission.

Staff Comments

An absence of comprehensive planning efforts to inventory cultural resources increases time and uncertainty for development projects, which constitute barriers. Supporting this type of work will allow resolution of issues and lead to mutually positive outcomes for Tribes, Developers, and Local Decision Makers.

B. Average to Above Average Resource Needs (12-36 Months)

1. Expand the “Green Corridor” rule in OAR 660-033-0055 to apply statewide to facilitate and streamline transmission siting.

Staff Comments

OAR 660-033-0055 was established to allow Morrow and Umatilla Counties to coordinate on the location of preferred transmission corridors and was motivated by the Boardman to Hemingway (“B2H”) high voltage transmission line proposed by Idaho Power Company.

Expanding OAR 660-033-0055 to apply statewide to establish preferred transmission corridors would create a level of certainty and incentivize developers to voluntarily select the preferred location. Use of comprehensive planning tools to reduce risk and provide certainty serves to remove barriers and create opportunity.

2. Implement the Enhanced Technical Resource recommendations made in the Department's Least Conflict Solar Siting in Eastern Oregon (HB 3409) Final Report of 2025.

Staff Comments

On December 30, 2025, the department completed a report pursuant to HB 3409 (2024) identifying administrative rules adopted and suggesting recommendations, included in Attachment D of this report, for the purpose of "finding opportunity and reducing conflict in siting photovoltaic solar power generation facilities." The report identified that insufficient local resources are a chronic issue and significant barrier to clean energy deployment. In the report's recommendations section, it was suggested that providing direct, meaningful technical resources could benefit the development community, local and Tribal Governments, and other interested parties.

Implementing this recommendation to provide enhanced technical resources to support the planning for and development of renewable energy projects would reduce barriers associated with insufficient local resources.

3. Support the Oregon Department of Energy's (ODOE) "Tribal Energy Block Grant" concept.

Staff Comments

According to ODOE, the Tribal Energy Block Grant funding mechanism could be used to:

- "Provide flexible funding to Tribes that support the Tribe's energy priorities, cultural values and community needs.
- Activities would be aligned with the Oregon Energy Strategy or the Tribe's own energy planning process.
- Identified as an opportunity to address the five themes that ODOE heard through the development of the Energy Strategy."

This concept is similar to the Enhanced Technical Assistance (ETA) recommendations included in the Final HB 3409 report. It could serve to remove barriers in the manner described in the recommendation above and generate opportunities for creative clean energy deployment on and off Tribal lands.

4. Consider developing new policies prioritizing re-use of existing sites, or technical assistance to implement existing laws that prioritize the re-use of existing sites.

Staff Comments

Once a renewable energy site has been developed and operating for a period of time, it becomes part of the landscape. Reuse of previously developed sites has less impact on the landscape and surrounding resources and communities than new development. Creating new policies that prioritize the re-use of existing sites, rather than retiring them, could significantly reduce the siting process for certain projects, creating opportunity through increased simplicity.

5. Policies promoting "behind the meter" noncommercial renewable energy development (rooftop solar and other types).

Staff Comments

Creating voluntary land use incentives to support behind the meter clean energy development is a unique opportunity that would complement existing initiatives such as the Oregon Department of Energy's Solar + Storage Rebate Program and Community Renewable Energy Grant Program, which have supported renewable energy development for individual residences and communities. Oregon is currently prioritizing rapid increases in the number of new housing units **and** rapid deployment of clean energy. For example, promoting rooftop solar on new and existing development could save thousands of acres of farmland (one Gigawatt of installed photovoltaic solar development would occupy approximately 6,000 acres), reduce the need for new transmission, and provide reliable energy and cost certainty for Oregon households and businesses.

6. Consider provisions for Community Solar Projects.

Staff Comments

According to the Oregon Community Solar Program "Community solar is solar energy generated from a central location and shared by multiple subscribers. That means you don't need your own rooftop panels to get the benefits of solar. If you're a customer of Portland General Electric, Pacific Power or Idaho Power, you can subscribe to a community solar project and receive credits back on your utility bill. Households meeting low-income guidelines receive subscription discounts and guaranteed savings."

Advocates have claimed that limitations on development of most high-value farmland soils create a particular barrier to community solar development. If this is accurate, responsibly considering provisions for community solar projects could create additional

opportunity for clean energy deployment and increase the number of Oregonians who enjoy the benefits of solar development.

7. Consider provisions for Agrivoltaics.

Staff Comments

Agrivoltaics involves developing the same area of land for both a photovoltaic solar power generation facility and for farm use. While remaining popular in concept, the true potential of commercial scale agrivoltaics in Oregon remains to be seen. Current statewide land use provisions are ambivalent on this subject. Agrivoltaic *development is neither rewarded, nor discouraged. The commission did establish temporary provisions for modestly enhanced "dual-use" development opportunities on high-value farmland as part of the 2018-19 rulemaking efforts. These provisions received very little attention and expired on January 1, 2022. However, the department continues to believe that the right type of agrivoltaics at proper locations could produce beneficial results and that additional consideration is warranted.*

8. Normalize Community Benefit conversations.

Staff Comments

How can the state promote outcomes that leave all parties feeling satisfied? The department continues to hear frustrations that small, primarily rural communities are expected to accept the burdens of development so that distant population centers may receive clean energy. In the view of some, most everyone involved in such an arrangement is receiving benefit. The developer enjoys building a project. The subject landowner enjoys a long-term lease agreement and revenue stream. The county receives tax revenues or alternatives like Payment in Lieu of Taxes (PILOT) or Strategic Investment Programs. The purchasing utility receives help in meeting their clean energy obligations. The end user enjoys using clean energy. While so many parties benefit, some are left to feel that all they receive is burdens.

Community benefit conversations should include all cities, rural communities, rural neighborhoods and properties, and Tribes that stand to be affected. Community benefits should provide mutual uplift. Having all the right entities in the discussion is the only way to ensure that everyone is heard and everyone's issues are addressed.

Community Benefit Agreements are becoming more common nationally as part of large projects that may otherwise prove controversial. Receiving payment or other benefits in exchange for local support is not always a good fit for a standards-based land use approval process. Continuing to work through these issues remains our shared challenge. Creating partnerships, improving acceptance, generating excitement will help projects be sited more efficiently and with greater public support.

9. Reconsider high-value farmland limitations for non-irrigated lands in American Viticultural Areas (AVAs).

Staff Comments

Oregon Revised Statute includes two definitions of high-value farmland. The original definition is located at ORS 215.710, which speaks to lands in a tract and a predominance of soil types. A second definition was developed after Measures 37 and 49 and is found at ORS 195.300(10). This definition incorporates the language at ORS 215.710. Among other things, it also adds irrigated lands not otherwise considered high-value, as well as categories of lands included within irrigation districts. Lands with certain topographical features with American Viticultural Areas (AVA) are also included in the second definition of high-value farmland.

An AVA is a designated wine grape growing region. Lands within AVAs in Oregon, particularly eastern Oregon, with the characteristics identified in ORS 195,300(10) have proven unlikely to be put to vineyard production without irrigation. Many of these lands are not irrigated and are unlikely to become irrigated. Commissioners may remember this point at issue in the Pendleton Affordable Housing Pilot Project rulemaking from October 2025.

Continued conversations on the best way to approach non-irrigated lands within AVAs was also identified as a "Potential Topic for Additional Research and Future Consideration" in the Final HB 3409 Report on Finding Opportunities and Reducing Conflicts in Siting Photovoltaic Solar Power Generation Facilities, which is accessible in Attachment D of this report. The department believe this is an issue worth additional consideration. While the commission does not have the authority to amend statute the commission may choose which definition applies to certain land use proposals.

10. Consider establishing high-value farmland, arable land, and nonarable land as the three overall categories for considering commercial energy generation proposals and elevating the threshold for non high-value farmland from 20-acres to 100-acres.

Staff Comments

Existing administrative rules establish two categories of agricultural lands that apply to most commercial energy generation facilities: high-value farmland and non high-value farmland. Proposals on high-value farmland may not use, occupy, or cover more than 12-acres without taking an exception to Goal 3. Proposals on non high-value farmland may not use, occupy, or cover more than 20-acres without taking an exception to Goal 3. Please see OAR 660-033-0130(17) and (22).

Existing administrative rules establish three categories of agricultural lands that apply to commercial photovoltaic solar and wind energy generation facilities: high-value farmland, arable land, and non-arable land. Photovoltaic solar projects not subject to the eastern Oregon siting rules proposed on high-value farmland may not use, occupy, or cover more than 12-acres without taking an exception to Goal 3. Photovoltaic solar projects not subject to the eastern Oregon siting rules proposed on arable land may not use, occupy, or cover more than 20-acres without taking an exception to Goal 3. Both photovoltaic solar and wind have more generous provisions for nonarable land. Wind projects are not subject to acreage thresholds. Photovoltaic solar projects subject to the eastern Oregon siting rules have a larger acreage threshold. Please see OAR 660-033-0130(37), (38), and (44).

The department believes it would be reasonable to consider establishing high-value farmland, arable land, and non-arable land as the three overall categories for considering commercial energy generation proposals and elevating threshold for non high-value farmland from 20-acres to 100-acres. The following tables illustrate existing acreage thresholds and how possible adjustments could look.

Existing Acreage Thresholds for Energy Generation on EFU

Generation Type	Farmland Categories			
	High-Value	**Non HV**	**Arable**	**Nonarable**
General	12	20	NA	NA
PV Solar (38)	12	NA	20	320
Wind	NA	NA	NA	NA

Possible Acreage Thresholds for Energy Generation on EFU				
Generation Type	**Farmland Categories**			
	High-Value	**Non HV**	**Arable**	**Nonarable**
General	12	NA	100	320
PV Solar (38)	12	NA	100	320
Wind	NA	NA	NA	NA

11. Consider establishing provisions for placing photovoltaic solar panels in the corners of center pivot irrigation systems.

Staff Comments

A center pivot irrigation system (pivot) involves elevated pipes equipped with drop tube sprinklers. The pipes are supported by triangular metal “towers” mounted on wheels, which rotate in a circular pattern around a central pivot point usually powered by an electric motor. Utilizing pivots is a common and accepted means of irrigating agricultural land. There are thousands of pivots in Oregon. Some large-scale farming operations use more than 100 pivots by themselves. In some regions of the state, irrigated agriculture is almost completely conducted under pivots.

Pivots are most often installed on a 160-acre square field (quarter-section). The circular motion of the pivot directly provides irrigation water to about 125-acres. Sometimes an irrigation sprinkler gun is mounted on the end of the last pipe to provide additional coverage. Regardless, the result of a circular irrigation arrangement in a square field is four unirrigated pivot corners, which usually add up to a total of 30 or more acres. These dry pivot corners are rarely cultivated or put to agricultural use.

House Bill 3346 was introduced in 2025, which directed the state to study installing solar panels in unused agricultural irrigation pivot corners. This legislation was well supported although ultimately unsuccessful due to multiple competing priorities. The department continues to believe the concept of utilizing pivot corners for energy production has merit and deserves further consideration.

C. Significant Resource Needs (24 months and beyond)

1. Consider updating Statewide Planning Goal 13, Energy Conservation, and if necessary, develop a new administrative rule to provide guidance for clean energy planning and siting.

Staff Comments

Statewide Planning Goal 13 requires land and uses developed on the land to be managed to conserve energy. It does not speak to energy development. The department has supported this concept for more than a decade. It is raised almost every legislative session. Updating Goal 13 would provide an opportunity to modernize overarching state land use policy related to balancing energy efficiency and renewable energy development with resource conservation to responsibly meet Oregon's energy needs now and in the future. Completing this recommendation would be a several-year endeavor requiring additional funding resources and staff capacity.

X. Conclusion

Significantly reducing the permitting timeframe would require that proper consideration of important resources and values be limited or all together abandoned. However, even if permitting timelines were to be significantly reduced, such a reduction would not guarantee an increase in the number of constructed projects. Furthermore, there is no guarantee that an increase in constructed projects will result in more clean energy serving or otherwise benefitting Oregon consumers.

While some clean energy projects have struggle to get built, it does not appear that county level projects have experienced genuine barriers to gaining local land use approval. Similar to housing, it appears that other factors far beyond the permitting process, such as access to transmission, are the root cause constraining production. The state would do well to consider what other factors are negatively influencing outcome and consider what resources may be brought to bear in those spaces. Unless additional barriers beyond permitting are resolved, Oregon will need to accept that new, in-state clean energy development may continue to lag behind the state's ambitious goals.

XI. Attachments

A. County Map Binder

B. Scoring Rubric

C. Comment Letters

(1) Greg Miller, Energy and Environmental Lobbyist, League of Oregon Cities, *Received May 15, 2026*

(2) Jacob Ripper, New Sun Energy, *Received May 15, 2026*

(3) Kelly Howsley Glover, Wasco County, *Received May 14, 2026*

(4) Oregon Clean Grid Collaborative, *Received May 15, 2026*

(5) Ryan J. Krabill, Oregon Farm Bureau, *Received May 15, 2026*

(6) Angela Crowley-Koch, Oregon Solar + Storage Industries Association, *Received May 8, 2026*

(7) Katie Chamberlin, Renewable Northwest, *Received May 15, 2026*

(8) Lauren Link, The Nature Conservancy, *Received May 15, 2026*

(9) Mary Kyle McCurdy, 1000 Friends of Oregon, *Received June 23, 2026*

(10) Angela Crowley-Koch, Oregon Solar + Storage Industries Association, *Received June 29, 2026*

D. HB 3409 Finding Opportunities and Reducing Conflicts in Siting Photovoltaic Solar Power Generation Facilities in Eastern Oregon Report

E. Governor Kotek's Executive Order 25-29

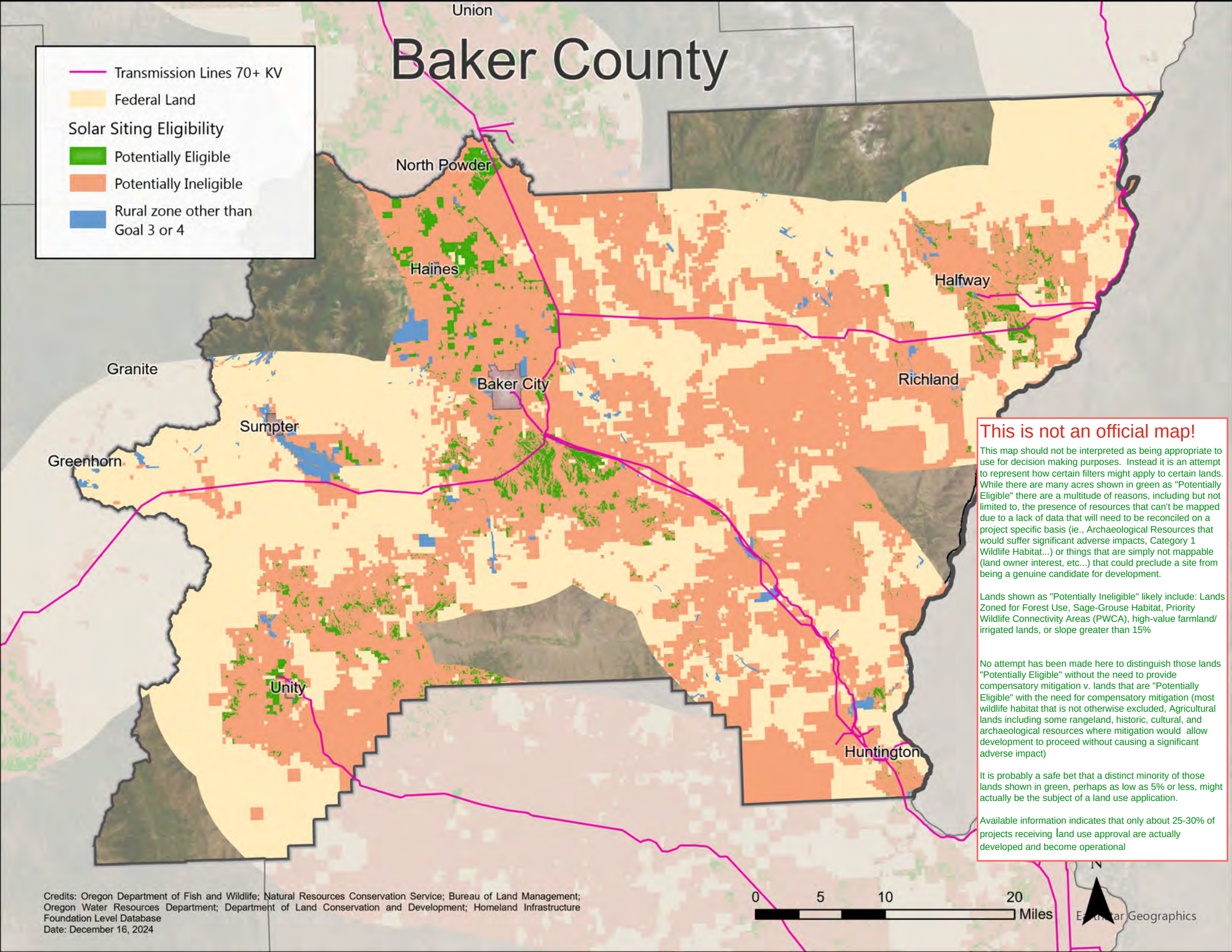
Attachment A: County Map Binder

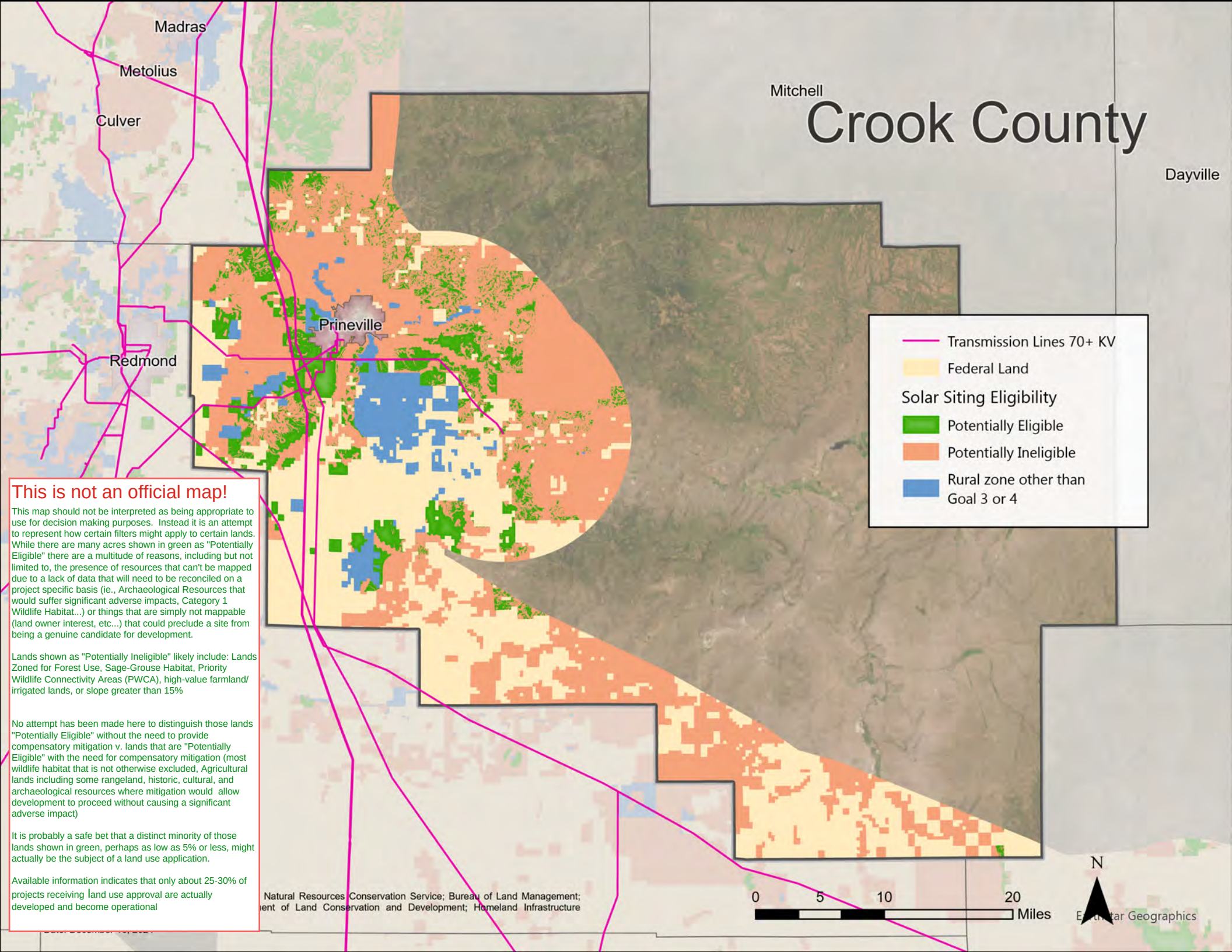
These number are not Official and are offered as EXAMPLES only. They should NOT be relied on to represent the actual number of acres genuinely available for development.

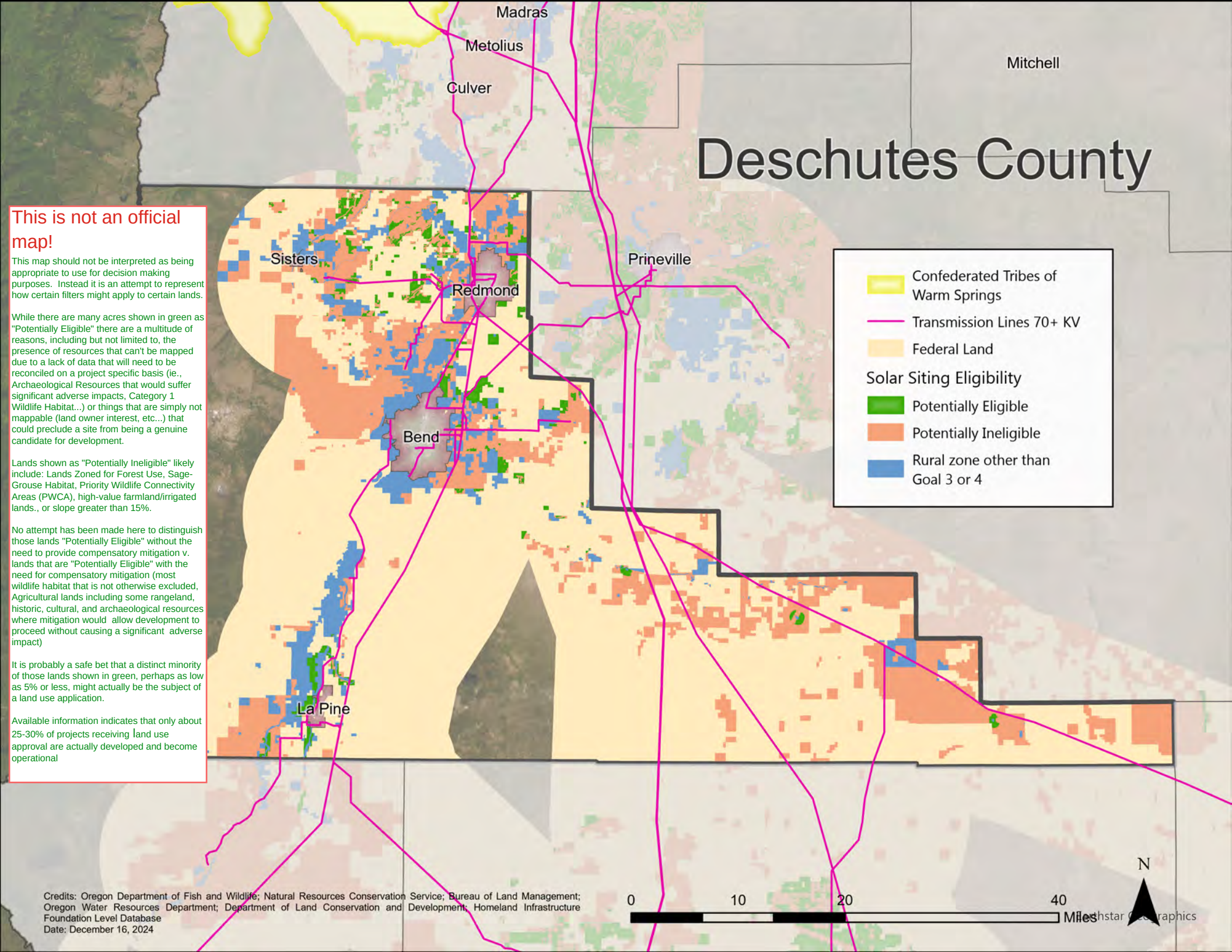
County	Total Acres	Acres in Corridors	Acres Potentially Eligible Slope Not Considered	Acres Potentially Eligible Slope Considered
Baker	1,976,320	1,624,783	119,715	49,841
Crook	1,911,680	758,863	146,851	73,901
Deschutes	1,955,200	1,469,617	31,154	28,238
Gilliam	782,720	699,644	256,558	97,576
Grant	2,898,560	904,969	149,520	84,015
Harney	6,544,640	3,567,968	446,188	384,195
Jefferson	1,146,240	806,399	206,778	92,711
Klamath	3,927,040	2,641,314	184,848	138,432
Lake	5,349,120	3,414,431	271,170	231,731
Malheur	6,355,200	2,889,353	98,396	58,842
Morrow	1,311,360	661,358	94,086	55,237
Sherman	531,840	490,443	126,411	75,804
Umatilla	2,067,840	1,800,997	486,297	213,631
Union	1,304,960	829,393	305,328	155,426
Wallowa	2,017,280	1,240,378	374,428	199,817
Wasco	1,532,800	1,444,847	36,245	222,522
Wheeler	1,097,600	518,251	252,194	65,376
Totals	**42,710,400**	**25,763,008**	**3,956,166**	**2,227,294**

THESE ARE NOT OFFICIAL NUMBERS!

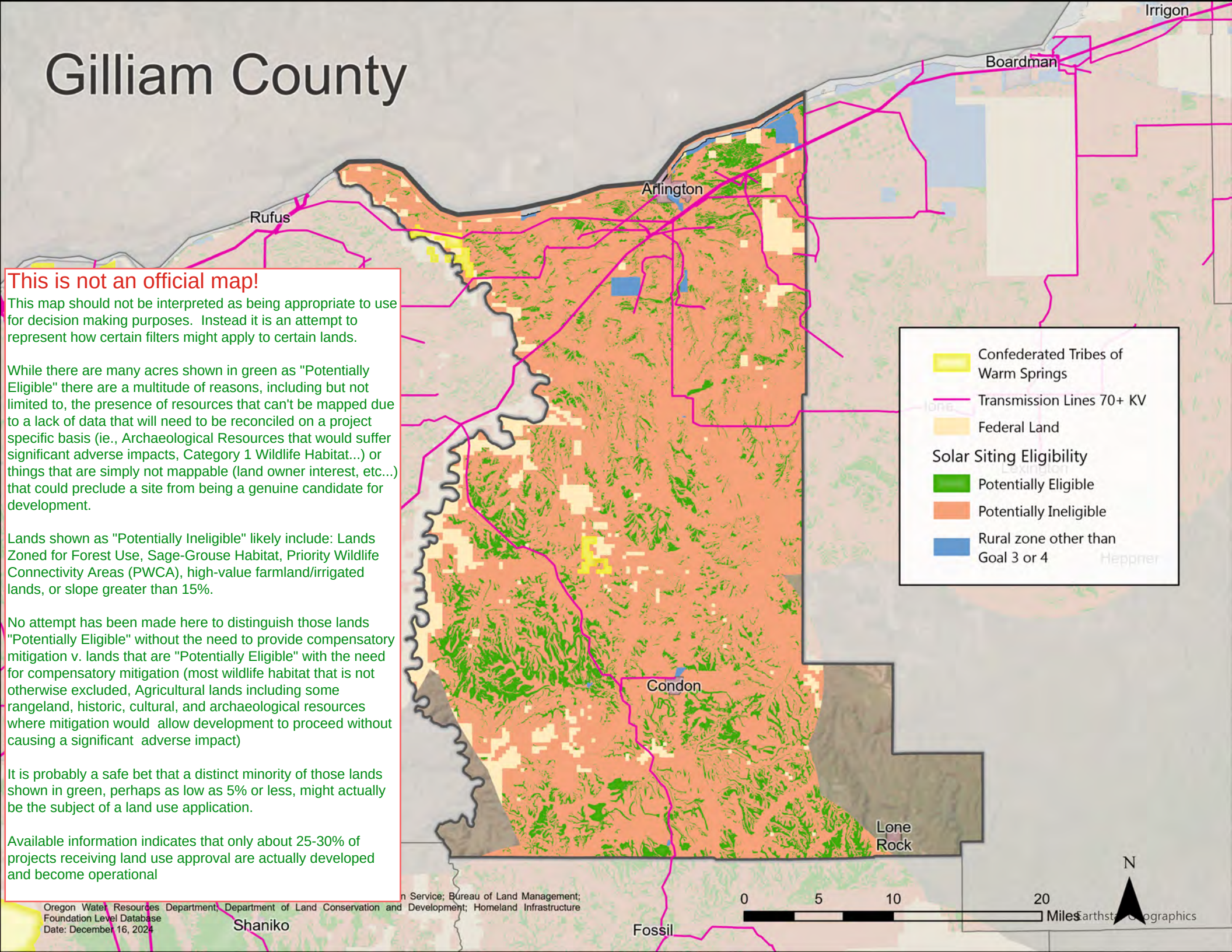
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Union
Baker County
Transmission Lines 70+ KV
Federal Land
Solar Siting Eligibility
Potentially Eligible
Potentially Ineligible
Rural zone other than Goal 3 or 4
North Powder
Haines
Halfway
Granite
Baker City
Richland
Sumpter
Greenhorn
Unity
Huntington
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No attempt has been made here to distinguish those lands "Potentially Eligible" without the need to provide compensatory mitigation v. lands that are "Potentially Eligible" with the need for compensatory mitigation (most wildlife habitat that is not otherwise excluded, Agricultural lands including some rangeland, historic, cultural, and archaeological resources where mitigation would allow development to proceed without causing a significant adverse impact)
It is probably a safe bet that a distinct minority of those lands shown in green, perhaps as low as 5% or less, might actually be the subject of a land use application.
Available information indicates that only about 25-30% of projects receiving land use approval are actually developed and become operational
Credits: Oregon Department of Fish and Wildlife; Natural Resources Conservation Service; Bureau of Land Management; Oregon Water Resources Department; Department of Land Conservation and Development; Homeland Infrastructure Foundation Level Database
Date: December 16, 2024
0 5 10 20
Miles
N
Geographics


Madras
Metolius
Culver
Mitchell
Crook County
Dayville
Prineville
Redmond
Transmission Lines 70+ KV
Federal Land
Solar Siting Eligibility
Potentially Eligible
Potentially Ineligible
Rural zone other than Goal 3 or 4
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Natural Resources Conservation Service; Bureau of Land Management;
ent of Land Conservation and Development; Homeland Infrastructure
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Madras
Metolius
Culver
Mitchell
Deschutes County
Sisters
Redmond
Prineville
Bend
La Pine
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Confederated Tribes of Warm Springs
Transmission Lines 70+ KV
Federal Land
Solar Siting Eligibility
Potentially Eligible
Potentially Ineligible
Rural zone other than Goal 3 or 4
Credits: Oregon Department of Fish and Wildlife; Natural Resources Conservation Service; Bureau of Land Management; Oregon Water Resources Department; Department of Land Conservation and Development; Homeland Infrastructure Foundation Level Database
Date: December 16, 2024
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Miles
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Gilliam County



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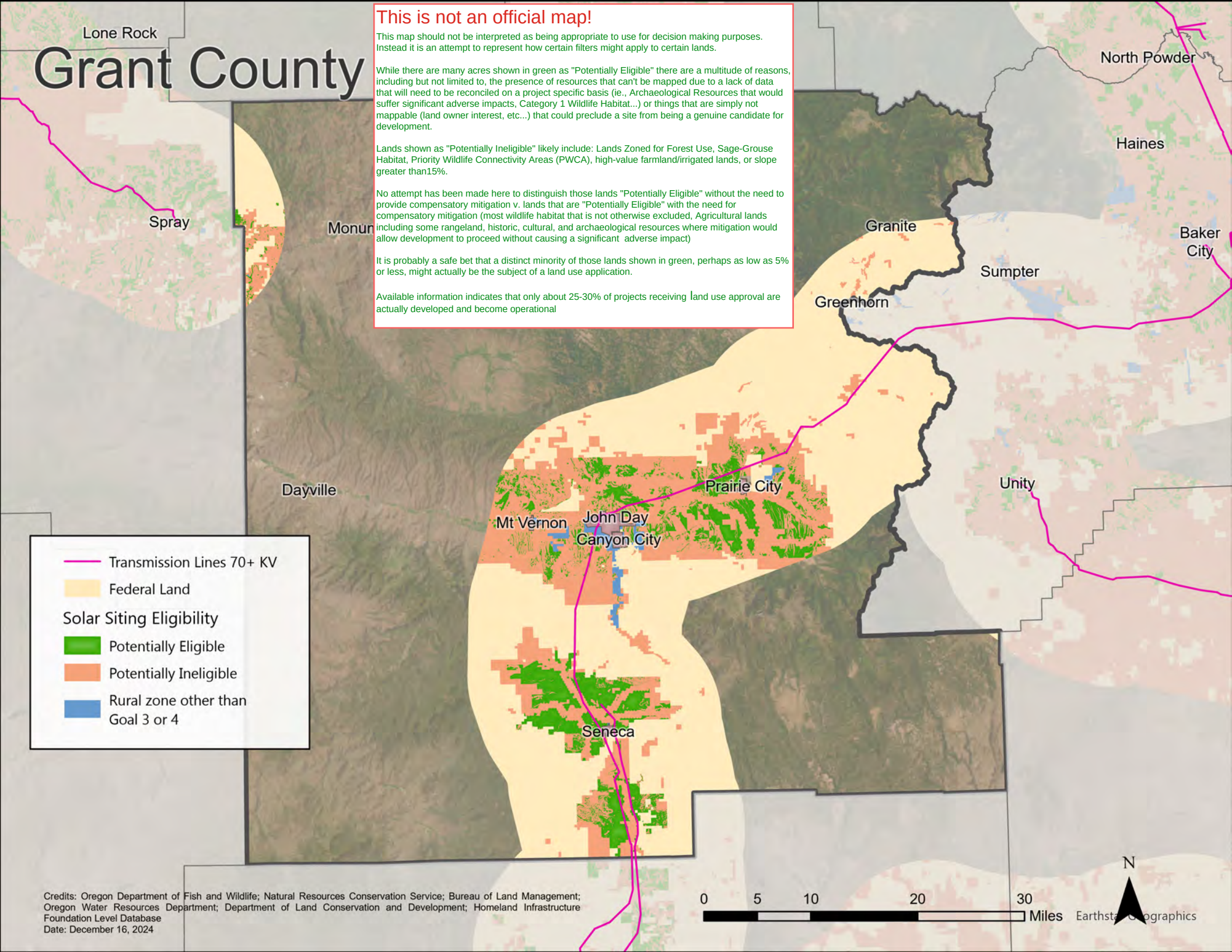
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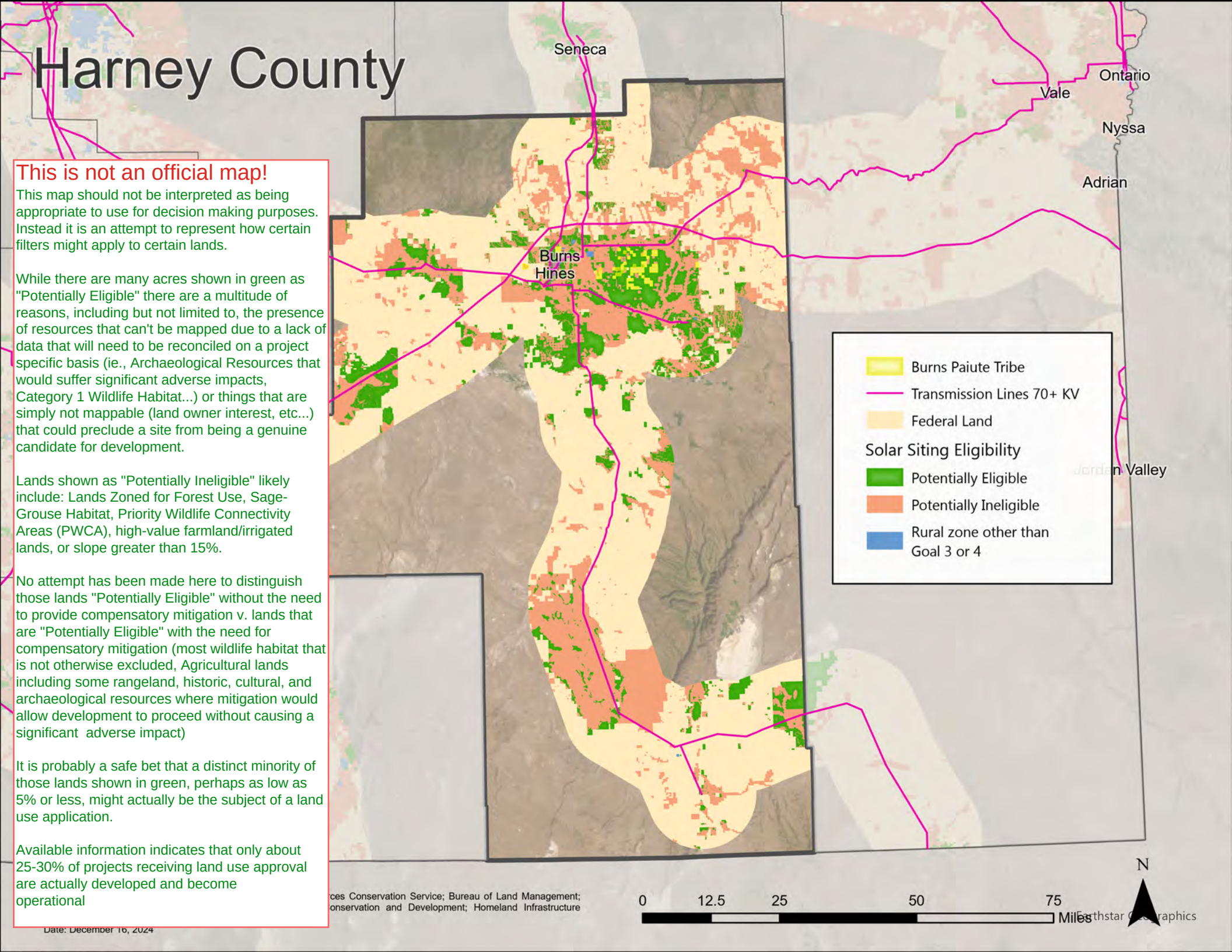
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n Service; Bureau of Land Management; Oregon Water Resources Department; Department of Land Conservation and Development; Homeland Infrastructure Foundation Level Database
Date: December 16, 2024

Earthstar Geographics


Lone Rock
Grant County
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North Powder
Haines
Baker City
Spray
Monun
Granite
Sumpter
Greenhorn
Dayville
Prairie City
Unity
Mt Vernon
John Day
Canyon City
Seneca
Transmission Lines 70+ KV
Federal Land
Solar Siting Eligibility
Potentially Eligible
Potentially Ineligible
Rural zone other than Goal 3 or 4
N
0 5 10 20 30
Miles
Earthstar Geographics
Credits: Oregon Department of Fish and Wildlife; Natural Resources Conservation Service; Bureau of Land Management; Oregon Water Resources Department; Department of Land Conservation and Development; Homeland Infrastructure Foundation Level Database
Date: December 16, 2024

Harney County



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ces Conservation Service; Bureau of Land Management; onservation and Development; Homeland Infrastructure

Date: December 16, 2024

Jefferson County

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Madras

Metolius

Culver

Sisters

Redmond

Prineville

Confederated Tribes of Warm Springs

Transmission Lines 70+ KV

Federal Land

Solar Siting Eligibility

Potentially Eligible

Potentially Ineligible

Rural zone other than Goal 3 or 4

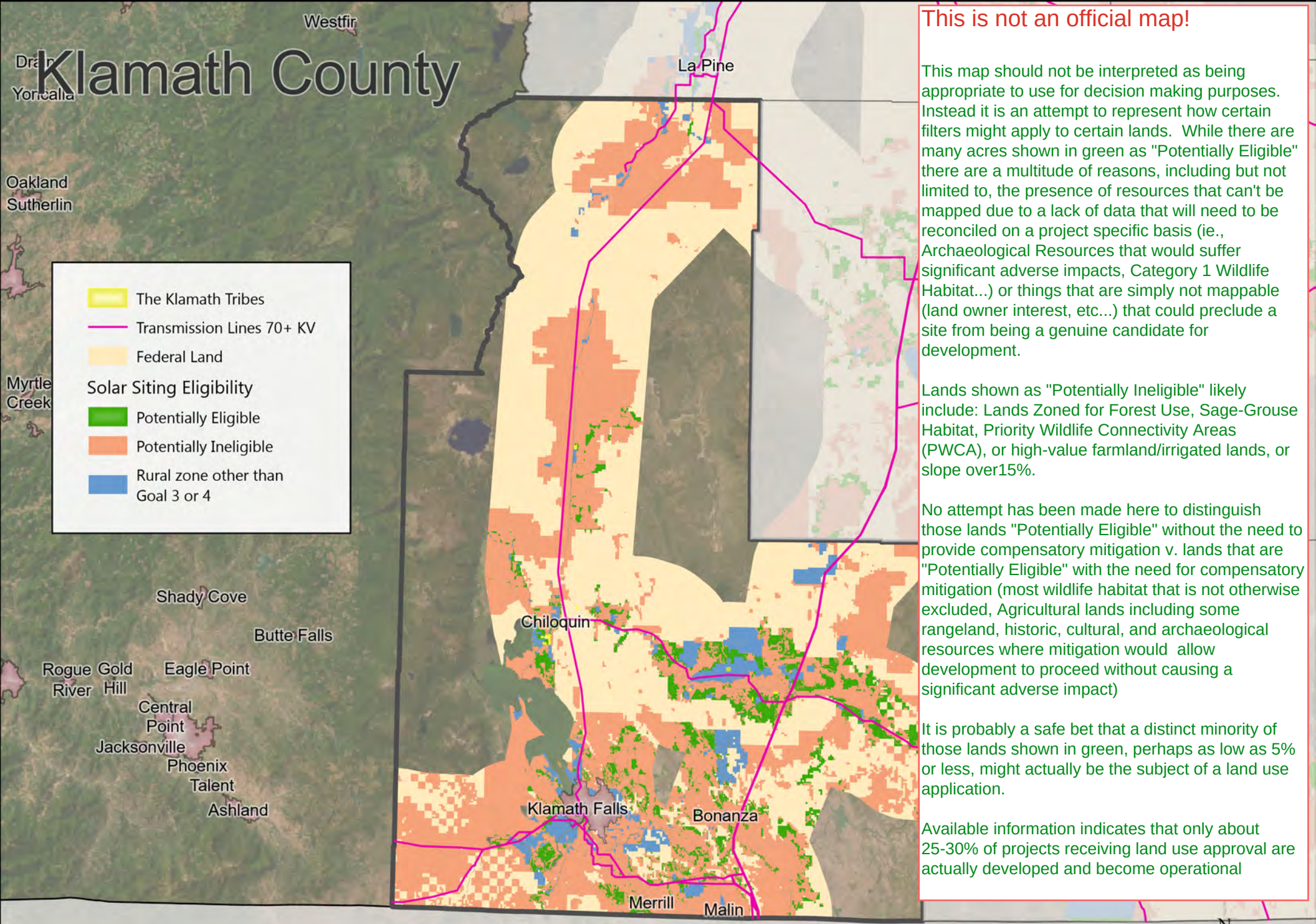
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Earthstar Geographics

Credits: Oregon Department of Fish and Wildlife; Natural Resources Conservation Service; Bureau of Land Management; Oregon Water Resources Department; Department of Land Conservation and Development; Homeland Infrastructure Foundation Level Database

Date: December 16, 2024



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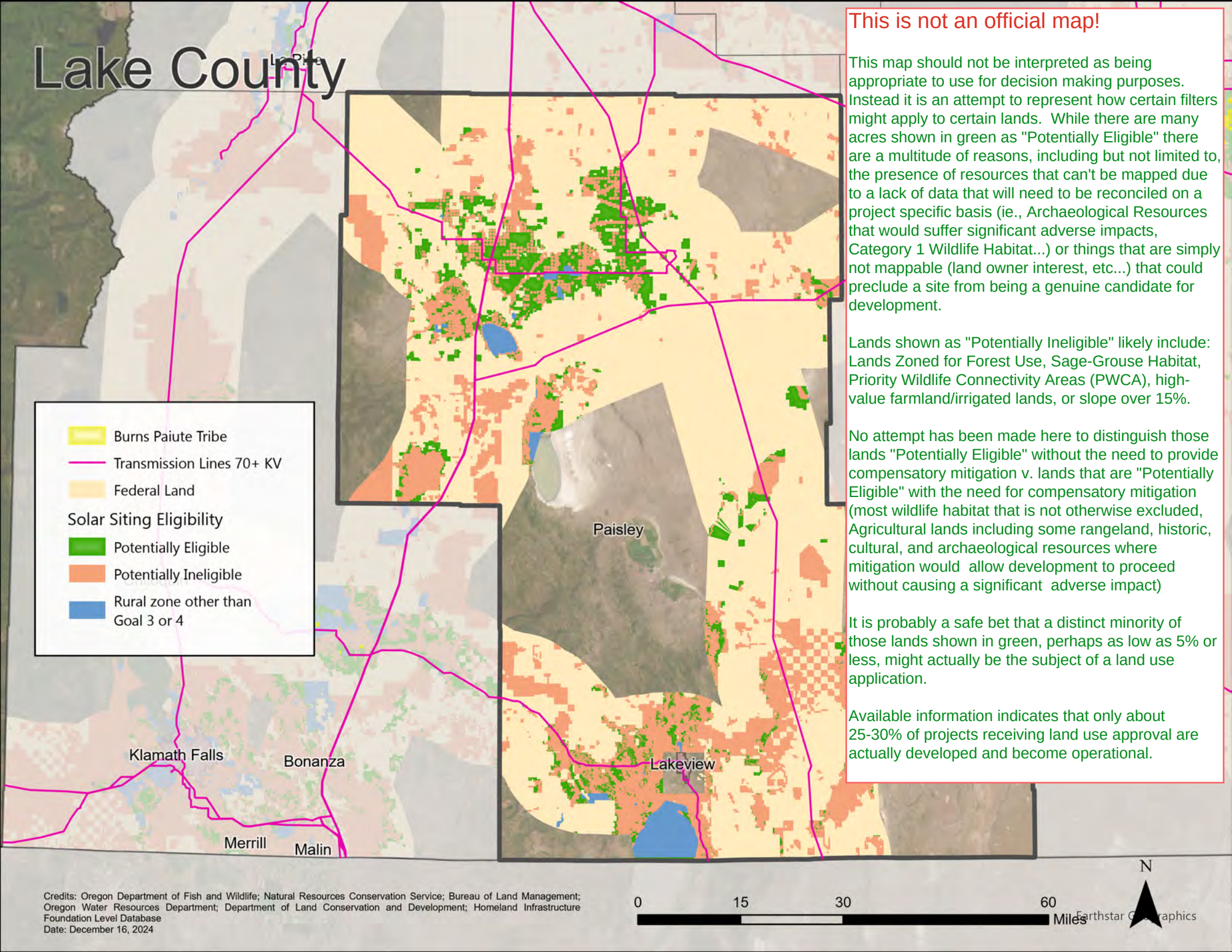
Credits: Oregon Department of Fish and Wildlife; Natural Resources Conservation Service; Bureau of Land Management; Oregon Water Resources Department; Department of Land Conservation and Development; Homeland Infrastructure Foundation Level Database
Date: December 16, 2024

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Earthstar Geographics

Lake County



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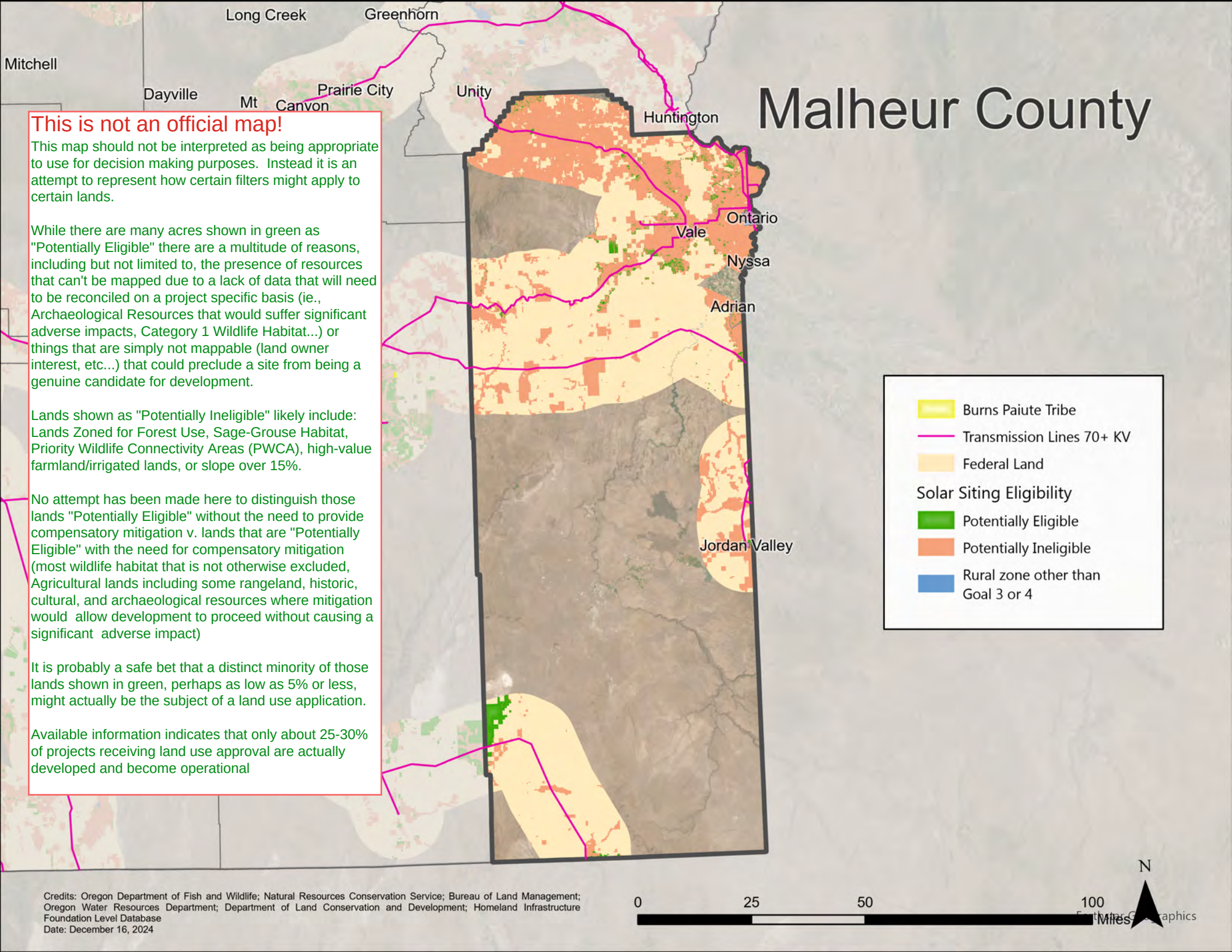
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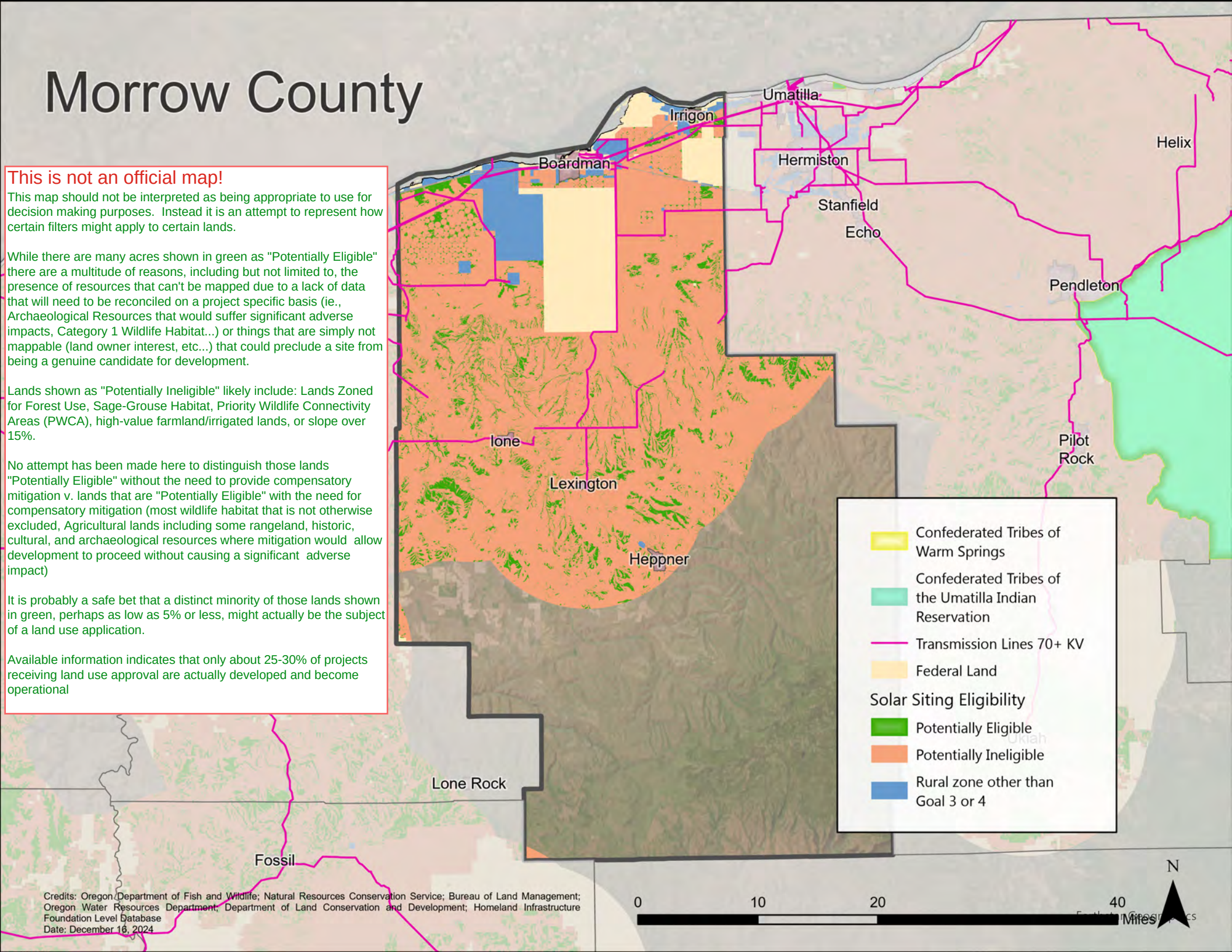
Available information indicates that only about 25-30% of projects receiving land use approval are actually developed and become operational.

Credits: Oregon Department of Fish and Wildlife; Natural Resources Conservation Service; Bureau of Land Management; Oregon Water Resources Department; Department of Land Conservation and Development; Homeland Infrastructure Foundation Level Database
Date: December 16, 2024

Earthstar Geographics


Malheur County
Long Creek
Greenhorn
Mitchell
Dayville
Mt
Canyon
Prairie City
Unity
Huntington
Ontario
Vale
Nyssa
Adrian
Jordan Valley
This is not an official map!
This map should not be interpreted as being appropriate to use for decision making purposes. Instead it is an attempt to represent how certain filters might apply to certain lands.
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Lands shown as "Potentially Ineligible" likely include: Lands Zoned for Forest Use, Sage-Grouse Habitat, Priority Wildlife Connectivity Areas (PWCA), high-value farmland/irrigated lands, or slope over 15%.
No attempt has been made here to distinguish those lands "Potentially Eligible" without the need to provide compensatory mitigation v. lands that are "Potentially Eligible" with the need for compensatory mitigation (most wildlife habitat that is not otherwise excluded, Agricultural lands including some rangeland, historic, cultural, and archaeological resources where mitigation would allow development to proceed without causing a significant adverse impact)
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Available information indicates that only about 25-30% of projects receiving land use approval are actually developed and become operational
Burns Paiute Tribe
Transmission Lines 70+ KV
Federal Land
Solar Siting Eligibility
Potentially Eligible
Potentially Ineligible
Rural zone other than Goal 3 or 4
N
0
25
50
100
Miles
Credits: Oregon Department of Fish and Wildlife; Natural Resources Conservation Service; Bureau of Land Management; Oregon Water Resources Department; Department of Land Conservation and Development; Homeland Infrastructure Foundation Level Database
Date: December 16, 2024

Morrow County



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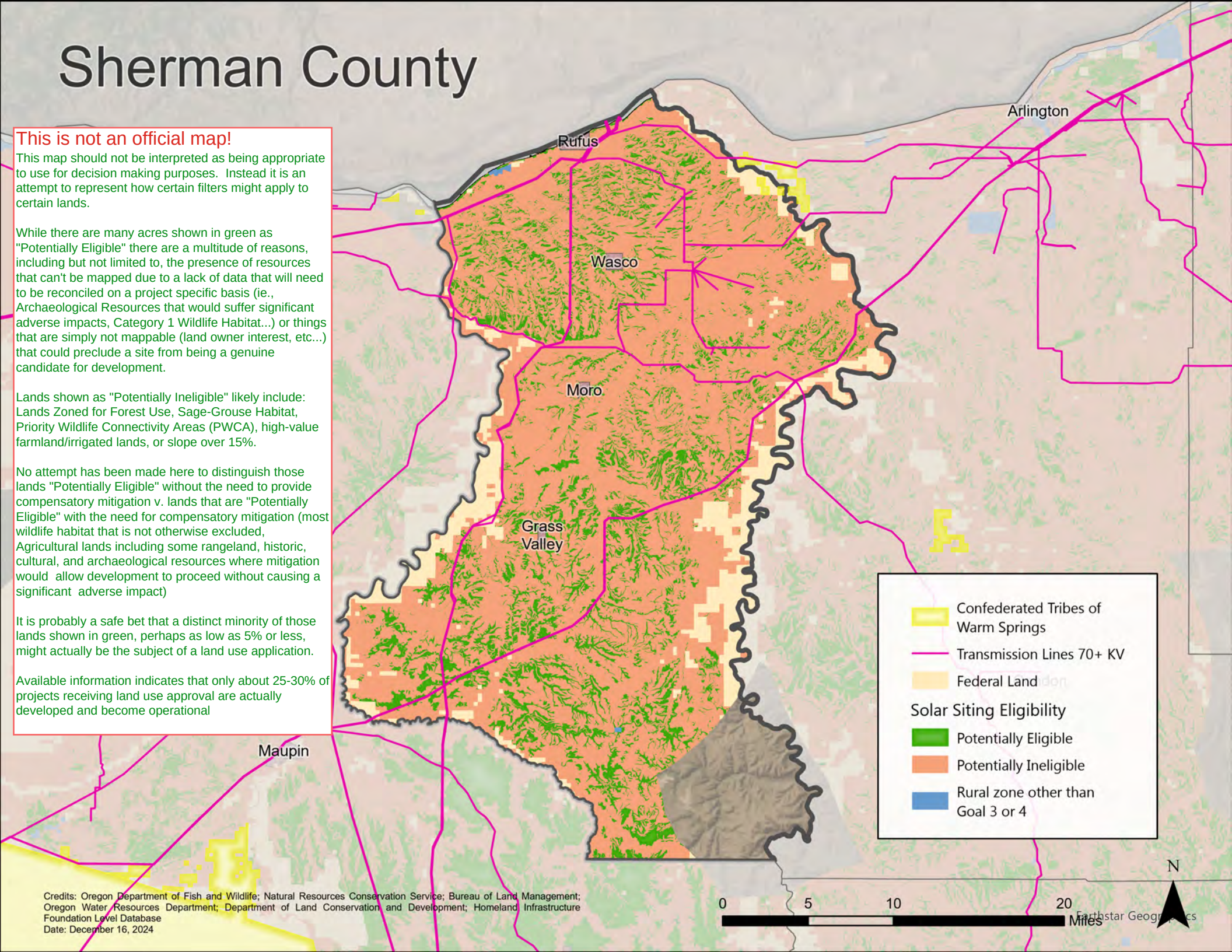
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Available information indicates that only about 25-30% of projects receiving land use approval are actually developed and become operational

Credits: Oregon Department of Fish and Wildlife; Natural Resources Conservation Service; Bureau of Land Management; Oregon Water Resources Department; Department of Land Conservation and Development; Homeland Infrastructure Foundation Level Database
Date: December 16, 2024

Sherman County



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Lands shown as "Potentially Ineligible" likely include: Lands Zoned for Forest Use, Sage-Grouse Habitat, Priority Wildlife Connectivity Areas (PWCA), high-value farmland/irrigated lands, or slope over 15%.

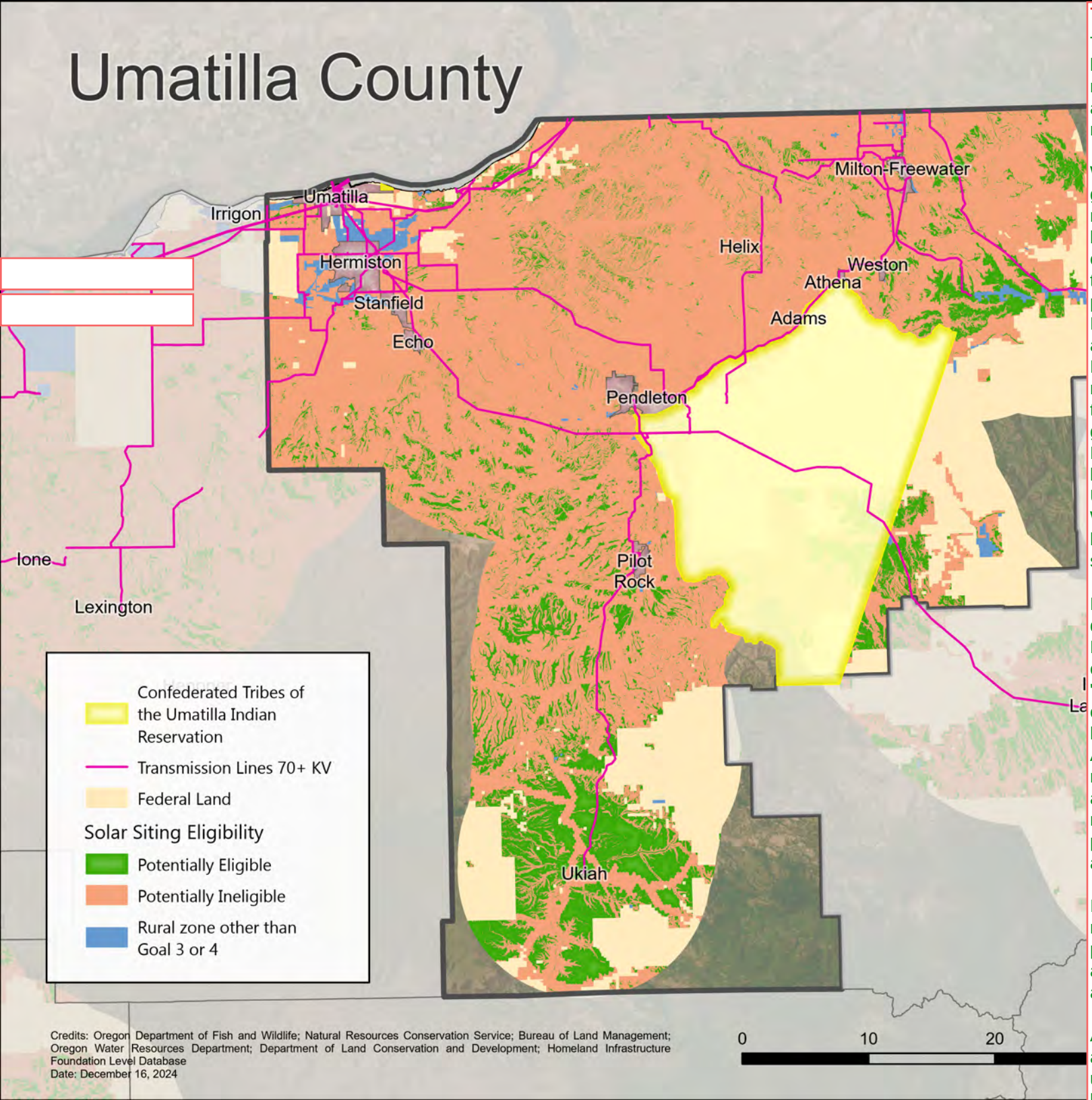
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Available information indicates that only about 25-30% of projects receiving land use approval are actually developed and become operational

Credits: Oregon Department of Fish and Wildlife; Natural Resources Conservation Service; Bureau of Land Management; Oregon Water Resources Department; Department of Land Conservation and Development; Homeland Infrastructure Foundation Level Database
Date: December 16, 2024

Earthstar Geographics



This is not an official map!

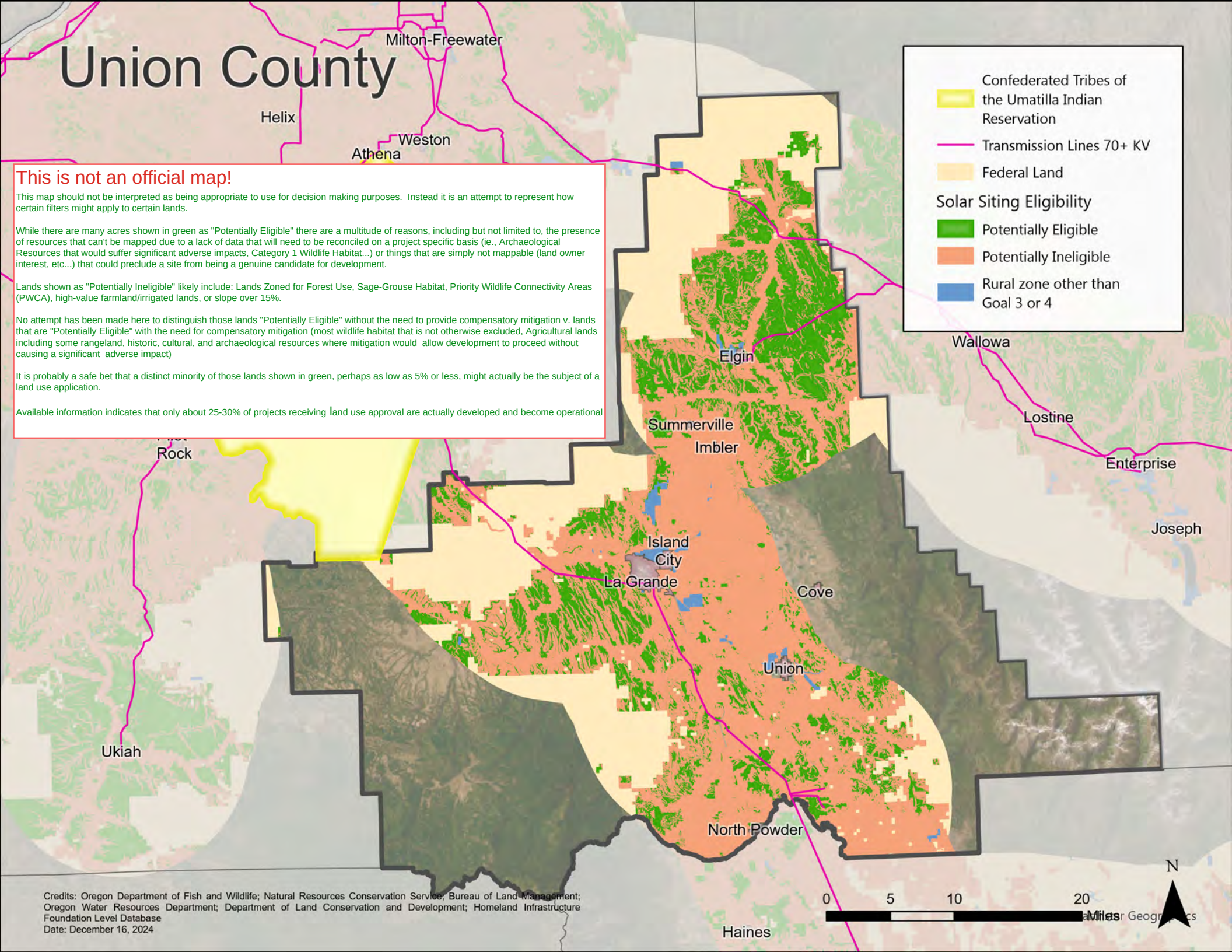
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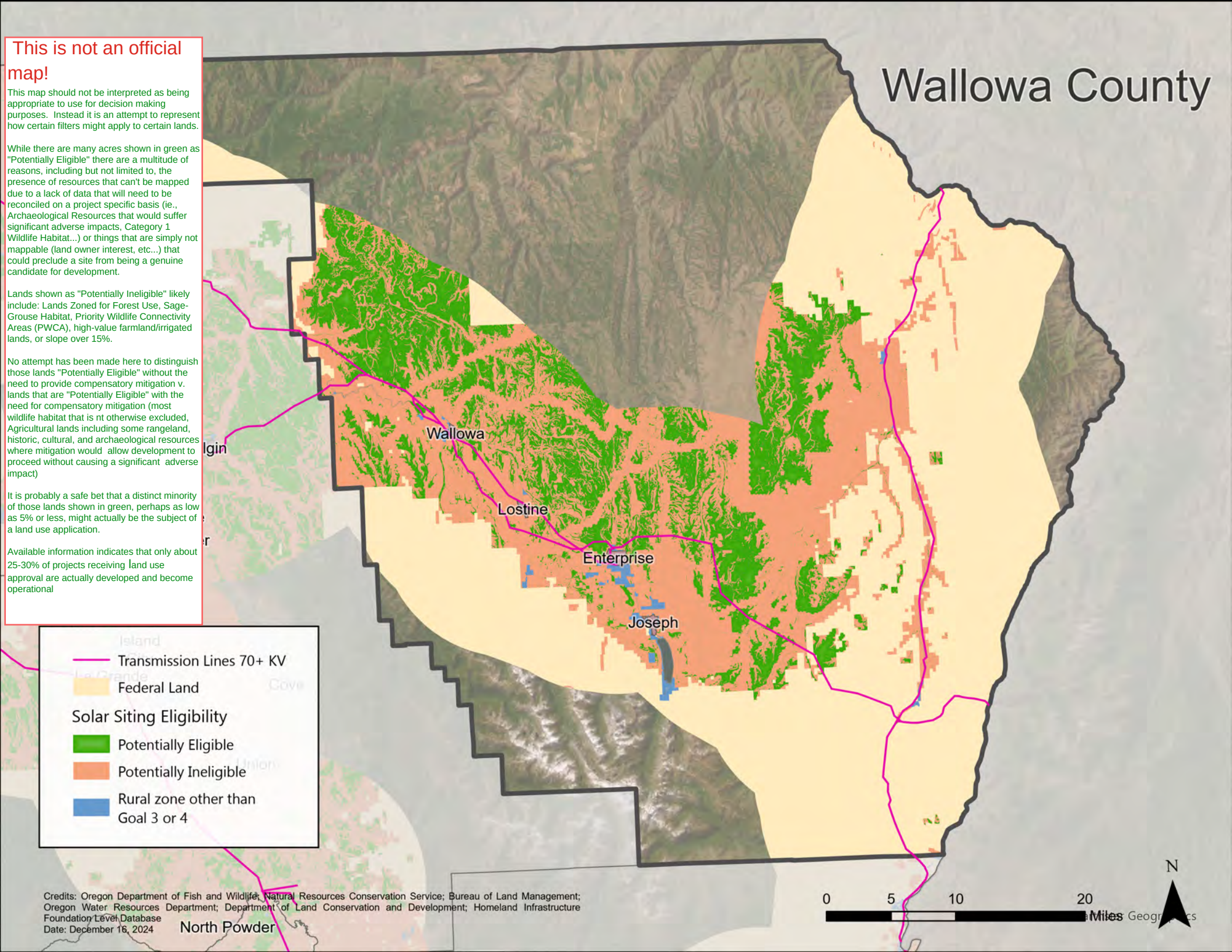
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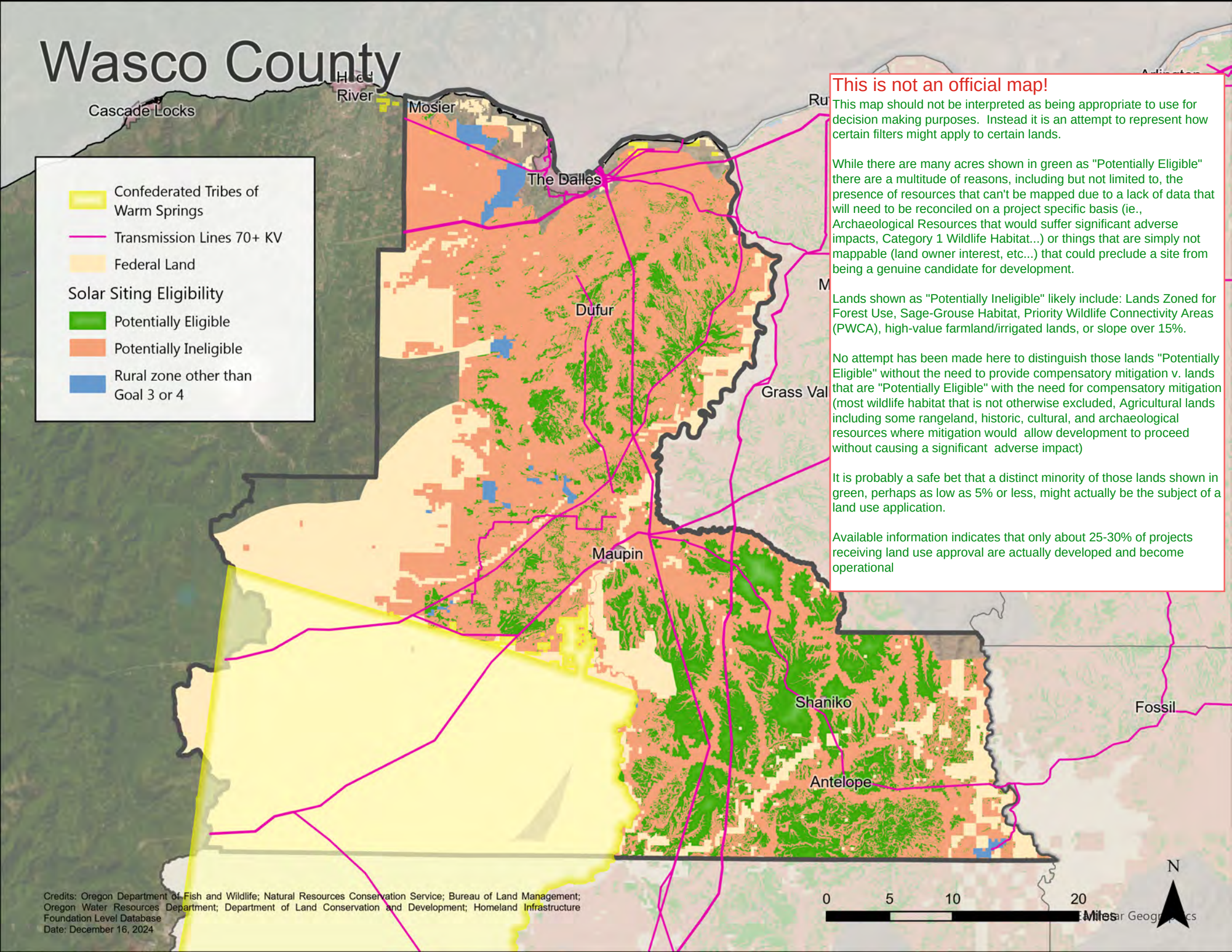
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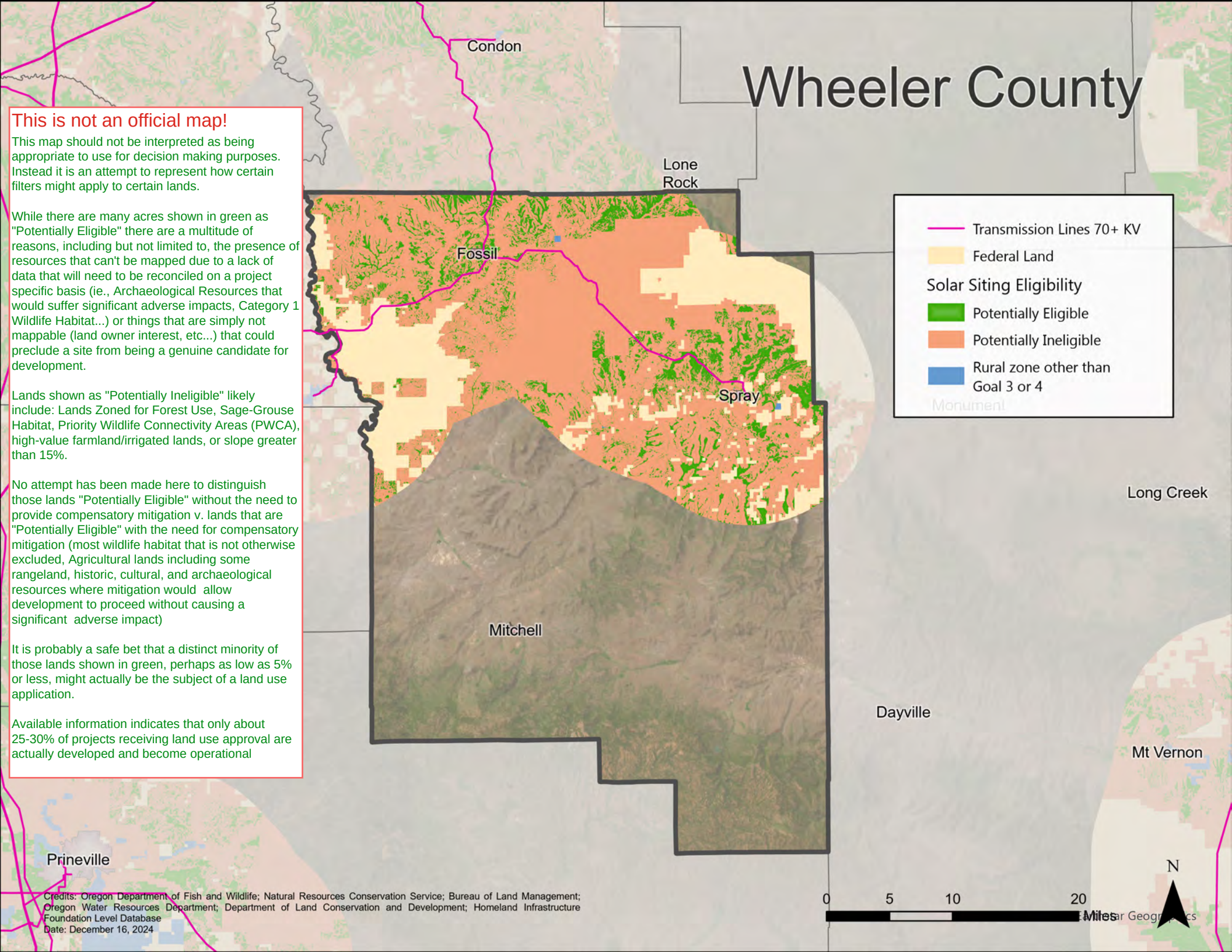
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Union County
Milton-Freewater
Helix
Weston
Athena
Pilot Rock
Ukiah
Elgin
Summerville
Imbler
Island City
La Grande
Cove
Union
North Powder
Haines
Wallowa
Lostine
Enterprise
Joseph
Confederated Tribes of the Umatilla Indian Reservation
Transmission Lines 70+ KV
Federal Land
Solar Siting Eligibility
Potentially Eligible
Potentially Ineligible
Rural zone other than Goal 3 or 4
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Credits: Oregon Department of Fish and Wildlife; Natural Resources Conservation Service; Bureau of Land Management; Oregon Water Resources Department; Department of Land Conservation and Development; Homeland Infrastructure Foundation Level Database
Date: December 16, 2024
0 5 10 20 Miles
N


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Available information indicates that only about 25-30% of projects receiving land use approval are actually developed and become operational
Wallowa County
Wallowa
Lostine
Enterprise
Joseph
Transmission Lines 70+ KV
Federal Land
Solar Siting Eligibility
Potentially Eligible
Potentially Ineligible
Rural zone other than Goal 3 or 4
Credits: Oregon Department of Fish and Wildlife; Natural Resources Conservation Service; Bureau of Land Management; Oregon Water Resources Department; Department of Land Conservation and Development; Homeland Infrastructure Foundation Level Database
Date: December 16, 2024
North Powder
0
5
10
20
Miles
N


Wasco County
Cascade Locks
Hood River
Mosier
The Dalles
Dufur
Maupin
Grass Val
Shaniko
Antelope
Fossil
Confederated Tribes of Warm Springs
Transmission Lines 70+ KV
Federal Land
Solar Siting Eligibility
Potentially Eligible
Potentially Ineligible
Rural zone other than Goal 3 or 4
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Credits: Oregon Department of Fish and Wildlife; Natural Resources Conservation Service; Bureau of Land Management; Oregon Water Resources Department; Department of Land Conservation and Development; Homeland Infrastructure Foundation Level Database
Date: December 16, 2024
0 5 10 20
Miles
N


Wheeler County
Condon
Lone Rock
Fossil
Spray
Monument
Long Creek
Mitchell
Dayville
Mt Vernon
Prineville
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Available information indicates that only about 25-30% of projects receiving land use approval are actually developed and become operational
Transmission Lines 70+ KV
Federal Land
Solar Siting Eligibility
Potentially Eligible
Potentially Ineligible
Rural zone other than Goal 3 or 4
Credits: Oregon Department of Fish and Wildlife; Natural Resources Conservation Service; Bureau of Land Management; Oregon Water Resources Department; Department of Land Conservation and Development; Homeland Infrastructure Foundation Level Database
Date: December 16, 2024
0 5 10 20
Miles
N

Attachment B: Scoring Rubric

	1	2	3	4
Complexity	The statue or rule is highly complex because it includes three or more of the following features: Confusing or difficult to understand. Highly discretionary. Awkward to implement at the local level. Very long.	The statue or rule is complex because it includes two of the following features: Confusing or difficult to understand. Highly discretionary. Awkward to implement at the local level. Very long.	The statute or rule is not particularly complex because it is well informed by text or case law.	The statute or rule is not complex because it is entirely clear and objective.
Redundancy	The statute or rule is redundant because the foundational policy choices are adequately implemented by other applicable laws.	The statute or rule contains internal redundancies.	The statute or rule has the appearance of being redundant with other applicable laws.	The statute or rule is not redundant.
Necessity	The statute or rule is not necessary to implement the core mission of Oregon's Land Use Program.	The statute or rule is helpful but not absolutely necessary to implement the core mission of Oregon's Land Use Program.	The statute or rule is necessary to implement the core mission of Oregon's Land Use Program.	The statute or rule is necessary to implement the core mission of Oregon's Land Use Program and was developed involving balance and compromise with substantial input from key interested parties.
Sufficiency of Resources	The amount or resources needed for local implementation are entirely insufficient.	The amount or resources needed for local implementation are entirely insufficient.	The amount or resources needed for local implementation are entirely insufficient.	The amount or resources needed for local implementation are entirely insufficient.

Score: ___ - ___	**Score: ___-___**	**Score: ___-___**	**Score: ___-___**	**Comments**
Barrier. Remove	Possible Barrier. Revise/Refine/Fund	Possible Opportunity. Revise/Refine/Fund	Opportunity. Retain as Written	

Statute or Rule: ORS 215.044 & 215.047				
	1	**2**	**3**	**4**
Complexity				
Redundancy				
Necessity				
Sufficiency of Resources				

Score: ___ - ___	**Score: ___-___**	**Score: ___-___**	**Score: ___-___**	**Comments**
Barrier. Remove	Possible Barrier. Revise/Refine/Fund	Possible Opportunity. Revise/Refine/Fund	Opportunity. Retain as Written	

Statute or Rule: ORS 215.213				
	1	**2**	**3**	**4**
Complexity				
Redundancy				
Necessity				
Sufficiency of Resources				

Score: ___ - ___	**Score: ___-___**	**Score: ___-___**	**Score: ___-___**	**Comments**
Barrier. Remove	Possible Barrier. Revise/Refine/Fund	Possible Opportunity. Revise/Refine/Fund	Opportunity. Retain as Written	

Statute or Rule: ORS 215.274				
	1	**2**	**3**	**4**
Complexity				
Redundancy				
Necessity				
Sufficiency of Resources				

Score: ___ - ___	**Score: ___-___**	**Score: ___-___**	**Score: ___-___**	**Comments**
Barrier. Remove	Possible Barrier. Revise/Refine/Fund	Possible Opportunity. Revise/Refine/Fund	Opportunity. Retain as Written	

Statute or Rule: ORS 215.275				
	1	**2**	**3**	**4**
Complexity				
Redundancy				
Necessity				
Sufficiency of Resources				

Score: ___ - ___	**Score: ___-___**	**Score: ___-___**	**Score: ___-___**	**Comments**
Barrier. Remove	Possible Barrier. Revise/Refine/Fund	Possible Opportunity. Revise/Refine/Fund	Opportunity. Retain as Written	

Statute or Rule: ORS 215.276				
	1	**2**	**3**	**4**
Complexity				
Redundancy				
Necessity				
Sufficiency of Resources				

Score: ___ - ___	**Score: ___-___**	**Score: ___-___**	**Score: ___-___**	**Comments**
Barrier. Remove	Possible Barrier. Revise/Refine/Fund	Possible Opportunity. Revise/Refine/Fund	Opportunity. Retain as Written	

Statute or Rule: ORS 215.283				
	1	**2**	**3**	**4**
Complexity				
Redundancy				
Necessity				
Sufficiency of Resources				

Score: ___ - ___	**Score: ___-___**	**Score: ___-___**	**Score: ___-___**	**Comments**
Barrier. Remove	Possible Barrier. Revise/Refine/Fund	Possible Opportunity. Revise/Refine/Fund	Opportunity. Retain as Written	

Statute or Rule: ORS 215.296				
	1	**2**	**3**	**4**
Complexity				
Redundancy				
Necessity				
Sufficiency of Resources				

Score: ___ - ___	**Score: ___-___**	**Score: ___-___**	**Score: ___-___**	**Comments**
Barrier. Remove	Possible Barrier. Revise/Refine/Fund	Possible Opportunity. Revise/Refine/Fund	Opportunity. Retain as Written	

Statute or Rule: ORS 215.446				
	1	**2**	**3**	**4**
Complexity				
Redundancy				
Necessity				
Sufficiency of Resources				

Score: ___ - ___	**Score: ___-___**	**Score: ___-___**	**Score: ___-___**	**Comments**
Barrier. Remove	Possible Barrier. Revise/Refine/Fund	Possible Opportunity. Revise/Refine/Fund	Opportunity. Retain as Written	

Statute or Rule: ORS 215.447				
	1	**2**	**3**	**4**
Complexity				
Redundancy				
Necessity				
Sufficiency of Resources				

Score: ___ - ___	**Score: ___-___**	**Score: ___-___**	**Score: ___-___**	**Comments**
Barrier. Remove	Possible Barrier. Revise/Refine/Fund	Possible Opportunity. Revise/Refine/Fund	Opportunity. Retain as Written	

Statute or Rule: ORS 227.190 & ORS 227.195				
	1	**2**	**3**	**4**
Complexity				
Redundancy				
Necessity				
Sufficiency of Resources				

Score: ___ - ___	**Score: ___-___**	**Score: ___-___**	**Score: ___-___**	**Comments**
Barrier. Remove	Possible Barrier. Revise/Refine/Fund	Possible Opportunity. Revise/Refine/Fund	Opportunity. Retain as Written	

Statute or Rule: OAR 660-004-0022(3) & (4)				
	1	**2**	**3**	**4**
Complexity				
Redundancy				
Necessity				
Sufficiency of Resources				

Score: ___ - ___	**Score: ___-___**	**Score: ___-___**	**Score: ___-___**	**Comments**
Barrier. Remove	Possible Barrier. Revise/Refine/Fund	Possible Opportunity. Revise/Refine/Fund	Opportunity. Retain as Written	

Statute or Rule: OAR 660-006-0025(3)(c)				
	1	**2**	**3**	**4**
Complexity				
Redundancy				
Necessity				
Sufficiency of Resources				

Score: ___ - ___	**Score: ___-___**	**Score: ___-___**	**Score: ___-___**	**Comments**
Barrier. Remove	Possible Barrier. Revise/Refine/Fund	Possible Opportunity. Revise/Refine/Fund	Opportunity. Retain as Written	

Statute or Rule: OAR 660-006-0025(4)(j)				
	1	**2**	**3**	**4**
Complexity				
Redundancy				
Necessity				
Sufficiency of Resources				

Score: ___ - ___	**Score: ___-___**	**Score: ___-___**	**Score: ___-___**	**Comments**
Barrier. Remove	Possible Barrier. Revise/Refine/Fund	Possible Opportunity. Revise/Refine/Fund	Opportunity. Retain as Written	

Statute or Rule: OAR 660-006-0025(4)(k)				
	1	**2**	**3**	**4**
Complexity				
Redundancy				
Necessity				
Sufficiency of Resources				

Score: ___ - ___	**Score: ___-___**	**Score: ___-___**	**Score: ___-___**	**Comments**
Barrier. Remove	Possible Barrier. Revise/Refine/Fund	Possible Opportunity. Revise/Refine/Fund	Opportunity. Retain as Written	

Statute or Rule: OAR 660-006-0025(4)(r)				
	1	**2**	**3**	**4**
Complexity				
Redundancy				
Necessity				
Sufficiency of Resources				

Score: ___ - ___	**Score: ___-___**	**Score: ___-___**	**Score: ___-___**	**Comments**
Barrier. Remove	Possible Barrier. Revise/Refine/Fund	Possible Opportunity. Revise/Refine/Fund	Opportunity. Retain as Written	

Statute or Rule: OAR 660-006-0025(5)				
	1	**2**	**3**	**4**
Complexity				
Redundancy				
Necessity				
Sufficiency of Resources				

Score: ___ - ___	**Score: ___-___**	**Score: ___-___**	**Score: ___-___**	**Comments**
Barrier. Remove	Possible Barrier. Revise/Refine/Fund	Possible Opportunity. Revise/Refine/Fund	Opportunity. Retain as Written	

Statute or Rule: OAR 660-006-0050				
	1	**2**	**3**	**4**
Complexity				
Redundancy				
Necessity				
Sufficiency of Resources				

Score: ___ - ___	**Score: ___-___**	**Score: ___-___**	**Score: ___-___**	**Comments**
Barrier. Remove	Possible Barrier. Revise/Refine/Fund	Possible Opportunity. Revise/Refine/Fund	Opportunity. Retain as Written	

Statute or Rule: OAR 660-023-0190				
	1	**2**	**3**	**4**
Complexity				
Redundancy				
Necessity				
Sufficiency of Resources				

Score: ___ - ___	**Score: ___-___**	**Score: ___-___**	**Score: ___-___**	**Comments**
Barrier. Remove	Possible Barrier. Revise/Refine/Fund	Possible Opportunity. Revise/Refine/Fund	Opportunity. Retain as Written	

Statute or Rule: OAR 660-023-0195				
	1	**2**	**3**	**4**
Complexity				
Redundancy				
Necessity				
Sufficiency of Resources				

Score: ___ - ___	**Score: ___-___**	**Score: ___-___**	**Score: ___-___**	**Comments**
Barrier. Remove	Possible Barrier. Revise/Refine/Fund	Possible Opportunity. Revise/Refine/Fund	Opportunity. Retain as Written	

Statute or Rule: OAR 660-033-0055				
	1	**2**	**3**	**4**
Complexity				
Redundancy				
Necessity				
Sufficiency of Resources				

Score: ___ - ___	**Score: ___-___**	**Score: ___-___**	**Score: ___-___**	**Comments**
Barrier. Remove	Possible Barrier. Revise/Refine/Fund	Possible Opportunity. Revise/Refine/Fund	Opportunity. Retain as Written	

Statute or Rule: OAR 660-033-0130(5)				
	1	**2**	**3**	**4**
Complexity				
Redundancy				
Necessity				
Sufficiency of Resources				

Score: ___ - ___	**Score: ___-___**	**Score: ___-___**	**Score: ___-___**	**Comments**
Barrier. Remove	Possible Barrier. Revise/Refine/Fund	Possible Opportunity. Revise/Refine/Fund	Opportunity. Retain as Written	

Statute or Rule: OAR 660-033-0130(16)				
	1	**2**	**3**	**4**
Complexity				
Redundancy				
Necessity				
Sufficiency of Resources				

Score: ___ - ___	**Score: ___-___**	**Score: ___-___**	**Score: ___-___**	**Comments**
Barrier. Remove	Possible Barrier. Revise/Refine/Fund	Possible Opportunity. Revise/Refine/Fund	Opportunity. Retain as Written	

Statute or Rule: OAR 660-033-0130(17)				
	1	**2**	**3**	**4**
Complexity				
Redundancy				
Necessity				
Sufficiency of Resources				

Score: ___ - ___	**Score: ___-___**	**Score: ___-___**	**Score: ___-___**	**Comments**
Barrier. Remove	Possible Barrier. Revise/Refine/Fund	Possible Opportunity. Revise/Refine/Fund	Opportunity. Retain as Written	

Statute or Rule: OAR 660-033-0130(22)				
	1	**2**	**3**	**4**
Complexity				
Redundancy				
Necessity				
Sufficiency of Resources				

Score: ___ - ___	**Score: ___-___**	**Score: ___-___**	**Score: ___-___**	**Comments**
Barrier. Remove	Possible Barrier. Revise/Refine/Fund	Possible Opportunity. Revise/Refine/Fund	Opportunity. Retain as Written	

Statute or Rule: OAR 660-033-0130(32)				
	1	**2**	**3**	**4**
Complexity				
Redundancy				
Necessity				
Sufficiency of Resources				

Score: ___ - ___	**Score: ___-___**	**Score: ___-___**	**Score: ___-___**	**Comments**
Barrier. Remove	Possible Barrier. Revise/Refine/Fund	Possible Opportunity. Revise/Refine/Fund	Opportunity. Retain as Written	

Statute or Rule: OAR 660-033-0130(37)				
	1	**2**	**3**	**4**
Complexity				
Redundancy				
Necessity				
Sufficiency of Resources				

Score: ___ - ___	**Score: ___-___**	**Score: ___-___**	**Score: ___-___**	**Comments**
Barrier. Remove	Possible Barrier. Revise/Refine/Fund	Possible Opportunity. Revise/Refine/Fund	Opportunity. Retain as Written	

Statute or Rule: OAR 660-033-0130(38)				
	1	**2**	**3**	**4**
Complexity				
Redundancy				
Necessity				
Sufficiency of Resources				

Score: ___ - ___	**Score: ___-___**	**Score: ___-___**	**Score: ___-___**	**Comments**
Barrier. Remove	Possible Barrier. Revise/Refine/Fund	Possible Opportunity. Revise/Refine/Fund	Opportunity. Retain as Written	

Statute or Rule: OAR 660-033-0130(44)				
	1	**2**	**3**	**4**
Complexity				
Redundancy				
Necessity				
Sufficiency of Resources				

Score: ___ - ___	**Score: ___-___**	**Score: ___-___**	**Score: ___-___**	**Comments**
Barrier. Remove	Possible Barrier. Revise/Refine/Fund	Possible Opportunity. Revise/Refine/Fund	Opportunity. Retain as Written	

Statute or Rule: OAR 660-033-0145				
	1	**2**	**3**	**4**
Complexity				
Redundancy				
Necessity				
Sufficiency of Resources				

Score: ___ - ___	**Score: ___-___**	**Score: ___-___**	**Score: ___-___**	**Comments**
Barrier. Remove	Possible Barrier. Revise/Refine/Fund	Possible Opportunity. Revise/Refine/Fund	Opportunity. Retain as Written	

Attachment C: Comment Letters

May 8, 2026

Oregon Department of Land Conservation and Development
Oregon Land Conservation and Development Commission
635 Capitol Street NE, Suite 150
Salem, OR 97301

Re: Executive Order 25-29

Dear Chair Lazo, Director Bateman, and Members of the Commission,

The Oregon Solar + Storage Industries Association (OSSIA) is a trade association founded in 1981 to promote clean, renewable, solar technologies. OSSIA members include businesses, non-profits, and other solar and storage stakeholders. We provide a unified voice of the solar industry and focus exclusively on the solar and storage value chains; from workforce development to permitting, advocacy, policy, and regulation for manufacturing, residential, commercial, community, and utility scale solar and storage projects on the local, state, and regional level.

Overall, OSSIA appreciates the work of staff to think outside the box to remove land-use barriers for siting renewables. While we are encouraged by some elements, others need improvement in order to follow the directives of Governor Kotek. OSSIA submits these comments in an effort to work with DLCD staff and truly find opportunities and remove barriers.

In that collaborative spirit, OSSIA suggests a change to the definition of opportunities staff suggests. The definition suggests that opportunities are limited to applications with "…no, or very little, impacts on other valued resources…" However, there are and will be applications that do have impacts, but those impacts can be minimized and mitigated. This definition unnecessarily limits the scope of possible efficiency and streamlining that the agency can affect.

OSSIA generally supports additional staff resources. However, expanded DLCD staffing must have clear performance metrics and guidelines. Although counties and tribes might benefit from further agency assistance, additional agency involvement and review does not inherently result in faster permitting; it may instead create more layers of review and delay, directly contrary to the EO's intent and directive. Therefore, an expansion of DLCD staffing or participation should be directly tied to measurable improvements in permitting timelines and reassessed periodically.
Comments on specific items:

a. **Category 1: Preliminary Draft Recommendations**

1. Develop statute and rule provisions regarding stand-alone Battery Energy Storage Systems (BESS). Creating clear authorization for this use likely requires legislative action to adjust ORS Chapter 215, which would trigger necessary conforming updates to OAR Chapter 660, Division 33. Additional administrative rulemaking could be necessary if directed by the Legislature.

OSSIA agrees with DLCD staff that clear authorization for siting is needed. BESS is an extremely important part of our energy landscape and one that becomes even more important as we move to meet our climate requirements in statute. BESS makes energy cheaper and more reliable by storing wind and solar energy when the grid cannot use it all at that particular moment. This allows the cheap renewable energy that is stored in BESS to be used at peak times, avoiding costly energy purchases when demand is high. In addition, the footprint of BESS is relatively small.

OSSIA urges DLCD to make a recommendation that BESS be considered a "utility facility" in statute in order to give clear guidance to counties. Since BESS facilities are often sited near a substation, this definition makes sense.

3. Develop guidance for local government implementation of HB 4031(2026) and undertake conforming rulemaking on OAR 660-004-0022 to account for HB 4076 (2026). While OSSIA acknowledges that this item was put forward in the spirit of helping, OSSIA does not believe that guidance on either bill is warranted. HB 4031 was drafted to ensure clarity to all parties, and the change is quite simple. OSSIA worries that guidance given by the agency might have the opposite impact and may muddy the already clear waters.

HB 4076 will see legislative action to make changes in the 2027 session, so OSSIA recommends postponing this activity until after the 2027 session, to see if rulemaking is needed. Starting before then would lead to confusion and unnecessary staff time.

4. Expand the "Green Corridor" rule in OAR 660-033-0055 to apply statewide to facilitate and streamline transmission siting.

OSSIA supports this recommendation and notes that EO 25-29 also states agencies should increase their efficiency in siting projects that "Involve upgrades to existing grid infrastructure and transmission expansion or co-location of renewable energy resources in existing rights of way." This means that DLCD should remove any land-use barriers for renewable projects that could be sited in existing rights of way. We recommend that DLCD add a task to explore a transmission corridor that removes barriers for renewable projects to be sited in that corridor.

5. Work with Federally Recognized Tribes in Oregon to inventory and protect cultural resources with a nexus to clean energy generation and transmission.

OSSIA supports providing technical support to Tribes. However, the current state budget will most likely not be able to support an entirely new program with new staff. OSSIA recommends that DLCD consider how it can provide support within its existing budget.

6. Implement the Enhanced Technical Resource recommendations made in the Department's Least Conflict Solar Siting in Eastern Oregon (HB 3409) Final Report of 2025.

OSSIA supports ETAR recommendations that improve front end certainty and reduce application burden. Investment in mapping tools such as ORESA is welcome as well as coordination with and financial and technical support for counties, in particular counties with limited resources. These tools align with the EO's directive to accelerate project development and timelines by improving predictability through centralized, reliable, and accessible data and reducing duplicative and possibly conflicting analysis (e.g. Goal 5 resources).

7. Support the Oregon Department of Energy's (ODOE) "Tribal Energy Block Grant" concept.

OSSIA supports this concept. However, the current state budget will most likely not be able to support an entirely new program with new staff. OSSIA recommends that DLCD consider how it can provide support within its existing budget.

b. Category 2: Recommendations Needing Further Refinement
1. New policies prioritizing re-use of existing sites over developing at new, undisturbed locations, or technical assistance to implement existing laws that prioritize the re-use of existing sites.

While this recommendation seems good, OSSIA believes it is unnecessary and should not be prioritized for limited staff time. There are significant financial incentives to re-use existing sites and additional new policies may only create confusion. In fact, OSSIA cannot think of a single barrier or reason that an existing project site would not be re-used.

Existing renewable project sites have made considerable upgrades to the grid and the project site in order for the initial project to be built, such as grid enhancements, dirt access roads and fences. When the contract for the project runs up, the financial incentives are high not to abandon all the hundreds of thousands of dollars, if not millions of dollars, invested in the existing site. If the desire for renewable energy still exists – which markets show it will for the foreseeable future – the site will simply make any technical upgrades needed and sign a new contract for the power.

Instead, OSSIA requests that DLCD staff consider a streamlined process for adding to the existing project footprint when it is time for a new contract. For example, a 2 MW project may have been built before the Community Solar program was created and there would be benefits to expanding the project to 3 MW, in order make a community solar project viable. DLCD should consider a streamlined path to allowing expansions to existing projects.

2. Rules interpreting and clarifying for local governments how to satisfy highly discretionary criteria.

OSSIA strongly opposes this proposal. In the past, DLCD rulemaking meant to clarify rules has resulted in exactly the opposite, introducing additional layers of discretion rather than creating a more objective standard. This may result in lawsuits that would slow the siting of clean energy, which would have the opposite impact that the Governor's EO is looking for.

For example, the revised "farm impacts test" was intended to clarify how impacts to agriculture and forestry are evaluated, but instead introduces additional discretion and complexity that creates uncertainty in applications and undermines that intent. Because it has not yet been meaningfully tested in the courts and is expected to be, it is likely to invite litigation that delays projects, increases costs, and ultimately slows the siting of clean energy, contrary to the Governor's EO.

3. Policies promoting "behind the meter" noncommercial renewable energy development (rooftop solar and other types).

While OSSIA strongly supports policies that promote "behind the meter" solar, there are currently no land-use issues regarding this type of solar. While it was good to hear widespread support for this, this is not an issue that is under DLCD's authority, and therefore does not belong in this plan. This would be a "feel-good" thing to support, but would have no impact, making its inclusion disingenuous. OSSIA recommends the removal of this "proposal" as being outside of DLCD's scope and mission.

4. Consider provisions for Community Solar Projects.

OSSIA strongly supports this suggestion and recommends that the agency expand its proposal.

Community solar projects up to 3 MW (~18 acres) should be allowed on every type of soil, with no additional restrictions. Community solar is the only program that allows all PGE and Pacificorp ratepayers to choose 100% clean energy, with bill savings. This program is especially important for renters who are not able to install their own rooftop solar. The program also has a minimum requirement for low-income subscribers, who receive a required discount on their bill. This program has resulted in bill savings for low-income ratepayers across the state, who for the first time were able to choose 100% clean electricity. In addition, there is a program requirement that the project must be located in the service territory of the utility. For PGE, this has become increasingly difficult because of land-use restrictions. <u>Without a change in the current rules, the community solar program cannot meaningfully grow for PGE customers.</u>

OSSIA also recommends DLCD allow projects between 3-20 MW (~100 acres) to be built on all soil types. This size of projects are considered "small generators" and they deliver different and sizable benefits to ratepayers, since they can be sited on the distribution system, not on the transmission system. Since they are closer to energy customers they provide more reliable

energy that is more likely to stay in Oregon. In addition, PGE and Pacificorp have two requirements to buy power from this size of projects. One of those requirements, called the "Community-Based Renewable Energy" (CBRE) program, requires the community benefits be associated with the project. Since there is more demand for energy on the West side of Oregon, due to population location, it is essential that DLCD rules be updated to allow small generators to be developed on all soil types.

However, for projects between 3-20 MW, OSSIA support incentives for those projects to have either agrivoltaics as part of the project or provide agricultural mitigation in some other form.

These types of incentives would create a win-win scenario – the land would still be used for agricultural purposes AND provide additional community benefits as part of the CBRE program. Plus, these projects save ratepayers money and the energy is more likely to stay in Oregon.

5. Consider updating Statewide Planning Goal 13, Energy Conservation, and if necessary, promulgate a new administrative rule to provide guidance for clean energy planning and siting.

OSSIA believes this issue should be taken up in the near-term to help combat volatile energy prices and address significant demand increase in Oregon. However, while OSSIA supports this concept in principle, the process requires funding and extensive time to complete. Since the EO says explicitly to accelerate clean energy deployment, OSSIA would like to understand better the implementation timeline, outcomes intended, and how the outcomes would accelerate clean energy development.

Thank you for your consideration.

Respectfully Submitted,



Angela Crowley-Koch

Executive Director

COMMUNITY DEVELOPMENT

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May 14, 2026

Department of Land Conservation and Development
635 Capitol St NE, Ste 150
Salem, OR 97301-2540
Sent via: jon.jinings@dlcd.oregon.gov

Re: EO 25-29 DLCD Work

Dear Jon;

Thank you for the opportunity to provide written comment about the DLCD proposal to respond to the Executive Order 25-29 related to renewable energy. I wanted to first thank the Department of Land Conservation and Development for honing in on several issues that are critical to local government partners, including increased technical assistance, revisions to Goal 13, and specific revisions to Statewide Land Use Planning regulations that authorize certain commercial renewable energy uses like BESS systems.

I would like to add some suggestions that I believe will help strengthen this work.

First, recognizing the immense pressure local government is under with continual legislative cycles that produce broad, sweeping unfunded mandates I would underscore the need for technical assistance and additional capacity for local government to meet Oregon's strategic energy vision.

Ahead of new regulations, I would encourage leveraging existing tools like ORESA to be combined with Model Codes or other, similar off-the shelf products that would dramatically reduce resource intensive legislative work. An audit of programs like the Eastern Oregon Solar Siting rulemaking to understand barriers and challenges to implementation could help the Department to tweak, rather than starting from scratch, potential solutions. I would also suggest that many of the projects we are seeing are at such a scale that they do not qualify for local review, but even in our advisory capacity they are resource and capacity intensive reviews.

Making any new regulations optional, and allowing time for local government to go through a robust public process is also critical. While I appreciate the immediacy of need to meet Oregon energy needs, our communities also deserve the opportunity to participate in a clear, easy to understand local rulemaking process.

In speaking to many residents directly or indirectly impacted by new, large scale energy projects there is a strong sense that their needs, vision for the future, and homes are being sacrificed for distant, and even out of state, need. While Eastern Oregon is more sparsely populated, we also have disproportionate percentages of vulnerable populations often living in extreme poverty. This is exacerbated by needs like transportation, medical care, and failing infrastructure. One of the pillars of

sustainability is social equity, focusing on fairness and justice. I have heard directly from residents that they feel railroaded by Western Oregon needs or corporate interests, and are deeply concerned about the untested long term impacts of commercial renewable energy projects on the land, air, and water. Because many of these facilities, as the large scale as to which they are now being permitted, is unparalleled there is still not good, longitudinal data to support or allay those fears.

I strongly support the recommended step to revise Goal 13. While I still believe energy conservation is a critical value and foundation to the Statewide Land Use Planning Program, we have existing conflicts in rule, new technology, and big questions about transmission and data center siting that should be part of a broader, public conversation about Oregon's energy vision and goals.

I appreciate the delicate balance and urgency of the Governor's call for action and coordination among state agencies with respect to Oregon's energy needs and look forward to opportunities to support DLCD in making effective and efficient changes to the Oregon Statewide Land Use Planning Progam.

With my thanks,



Kelly Howsley Glover, PhD
Wasco County Community Development Director

May 15, 2026

Alyssa Bonini, J.D.
Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, Oregon 97301

RE: LOC Comments on Executive Order 25-29 DLCD Proposed Changes to State Land Use Goals, Statutes and Rules to Facilitate Clean Energy Siting and Transmission.

Ms. Bonini,

The League of Oregon Cities represents 241 incorporated cities across Oregon's diverse urban, rural and frontier landscapes. Consistent among Oregon cities is a concern about a reliable energy future and energy resilience during disasters. Recent studies have modeled future Pacific Northwest energy needs that demonstrate significant shortfalls by 2030 if more energy generation and transmission is not brought online. The draft conclusions DLCD has produced for consideration balances the need for large scale and community energy generation/transmission while supporting local governments that are mandated to be stewards of the land while balancing growth.

Category I Comments

Develop statute and rule provisions regarding stand-alone Battery Energy Storage Systems (BESS)
The League is particularly interested in how the conversation evolves around Battery Energy Storage System (BESS) siting and where the League can contribute to ensure safety considerations are included in this calculus. The League values responsible battery storage siting projects as cities seek resilience initiatives such as microgrids that rely on battery storage for a complete system that delivers on local energy needs 24 hours a day. While battery storage is important, siting those facilities can be tricky from a safety standpoint and in relation to local environmental and aesthetic codes. The potential dangers and impacts associated with large battery storage in municipal settings are significant and warrant thoughtful consideration.

Develop rules to provide for substations to be located in Forest Zones by adding a use to OAR 660-006-0025(4), or by revising existing provisions at OAR 660-006-0025(4)(r).

While power generating facilities and transmission infrastructure may currently be permitted on forest land that is protected under Goal 4 the League has initial concerns with adding substation infrastructure to allowable uses under Goal 4. Cities are required by law to plan for municipal land use needs under Urban Growth Boundary (UGB) process and periodic review of industrial, residential, or commercial, etc., land use needs. Adding land to a UGB involves years of planning and evaluation to ensure residents of Oregon cities have the land necessary to grow while balancing a working forest, quality of life, especially related to designated urban forest land. Adding a Goal 4 exception allowing additional electrical infrastructure development in municipal forest land comes with potential safety concerns and concerns about diminished quality of life.

Develop guidance for local government implementation of HB 4031and undertake conforming rulemaking on OAR 660-004-0022 to account for HB 4076
The League is grateful the Department recognized this barrier to permitting clean energy projects that support State Climate and Clean Energy goals. As the need for clean energy generation and transmission grows, so to has the impact on local governments charged with permitting projects today based on a land use system that is almost 50 years old.

Implement Enhanced Technical Resource recommendations
The League agrees with the Department's statement, "The (DLCD Staff) report identified that insufficient local resources are a chronic issue and significant barrier to clean energy deployment." We support programs that will provide direct, meaningful technical resources that reduce barriers to communities, Local and Tribal Governments for clean energy development and appreciate this recommendation. The League stands ready to work with DLCD and others to ensure resources are sized appropriately and support city land use operations and decision making.

Expand the "Green Corridor" rule in OAR 660-033-0055 to apply statewide to facilitate and streamline transmission siting. Expanding OAR 660-033-0055 from specific application in Morrow and Umatilla Counties statewide to coordinate the location of preferred transmission corridors is forward thinking and provides some certainty to transmission developers that will benefit cities in the future. Local government involvement in decision making processes establishing new "Green Corridors" will be imperative to the success of navigating this process while mitigating conflicts with local zoning codes throughout the path of proposed transmission projects.

Category II

Rules interpreting and clarifying for local governments how to satisfy highly discretionary criteria.
The League appreciates DLCD giving deference to this issue. Providing guidance or interpretation that adds clarity to local permitting decisions will not, in the League's, diminish the purpose of the criteria. Instead, adding clarity can enhance criteria making it

more meaningful in its application and apparent to applicants, local governments, and other interested parties when considering land use applications.

Consider provisions for Community Solar Projects.
Going back to the municipal emphasis on energy resilience, proliferating community solar project opportunities adds to municipal energy resilience and supports using microgrid technology.

Consider updating Statewide Planning Goal 13, Energy Conservation, and if necessary, promulgate a new administrative rule to provide guidance for clean energy planning and siting.
"Updating Goal 13 would provide an opportunity to modernize overarching state land use policy related to balancing energy efficiency and renewable energy development." The League recognizes the importance of this concept, adding a specific use exception to Goal 13 versus the more passive energy conservation emphasis is significant in its action, but will be even more significant in its practice if legislative action is taken. Thoughtfully amending Goal 13 to allow for clean energy generation projects is a practical approach to what could be meaningful growth in clean energy generation.

Thank you for this opportunity. Identifying and sussing out incremental updates to a long-standing policy to meet current and future energy needs can be difficult and controversial. There may well be easier avenues to achieve the goals identified by the Department, but we are grateful for the thoughtful approach the Department has taken that seeks to increase Oregon's overall renewable/clean energy production within State Land Use Goals while balancing the needs and concerns of Oregon's cities.

Sincerely,

Greg Miller
Energy and Environment Lobbyist, LOC

May 15, 2026

Oregon Department of Land Conservation and Development
Oregon Land Conservation and Development Commission
635 Capitol Street NE, Suite 150
Salem, OR 97301

Re: Executive Order 25-29

Dear Chair Lazo, Director Bateman, and Members of the Commission,

NewSun Energy appreciates the opportunity to comment on the implementation of Executive Order 25-29. As a renewable energy developer focused on utility scale solar and storage projects in Oregon, including Eastern Oregon, we support efforts to identify practical opportunities to reduce unnecessary barriers in the land use system while maintaining consistency with Oregon's statewide planning framework.

We appreciate the work of DLCD staff to evaluate existing permitting and siting processes and identify areas where additional clarity, efficiency, and coordination may help accelerate deployment of clean energy infrastructure needed to support reliability and affordability for Oregon consumers. While we are encouraged by a number of the preliminary recommendations, we believe others would benefit from refinement to ensure they align with the Governor's directive to accelerate clean energy deployment and reduce permitting barriers, and recommend against some of the proposals.

In that collaborative spirit, NewSun Energy suggests a modification to the proposed definition of "opportunities." As drafted, the definition appears limited to applications with "no, or very little, impacts on other valued resources." In practice, many renewable energy projects can and do involve impacts that are appropriately minimized, mitigated, and conditioned through the existing permitting framework. Limiting the definition in this way unnecessarily narrows the range of projects and policy solutions that can support Oregon's clean energy goals while still protecting important resources.

a. Category 1: Preliminary Draft Recommendations

1. Develop statute and rule provisions regarding stand-alone Battery Energy Storage Systems (BESS). Creating clear authorization for this use likely requires legislative action to adjust ORS Chapter 215, which would trigger necessary conforming updates to OAR Chapter 660, Division 33. Additional administrative rulemaking could be necessary if directed by the Legislature.

BESS is becoming an increasingly critical component of Oregon's energy infrastructure, particularly as the state continues transitioning toward greater reliance on renewable energy generation. Storage facilities improve reliability, support grid resiliency, and allow renewable energy generated during periods of low demand to be stored and dispatched during peak demand periods, reducing overall system costs.

NewSun Energy aligns with other industry representatives that BESS and other storage facilities should be defined as "utility facilities necessary for public service" for purposes of ORS Chapter 215, particularly where projects are co-located with substations, transmission infrastructure, or renewable generation facilities.

3. Develop guidance for local government implementation of HB 4031 (2026) and undertake conforming rulemaking on OAR 660-004-0022 to account for HB 4076 (2026).

Additional formal guidance related to HB 4031 is likely unnecessary at this time. The legislation was drafted specifically to provide clarity and flexibility for qualifying projects, and further agency interpretation may unintentionally introduce confusion or inconsistencies where the statutory language is otherwise relatively straightforward.

With respect to HB 4076, additional legislative discussion and refinement is likely to occur during the 2027 legislative session. Given the evolving nature of the framework, DLCD should postpone any policy or rulemaking effort until after the Legislature has had an opportunity to clarify implementation and intent. Initiating formal guidance or rulemaking prematurely may create uncertainty for applicants, counties, and agencies alike.

4. Expand the "Green Corridor" rule in OAR 660-033-0055 to apply statewide to facilitate and streamline transmission siting.

Transmission availability and interconnection remain among the largest constraints facing renewable energy deployment in Oregon and throughout the West. Executive Order 25-29 specifically emphasizes improving permitting efficiency for projects that involve upgrades to existing grid infrastructure, transmission expansion, and co-located facilities within existing rights of way.

Expanding the Green Corridor concept statewide could *potentially* help create greater predictability for transmission development and reduce conflicts associated with routing and siting. However, the incentive for designating a Green Corridor under OAR 660-033-0055 is simply a presumption that either a utility facility is necessary for public service under OAR 660-033-0130(16) or that the significant impacts test has been satisfied under OAR 660-033-0130(5), as applicable. That carrot is unlikely to justify the cost and burden of the process. Therefore, if DLCD pursues this recommendation, we recommend that the incentives be much more robust if a County undertakes the burden of actually designating Green Corridors.

6. Implement the Enhanced Technical Resource recommendations made in the Department's Least Conflict Solar Siting in Eastern Oregon (HB 3409) Final Report of 2025.

NewSun Energy supports the Enhanced Technical Assistance Resource (ETAR) recommendations to the extent they make renewable energy permitting more predictable, efficient, and evidence-based. Better statewide mapping, stronger data layers, and accessible technical information can help applicants and counties focus on site-specific issues instead of repeating baseline analysis in each case. Tools such as ORESA and other centralized data resources can be especially valuable if they are reliable, well maintained, and designed to reduce inconsistent interpretation across jurisdictions.

NewSun also supports targeted assistance for rural counties reviewing increasingly complex renewable energy applications with limited staff capacity. Practical technical support, model resources, and coordination assistance could improve consistency and help local governments process applications more efficiently. That support should be useful to both counties and applicants, giving each a clearer understanding of applicable standards, required submittal materials, and the evidence needed to build a complete record.

At the same time, NewSun urges the Department to distinguish technical assistance from additional regulatory review. More agency involvement will not necessarily improve permitting timelines if it adds another layer of analysis or creates uncertainty about responsibility for applying local approval criteria. Any expanded DLCD role should remain limited to technical support, resource development, coordination, and optional assistance to counties, rather than a centralized role in individual county conditional use decisions. If additional staffing or program resources are pursued, they should be tied to clear performance goals, including shorter timelines, fewer duplicative evaluations, greater consistency, and improved certainty for applicants and local governments.

b. Category 2: Recommendations Needing Further Refinement

1. New policies prioritizing re-use of existing sites over developing at new, undisturbed locations, or technical assistance to implement existing laws that prioritize the re-use of existing sites.

This concept potentially holds promise as a corollary to federal regulations granting categorical exclusions under the National Environmental Policy Act for "previously disturbed" sites. However, "brownfield" development should not be *prioritized* over greenfield development, considering the massive deficit of power generation anticipated in Oregon, the slow progress towards HB 2021 compliance, and the cost burden of developing on these types of sites which often require complex clean up actions and determinations from the Oregon Department of Environmental Quality or the U.S. Environmental Protection Agency. Rather, DLCD should evaluate what permitting restrictions and barriers can be removed for projects sited on brownfields because certain land characteristics (environmental, cultural, wildlife, noise, etc.)

may be inapplicable due to the prior disturbance. Reducing the permitting timeline and cost would create flexibility for developers to allocate those funds to site cleanup and reuse.

In addition, DLCD should evaluate opportunities for streamlined review processes for repowering projects or modest expansions to existing facilities where impacts have already been substantially evaluated and infrastructure is already in place. For example, smaller existing projects may benefit from modest expansions that improve project viability, support community solar participation, or better utilize existing interconnection capacity (similar to HB 4076). A streamlined pathway for these types of modifications could provide meaningful benefits while minimizing new impacts.

2. Rules interpreting and clarifying for local governments how to satisfy highly discretionary criteria.

NewSun Energy has significant concerns with this proposal. Historically, efforts to clarify highly discretionary standards through rulemaking have often resulted in additional complexity and broader opportunities for litigation rather than increased certainty.

For example, revisions to the “farm impacts test” in OAR 660-033-0130(5) were intended to provide greater clarity regarding evaluation of agricultural and forestry impacts. However, the revised framework arguably introduces additional discretionary considerations and uncertainty regarding how applications should be evaluated and defended on appeal.

Because these revised standards have not yet been meaningfully tested through the courts, they are likely to become the subject of future litigation. This uncertainty may increase project costs, delay approvals, and discourage investment, outcomes that conflict directly with the Executive Order’s objective of accelerating clean energy deployment.

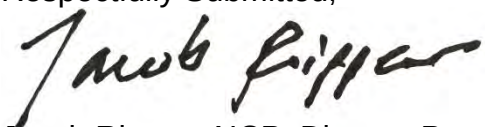
5. Consider updating Statewide Planning Goal 13, Energy Conservation, and if necessary, promulgate a new administrative rule to provide guidance for clean energy planning and siting.

NewSun Energy supports continued discussion regarding modernization of Goal 13 and broader statewide energy planning policy. However, this would likely constitute a significant, multi-year undertaking requiring substantial staff resources, funding, and coordination among agencies and stakeholders. Fundamentally, the Commission and stakeholders need to understand what practical effect a Goal 13 modification would have on solar facility permitting. Given the Executive Order’s emphasis on accelerating deployment in the near term, we encourage DLCD to prioritize more targeted reforms and recommendations capable of producing measurable permitting and siting improvements within shorter implementation timelines.

We believe that there are also additional pathways to that DLCD should consider in its implementation of EO 25-29, and plan to share thoughts and proposals as the process continues.

Thank you for your consideration.

Respectfully Submitted,



Jacob Ripper, AICP, Director Permitting & Entitlement
NewSun Energy



Oregon Clean Grid Collaborative

May 15, 2025

Department of Land Conservation and Development
635 Capitol Street NE Suite 150
Salem, OR 97301

OCGC Comments on DLCD Land Use Barriers and Opportunities Report

The Oregon Clean Grid Collaborative (OCGC) appreciates the opportunity to comment on the Department of Land Conservation and Development's (DLCD) report evaluating barriers and opportunities in Oregon's land use system for clean energy development at the local level, as directed by Executive Order 25-29.

OCGC is a coalition of organizations representing environmental justice, ratepayer, conservation, labor, and clean energy advocates working to ensure that Oregon transitions quickly, efficiently, and equitably to clean energy. We recognize the important role local governments play in siting clean energy infrastructure and are encouraged by DLCD's draft recommendations, which identify both near and long term opportunities to better align Oregon's climate goals, energy needs, and land use system.

DLCD Discussion Questions

While directed to the Commission, OCGC offers brief responses to the questions below before providing feedback on the draft recommendations.

1. *Does the commission have comments on the department's working approach to what constitutes a "barrier" or an "opportunity"? See definitions and Task 2 in Attachment C.*

OCGC broadly supports DLCD's definitions of "barriers" and "opportunities", and offers the following to ensure they fully capture all factors influencing siting.

Opportunities: We agree opportunities should include and prioritize areas where development can occur with minimal impacts on valued resources, local priorities, or community interests. At the same time, we recognize that opportunities will not always be limited to areas with little to no impact, and often include tradeoffs. We recommend also including areas where impacts can be mitigated, and locations where development reinforces statewide priorities such as affordability, reliability, economic development, and decarbonization.

Barriers: OCGC supports a broad barrier definition that includes provisions, policies, or lack thereof, that hinder development. We recommend explicitly adding:

- Regulatory uncertainty or lack of clear pathways, even where development is allowed

- Highly discretionary criteria, or criteria that is inconsistently applied
- Misalignment between state and local processes
- Misalignment between siting, permitting, planning, and interconnection processes including long interconnection queue timelines that lead to delays, uncertainty, and increased costs

2. *Does the commission agree that residential or individually specific energy development (rooftop solar, small-scale wind, microgrids) that would not displace rural land uses or take up space on the electrical transmission grid should be identified in the department's report?*

Ensuring a reliable grid while transitioning to renewable energy will require significant investments and coordination across generation, transmission, and customer-side resources. OCGC supports including behind-the-meter and customer investments in this report.

Transmission capacity and constraints, and the inability to site and permit new transmission infrastructure within reasonable timelines, are among the most significant barriers to clean energy deployment. Transmission projects are often capital-intensive, complex, and take years to complete, underscoring the importance of reducing land use barriers and creating a more predictable siting pathway for transmission projects.

At the same time, distributed energy resources (DERs), including rooftop solar, community solar, storage, microgrids, small-scale wind, and more, can reduce peak demand, improve local system resilience, reduce energy burden, and in some cases, reduce the need for new transmission infrastructure.

We encourage a “both/and” approach. Customer-side resources alone will not be sufficient to meet the state's growing energy demands and, similarly, relying completely on large-scale infrastructure without leveraging DERs would miss important opportunities for cost savings, resilience, and land use benefits.

Feedback on Category 1: Preliminary Draft Recommendations

I. Rec. 3: Implementation of HB 4031 and HB 4076 (2026)

OCGC supports clear guidance to local governments to ensure consistent implementation of HB 4031 and HB 4076 (2026).

HB 4031 was intended to allow certain time-sensitive projects to proceed through existing county permitting processes without additional state-level review. Given this intent, we don’t believe formal rulemaking is necessary and caution against creating new procedural requirements that could undermine the statute’s streamlined pathway. This is particularly important given federal tax credit eligibility and urgency that inspired the legislation. Additional procedural requirements could significantly hinder the bill's intended function. If guidance is necessary, we recommend focusing on clarifying legislative intent, and providing any direct guidance or technical assistance to local governments to support consistent implementation across local jurisdictions.

Similarly, to the extent rulemaking is conducted for HB 4076, we encourage keeping the process narrowly scoped to operationalizing the Goal 3 exception pathway for projects using surplus interconnection capacity. We caution against creating new hurdles or lengthy rulemaking

processes that undermine the legislative intent and keep Oregonians from enjoying the full promise of the tax credits.

II. Rec. 4: Expansion of the "Green Corridor" Rule

OCGC supports expanding opportunities for regional collaboration in identifying and planning for transmission that can support Oregon's clean energy needs while reducing siting conflicts. We encourage DLCD to coordinate with the Oregon Department of Energy's transmission corridor work under EO 25-29, including designation of statewide transmission corridors, streamlined siting and permitting within those corridors, and potential financial support for transmission development. OCGC also recommends proactive incorporation of Tribal consultation, habitat and agricultural impact considerations, cultural resource planning, and other community priorities in that process. Coordination between DLCD and ODOE is essential to a cohesive approach to transmission corridor planning.

Feedback on Category 2: Recommendations Needing Further Refinement

I. Rec 1: Prioritizing Brownfield Development

OCGC strongly supports prioritizing reuse and redevelopment of existing sites (brownfield sites) before previously undisturbed areas (greenfield sites). Repowering and reuse reduces impacts on agricultural lands, culturally significant areas, habitats, wildlife, and communities while supporting clean energy development. Fortunately, many incentives for developing in existing sites already exist. For example, it is significantly lower cost to reuse existing sites because those sites are already prepared and connected to grid infrastructure. To the extent DLCD pursues this concept, we recommend focusing on unlocking barriers to reuse within the permitting process, recognizing the distinction between brownfield and greenfield development.

This approach closely aligns with the Grid Enhancing Technologies bill, HB 3336 (2025), which emphasized maximizing existing transmission infrastructure before constructing new facilities. HB 3336 included a targeted land use piece to streamline upgrades occurring within existing utility rights-of-way, while maintaining protections for sensitive resources such as wetlands.

Potential avenues to explore on this recommendation:

- Streamline repowering existing facilities, including allowing projects to modernize or replace aging infrastructure without requiring a new siting process, so long as the impacts remain similar.
- Develop a statewide inventory of previously disturbed land suitable for renewable energy development. This could be done by updating the ORESA tool.
- Support GETs through expedited permitting or limited land use reviews within existing rights of way
- Incentivize co-location with existing infrastructure, including transmission corridors, industrial lands, previously developed sites, or generation sites
- Clearly distinguish between upgrades to existing infrastructure and new development in permitting process

II. Rec 4: Community Solar

Community solar is the primary mechanism for renters and low-income households to access solar benefits, so land use barriers have disproportionate equity impacts. Advocates and utilities like PGE have identified high-value farmland soil restrictions as a barrier to community solar

siting under the OR community solar program. OCGC recommends DLCD evaluate soil classification restrictions and eliminate barriers where feasible.

III. Rec 5: Update to Statewide Goal 13

OGCC supports exploring updates to Goal 13 as a long-term opportunity to align Oregon's land use system with climate and clean energy goals. Goal 13 currently focuses on energy conservation, and has not been substantially updated since its adoption. While energy conservation remains important, we recommend updating Goal 13 to explicitly recognize the state's climate goals and clean energy development within our land use system.

We recognize that updating a statewide planning goal is likely to be a complex multi-year process requiring substantial stakeholder input, rulemaking, and dedicated and increased staff capacity. We encourage DLCD to begin this work now by scoping a Goal 13 update in this report, and identifying needs for the 2027-2029 budget cycle.

We also request additional clarity on intended outcomes, including whether an update is likely to expedite permitting and siting, and interaction with Goal 3.

Additional recommendations:

I. Agrivoltaics
   a. OCGC supports continued exploration of agrivoltaics as a strategy to both support agricultural vitality and clean energy while minimizing land use conflict. DLCD previously investigated agrivoltaics through the Least Conflict Solar Siting in Eastern Oregon rulemaking process, where the Technical Advisory Committee provided feedback on parameters that could be set for agrivoltaic projects. We recommend reconvening this Technical Advisory Committee to continue discussions. In particular, we encourage DLCD to explore:
      i. Incentives for dual-use development, including whether acreage limits on high-value farmland should be modified for qualifying agrovoltaic projects
      ii. Agrivoltaics specific siting guidance and crop compatibility standards
      iii. Streamlined and predictable permitting for qualifying agrovoltaic projects
      iv. Retention of farm use classification and associated tax treatment where agricultural productivity is maintained

II. Expanding Allowable Uses in EFU Zones (Goal 3)
   b. OCGC encourages evaluation of how EFU zoning under Goal 3 can better accommodate clean energy and grid infrastructure while protecting agricultural lands. The current framework predates utility scale renewable energy, storage, and transmission buildout needs, creating application hurdles. We recommend:
      i. Evaluating certain clean energy uses, such as solar, as allowable uses under Goal 3 on non-arable land, rather than requiring a Goal 3 exception
      ii. Considering where state clean energy requirements could be explicitly recognized as a qualifying justification for a Goal 3 exception
      iii. Examining non-irrigated lands within American Viticultural Areas classifications and whether current high-value farmlands designations may unintentionally constrain lower impact solar development

OCGC appreciates DLCD's thoughtful approach to this directive. We look forward to continued engagement, and stand ready to support the agency in refining and advancing these recommendations.

/s/ Ben Brint
Senior Climate Program Director
Oregon Environmental Council

/s/ Joshua Basofin
Clean Energy Program Director
Climate Solutions

/s/ Carra Sahler
Director and Staff Attorney
Green Energy Institute at Lewis & Clark Law School

/s/ Lauren Link
Climate Program Director
The Nature Conservancy in Oregon

/s/ Katie Chamberlain
Regulatory Manager
Renewable Northwest



LOCALLY GROWN EST. OREGON FARM BUREAU 1932 GROWING STRONG

May 15, 2026

Ms. Alyssa Bonini
Department of Land Conservation and Development
635 Capitol Street, NE
Suite 150
Salem, Oregon 97301
Submitted via email to alyssa.bonini@dlcd.oregon.gov

RE: Draft Recommendations to Accelerate Clean Energy Development

Dear Ms. Bonini:

The Oregon Farm Bureau (OFB) appreciates the opportunity to provide comments on the Department of Land Conservation and Development's (DLCD) draft recommendations related to Executive Order 25-29. OFB represents farm and ranch families across the state whose livelihoods depend on the continued protection of Oregon's agricultural land base, the preservation of private property rights, and the careful maintenance of the statewide land use planning system that has long recognized agriculture as a foundational resource industry.

The draft recommendations raise issues of substantial importance to Oregon agriculture. Although the department's work remains preliminary, the direction of several recommendations suggests potential changes to statutes, administrative rules, and statewide planning goals that could materially affect Exclusive Farm Use lands, high-value farmland, irrigated land, rangeland, and surrounding farm and ranch operations. We are concerned that accelerating "clean energy" deployment could weaken or bypass longstanding protections for agricultural lands if not directed appropriately.

Oregon's land use system already contains pathways for energy facilities, utility infrastructure, transmission lines, and renewable energy development. Those pathways are

the product of policy choices intended to protect finite agricultural and forest resources while allowing necessary public facilities under appropriate standards. The existence of procedural complexity does not, by itself, justify reducing substantive protection for resource lands. Any rulemaking that follows this process should maintain the existing framework wherever possible, limiting any required changes to the narrowest adjustments necessary to conform to statute.

The core issue is the potential expansion or normalization of Goal 3 exceptions, effectuating routine approval pathways for utility-scale development on agricultural land where projects are proposed near existing energy infrastructure or surplus interconnection capacity. The presence of nearby grid infrastructure should not be treated as sufficient reason to convert productive farmland or diminish protections for surrounding agricultural operations. Any rule changes implementing HB 4076 must preserve a stringent alternatives analysis, require clear findings regarding nonresource sites, and ensure that agricultural impacts are avoided first, and minimized or mitigated second. Goal 3 is the backbone of Oregon's agricultural land protection system. Exceptions to Goal 3 should remain rare, site-specific, and rigorously justified.

The department's recommendation to develop provisions for stand-alone battery energy storage systems also requires careful limitation. Battery energy storage may play a role in the energy system, but stand-alone storage facilities are industrial in character and may carry site-specific risks related to fire safety, hazardous materials, access, emergency response, and decommissioning. Creating land use pathways for these facilities risks becoming a broad new authorization for industrial development in EFU zones.

OFB is also concerned about the possible statewide expansion of the "Green Corridor" transmission rule. Transmission planning can affect agricultural producers for generations. Corridors may alter farm layout, interfere with irrigation systems, affect aerial application, restrict equipment movement, complicate field access, reduce productive acreage, and impose long-term operational burdens on farms and ranches. A statewide corridor process should not reduce landowner participation or allow programmatic findings to substitute for meaningful site-specific review of agricultural impacts. If this concept moves forward, it must include early notice to affected landowners, direct consultation before corridor designation, county-level participation, agricultural representation, enforceable avoidance standards for high-value and irrigated farmland, and strong mitigation and compensation requirements.

The discussion of community solar also warrants caution. OFB recognizes that community solar is often presented as a way to expand access to renewable energy; However, from a land use perspective, community solar may still mean ground-mounted solar development on rural land. The label "community solar" should not be used to weaken protections for EFU land or high-value farmland. If community solar is addressed in future rulemaking, it should be directed first to rooftops, parking lots, brownfields, landfills, already-developed sites, and other low-conflict locations. Restrictions on high-value farmland should not be relaxed simply because a project is smaller or has a different subscription model.

The department's interest in clarifying discretionary criteria requires careful treatment. Standards such as ORS 215.296 and related administrative rules are essential protections for surrounding farm and ranch operations. They ensure that nonfarm uses do not significantly change accepted farm practices or significantly increase the cost of those practices. These standards should not be simplified in a way that lowers the burden on applicants or limits the ability of counties and affected producers to identify real-world operational impacts. Any clarification should make review more rigorous and more predictable by requiring specific analysis of irrigation, drainage, field access, road use, weed control, wildfire risk, livestock movement, aerial application, fencing, soil disturbance, water impacts, and cumulative effects on surrounding agricultural operations.

Where the department considers technical assistance, guidance, mapping, or model ordinances, those materials must be neutral and must fully incorporate agricultural expertise. Technical assistance should not function as state-sponsored development assistance. Counties need resources to evaluate impacts on farm and ranch operations, not merely resources to process energy applications faster. Any technical assistance should include agricultural impact review, irrigation district consultation, soil and water analysis, decommissioning standards, weed-control requirements, road and access review, wildfire-risk evaluation, and enforceable conditions protecting surrounding agricultural operations.

OFB also urges caution with any recommendation that relies on mitigation as a substitute for avoidance. Some agricultural impacts can be mitigated; others cannot. Permanent conversion of productive agricultural land, fragmentation of farm units, loss of irrigation infrastructure, interference with neighboring operations, and cumulative regional loss of farmland cannot be fully addressed through after-the-fact conditions. Avoidance of high-value farmland, irrigated land, productive rangeland, and lands necessary to surrounding agricultural practices should remain the first and controlling principle.

At this stage, the draft recommendations are too preliminary to determine their full effect. OFB therefore urges the department and commission to proceed cautiously and to avoid any recommendation that assumes clean energy deployment should be accelerated through reduced protections for agricultural land. Oregon's agricultural land base is finite. Once converted, it is rarely restored to equivalent productive capacity. The statewide planning system should continue to treat that land as a resource to be preserved, not as a reserve inventory for industrial-scale energy development.

OFB respectfully requests that DLCD and LCDC apply the following principles in any final recommendation, guidance, or rulemaking:

1. Maintain the existing agricultural land protection framework wherever possible.
2. Limit Goal 3 exceptions to the narrowest circumstances required by statute.
3. Preserve rigorous application of ORS 215.296 and related farm-impact standards.
4. Require meaningful alternatives analysis before any energy facility is sited on EFU land.
5. Prioritize rooftops, existing developed sites, brownfields, existing energy sites, and nonresource lands over agricultural lands.
6. Avoid high-value farmland, irrigated land, and other productive agricultural lands.
7. Require early and meaningful consultation with affected farmers, ranchers, irrigation districts, and counties.
8. Ensure decommissioning, restoration, bonding, fire safety, weed control, and water-impact standards are enforceable and sufficient.
9. Ensure any Goal 13 update does not weaken or override Goal 3 or Goal 4.
10. Treat mitigation as a last resort, not a substitute for avoiding agricultural impacts.

OFB appreciates the opportunity to comment and looks forward to reviewing any future draft rule language or statutory recommendations. We urge the department and commission to avoid broad changes that could undermine Oregon's agricultural land base.

Respectfully,



Ryan J. Krabill
Oregon Farm Bureau

May 15, 2026

To: Department of Land Conservation and Development
635 Capitol Street NE Suite 150
Salem, OR 97301

RE: DLCD's Recommendations Pursuant to Executive Order 25-29

Renewable Northwest ("RNW") appreciates the opportunity to provide comments to the Oregon Department of Land Conservation and Development ("DLCD") on the agency's proposed recommendations pursuant to Executive Order ("EO") 25-29. RNW is a clean energy advocacy nonprofit working to decarbonize the electric sector in Oregon, Washington, Montana, and Idaho by accelerating the transition to clean energy. Our members include wind, solar, and storage developers, associated businesses, environmental organizations, and consumer advocates.

EO 25-29 directed DLCD to "accelerate clean energy deployment through Oregon's land use planning framework."[1] We appreciate DLCD Staff's work to evaluate existing rules and to identify opportunities to improve siting for clean energy and transmission infrastructure. While several recommendations move in the right direction, we are concerned that the recommendations, on the whole, do not match the urgency of the moment or the intent of the EO. Oregon has spent years pursuing incremental adjustments to siting renewable energy, but siting and permitting timelines remain far longer than other states[2], and deployment outcomes remain far below what the state's energy and climate goals require.

Despite having some of the most ambitious clean electricity targets in the country, Oregon ranks near the bottom in new renewable energy development.[3] Our members who develop renewable energy have been telling us this for years: Oregon is one of the most challenging states for development. This is by design: Oregon's land use planning framework was intended to preserve farmland, forests, and natural resources outside of urban growth boundaries. Indeed, our land use

[1] https://www.oregon.gov/gov/eo/eo-25-29.pdf
[2] Researchers found that Oregon has one of the longest renewable energy permitting timelines at the state level. While this research is focused on the EFSC permitting pathway, the state's land use system under DLCD's purview is a key element driving the length of that permitting process.
https://www.frontiersin.org/journals/sustainable-energy-policy/articles/10.3389/fsuep.2026.1715811/full
[3] https://www.opb.org/article/2025/05/12/oregon-washington-green-energy-bonneville/

system has served the state well in protecting our landscapes and resources, but it was not built with the scale and urgency of the clean energy transition in mind.

Oregon faces the dual challenge of maintaining strong protections for farmland, forests, and natural resources while also building the energy infrastructure needed to meet the state's clean energy goals and growing electricity demand. Oregon's major utilities are currently not on track to reduce emissions 80% by 2030 under HB 2021, and difficulties siting new generation and transmission are part of the problem. Delays increase the cost of energy, slow emission reductions, and make it harder to deliver the economic benefits that clean energy projects can provide, including jobs, local tax revenue, and supplemental income for rural landowners.

Our comments are grounded in the simple premise that Oregon needs deeper reforms that better balance resource protection with the urgent need for clean energy and transmission infrastructure. This does not mean dismantling Oregon's land use system, but it does point toward rebalancing policy goals. EO 25-29 presents an opportunity to shift toward more structural reforms, and we encourage DLCD to pursue these reforms commensurate with the scale of the challenge.

I. Feedback on DLCD Recommendations

Recommendation 2.5: Consider updating Statewide Planning Goal 13, Energy Conservation, and if necessary, promulgate a new administrative rule to provide guidance for clean energy planning and siting

Oregon's land use planning system was developed over 50 years ago to address concerns over the impact that rapid population growth and associated development would have on Oregon's natural and working lands. The nineteen goals express the state's policy priorities related to farmland, forests, natural resources, and more. Missing from those goals, however, is any mention of climate change and the need for clean energy development to reduce greenhouse gas emissions and provide reliable, affordable energy. While the state's land use planning system has done a tremendous job of protecting our landscapes over the last 50 years, it is not equipped to address the climate crisis and clean energy development needs.

Accordingly, we support Staff's recommendation to Amend Goal 13 – the state's energy conservation goal – to include clean energy development as a specific objective. Updating Goal 13 would align our state's land use system with our energy policy goals, bringing much needed balance to the land use system by recognizing the need for clean energy development in the state.

However, we should work to ensure that amending Goal 13 would have more than just a symbolic impact. To that end, we have several questions for Staff:

1. *What does a Goal amendment process entail? Who is involved? How long would it take?*
2. *What specific outcomes does DLCD hope to achieve by amending Goal 13?*
3. *Would a Goal 13 rewrite support a quicker development process for clean energy?*
4. *Would an updated Goal 13 serve as a "reason" that could justify a Goal 3 or 4 exception during the siting & permitting process?*

Recommendation 1.1: Develop statute and rule provisions regarding stand-alone Battery Energy Storage Systems

We strongly support Staff's recommendation to develop statute and rule provisions regarding stand-alone storage or BESS. Storage is essential to a reliable grid, allowing utilities to store energy when supply is high and deliver it during peak demand. Despite this clear public benefit, standalone storage projects do not have a clear authorization pathway under Oregon law. **Specifically, RNW urges DLCD to put forward a recommendation defining BESS as a utility facility necessary for public service.** This designation would provide much-needed clarity for BESS permitting and help accelerate deployment.

Recommendation 2.1: New policies prioritizing re-use of existing sites over developing at new, undisturbed locations, or technical assistance to implement existing laws that prioritize the re-use of existing sites

While this sounds like a win-win theory in concept, many of the incentives to re-use existing sites are already in place. Developers prioritize reusing existing sites because of the large upfront costs associated with new site preparation and the infrastructure that comes with existing sites. For example, repowering wind sites is standard industry practice, where old turbines are swapped out for newer models, extending the life of the wind farm and using the existing footprint and grid infrastructure. Further, HB 4076, which was passed last session incentivizes siting new projects or additional capacity at existing sites where there is surplus interconnection, which is essentially extra transmission capacity that allows more power to be injected onto the grid at that specific point of interconnection.

To the extent DLCD decides to pursue this concept, we recommend focusing on actions that streamline the permitting process for generation projects that re-use existing sites and transmission projects in existing right of way ("ROW"). These kinds of projects should require significantly less time to permit because of their limited impacts on the landscape and communities. We recommend that DLCD inventory the barriers that generation and transmission projects face to siting at existing sites or in existing ROW, and work to remove those barriers within the permitting process.

RNW also cautions that relying on existing sites alone will not solve the problem. Most projects in Oregon are far from their end of life, and we need to add more capacity to the grid now, which will require more land.

Recommendation 1.4: Expand the "Green Corridor" rule in OAR 660-033-0055 to apply statewide to facilitate and streamline transmission siting

RNW would appreciate more information from Staff on the intent and potential impact of expanding the Green Corridor rule statewide. Additionally, the concept of establishing preferred transmission corridors is similar to one of the directives under EO 25-29. The Oregon Department of Energy ("ODOE"), the Public Utility Commission ("PUC"), and the Governor's office are tasked with proposing a framework to strategically accelerate the identification and designation of transmission corridors. **To the extent that DLCD pursues this recommendation, we encourage the agency to coordinate with ODOE, the PUC, and the Governor's office to ensure alignment as the state considers how to facilitate efficient transmission development**.

Recommendation 1.3: Develop guidance for local government implementation of HB 4031(2026) and undertake conforming rulemaking on OAR 660-004-0022 to account for HB 4076 (2026)

HB 4031 temporarily allows certain renewable energy projects that would otherwise be subject to Energy Facility Siting Council ("EFSC") jurisdiction to instead pursue county-level permitting. Importantly, it does not require that the county accepts those projects; rather, it creates an optional permitting pathway for project developers. The law's impetus was the limited window of availability for federal clean energy tax credits, which provide a significant opportunity to lower energy costs and accelerate deployment of new resources.

Given that counties already have established siting and permitting processes for energy facilities, RNW does not believe HB 4031 requires extensive agency implementation. **To the extent DLCD believes guidance would be helpful for local governments, RNW supports only a limited and practical guidance document that will facilitate efficient and consistent implementation**. Any guidance effort should be narrowly tailored and developed on an expedited timeline to ensure projects can move forward in a timely manner under the HB 4031 framework.

To better understand Staff's recommendation, RNW would appreciate additional clarity on the following questions:

1. *What specific implementation issues does Staff believe require additional guidance for local governments under HB 4031?*
2. *What form would this guidance take (e.g. a memo, Q & A document, etc.)?*
3. *How does Staff envision ensuring that any guidance development does not delay local siting and permitting decisions for eligible projects?*

On HB 4076, RNW believes a limited and efficient conforming rulemaking may be appropriate. The law was written in such a way where projects that meet certain criteria are presumptively granted a goal exception, so a lengthy rulemaking process should not be necessary. However, it is our understanding that the legislature may take up HB 4076 again this session, so any implementation should wait for additional legislative direction.

II. Additional Policy Options to Reduce Barriers to Clean Energy Deployment

In addition to the recommendations Staff has put forward, we encourage DLCD to consider other policy pathways that could help reduce barriers to clean energy deployment within Oregon's land use planning system while continuing to uphold the state's longstanding commitment to preserving our natural and working lands. Some of the concepts below are mutually exclusive, while others could be pursued in combination.

1. **Consider broadening the "reasons" that justify a Goal 3 exception to include state energy policies.** Currently, state energy policies like HB 2021 and the Renewable Portfolio Standard are generally not recognized as sufficient justification for a Goal 3 exception. As a result, Oregon's land use framework and energy policy objectives operate in tension with one another, creating additional uncertainty, delay, and cost for projects intended to advance state clean energy goals. Allowing state energy policies to be considered as part of the exception analysis could help better align these policy frameworks while preserving discretion to evaluate impacts on agricultural lands.
2. **Consider designating certain applications of solar as an allowable use on land zoned for exclusive farm use ("EFU"),** including:
    a. "Dual use" solar (i.e. agrivoltaics), where solar generation is integrated with continued agricultural production;
    b. Solar development with agricultural mitigation plans in place;
    c. Solar development on nonarable lands that are predominantly not cultivated and predominantly comprised of nonarable soils; and
    d. Solar facilities that fall under county siting and permitting jurisdiction.

    These approaches may provide opportunities to support renewable energy generation while minimizing impacts on agricultural land.
3. **Consider reauthorizing and updating dual use solar provisions** under OAR 660-033-0130(38)(g). DLCD could consider restoring this provision and updating it to better reflect new frameworks for dual use. Potential revisions could include:
    a. Removing the acreage limit for solar projects on high-value farmland ("HVF") where a qualifying dual use plan demonstrates continued agricultural production;
    b. Expanding eligibility to arable and nonarable lands, in addition to HVF; and
    c. Removing the repeal provision so this pathway remains available going forward.
4. **Consider amending the 320-acre threshold for solar allowed on nonarable land** under OAR 660-033-0130(38)(j). Restrictions on the size of solar facilities on EFU may

be most appropriately focused on arable and HVF. By contrast, limiting solar development on nonarable lands through an acreage cap may unnecessarily constrain opportunities on lands with comparatively lower agricultural utility.

5. **Consider amending the HVF definition** under ORS 195.300 to better align American Viticultural Areas ("AVA") designations with on-the-ground agricultural conditions. This could include:
    a. Removing AVA-related criteria from the HVF definition;
    b. Exempting solar facilities from the AVA-related HVF definitions; or
    c. Limiting HVF designations within eastern and southern Oregon AVAs to parcels that have irrigation rights.

RNW recommends that DLCD pursue some of the recommendations above in conjunction with some of the recommendations put forward by Staff. Together, these would go farther in reducing barriers to clean energy deployment under Oregon's land use planning system.

III. Conclusion

RNW again thanks DLCD Staff for putting forward recommendations intended to reduce barriers to project development. We strongly support two of the recommendations: Amending Goal 13 and Developing Statute and Rule Provisions Regarding BESS. If implemented according to the intent of the EO, these concepts could meaningfully reduce the barriers that clean energy projects face in the siting process. However, RNW urges DLCD to pursue additional policy and rule changes that would more appropriately balance the state's land use policies and clean energy policies, including those outlined in section II above. Further, given the number of recommendations DLCD put forward, RNW encourages the agency to prioritize recommendations that will have the biggest potential impact toward accelerating clean energy project deployment. We look forward to continued engagement in the agency's implementation of EO 25-29.

Respectfully submitted,

/s/ Katie Chamberlain

Regulatory Manager

Renewable Northwest

The Nature Conservancy

The Nature Conservancy in Oregon
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May 15th, 2026

To: Oregon Department of Land Conservation and Development

Feedback on DLCD's Report on Opportunities and Barriers in the Land Use System for Renewable Energy Siting at the Local Level

Submitted by Lauren Link, TNC Oregon Climate Program Director

Thank you for the opportunity to provide comments on the Oregon Department of Land Conservation and Development's (DLCD) report on opportunities and barriers in the land use system for renewable energy siting at the local level.

The Nature Conservancy (TNC) is a science-based conservation organization working with partners across the state to address both climate change and biodiversity loss to create a future where people and nature can thrive. Having participated in previous renewable energy siting tables and agency rulemakings on identifying least conflicts areas for solar siting, we recognize the challenge that comes with balancing our need to protect and conserve our most sensitive ecosystems and productive working lands, while at the same time, needing to be responsive to our region's growing energy needs and provide clean, reliable, and affordable energy to Oregonians.

We appreciate the thoughtful approach that DLCD staff have taken to evaluate existing rules and to identify opportunities to streamline and accelerate local government siting pathways for renewable energy infrastructure. We want to emphasize the important role local governments play in siting and permitting clean energy infrastructure, as they are often living and working in the community where they can see firsthand the needs and impacts associated with renewable energy development, and are often considered as trusted messengers within the community.

TNC supports streamlining local siting processes and accelerating renewable energy deployment in ways that also minimize environmental and social impacts, reduce opposition, enable faster permitting, and lower costs. Our comments are grounded in the overarching theme of how the state should consider and balance varying land uses with Oregon's clean energy goals and how to support and fund critical planning and outreach efforts to facilitate productive conversations about tradeoffs with community members, conservation partners, agricultural producers, Tribal nations, and agency partners to adequately identify, prioritize, and mitigate impacts from renewable energy projects.

TNC Feedback on DLCD Recommendations

1.1 Develop statue and rule provisions regarding stand-alone Battery Storage Systems (BESS).
Battery Energy Storage Systems or BESS are an important part of creating a more stable and reliable grid. While HB 4015 (2024) created a pathway for BESS to be permitted through Oregon's Energy Facility Siting Council (EFSC), developers are still required to navigate local land use laws to be able to site BESS. **TNC supports the recommendation to develop statute and rule provisions for standalone battery storage (BESS) to provide greater clarity and standards for siting BESS.** We recommend DLCD explore legislation recently introduced in Washington State, SB 6008 (2026), that aimed to incentivize stand-alone BESS as a potential template for Oregon.

1.2. Develop rule to provide for substations to be located in Forest Zones.

We recognize that substations are a critical part of connecting energy generation to the larger grid and are supportive of development of new substations in areas where generation and transmission are being built. Understanding that power generating facilities sited in forestland must be permitted through a Goal 4 exception and substations would be subject to this goal exception process as well, we are still unclear about the level of impact this new rule would have and how many new substations would feasibly fall within forested areas.

In the consideration of how to develop or amend the rules, **TNC encourages DLCD to conduct an impact assessment to better understand how many new substations could fall within these forested areas**. In addition, we recommend that the rule include siting criteria that minimize clearing of mature forest, require colocation with existing infrastructure where feasible, and require consultation with ODFW on wildlife habitat impacts.

1.3. Develop guidance for local government implementation of HB 4031 and undertake conforming rulemaking on OAR 660-004-0022 to account for HB 4076 (2026 session)
TNC is supportive of DLCD providing additional guidance and technical assistance to support implementation of HB 4031 and HB 4076 quickly and consistently across local jurisdictions. We believe HB 4031 legislative intent is clear in terms of which projects qualify for permitting through existing county processes and the need to move quickly to capture expiring federal tax credits and therefore don't believe additional procedural rulemaking is required for implementation.

We do recognize that counties could be faced with larger projects than they have permitted in the past and we support DLCD providing additional guidance on how to ensure that county standards for siting solar under ORS 215.446 are adequately followed and applied, especially as it relates to complying with wildlife mitigation standards and mandatory consultation with Oregon Department of Fish and Wildlife and the requirements for engagement with Tribes and impacted parties. We don't believe it is the legislative intent for larger projects to circumvent these critical wildlife habitat, Tribal, and community provisions outlined under ORS 215.446 and recommend DLCD provide additional guidance on the potential siting pathways available to counties and the potential impacts associated with each pathway (ORS 215.446, new Eastern OR solar siting rules under Div. 23 and Div. 33, local county ordinance adoption).

In regard to HB 4076, we recognize that this legislation creates a Goal 3 expectation pathway for projects that can use existing surplus interconnection capacity, and that any rulemaking to clarify the exception should be narrowly scoped to operationalize this pathway without creating new barriers to implementation.

1.4. Expand the "Green Corridor" rule in OAR 660-033-0055 to apply statewide to facilitate and streamline transmission siting
Building high voltage transmission lines that cross multiple counties is a complex process involving regional planning, inter-jurisdictional permitting, and coordination between utilities, communities, and local governments. **TNC supports coordinated planning efforts across multiple jurisdictions to better align permitting processes and timelines, coordinate outreach to communities, conduct coordinated Tribal consultation, and align advanced planning work with local, state and federal agencies to jointly address wildlife habitat and agricultural assessments and mitigation requirements.** We encourage DLCD to continue to collaborate closely with ODOE on the potential to integrate principles of the 'Green Corridor rule' into their current workstreams on identification of transmission corridors under EO 25-29.

1.5. Work with Federally Recognized Tribes in Oregon to inventory and protect cultural resources with a nexus to clean energy generation and transmission.

TNC supports early and consistent engagement with Tribal governments on siting of renewable energy projects, not as a replacement for formal consultation, but as a proactive approach to siting renewable energy projects that respect Tribal sovereignty and avoid costly conflicts. This recommendation seems in line with this principle and aims to identify potential conflicts early so cultural resources can be avoided and protected in renewable energy planning and siting.

TNC supports DLCD's recommendation to develop an inventory, but we recommend that this process be driven by Tribal members and be inclusive of data sovereignty guidelines that protect cultural knowledge, while enabling robust planning. We recommend DLCD explore the collaborative model led by the Affiliated Tribes of Northwest Indians (ATNI) that aims to anonymously and proactively identify potential energy siting conflicts (funded through the US Department of Energy R-STEP program and Washington State Department of Commerce).

We also have questions about how this recommended action will be informed by the most recent Goal 5 rulemaking on cultural resources completed by the agency. Finally, we want to flag concerns regarding differing levels of requirements or lack of a formal government-to-government consultation framework for siting of renewable energy projects when the project moves from the state EFSC process to the county process. We want to ensure that the county siting process is providing robust Tribal engagement and bringing Tribes early into the decision-making process. We understand that this engagement takes additional staff capacity at local jurisdictions. We recommend that DLCD provide guidance and technical and financial assistance to support counties in conducting early and meaningful Tribal engagement.

1.6. Enhanced Technical Resources from Eastern Oregon Solar Siting Report
TNC strongly supports DLCD providing technical and financial assistance to counties to support planning, ordinance adoption, guidance and implementation of new rules, and outreach support to site and permit new renewable energy projects. This need is confirmed in DLCD's Finding Opportunities and Reducing Conflicts in Siting Photovoltaic Solar Power Generation Facilities Report (Dec. 2025), which shows an overwhelming request (over 83% of County Planner respondents) for technical and financial assistance to help implement the newly adopted solar siting rules for Eastern Oregon.

We recognize that this also means adequately funding and resourcing DLCD, so the agency has adequate staff capacity and funding to conduct proactive outreach to county staff, provide technical assistance, public engagement, and Tribal engagement; provide financial assistance to help counties staff planning departments, retain professional services to assist in presentation, cultural resources review, or meeting preparation; and be able to develop and update tools and resources to help counties plan, site, and permit projects in a timely manner.

<u>Category 2: DLCD recommendations requiring additional information/refinement:</u>
2.1. New policies prioritizing re-use of existing sites over developing at new, undisturbed locations, or technical assistance to implement existing laws that prioritize the re-use of existing sites.
While TNC supports building or expanding renewable energy infrastructure on already-disturbed lands as opposed to greenfield development, we believe this recommendation is unnecessary and should not be prioritized. Repowering existing energy sites is standard industry practice, and no additional policies are needed to incentivize this practice. We support DLCD providing technical assistance to counties to provide clarity on implementation of existing laws.

Beyond prioritizing reuse of existing sites, we encourage DLCD, in collaboration with ODOE, to incentivize co-location with existing infrastructure (including highways), streamlining upgrades occurring within existing utility rights-of-way, and supporting implementation of grid enhancing technologies (GETs) through expedited permitting pathways or limited land use reviews.

2.5: Consider updating Statewide Planning Goal 13, Energy Conservation, and if necessary, promulgate a new administrative rule to provide guidance for clean energy planning and siting

While we recognize the value of Oregon's land use framework and its role in conserving critical habitat for wildlife and productive agricultural lands and forests, TNC supports amending this framework and specifically Goal 13 to reflect the dynamic nature of our changing landscapes and to meet the urgent need to address climate change both through climate resilient land management strategies (already represented in the land use goals) AND decarbonizing our grid. Updating Goal 13 to include clean energy development would bring Oregon's clean energy goals in line with other land uses and would be considered when making critical land use decisions.

Additional Recommendations to Consider

We respectfully offer additional recommendations for DLCD to consider that could help reduce barriers to clean energy deployment within Oregon's land use system. We welcome any questions or feedback on these recommendations.

1. We encourage DLCD to promote agrivoltaics as not only an energy generation strategy, but also as an opportunity for farmers to diversify their income, build community resilience, and optimize land use. TNC recommends DLCD explore the following:
    a. Promoting agrivoltaics on less productive agricultural lands
    b. Identifying opportunities to increase and support production on productive ag lands, such as promoting sheep and cattle grazing, siting solar on pivot corners
    c. Identifying barriers to agrivoltaics adoption in Oregon
    d. Incentivizing agrivoltaics by:
        i. Allowing larger dual use solar projects that demonstrate high agricultural productivity by removing or increasing the acreage cap on high value farmland
        ii. Ensure that land used for agrivoltaics remains eligible for the farm tax status instead of being reclassified as industrial
        iii. Explore streamlined pathways for permitting agrivoltaics
2. Consider how to approach non-irrigated lands in American Viticultural Area (AVA) designation areas, especially if AVA designated land is classified as high-value farmland and therefore subject to the same acreage caps and exception requirements, potentially restricting solar development.
3. Explore the buildout of a robust habitat mitigation program that includes proactive advanced mitigation credit creation in priority service areas.
    a. Understanding that developers want certainty in the permitting and siting process, we believe that by providing additional pathways to meet mitigation requirements for renewable energy projects, we can reduce permitting timelines and have better mitigation outcomes.
    b. TNC supports the development of a statewide in-lieu fee (ILF) mitigation program to compliment mitigation banks and address impacts from renewable energy development. An ILF program could forecast and generate credits in targeted geographies, proactively identifying areas that will likely need offsets and that represent good conservation and community investments.

Thank you again for the opportunity to comment. TNC is committed to continued conversation and collaboration on siting clean energy infrastructure with least impact to people and nature.

1000 friends of Oregon

Main Office • 340 SE 6th Ave • Portland, OR 97214

June 23, 2026

To: Land Conservation and Development Commission

From: Mary Kyle McCurdy, Associate Director and Jim Johnson, Working Lands Director

Re: LCDC Meeting of June 25-26
Agenda Item 9: Briefing: Executive Order 25-29 Recommendations: Accelerate Clean Energy Deployment Through Oregon's Land Use Planning Framework

1000 Friends appreciates the opportunity to provide comments on the Department of Land Conservation and Development's (DLCD) draft recommendations on Governor Kotek's Executive Order 25-29 on opportunities and barriers in the land use system for renewable energy siting at the local level. We also appreciate the staff's clear description of each recommendation, including the possible advantages and difficulties of each.

Below we provide brief comments on each recommendation, following the order in the staff report. In evaluating these, we use the following framework: avoid high value and irrigated land; prioritize existing developed sites, including sites with existing energy facilities and sites inside cities and towns such as rooftops, parking lots, and brownfields; require alternative sites analysis; apply the farm-impact standards; and use mitigation where there are no less impactful alternative sites, not as a method to site anywhere.

Short-Term (0-24 months)

1. Develop statute and rule provisions regarding stand-alone Battery Energy Storage Systems (BESS).

BESS is a needed and important component of renewable energy. If we can better store energy from renewable sources, we might not need as many acres of what are often natural and working lands devoted to generation, among other things. Current law does not address BESS and clarification is needed. However, the land use system already provides a system for siting energy facilities, including renewable facilities, utility infrastructure, and transmission lines, designed to balance energy needs with the needs of agriculture, forestry, wildlife, and other land-based industries and natural resources.

1000 Friends recommends that BESS should only be readily permitted when co-sited with an authorized energy generation project. Stand-alone BESS should not be allowed on high value farmland or on land that has had agricultural irrigation water rights in the last seven years.

We support the caution provided in the letter from the Oregon Farm Bureau:

> "The department's recommendation to develop provisions for stand-alone battery energy storage systems also requires careful limitation. Battery energy storage may play a role in the energy system, but stand-alone storage facilities are industrial in character and may carry site-specific risks related to fire safety, hazardous materials, access, emergency response, and decommissioning. Creating land use pathways for these facilities risks becoming a broad new authorization for industrial development in EFU zones."

2. Develop rules to provide for substations to be located in Forest Zones by adding use to OAR 660-006-0025(4), or by revising existing provisions at OAR 660-006-0025(4)(r).

If new substations are allowed on forest lands, the process must be either the existing exceptions process, or review criteria that look at the cumulative impact on the overall stability of the surrounding forest (and farm) patterns, taking into account the other uses likely to follow the installation of a substation. This includes the farm/forest impacts test. In addition, we recommend prohibiting locating substations on forest land capable of producing 85 cubic feet per acre on the west side of the state and 50 cubic feet per acre on the east side.

3. Develop guidance for local government implementation of HB 4031 (2026) and undertake conforming rulemaking on OAR 660-004-0022 to account for HB 4076 (2026).

This recommendation seems fine.

4. Work with Federally Recognized Tribes in Oregon to inventory and protect cultural resources with a nexus to clean energy generation and transmission.

1000 Friends of Oregon supports this recommendation.

Mid-Term (12-36 months)

5. Expand the "Green Corridor" rule in OAR 660-033-0055 to apply statewide to facilitate and streamline transmission siting.

1000 Friends of Oregon has supported a long-term energy siting plan that is focused on designated corridors. We would like to see incentives built in to locate in the corridor, while ensuring protection of resource lands.

6. Implement the Enhanced Technical Resource recommendations made in the Department's Least Conflict Solar Siting in Eastern Oregon (HB 3409) Final Report of 2025.

Support.

7. Support the Oregon Department of Energy's (ODOE) "Tribal Energy Block Grant" concept.

Support.

8. Consider developing new policies prioritizing re-use of existing sites, or technical assistance to implement existing laws that prioritize the re-use of existing sites.

We might be able to support this, but we need more information and definitions.

9. Policies promoting "behind the meter" noncommercial renewable energy development (rooftop solar and other types).

Support.

10. Consider provisions for Community Solar Projects

1000 Friends of Oregon supports community solar projects, but this should not mean it is exempted from or should fall under less stringent standards for protecting our food-producing farm land. Agriculture is soil-dependent; solar facilities are not. If rulemaking is undertaken on community solar projects, it should incentivize placing community solar projects *in* the community - over parking lots, both surface and structured (many US communities are doing this), brownfields, rooftops including large scale industrial buildings, brownfields, and more. Placing and dispersing these in communities makes for a more resilient community system.

11. Consider provisions for Agrivoltaics

As described in the staff report, the concept of agrivoltaics is one thing, but its true potential for beneficial use at commercial scale remains to be seen. Solar installations on high value soils often provide a barrier to producing high value crops and limit the ability for farmers and farm operators to make decisions involving changing crops as conditions change. Agrivoltaics should not be used to justify siting on high value soils that grow crops such as hazelnuts, berries, and more. Oregon has plenty of lower capability lands on which to site solar facilities, including using agrivoltaics.

12. Normalize Community Benefit conversations.

Support.

13. Reconsider high-value farmland limitations for non-irrigated lands in AmericanVinicultural Areas (AVAs).

1000 Friends of Oregon agrees that this is a topic worth exploring.

14. Consider establishing high-value farmland, arable land, and nonarable land as the three overall categories for considering commercial energy generation proposals and elevating threshold for non high-value farmland from 20-acres to 100-acres.

1000 Friends finds that this proposal needs more work and discussion. The table appears to be simply taking the existing approaches and inserting new numbers; this might be productive but it needs more exploration and explanation.

15. Consider establishing provisions for placing photovoltaic solar panels in the corners of center pivot irrigation systems.

This proposal makes sense in many cases. However, it can depend on the adjacent crop/agricultural practices, so any rulemaking must take this into account.

Long-Term (24 months and beyond)

16. Consider updating Statewide Planning Goal 13, Energy Conservation, and if necessary, develop a new administrative rule to provide guidance for clean energy planning and siting.

Support.

OREGON SOLAR + STORAGE INDUSTRIES ASSOCIATION

June 29, 2026

Oregon Department of Land Conservation and Development
Oregon Land Conservation and Development Commission
635 Capitol Street NE, Suite 150
Salem, OR 97301

Re: Executive Order 25-29, updated comments

Dear Chair Lazo, Director Bateman, and Members of the Commission,

The Oregon Solar + Storage Industries Association (OSSIA) is a trade association founded in 1981 to promote clean, renewable, solar technologies. OSSIA members include businesses, non-profits, and other solar and storage stakeholders. We provide a unified voice of the solar industry and focus exclusively on the solar and storage value chains; from workforce development to permitting, advocacy, policy, and regulation for manufacturing, residential, commercial, community, and utility scale solar and storage projects on the local, state, and regional level.

The updated work plan includes some much needed new items, but failed to remove items that do not fit well within DLCD's jurisdiction. Our updated comments will focus on these items.

In addition, OSSIA is concerned that the timeline laid out does not match the intent of Governor Kotek's Executive Order 25-25, to move quickly to help projects meet federal tax credit deadlines. The federal tax credits end in 36 months, so DLCD's timeline of 36 months for some items is too slow. OSSIA recommends that items which would benefit the federal tax credit deadlines all be moved to 12 months, and other items have a timeline of 24 months.

Comments on specific items:

a. **Short Term (0-24 months).**

3. Develop guidance for local government implementation of HB 4031(2026) and undertake conforming rulemaking on OAR 660-004-0022 to account for HB 4076 (2026). While OSSIA acknowledges that this item was put forward in the spirit of helping, OSSIA does not believe that guidance on either bill is warranted. HB 4031 was drafted to ensure clarity to all parties, and the change is quite simple. OSSIA worries that guidance given by the agency might have the opposite impact and may muddy the already clear waters.

HB 4076 will see legislative action to make changes in the 2027 session, so OSSIA recommends postponing this activity until after the 2027 session (24 months), to see if rulemaking is needed. Starting before then would lead to confusion and unnecessary staff time.

b. Mid Term (12-36 months)

1. Expand the "Green Corridor" rule in OAR 660-033-0055 to apply statewide to facilitate and streamline transmission siting.

OSSIA supports this recommendation but were disappointed to see it move from short term to mid term. We also note that EO 25-29 also states agencies should increase their efficiency in siting projects that "Involve upgrades to existing grid infrastructure and transmission expansion or co-location of renewable energy resources in existing rights of way." This means that DLCD should remove any land-use barriers for renewable projects that could be sited in existing rights of way. We recommend that DLCD add a task to explore a transmission corridor that removes barriers for renewable projects to be sited in that corridor.

4. New policies prioritizing re-use of existing sites over developing at new, undisturbed locations, or technical assistance to implement existing laws that prioritize the re-use of existing sites.

While this recommendation seems good, OSSIA continues to believe it is unnecessary and should not be prioritized for limited staff time. There are significant financial incentives to re-use existing sites and additional new policies may only create confusion. In fact, OSSIA cannot think of a single barrier or reason that an existing project site would not be re-used.

Existing renewable project sites have made considerable upgrades to the grid and the project site in order for the initial project to be built, such as grid enhancements, dirt access roads and fences. When the contract for the project runs up, the financial incentives are high not to abandon all the hundreds of thousands of dollars, if not millions of dollars, invested in the existing site. If the desire for renewable energy still exists – which markets show it will for the foreseeable future – the site will simply make any technical upgrades needed and sign a new contract for the power.

Instead, OSSIA requests that DLCD staff consider a streamlined process for adding to the existing project footprint when it is time for a new contract. For example, a 2 MW project may have been built before the Community Solar program was created and there would be benefits to expanding the project to 3 MW, in order make a community solar project viable. DLCD should consider a streamlined path to allowing expansions to existing projects.

5. Policies promoting "behind the meter" noncommercial renewable energy development (rooftop solar and other types).

While OSSIA strongly supports policies that promote "behind the meter" solar, there are currently no land-use issues regarding this type of solar. While it was good to hear widespread support for this, this is not an issue that is under DLCD's authority, and therefore does not belong in this plan. This would be a "feel-good" thing to support, but would have no impact, making its inclusion disingenuous. OSSIA recommends the removal of this "proposal" as being outside of DLCD's scope and mission.

6. Consider provisions for Community Solar Projects.

OSSIA strongly supports this suggestion and recommends that the agency prioritize this to the next 12 months to take advantage of federal tax credits.

Community solar projects up to 3 MW (~18 acres) should be allowed on every type of soil, with no additional restrictions. Community solar is the only program that allows all PGE and Pacificorp ratepayers to choose 100% clean energy, with bill savings. This program is especially important for renters who are not able to install their own rooftop solar. The program also has a minimum requirement for low-income subscribers, who receive a required discount on their bill. This program has resulted in bill savings for low-income ratepayers across the state, who for the first time were able to choose 100% clean electricity. In addition, there is a program requirement that the project must be located in the service territory of the utility. For PGE, this has become increasingly difficult because of land-use restrictions. Without a change in the current rules, the community solar program cannot meaningfully grow for PGE customers.

7. Consider Provisions for Agrivoltaics

OSSIA strongly supports this item and recommends that agrivoltaics be allowed on all soil types. Since agrivoltaics are banned on high value soils in Oregon and restricted to 12 acres on high value farmland, there has been little opportunity to demonstrate that agrivoltaics at scale can be successful. In order to demonstrate the viability of agrivoltaics, DLCD must first change its restrictive rules. DLCD cannot both say that the potential of agrivoltaics has not been seen in Oregon while at the same time restricting the ability of such projects to be built at scale. OSSIA recommends that the agency prioritize this to the next 12 months to take advantage of federal tax credits.

9. Reconsider high-value farmland limitations for non-irrigated lands in American Viticulture Areas (AVAs)

OSSIA strongly supports this proposal and recommends that the agency prioritize this to the next 12 months to take advantage of federal tax credits.

10. Consider establishing high-value farmland, arable land, and nonarable land as the three overall categories for considering commercial energy generation proposals and elevating threshold for non high-value farmland from 20-acres to 100-acres.

OSSIA supports this recommendation but encourages DLCD to also allow projects between 3-20 MW (~100 acres) to be built on all soil types. This size of projects are considered “small generators” and they deliver different and sizable benefits to ratepayers, since they can be sited on the distribution system, not on the transmission system. Since they are closer to energy customers they provide more reliable energy that is more likely to stay in Oregon. In addition, PGE and Pacificorp have two requirements to buy power from this size of projects. One of those requirements, called the “Community-Based Renewable Energy” (CBRE) program, requires the community benefits be associated with the project. Since there is more demand for energy on the West side of Oregon, due to population location, it is essential that DLCD rules be updated to allow small generators to be developed on all soil types.

However, for projects on high value soils and high value farmland, OSSIA supports incentives for those projects to have either agrivoltaics as part of the project or provide agricultural mitigation in some other form.

These types of incentives would create a win-win scenario – the land would still be used for agricultural purposes AND provide additional community benefits as part of the CBRE program. Plus, these projects save ratepayers money and the energy is more likely to stay in Oregon.

11. Consider establishing provisions for placing photovoltaic solar panels in the corners of center pivot irrigation systems.

OSSIA strongly supports this item and recommends that the agency prioritize this to the next 12 months to take advantage of federal tax credits.

Thank you for your consideration.

Respectfully Submitted,



Angela Crowley-Koch

Executive Director

Attachment D: HB 3409 Finding Opportunities and Reducing Conflicts in Siting Photovoltaic Solar Power Generation Facilities in Eastern Oregon Report

DLCD

Department of
Land Conservation
& Development







Finding Opportunities and Reducing Conflicts in Siting Photovoltaic Solar Power Generation Facilities

Final Copy | December 2025

Acknowledgements

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- Councilor Les Anderson, The Klamath Tribes
- Commissioner James Williams, Lake County
- Michael Eng, Lostine Fire Wise
- F. Steven Knudsen
- Jack Watson, Oregon Solar+Storage Industries Association
- Damien Hall, Oregon Solar+Storage Industries Association
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- Thad Eakin, Oregon Wheat Growers League
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- Dan Orzech, Oregon Clear Power
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- Mike W. McArthur, Community Renewable Energy Association\
- Brandon McMullen, Harney County Planning Director
- Ryan Krabill, Oregon Farm Bureau (replaced Lauren Poor)
- John Eisler, Crook County Community Development Director
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- Lauren Link, The Nature Conservancy
- Denise Stillwell, South Central Oregon Economic Development District
- Anahi Segovia Rodriguez, Verde
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- Oregon Department of Agriculture (ODA)
- Oregon Department of Fish and Wildlife (ODFW)
- Oregon Department of Energy (ODOE)
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Executive Summary

As the result of passage of House Bill 3409 in 2023, the Oregon Department of Land Conservation and Development (DLCD), convened a Rules Advisory Committee (RAC) in March 2024 to develop rules for Land Conservation and Development Commission (LCDC or "the Commission") adoption 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. The RAC also included state agency staff, legislators, LCDC commissioners, and additional tribal representatives 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 occurred in-person in locations throughout Eastern Oregon. The RAC reached general agreement on the draft rules, although some members continued to express concerns about specific matters.

New rules and rule revisions adopted by LCDC do not replace existing opportunities available to consider photovoltaic solar power generating facilities. Instead, the new rules provide additional opportunities for photovoltaic solar power generating facilities.

Efforts to forecast Oregon's energy future agree that additional renewable energy development will be necessary to meet the state's Clean Energy Goals. Furthermore, it appears that most studies tend to support the position that Oregon could use on the order of 10 Gigawatts (GW) of installed photovoltaic solar energy generation. Most of the 10 GW would be added capacity, which may occur in Oregon or at out-of-state locations. With current photovoltaic solar energy generation facilities averaging about six acres of land base for every installed Megawatt (MW) of capacity, 10 GW of development would occupy an estimated 60,000 acres.

The final rules balanced the information provided to the RAC about which lands were suitable for solar energy development from a market perspective with the information regarding competing important resources such as agriculture, archaeological and cultural resources, and fish and wildlife habitat. Using the best available data (which is not comprehensive) the department identified more than two million acres of non-federal land, an area roughly the size of Umatilla County, as potentially eligible in Eastern Oregon. The department expects that only a small percentage of potentially eligible lands will materialize as genuine sites for photovoltaic solar development.

I. Purpose

A review of the pre-existing siting process for photovoltaic solar power generating facilities is helpful in describing the purpose of work conducted in response to the Legislature's direction. Nearly all utility scale photovoltaic solar power generation facilities are proposed to be sited on rural lands protected for farming, ranching, and forestry uses under statewide planning goals 3 (*Agricultural Lands*) or 4 (*Forest Lands*).

The siting process comes in one of three forms:

1. The Conditional Use Opportunity typically applies to small and medium sized projects subject to county jurisdiction. These proposals must abide by the acreage limitations and other criteria identified in Oregon Administrative Rules (OAR) chapter 660, divisions 6 (*forestlands rule)* and 33 (*agricultural lands rule)*. The conditional use opportunity is generally considered the most straight forward and least risky siting process. Decisions on conditional use applications are most often made by county planning commissions or hearings officers.
2. The Exceptions Process is also subject to county jurisdiction and applies to larger sized projects that exceed the acreage threshold identified in divisions 6 or 33.The exceptions process allows local government to consider rural types of uses that would not otherwise be allowed under the applicable goals and is set forth in state statute at Oregon Revised Statutes (ORS) 197.732 and statewide planning goal 2 (*Land Use Planning*).These statutes are further interpreted by OAR chapter 660, division 4. An exception requires a Post-Acknowledgement Plan Amendment (PAPA), which is usually accompanied by a locally adopted ordinance. In this instance, a county planning commission or hearings officer will review an application and then make a recommendation to the local elected officials, who have the responsibility to make the final local decision. Goal exceptions are designed to be "exceptional" and require unique findings, often subject to controversy and litigation.



3. The State Process applies to the largest projects, which are subject to the jurisdiction of Oregon's Energy Facility Siting Council (EFSC). The LCDC exceptions rule does not apply to EFSC projects.

OAR chapter 660, division 4 identifies three different opportunities for pursuing an exception to Goals 3 and 4 at the local level, only one of which is relevant to the issue of siting photovoltaic solar generation facilities. This opportunity is included at OAR 660-004-0020 & 0022. This allows a county to consider whether there are "reasons" to justify why the state policy embodied by the applicable statewide planning goals should not apply. OAR 660-004-0022 gives a list of "reasons" for which a local government can justify a "reasons" goal exception,

and OAR 660-004-0020 sets forth the criteria the local government must use to find whether it can approve the proposed exception.

To be successful an application must first demonstrate that the provisions of OAR 660-004-0022 are satisfied. This rule identifies different categories of uses (Rural Residential, Rural Industrial, Expansion of an Unincorporated Community, etc.) and lays out criteria that a local government must consider to determine if a specific proposal for a particular use category is eligible to proceed.

OAR 660-004-0022(1) is essentially a general category. If a particular use does not fit into another category, such as “Rural Residential”, this subsection applies. It reads as follows:

> “(1) For uses not specifically provided for in this division, or in OAR 660-011-0060, 660-012-0070, 660-014-0030 or 660-014-0040, the reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following: There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and either:
>
> (a) A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this paragraph must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or
> (b) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site”.

Of relevance to this discussion is another category of use that can qualify for a reasons exception; rural industrial uses, which have standards set forth in OAR 660-004-0022(3). Prior to this rulemaking effort, the provision read as follows, without specifically mentioning photovoltaic solar power generation:

> (3) Rural Industrial Development: For the siting of industrial development on resource land outside an urban growth boundary, appropriate reasons and facts may include, but are not limited to, the following:
>
> (a) The use is significantly dependent upon a unique resource located on agricultural or forest land. Examples of such resources and resource sites include geothermal wells, mineral or aggregate deposits, water reservoirs, natural features, or river or ocean ports.

(b) The use cannot be located inside an urban growth boundary due to impacts that are hazardous or incompatible in densely populated areas; or

(c) The use would have a significant comparative advantage due to its location (e.g., near existing industrial activity, an energy facility, or products available from other rural activities), which would benefit the county economy and cause only minimal loss of productive resource lands. Reasons for such a decision should include a discussion of the lost resource productivity and values in relation to the county's gain from the ndustrial use, and the specific transportation and resource advantages that support the decision."

An application may only be considered against the criteria in OAR 660-004-0020 if it is found to pass the tests at OAR 660-004-0022. An application may only be approved if it is found to satisfy the applicable provisions of both OAR 660-004-0020 and OAR 660-004-0022.

In 2017 Jackson County approved a "reasons" exception for a solar facility on 80 acres of high-value farmland on the outskirts of Medford, Oregon. The county's decision was challenged, and the case eventually made its way to the Oregon Court of Appeals. Please see *1000 Friends of Oregon v Jackson County* 292 Or App 173 (2018).

The county decision was ultimately reversed because the Court found that: 1) There was nothing in statewide planning goal 13 (*Energy Conservation*) or any other goal that established a need for renewable energy development; and 2) A photovoltaic solar power generation facility was not "rural industrial development" as contemplated by OAR 660-004-0022(3).

Since the time of the Court of Appeals decision in 2018 there had been no clear, identifiable exception pathway for a proposed solar facility. While an exception was not prohibited as a matter of law, applicants and county decision makers were left with attempting to navigate the "include but not limited to" language of OAR 660-004-0022(1). This approach is vague, unclear and poses inherent risk.

HB 3409 (2023)

HB 3409, section 35 directed the Land Conservation and Development Commission (LCDC or "commission") to engage in two administrative rulemaking activities. Both activities focused on Oregon's land use rules pertaining to the siting of utility scale photovoltaic solar power generation facilities subject to county jurisdiction.

The rule revision promulgated pursuant to HB 3409, section 35 (1) was a precise adjustment to OAR 660-004-0022(3) "to allow a local government to consider a photovoltaic solar power

generation facility a rural industrial use for purposes of justifying a reason for an exception under ORS 197.732(2)(c)(A)". LCDC adopted this rule on November 3, 2023.

The rules considered pursuant to HB 3409, section 35(2) focused on eastern Oregon. The conversations involved consideration of a range of administrative rule provisions and requiring the assistance of a Rulemaking Advisory Committee (RAC). LCDC adopted these rules on June 26, 2025. A detailed summary of all rules developed under HB 3409, section 35. is provided in Section III of this report.

This work has been described in different but similar ways. Some refer to it as "low conflict siting" while others have been inclined to think of it as a "simplified siting process." The department has preferred to draw the overall purpose of this effort directly from the text of the legislation, which is "Finding Opportunities and Reducing Conflicts in Siting Photovoltaic Solar Power Generation Facilities." The department took the position that any administrative rule with the potential to advance this concept was worth considering. While the adopted rules encompass many provisions advancing this concept, detailed discussion of other subjects by the RAC, such as agrivoltaics did not ultimately move forward, in many cases because they require further study and data.

The primary focus of the detailed work conducted under HB 3409, section 35(2) rulemaking requirement might be described as identifying circumstances when an "exception" is not necessary. In this context, an exception would not now be necessary where a proposed site is characterized by the presence of what is needed for successful photovoltaic solar development (i.e., adequate solar resource, level land that can be affordably developed, or proximity to transmission) and the ability to avoid or offset other important resources (i.e., productive farm and ranch lands; cultural, historical and archaeological resources; wildlife habitat, and community needs). The selection of sites representing the intersection of these positions, having what solar developers need to deliver successful projects while avoiding other valuable resources, would no longer require a goal exception to statewide planning goal 3 (agriculture) or goal 4 (forestry) because the proposed solar development would be found consistent with Oregon's statewide planning program in these certain locations.

As directed by House Bill 3409, Section 37, the Department of Land Conservation and Development (DLCD) has prepared this report on behalf of the Rules Advisory Committee (RAC) for consideration by the Oregon Legislature and other parties named in the legislation.

II. Background

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

possible locations for renewable energy development, including siting of photovoltaic solar power generation facilities on rural lands.

During fall 2022 a diverse group of stakeholders, called the “Siting Table,” was convened by three organizations -- The Nature Conservancy, Renewable Northwest, and 1000 Friends of Oregon—to discuss utility scale solar siting and transmission –. Staff with Verde NW facilitated a series of presentations and conversations on the subject. Some of the concepts discussed by participants in the siting table group were introduced as bill language for the 2023 Legislative session. Some of the introduced bill language was shaped and folded into HB 3409. The Legislature enacted HB 3409, and Governor Kotek signed the bill into law during the 2023 regular session.



WHEN SHOULD AN “EXCEPTION” NOT BE NECESSARY?

The specific language of Section 35(2) reads as follows:

> (2) On or before July 1, 2025, the commission shall adopt rules:
> (a) Establishing criteria through which local governments may be permitted or required to allow the siting of a photovoltaic solar power generation facility, including criteria that consider:
> (A) Potential conflicts with other resource lands; and
> (B) Soliciting public feedback from neighboring landowners or residents; and
> (b) Identifying the characteristics of lands in Eastern Oregon, as defined in ORS 321.700, best suited for counties to allow, encourage and incentivize photovoltaic solar power generation facilities, based on consideration of:
> (A) The land’s suitability for contributing to the state’s clean energy goals;
> (B) Site characteristics, resource potential, proximity to current and future transmission access and locations for potential interconnection;
> (C) The ability to readily avoid negative impacts on natural resources, forestry, habitat, agriculture, community needs and historic, cultural or archeological resources, or to readily minimize or mitigate those negative impacts.

HB 3409, Sections 36 – 37

Section 36 described how the department may enter into agreements with other governmental agencies, as well as how those agencies may provide assistance in the development of rules to carry out the directive of Section 35(2). Section 36 specifically names other state agencies, tribal governments, and counties for agreements and assistance.
Section 37 required the department to appoint a diverse Rules Advisory Committee (RAC) consisting of at least 17 members, including:

> (3)(a) At least two members representing a tribal government or county;
> (b) At least one member who represents public bodies;
> (c) At least one member who represents small-scale renewable energy developers;

(d) At least one member who represents large-scale renewable energy developers;
(e) At least one member who has expertise in community renewable energy development;
(f) At least one member who has expertise in renewable energy siting, policy or planning;
(g) At least one member who has expertise in transmission siting;
(h) At least one member who represents electric utilities, as defined in ORS 757.600;
(i) At least one member who represents the labor interests of the clean energy or renewable energy workforce;
(j) At least one member who represents environmental justice communities, as defined in ORS 469A.400;
(k) At least one member who represents owners of irrigated or dryland farmland or rangeland;
(L) At least one member who has expertise in habitat conservation, preservation and restoration;
(m) At least one member who has expertise in land and water use;
(n) At least one member who has expertise in rural economic development;
(o) At least one member who has expertise in industrial forestland management; and
(p) At least one member who has expertise in small woodland management.

The department believed it was necessary and appropriate to appoint additional RAC members to fully ensure that all relevant perspectives were included. For instance, additional members included representation from the Oregon Cattleman's Association (OCA) and the Oregon Wheat Growers League (OWLG) to serve with the Oregon Farm Bureau (OFB) and the Oregon Agricultural Trust (OAT) rounding out a complete agricultural perspective. Wildlife interests such as the Rocky Mountain Elk Foundation (RMEF) and the Oregon Hunters Association (OHA) complemented habitat specialists with The Nature Conservancy (TNC). Other voices included additional county and Tribal representation, as well as multiple members of the solar development community Additionally, the department invited representatives from the Oregon Military Department and the United States Department of Defense who had concerns about the potential glare from solar facilities on military air practice operations over Oregon.

The department retained the services of Kearns & West to provide neutral facilitation and meeting management for the RAC. Kearns & West (K&W) is a collaboration and strategic communications firm with offices nationwide. Support for this work was provided from K&W's Portland, Oregon office. The K&W Team was led by Vice-President Jamie Damon, a skilled facilitator and with longstanding experience in natural resource collaboration and deep connections with Oregon, including Eastern Oregon. Ms. Damon was joined by Ariella Dahlin, Grant Simmons, and Ruby Gonzales.

Rules Advisory Committee Process

In addition to specifying a diverse and robust Rules Advisory Committee (RAC) membership, HB 3409 directed the RAC to meet at least four times a year in "different parts of this state where there is considered, planned or ongoing renewable energy and transmission development." Please see HB 3409, section 37(9). Consistent with this direction, the department worked with state and local partners to identify meeting locations.

Eventually four communities were selected, all with renewable energy development potential and each with its own unique set of natural resource patterns, agricultural practices, and social fabric including a location within the ancestral territory of one of Oregon's nine Federally recognized Tribes. The department ultimately scheduled a fifth field meeting providing additional helpful context for RAC members, and space to learn of the opinions held by local residents on this issue. RAC meetings held in the field included several common components. All meetings offered a remote option for members unable to attend in person. The first three meetings included presentations on topical issues related to siting photovoltaic solar projects. Sessions were offered by industry experts, biologists from the Oregon Department of Fish and Wildlife (ODFW), analysts from the Oregon Department of Energy, and military representatives from the United States Department of Defense and the Oregon Military Department.



Figure 1. Location of RAC Meetings

Field meetings also included a voluntary tour that allowed RAC members firsthand observations of developed photovoltaic solar projects, approved photovoltaic solar project sites, wildlife habitat, transmission facilities, agricultural practices, and other features of interest. Tour information packets included localized information about all these items, as well as maps of the ceded lands or aboriginal title lands for Oregon's Federally recognized Tribes with a presence in the respective area.

Finally, all field meetings were accompanied by public information sessions. Generally advertised in local publications, attendance at the public information sessions ranged from sparse to robust, quiet to engaged. All public information sessions included a staff presentation with most of the time budgeted to allow for questions or participant feedback. Some participants sought to gain or share information. Others had very strong feelings and

used the information session as a platform to voice their objections to more solar development. Most participants in these information sessions appeared to find them valuable, offering helpful insight to the anatomy of the siting process from site selection to project delivery. These activities also served to improve many RAC members' understandings of different perspectives regarding a variety of natural resource issues. Department staff appreciated opportunities to listen and learn, as well as the natural relationship building climate fostered by these events.

RAC Meeting 1: Christmas Valley, Oregon – Back to the Beginning

The first RAC meeting occurred in the small north Lake County community of Christmas Valley, Oregon. Department staff had early on identified this location as the right place to begin these conversations. North Lake County has some of the best solar resources in the state and is traversed by multiple high-voltage transmission lines. These features, combined with available flat land began drawing solar development interests to the area two decades ago and this interest was one of the factors resulting in the original LCDC solar rule. Until LCDC took action in 2011, photovoltaic solar projects were limited to 12-acres on high-value farmland and 20-acres on all other types of farmland. In many ways, meeting in Christmas Valley was like returning to the point of beginning.

A public information session occurring on the evening of March 11, 2024 preceded the RAC meeting. This session was attended by several RAC members and DLCD staff, as well as local rancher Alan Parks, Mrs. Parks, and Laurie Hutchinson of Obsidian Renewables. The state's first exception for photovoltaic solar development was approved by Lake County for a portion of the Poplars Ranch, owned by Mr. and Mrs. Parks. However, the project was never developed due to an abundance of archaeological resources discovered on the site. Mr. Parks shared observations on the siting process and local agriculture. Ms. Hutchinson described experiences encountered by her company. Obsidian Renewables, based in Lake Oswego, Oregon, has one developed site and multiple undeveloped sites in north Lake County, including the Obsidian Solar Center. They have also developed multiple sites near Lakeview, Oregon and at other locations in the Pacific Northwest. At more than 4,000 acres, the Obsidian Solar Center was the largest proposal ever considered by the Oregon Energy Facility Siting Council (EFSC) when it was approved in 2018. Since that time EFSC has approved multiple much larger projects and has seen notices of intent filed for several more.

Meeting 1 began on the morning of March 12, 2024, in the Christmas Valley Community Center with an introduction from DLCD Director, Dr. Brenda Ortigoza Bateman, and comments from then LCDC Vice Chair, Nick Lelack. Additional welcoming remarks were offered by Lake County Commissioner James Williams and Klamath Tribal Councilman Les Anderson. Following welcoming remarks, DLCD staff provided an overview of HB 3409 and the expected process. RAC member Elaine Albrich of the law firm Davis Wright Tremaine provided the group a detailed description of the existing county siting process. The rest of the meeting included multiple small group discussions and various administrative type items, including review of the RAC Charter that outlined how the RAC would conduct business, as well as general expectations.



Figure 2. NewSun Facility in Christmas Valley

The ensuing tour included a first stop to view the approved Obsidian Solar Center site. RAC members observed how the project had deliberately avoided irrigated lands and was located on dry rangeland. RAC member Councilor Anderson discussed how Obsidian Renewables had worked with the Klamath Tribe to reach a mutually agreeable arrangement that avoided archeological items. After traveling through a landscape of central pivot irrigation systems supporting hay production, open public lands, and wildlife habitat, the tour's second and final stop occurred at the Fort Rock South site location. Fork Rock South was approved as a 160-acre site through a conditional use application by Lake County. The site has been developed by NewSun Energy of Bend, Oregon into Fort Rock 1 and Alkali Solar, LLC, which collectively occupy about 120-acres and have a combined nameplate capacity of about 19.9 MW. The NewSun Team described the projects and illustrated the interconnection infrastructure that allowed their power to access the BPA transmission system, answered questions, and also described working with the Klamath Tribe. NewSun has also successfully developed projects in Crook and Harney Counties.

As shown here with Figure 3, a total of six (6) meetings were originally planned. Following RAC Meeting 1, subsequent Field meetings were given individual themes by DLCD staff. The themes represented distinct features on the landscape and were consistent with the guidance provided by HB 3409. A fifth Field meeting was felt to be beneficial, and eventually (8) virtual meetings were found to be necessary. Every RAC meeting was recorded and may be viewed online.



Figure 3. Original Schedule

RAC Meeting 2: Burns, Oregon – Wildlife Habitat

The second Rules Advisory Meeting occurred on April 18, 2024, and was held in the Historic Central Hotel in downtown Burns, Oregon. RAC members were treated to an overview of Hotel's history by proprietor Forest Keady. Opening remarks were provided on behalf of the Burns Paiute Tribe by Dianne Teeman. Additional welcoming remarks were offered by past Harney County Commissioner and current State Representative Mark Owens.

The Oregon Department of Fish and Wildlife (ODFW) Energy Program Coordinator, Jeremy Thompson, presented the mission of the agency, including the focus on fish and wildlife habitat, making sure those species have the spaces they need to fulfill their life history and produce future generations. Mr. Thompson described ODFW's role in energy facility siting, including the ODFW Solar Siting Guidelines, as well as the project review process and how the six ODFW Habitat Categories are used to inform mitigation planning.

Following ODFW, project developers Brian Walsh and Matthew Hutchison from MN8 Energy provided direct observations regarding the national condition of renewable energy development and the drivers of market appetite for solar in Oregon, including but not limited to HB 2021 (2021). According to Mr. Walsh and Mr. Hutchinson's presentation, which is informed by the Biennial Energy Report published by the Oregon Department of Energy (ODOE), photovoltaic solar share of meeting Oregon's clean energy needs across the planning horizon could be an additional 8.7 GW of newly installed capacity (complementing the existing 1.8 GW of operational solar generation for a total of 10.5 GW of installed capacity). This is if all the energy necessary to replace reliance on coal and natural gas is satisfied by terrestrial solar development, which is unlikely. Providing an additional 8.7 GW of installed photovoltaic solar power generation is estimated to occupy about 52,000 acres for a total of about 63,000 acres, which may not all be in Oregon.

DLCD staff also shared preliminary drafts of what revisions to OAR Chapter 660, Division 23 could look like. Additional meeting items focused on table-top conversations and a discussion about Technical Advisory Committees (TAC). As the RAC meeting concluded, DLCD staff transitioned into a public information session. The single individual attending identified themselves as having ranch land north of town and was interested in learning more about military airspace.



Figure 4. Male Sage Grouse at Malheur National Wildlife Area Museum

Two vans left Burns well before sunup on the morning of April 19, headed for an active Sage-Grouse lek (a lek is a breeding area for Sage-Grouse). The vans were full of RAC members, and each included an ODFW Biologist who guided the tour to a trail on Bureau of Land Management (BLM) lands north of the unincorporated community of Drewsey, Oregon. After a short walk, tour participants were able to look down and view a native pasture that included cattle, mule deer, pronghorn antelope, and strutting Sage-Grouse. Portions of a PacifiCorp high-voltage transmission line could be observed in the distance. Returning to Burns in the daylight allowed the tour to view upland range used for livestock production, as well as the natural wet meadow features that characterize much of the Harney Basin.

RAC Meeting 3: Raymond F. Rees National Guard Training Center – Military Assets

The third RAC meeting was scheduled for May 29-30, 2024 at the Raymond F. Rees National Guard Training Center (RTC or “Camp Rees”) located north of I-84 between the cities of Boardman and Hermiston, Oregon. The RTC is located on lands originally established by the federal government in 1941 as the “Umatilla Army Ordnance Depot,” which extended across about 20,000 acres (17,000 Federal, 3,000 privately owned and subject to deed restrictions). The Umatilla Army Ordnance Depot offered critical support to the nation’s mission during WWII by allowing the storage of weapons and munitions to the Pacific Theater at a location with railroad access and far enough inland to be considered safe from enemy bombers. According to the Oregon Military Department (OMD) website: “In 1962, the facility was re-designated as the Umatilla Army Depot and began the storage of chemical



Figure 5. Rees Training Center

munitions. By 1996, it became known as the Umatilla Chemical Depot, holding 12 percent of the nation's chemical weapons stockpile. Disposal operations commenced in 2004 and concluded successfully in 2011. The depot was officially closed in 2012."

After 2012, the Depot was subject to the Base Realignment and Closure (BRAC) process. The property is bisected by the Morrow-Umatilla County line with nearly equal parts residing in each jurisdiction. Eventually, the lands were conveyed from federal ownership and into three categories. About 7,500 acres were acquired by the Oregon Military Department. Another 2,150 acres went to the Port of Morrow and the Port of Umatilla to help support local economic or community development objectives while about 640 acres were reserved for irrigated agriculture. The remaining 5,700 acres were received by the Confederate Tribes of the Umatilla Indian Reservation (CTUIR) and dedicated to wildlife habitat.

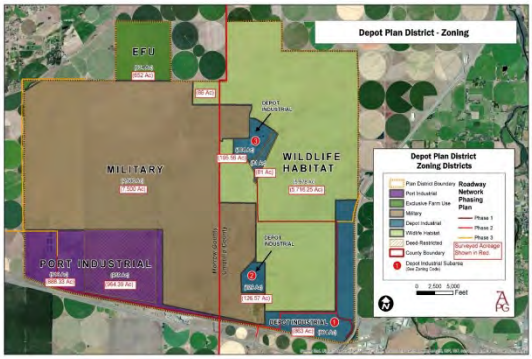


Figure 6 Former Umatilla Chemical Depot - Post Base Closure Land Use Map

A public information session was held on the evening of May 29, 2024. Space for this session was provided by the Port of Morrow at its headquarters in Boardman, Oregon. Department staff and multiple RAC members were joined by local planning department staff. Cameron Krebs, a local sheep rancher, also joined. Mr. Krebs is a member of a longstanding and well-respected ranching family headquartered in Ione, Oregon. He warned of a bare earth scenario under solar panels resulting from many-year chemical application, which could leave soil unproductive and unable to be returned to agriculture at the end of the project's productive life cycle. Instead, Mr. Krebs advocated retaining soil health through proper vegetative cover and described how utilizing sheep grazing as a management tool could lead to a successful outcome. He noted that facilitating soil health, rather than compromising it, would be a better overall situation and provide for a legitimate return to farming upon project retirement.

The third RAC meeting began with an introduction provided by then LCDC Vice-Chair, Nick Lelack, who was participating virtually. Vice-Chair Lelack expressed confidence that the work was on track to meet the expectations of the Legislature and the Land Conservation and Development Commission. He also emphasized that as stated in the Legislative Record and in the charge adopted by LCDC, revisions to Division 23 were expected to be the centerpiece of a voluntary program, and that revisions to other rules, namely the rules regarding farm and forest lands, would also be necessary. Welcoming remarks were provided by Morrow County Board of Commissioners Chair David Sykes, and Umatilla County Commissioner Dan Doran. Commissioner Doran was a participant in the Siting Table conversations leading up to HB 3409.

Following introductions, the RAC received presentations from the US Department of the Navy and the Oregon Military Department, and Oregon Department of Energy (ODOE). The Navy's presentation described its Northwest Training Range Complex headquartered at Whidbey Island, Washington (NASWI). Among other things, NASWI supports the EA-18G Growler, MH-60S Seahawk, P-8 Poseidon, and C-40 Clipper aircraft. The training opportunities and tactical capacity available at NASWI are enhanced in many ways through the availability of Oregon's airspace, particularly training maneuvers conducted in the Restricted 5701 Airspace around Boardman, Oregon. The Navy presentation emphasized support for compatible land use planning that allows execution of their military mission to co-exist with civilian activities. Evidence of this support includes the Readiness and Environmental Protection Integration (REPI) program, which has invested more than $26 million across seven transactions with willing property owners in the region to protect agricultural lands and natural resources, while maintaining open airspace available for training and contributing to the Navy's overall mission. Additional community funding opportunities were also described including a $1.2 million dollar grant to the state of Oregon that resulted in the Oregon Renewable Energy Siting Assessment (ORESA) project.

The Oregon Military Department (OMD) described the structure and mission of the agency. OMD has physical resources distributed across the state, including the Backscatter site east of Christmas Valley, Oregon which was originally obtained from the federal government only to be sold back to the United States Department of Defense. Many robust partnerships with the Navy including participation in the ORESA project and REPI were identified. The mission of the Raymond F. Rees National Guard Training Center and aspirations for a multipurpose machine gun range were also described.

Senior Policy Analysts Jillian DiMedio and Rob Del Mar from the Oregon Department of Energy (ODOE) provided an overview of the Oregon Energy Strategy that was underway as directed by HB 3630 (2023). The presentation began with an informative description of Oregon's energy flow and Oregon's energy landscape, including transportation fuels. The presentation helped to clarify that the final product would not be a "strategy" in the traditional sense that establishes specific goals and then designs preferred pathways for how those goals may be accomplished. Instead, the strategy work underway is expected to result in a report offering a variety of possible outcomes with recommendations on items to consider and values to balance. ODOE does not expect to identify any preferred energy generation types or locational characteristics.

The second half of the meeting involved DLCD staff providing draft language for Division 23 that had been updated based on feedback from the Burns meeting. As explanation, "Division 23" refers to Oregon Administrative Rule (OAR) Section 660-023, which governs implementation of Statewide Planning Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces. One of the significant resources listed in the language of Goal 5 is "Energy Sources," and the department viewed this section of rules as the proper regulatory framework

for providing new rules regarding renewable solar energy in Eastern Oregon. In addition to the updated Division 23 draft, staff also introduced possible revisions to Divisions 6 (Forest Land) and 33 (Agricultural Land). These materials were accompanied by a table that showed how the draft rule provisions were intended to satisfy items called out in the Legislation (site characteristics, resource potential, proximity to existing and future transmission, etc.) Staff also described how the latest draft simplified the more challenging pieces of the Division 23 process. RAC members divided into "mini caucuses" for small group tabletop discussions. Report-outs and next steps closed the active portion of Meeting 3. While the first two RAC meetings felt almost entirely positive, tensions began to emerge with RAC meeting 3 as some RAC members pushed back against the course that had been charted as far back as the summer of 2023 and questioned why the RAC should continue to follow the direction in the legislation, the legislative record, and the LCDC Charge. DLCD staff and the Facilitation Team did their best to help the process continue moving forward.

After the meeting, many RAC members and a few others joined DLCD staff and the Facilitation Team on a chartered school bus for a tour of the area. Over the next couple of hours tour participants were provide a windshield view of military assets, transmission infrastructure, proposed and approved renewable energy sites, and different agriculture practices. One of the very first items visited was the Longhorn Substation, which is a new Bonneville Power Administration (BPA) facility that will enable an additional 2,500 MW of generator interconnections and serves as a critical piece of BPA's $5 billion facilities upgrade plans.

Heading south, the tour paralleled new high voltage transmission line development and was able to view The Naval Weapons Systems Training Facility Boardman also known as the Boardman Bombing Range. Irrigated agricultural lands included in the Columbia Valley AVA were present on the eastside of Bombing Range Road. Some wine grape production was observed although most lands appeared to be managed for other crops.

The towers of PGE's Boardman Coal Plant were visible in the distance to the west. The Boardman Coal Plant had a nameplate capacity of 550 MW and was closed in 2020. PGE built a 440 MW Natural Gas fired plant, Carty Generating Station, beside the Boardman Coal Plant in 2015. Further on, the tour route traversed lands primarily in dryland wheat production included in the Sunstone Solar Project and Wagon Trail Solar Project, which were under consideration for approval by EFSC. Sunstone, being applied for by Pine Gate Renewables based in Asheville, North Carolina, proposed a nameplate capacity of 1,200 MW to be constructed on about 9,400 acres. Wagon Trail, being applied for by NextEra Energy Resources based in Juno Beach, Florida, proposed a nameplate capacity of 500 MW to be constructed within a project area of about 7,400 acres. Both projects, which are virtually side-by-side, have been approved. Since the tour, PGE has made plans for a third very large project for property lying about two miles west of the Sunstone/Wagon Trail project area. The Sunrise Solar and Storage projects would include development of generation with a nameplate capacity of up to 800 MW and a Battery Energy Storage System (BESS) of up to 800 MW

within a project area of about 7,000 acres. Eventually the tour route wound through the existing Wheatridge project that includes both wind and solar. The Wheatridge solar component occupies about 360-acres and at the time of the tour was the only developed solar project in Morrow County.

Headed back north towards Camp Rees, the tour went through agricultural lands in western Umatilla County. The center pivot irrigation systems were similar to those used in northern Lake County but the cropping pattern was more diverse. In addition to hay and alfalfa, other commodities included cereal grains, potatoes, onions, and field corn. Dairying and custom livestock feeding operations are also directly present in this area of the state. As the tour approached I-84, the Hermiston Power Project became increasingly noticeable. Located about three miles south of Hermiston, Oregon and owned by Calpine headquartered in Houston, Texas, the Hermiston Power Project is a natural gas fueled plant with maximum capacity of about 550 MW. One tour member remarked that the Hermiston facility occupying 20-acres could likely produce as much energy as the 9,400-acre solar proposal.

RAC Meeting 4: Madras, Oregon – Irrigation Districts

Meeting 4 was originally scheduled as the RAC's final Field meeting. The tour van departed Madras, Oregon on the afternoon of Tuesday, July 17. Department staff and RAC members were accompanied by Mickie Killingsworth of the Jefferson County Farm Bureau. Ms. Killingsworth was able to answer many questions regarding agricultural practices and explain how the North Unit Irrigation District has suffered from a water deficit for multiple years in a row.

The tour proceeded north, eventually reaching the North Agency Plains and viewing the Adams Solar project, which is a 10 MW project occupying about 80-acres off North Adams Drive. Adams Solar is operated by GLC New Energy of San Ramon, California. The tour proceeded through North Agency Plains, observing irrigated agriculture, lands laying fallow due to the lack of irrigation water, and some dryland farming. In many instances farmers had concentrated their available water, about enough to support a cereal grain crop when applied acre for acre, on a portion of their lands to support a higher value crop such as vegetable seed or potatoes. It was observed that North Unit farmers utilized wheel lines, drip irrigation, and siphon tubes in addition to center pivot irrigation systems.

From the North Agency Plains the tour descended the grade to Lake Simtustus on the Deschutes River System. Traveling back to the south, the tour went by Pelton and Round Butte Dams, which are co-owned by PGE and the Confederated Tribes of Warm Springs. The Pelton-Round Butte project generates more than 400 MW of hydropower. The tour then climbed back up out of the Deschutes River canyon passing the Madras Solar Energy Facility site on Elk Drive. Madras Solar is an approved, but not yet constructed, 63 MW project on a footprint of about 284 acres proposed by Ecoplexus of San Franciso, California.

The tour stopped at the top of Round Butte, a small shield volcano and namesake of Round Butte Dam, offering views of the North Units Irrigation District, Lake Billy Chinook, and the Cascade Mountains. From this vantage point the tour participants were able to look back north across the Madras Solar site as well as view the Elbe Solar project off Belmont Drive. One tour participant observed how unusual the landscape looked with so much fallow land. At about 80 acres and with a nameplate capacity of about 10 MW, Elbe Solar is also operated by GLC New Energy, the same company involved in the Adams Solar project. Although partially included within the North Unit Irrigation District, the local agricultural community generally views Elbe Solar as being properly located due to unproductive soils and a lack of irrigation rights. Within the next month wildfire swept through the area along Elk Drive burning about 5,600 acres north of Round Butte, including the Madras Solar site. The Elbe Solar project was not damaged.



Figure 7. RAC members and staff on top of Round Butte, Jefferson County Oregon

The tour then viewed a small "Community Solar" project near Culver, Oregon, and the Mile 45 Hydro project, which is a small, low head hydroelectric facility on the North Unit Irrigation Canal. With a nameplate capacity of 2.99 MW, it would require about 18 acres of solar panels to generate the same amount of electricity. After viewing the Mile 45 project the tour headed back to Madras and the point of origin.

After the tour, department staff, the Kearns & West facilitation team, and some RAC members reconvened for a public information session. The session was also attended by Ms. Killingworth and other farming interests, including Gary Harris. Mr. Harris's family came to Jefferson County from Idaho in the 1950's shortly after the creation of the North Unit Irrigation District. Mr. Harris and his family have since been a fixture on the North Agency Plains. The farming interests generally expressed skepticism towards agrivoltaics and were not supportive of solar development within irrigation districts. They also emphasized protection of "foundational ag lands" which describes areas that over time have received investments in agricultural infrastructure to complement soil and other conditions, making them the cornerstone of a local agricultural economy. The public information session was also attended by Amy Berg, with MN8 Energy who advised the process to be thoughtful and open minded to the needs and benefits of solar.

The RAC meeting began at 9:00 the next morning. Unlike previous meetings there was not an abundance of opening remarks from tribal, local, or state officials. Instead, the facilitation team invited Ms. Killingsworth to summarize the tour. Then the RAC went to work with department staff presenting updated versions of the Division 23 language, which was followed by RAC

discussion. Among other things, department staff had been trying for some time to fashion measurable language that would provide guidance on how to determine whether a particular provision of the legislation was satisfied. While other areas of the bill seemed more manageable, the language at Section 35(2)(b)(A) emphasized in italics below proved troublesome.

> (b) Identifying the characteristics of lands in Eastern Oregon, as defined in ORS 321.700, best suited for counties to allow, encourage and incentivize photovoltaic solar power generation facilities, based on consideration of:
>
> *(A) The land's suitability for contributing to the state's clean energy goals;*
>
> (B) Site characteristics, resource potential, proximity to current and future transmission access and locations for potential interconnection; and
>
> (C) The ability to readily avoid negative impacts on natural resources, forestry, habitat, agriculture, community needs and historic, cultural or archeological resources, or to readily minimize or mitigate those negative impacts.

The department understood this language to express the Legislature's preference that energy generated by projects sited in Oregon would be utilized by Oregon consumers. To read it any other way felt to be subverting legislative intent. It was not clear why the Legislature would want to call out and deliberately emphasize land's "suitability for contributing to the state's clean energy goals" if was expected that the electricity it produced could be exported to another state and not serve the state of Oregon. Some have observed that this could leave Oregonians, particularly Eastern Oregonians, with the burdens of solar development but not the benefits.

After much consideration the department offered language for discussion, drawing upon longstanding provisions at ORS 215.236. The result would be to allow a county to grant a "tentative approval", which presumably would allow a developer to proceed with design and financing arrangement, while requiring the developer to present evidence of a power purchase agreement with an Oregon utility before signing off on the "final approval" that would allow the project to proceed to construction. This approach did not resonate with the RAC. In particular, solar developers felt a requirement to provide evidence that the electricity generated by their projects would serve Oregon consumers was not appropriate. Among other things, they argued persuasively that such a requirement would put them at a disadvantage in their negotiations with utilities. It was also noted that produced energy enters into interstate commerce, and states have little ability to restrict energy flows in and out of their boundaries. The language was not discussed further.

The rest of meeting 4 included reports on the discussions of the Technical Advisory Committees (TACS): Mitigation, Cultural Resources, Implementation, and Community Benefits. Several RAC members decided they would like to participate in one or more TACs. Department staff also provided overviews of possible draft language for Divisions 6 (Forest Lands) and 33 (Agricultural Land), as well as Division 4 (Goal 2 Exceptions Process). Mike McArthur, representing the Community Renewable Energy Association (CREA) suggested that Sherman County would be a natural meeting location for an additional "field meeting" and committed to assist with meeting details. The RAC agreed and the next meeting was scheduled to occur in Moro, Oregon.

RAC Meeting 5: Moro, Oregon – Dryland Wheat Country

Planning for meeting 5, the final field meeting, followed the model used for the Madras meeting. Tour vehicles departed from the Burnet Building in Moro, Oregon on the afternoon of August 27, 2024. Tour participants included DLCD staff and RAC members, as well as Sherman County Officials, local landowners, members of CREA, State Representative Bobby Levy, and staff from State Representative Greg Smith's office.

The tour first traveled north, observing wind energy development and the Wy'East Solar Project, which has a nameplate capacity of 10 MW. Wy'East Solar is operated by Avangrid Renewables headquartered in Orange, Connecticut, which also operates the surrounding windfarm. Turning south, the tour traveled through a landscape of dryland wheat production sometimes punctuated with wind towers, many with the capability to generate 3 MW each (equivalent to about 18 acres of solar panels). Tour participants observed that farming activities occurred up to and immediately around the wind towers.

The next point of interest was the Speedway Solar Facility site, a proposed 900 MW project located on about 8,800 acres just east of Grass Valley, Oregon. The Speedway project was proposed by Brookfield Speedway Solar Holdings, a subsidiary of Brookfield Renewable located in New York. Further down the road and into Wasco County the tour entered the Bakeoven area, allowing the tour to observe four (4) project sites including active construction of 200 MW on about 1,200 acres for two of three parts of the original Bakeoven Solar proposal (Bakeoven and Daybreak). In addition, the tour was able to view the third Bakeoven component, now known as Sunset Solar, lying immediately to the north on the opposite side of Bakeoven Road. The Bakeoven projects are operated by Avangrid Renewables and have a total capacity of 303 MW. The fourth project site observed by the tour consisted of about 8,100 acres proposed for 800 MW of capacity called Yellow Rosebush. The Yellow Rosebush project is being proposed by Savion, LLC of Kansas City, Missouri.

Upon leaving the Bakeoven project complex the tour proceeded west, observing the 12-mile transmission line built to connect the Bakeoven trilogy to the Maupin substation. Upon passing the sub-station the tour entered the Deschutes River Canyon, an entirely different landscape.

The tour continued down the Deschutes River past Sherar's Falls, which are considered a sacred fishing ground by the Confederated Tribes of Warm Springs. Fishing scaffolds were present over the river but they held no anglers that day.

The tour intersected with Hwy 216 and headed back east, climbing out of the canyons and emerging on the dryland farming and Conservation Reserve Program (CRP) lands of southern Sherman County. The route detoured to view the Buckley Substation, a BPA facility scheduled for a major upgrade, therefore attracting the attention of the solar development community. It was later learned that a 1,200 MW project has been proposed by Clenara LLC of Boise, Idaho, for about 8,000 acres surrounding the substation. After returning to Hwy 216, the tour observed a large herd of elk of 100 head or more before connecting with Hwy 97 and completing the route back in Moro.

After a quick break, DLCD staff and the facilitation team prepared for a public information session. The meeting that followed was much different than encountered at previous locations. The room quickly filled. Most attendees were residents of Sherman County. Residents from Wasco and Gilliam Counties also attended. It quickly became clear that a majority of the participants were very concerned about additional solar development in the region. The participants expressed their anger and frustration at the prospect of Sherman County and the surrounding areas becoming a focus of solar development. Many expressed doubt that the development community would follow through in good faith. Some related stories regarding experiences with wind or solar companies that didn't work out well for them or their families. At least one person commented that as a member of a volunteer fire department, the Bakeoven projects had been good to work with.

The RAC meeting started at 9:00 the next morning. Again, there was little introduction, and the work began with discussions about possible revisions to Divisions 6 and 33. The meeting pace was sluggish at first. Eventually the pace improved, and the RAC members were able to generally, but not unanimously, agree to principles on the duration of a permit after county approval before it would expire. The RAC choose to drop consideration of agrivoltaics in Division 6 and 33 at the suggestion of the solar development community. The RAC also accepted the recommendation of the forest representatives to postpone additional discussion about siting on forest land until sometime in the future when additional members of the forest community could be assembled. Both agrivoltaics and specific opportunities and constraints on forest land required additional time and expertise that the RAC did not have.

Updates from the four Technical Advisory Committees (TACs) followed and an attempt was made to discuss possible revisions to Division 23 although the desired outcome stated on the meeting agenda to "reach alignment on and move forward with Division 23 language" continued to prove elusive. At this point RAC members from the solar industry began vigorously proposing an alternative regulatory framework for consideration of renewable solar energy facilities in Eastern Oregon, focusing on amendments to OAR 660-033 (referred to in

this document as “division 33” which would regulate solar development on agricultural land without reference to solar energy as an “energy source” under Statewide Planning Goal 5. This conflict, and its resolution, would take many subsequent meetings to resolve before the Land Conservation and Development Commission could adopt rules to implement HB 3409 (2023).

RAC Meetings 6-13: All Virtual

Detailed descriptions of the five Field meetings have been provided in this report to furnish some insight to what the RAC saw, heard, experienced, and achieved while on location in eastern Oregon communities. These experiences helped shape how rules were ultimately configured and contributed a great deal to the RAC process.

The last eight meetings were entirely virtual and mostly involved the nuts and bolts discussions of rule structure, content, and language choices. Additional details regarding these meetings may be viewed in the Eastern Oregon Solar Siting Rule Making Advisory Committee (RAC) Report prepared by Kearns and West and included as Appendix C.

III. A summary of the rules adopted under HB 3409, section 35.

The rules adopted under HB 3409, section 35 are guided by three primary factors. First was the overarching theme of “Finding Opportunities and Reducing Conflicts in Siting Photovoltaic Solar Power Generation Facilities.” Next, was that the best opportunities may often be found in the absence of conflicts. Finally, the rules are shaped by what the Land Conservation and Development Commission (LCDC or commission) has authority to do and what the commission lacks authority to do. For example, the commission does not have the ability to raise the threshold for local jurisdiction or waive requirements based on state statue, such as the farm and forest compatibility test at ORS 215.296 or the siting requirements included at ORS215.446(3). LCDC can, however, adopt rules to further interpret discretionary statutes and complement existing law by clarifying how it should be addressed or under what circumstances it may be found satisfied.

LCDC ultimately adopted nine administrative rule revisions pursuant to the direction of HB 3409. The commission thoroughly considered each revision through an open, transparent public process culminating in adoption Hearings. How these revisions have been designed to correspond to the relevant legislative elements is provided below:

HB 3409, section 35(1) On or before November 3, 2023, the Land Conservation and Development Commission shall adopt rules to allow a local government to consider a photovoltaic solar power generation facility a rural industrial use for purposes of justifying a reason for an exception under ORS 197.732 (2)(c)(A).

LCDC adopted the following language on Friday, November 3, 2023 (emphasis added):

> "(3) Rural Industrial Development***: A local government may consider a photovoltaic solar power generation facility as defined in OAR 660-033-0130(38)(f) to be a rural industrial use.*** For the siting of rural industrial development on resource land outside an urban growth boundary, appropriate reasons and facts may include, but are not limited to, the following…"

Establishing a clear, identifiable pathway for the siting of larger photovoltaic solar projects under county jurisdiction provided immediate benefit to developers and local decision makers by reducing risk and improving predictability, for projects that required statewide planning goal exceptions to Goal 3 (Agriculture) or Goal 4 (Forestry), in Eastern or Western Oregon.

HB 3409, section 35(2) – Consistency with the Legislation

Having completed the conforming rulemaking called for by section 35.(1), the commission turned to the business of the complex rulemaking required by section 35.(2). Generally, these rules strive for consistency with HB 3409 in the following ways:

HB 3409, section 35(2) On or before July 1, 2025, the commission shall adopt rules:

Response: LCDC adopted the rules required under this section on June 26, 2025.

(a) Establishing criteria through which local governments may be permitted or required to allow the siting of a photovoltaic solar power generation facility, including criteria that consider:

Response: the "permitted or required" language in HB 3409 was the subject of considerable discussion in the rulemaking process. While the statement from Rep. Marsh in the committee hearings that led to passage of HB 3409 spoke of a permissive, rather than a required, process, solar industry representatives, arguing that promotion of renewable solar energy in Eastern Oregon was of utmost importance to the state's energy goals, advocated for consideration of a mandate requiring Eastern Oregon counties to at minimum adopt state rules for review of qualifying renewable solar projects and consider such applications.

The rules that LCDC eventually adopted took a middle approach. For certain types of smaller projects, a county would be required to directly implement LCDC-adopted rules for projects on agriculturally-zoned land, but could, through action of the county-elected body, "opt out" of the rules. For larger projects, where a county would adopt a program under Statewide Planning Goal 5 and the implementing rules at OAR 660-023, the rules give counties discretion to adopt or not adopt such a program.

(A) Potential conflicts with other resource lands; and

Response: The adopted rules are specifically designed to account for, and avoid conflicts with, a variety of resource lands, including but not limited to lands used for farming, ranching and forestry activities, lands where cultural, historical and archaeological resources may be present, wildlife habitat, and lands necessary to protect military assets.

(B) Soliciting public feedback from neighboring landowners or residents; and

Response: The adopted provisions of Division 23 for establishing a local program require a robust amount of community engagement that will be used to inform local decision makers and craft local policy. For example, the adopted rules require one or more public meetings to occur in advance of any official public hearings. Public meetings do not include official consideration of a particular proposal. Instead, public meetings have proven to be a productive way to share information, ask and answer questions, and otherwise gauge public sentiment outside of the ordinary protocols of an official public hearing. The adopted rules provide guidance for providing notice to area residents with new provisions designed to provide notice to renters as well as property owners and other interested governments. Please see OAR 660-023-0195(4)(c) – Page 4, Lines 7-24 of Appendix B included with this report.

Should a county choose to proceed with local program development, a set of official public hearings will be scheduled where local decision makers can accept evidence and testimony. Notice of the official public hearings will be provided in accordance with state law and county ordinance. Should a local program be adopted planning for possible photovoltaic solar power generation facilities, it will include local zoning provisions governing the consideration of individual land use applications submitted for county review.

The adopted provisions of Division 33 create opportunities for consideration of individual applications without the establishment of a local program. These administrative rules do not require local adoption and are expected to be applied directly. Because no adoption is necessary, no advanced public engagement or public process is required. Counties responding to individual project applications for photovoltaic solar power generation facilities submitted pursuant under Division 33 will follow existing legal notice requirements to inform neighboring landowners and others that project review is scheduled and provide guidance on how they may participate.

(b) Identifying the characteristics of lands in Eastern Oregon, as defined in ORS 321.700, best suited for counties to allow, encourage and incentivize photovoltaic solar power generation facilities, based on consideration of:

Response: The adopted rules creating additional opportunities for siting photovoltaic solar power generation facilities are limited to Eastern Oregon, as defined in ORS 321.700.

(A) The land's suitability for contributing to the state's clean energy goals;

Response: As discussed earlier in this report, it appears likely that Oregon could use on the order of 10 Gigawatts (GW) of installed photovoltaic solar energy generation to meet the state's Clean Energy Goals. Most of the 10 GW would be added capacity, which may occur in Oregon or at out-of-state locations. With current photovoltaic solar energy generation facilities averaging about six acres of land base for every installed Megawatt (MW) of capacity, 10 GW of development would occupy an estimated 60,000 acres.

However, settling on a measurable way to consider this subsection of HB 3409 proved to be a challenge. The final rules balanced the information provided to the RAC about which lands were suitable for solar energy development from a market perspective with the information regarding competing important resources such as agriculture, archaeological and cultural resources, and fish and wildlife habitat.

Using the best available data (which is not comprehensive) the department identified more than two million acres of non-federal land, an area roughly the size of Umatilla County, as potentially eligible in Eastern Oregon. Of particular note: the location of significant archaeological resources important to Oregon's tribes is not known, and cannot be known or mapped pursuant to state law. Instead, the rules require the applicant to provide county decision makers with property specific information to determine if such resources exist at a specific location.

(B) Site characteristics, resource potential, proximity to current and future transmission access and locations for potential interconnection; and

Response: Conversation around these items trace back to the very first RAC meeting in Christmas Valley, Oregon. To be clear, identifying certain features is not intended to produce a limiting the amount of eligible lands. Instead, in the spirit of "starting at the beginning", the interest here was to identify traits necessary to support successful solar development and serve as a first filter. Lands without these traits may not generally be expected to have development potential. The adopted rules rely on an approach that is both tangible and mappable.

"Site characteristics" are expressed as function of slope. This choice was made based on industry's longstanding stated preference for flat land. Developers on the RAC indicated that they would be unlikely to pursue a site with more than a 10-12 percent slope. Please see Figure 8.



Figure 8. Slope in Oregon, the Darker the Steeper

"Resource potential" is expressed as Estimated Annual Utility Capacity Factor, which is also available and mappable on the ORESA tool. Annual capacity factor is generally defined as the ratio of actual annual output to output at rated capacity for an entire year. The best solar resource in this state is in southcentral and southeast Oregon (portions of Klamath, Lake, Harney, and Malheur counties). These locations boast an estimated annual utility capacity factor of 24 percent, which is similar to the solar resource in some areas of eastern Texas and the American Southeast. Rather than focus on locations with the very best resource in Oregon, the RAC preferred a more generous estimated annual utility capacity factor of 19 percent or greater, with industry representatives on the RAC indicating that such lands were also feasible from a market perspective for solar development. While serving to provide less productive areas equal footing with the state's most impressive solar resource areas, this choice also ensured that all eastern Oregon counties could take advantage of the new siting opportunities. Please see Figure 9.

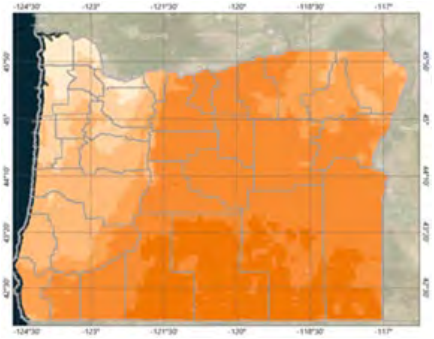


Figure 9. Oregon's Estimated Annual Utility Capacity Factor. The Darker the Better.

Codifying an articulate standard reflecting "proximity to current and future transmission access and locations for potential interconnection" proved challenging. It became almost immediately apparent that utilities and other transmission providers hold their information very tightly. To the frustration of RAC members (some were surprised, others were not, all were frustrated) it proved impossible to acquire data on system capacity without the resource to fund very elaborate, very expensive studies and even then, the likely outcome would be a "snapshot in time." Please see Figure 10.



Figure 10. High Voltage Transmission Lines in Oregon. Largest facilities shown in blue

Department research indicated that developed and approved sites in Oregon with available data were located within four (4) miles of a high-voltage transmission line. The actual access to Interconnection may be further, as in the case of the 12-mile high voltage line supporting the Bakeoven projects, but in all identifiable instances projects were physically within four miles of a high-voltage transmission line. This research, combined with solar developer observations that it was unlikely that a site more than 10-miles from transmission would be considered for development allowed the RAC to settle on a 10-mile buffer, which was further refined upon developer recommendations to apply only to lines with a capacity of 69 KV or greater.

(C) The ability to readily avoid negative impacts on natural resources, forestry, habitat, agriculture, community needs and historic, cultural or archeological resources, or to readily minimize or mitigate those negative impacts.

Response: This subsection calls out specific resources and important values and prescribes a classic mitigation hierarchy, which is an approach used by decision makers to consider development proposals and is ordinarily comprised of a three-step process: Avoidance, Minimization, and Compensatory Mitigation. All three steps are technically considered "mitigation." Therefore, it was considered helpful to clarify that the term "mitigation" as used in the legislation was best understood to mean "compensatory mitigation" or "offsets."

"Avoidance" is the first step in the mitigation hierarchy and is accomplished by not taking a certain development action or parts of that action that conflict with a particular resource, thereby preventing negative impacts from occurring in the first place. The adopted rules implement the avoidance component of the statute by specifying lands or types of lands that are categorically unavailable for this siting opportunity. Examples of areas to be strictly avoided include the most productive agricultural lands, the most valuable wildlife habitat, and the most important cultural, historical, and archaeological resources. Declaring where development cannot go helps guide projects into areas where conflicts are less likely and provides relief from having to satisfy the avoidance test on a case-by-case, project specific basis. Categorically excluding certain areas simplifies the site selection process for developers and the approval process for local decision makers. In some ways this approach can be seen as offering a clear and objective pathway replacing the highly discretionary alternatives analysis otherwise required by the exceptions process.

"Avoidance" also implies that there are lands where there are not conflicting resources. The adopted rules identify areas of marginal agricultural land, areas with no or minimal fish and wildlife habitat use, and areas with no significant archaeological or cultural resources as lands where renewable solar energy development is most suitable. In these areas, minimization and compensatory mitigation, discussed below, might not be necessary.

"Minimization" is the second step in the mitigation hierarchy and applies when there are impacts remaining that cannot be avoided. Minimization is often accomplished by limiting the degree or magnitude of the development action and its implementation, which may be carried out through project design or other project features such as limiting hours of operation. Possible examples of minimization of remaining impacts from solar projects might include measures such as building around an archaeological resource as agreed to by the impacted Tribe(s) or utilizing wildlife friendly fencing materials.

"Compensatory mitigation" is the third and final step in this mitigation hierarchy and applies when impacts remain, even after both avoidance and minimization measures have been employed. Compensatory mitigation, also referred to as offsetting, requires developers to

compensate for unavoidable impacts by providing equivalent benefits elsewhere. The adopted rules implement this element of the legislation by identifying those circumstances that will require compensation and furnishing clear direction on what that means and how it should occur. For 'intermediate" agricultural lands, the rules specify necessary and appropriate mitigation measures to uplift the local agricultural community. In all cases the rules require some "community benefits" to the Eastern Oregon communities that are hosting renewable solar energy facilities that benefit the entire state of Oregon and help the state meet its renewable energy goals.

HB 3409, section 35(2) – Primary Rule Revisions: OAR 660-023-0195 and OAR 660-033-0130(44)

Beyond the universal principles expressed above, the rule revisions promulgated under HB 3409, section 35(2) fall into two (2) categories, primary and secondary. Primary rule revisions include adoption of OAR 660-023-0195, and OAR 660-033-0130(44). Both rule revisions constitute entirely new text and are fresh additions to their respective divisions. Both rule revisions share overlapping features and requirements, which are summarized as follows:

Summary of Key Features of Primary Rule Revisions: Division 23 and Division 33	
Key Feature	**Comments**
Opportunity for much larger projects that would otherwise require an exception.	Division 23 provides for the largest project sizes possible under county jurisdiction.
Following Characteristics Must Generally Be Present: • Slope of 15% or less • Estimated Annual Utility Capacity Factor of 19% or Greater • Within 10 miles of a Transmission line with a capacity of 69 KV or greater.	These are hard and fast for Division 33 Division 23 process offers additional flexibility
Specific Areas Do Not Require Mitigation: • Soils with an Agricultural Capability Class VII. • Soils with an Agricultural Capability Class VI that are not capable of producing 300 lbs of Herbaceous Biomass per acre. • ODFW Wildlife Habitat Categories 5 and 6.	Apply equally to both Divisions.

• Areas of no known cultural, historic, or archaeological resources demonstrated by information provided by the applicant.	
Specific Areas Do Require Mitigation: • Arable soils that are not considered irrigated, located within an American Viticulture Area (AVA), or otherwise considered High-Value. • ODFW Wildlife Habitat Categories 2-4, including but not limited to Deer and Elk Winter Range, Limited Essential Pronghorn Habitat, Bighorn Sheep Habitat. • Areas of known cultural, historic and archaeological resources where mitigation will allow development to proceed without causing a significant adverse impact as demonstrated by information provided by the applicant.	Apply equally to both Divisions.
Specific Area Are Not Eligible: • Soils that are considered irrigated, within an AVA, or otherwise considered High-Value. • Lands within an irrigation district. • ODFW Habitat Category 1. • Core and Low-Density Sage-Grouse Habitat. • Priority Wildlife Connectivity Areas (PWCA). • Important Big Game Migration Corridors. • Areas of known cultural, historic and archaeological resources where development, even with mitigation, will result in a significant adverse impact as demonstrated by information provided by the applicant.	Apply equally to both Divisions. Exemptions for small amounts of High-Value soils within a project's interior. Exemption for situations where regulatory action has precluded the ability of water right holders to irrigate.
Early Notice and Communications: • 60 Days Prior To Submitting Application - Affected Tribe(s) - State Historic Preservation Office (SHPO) - Oregon Department of Fish & Wildlife (ODFW) - Department of Land Conservation and Development (DLCD) • 30 Days Prior to Submitting Application - United States Department of Defense (DoD).	Apply equally to both Divisions. DoD Notice not necessary when county code requires

	a pre-application conference that includes at a minimum, the United States Department of Defense.
Mitigation Responsibilities, When Required: • Agricultural Lands Protected under Goal 3 (Agriculture) - Identified Methodology in the administrative rules. • Wildlife Habitat - In consultation with ODFW and consistent with ORS 215.446(30(a)). • Historic, Cultural, and Archaeological Resources - Based on fieldwork provided by applicant - Done in coordination with SHPO and affected Tribe(s) • Military Special Use Airspace or Military Training Route - Glint and Glare Analysis. Coordination with DoD and OMD.	Apply to both Divisions. Division 23 allows counties to consider alternative agricultural lands mitigation arrangements. Military partners have been very clear that they have no interest in stopping projects.
Community Benefits: • Single payment based on project nameplate capacity. • Detailed public outreach in advance of submitting an application.	Apply to both Divisions. Division 23 allows counties flexibility to consider alternative Community Benefit arrangements.
Agricultural Protection Criteria: • Approval Standards from OAR 660-033-0130(38). - 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. - Will not result in unnecessary soil erosion or loss. - Will not result in unnecessary soil compaction.	Apply equally to both Divisions.

- Will not result in the unabated introduction or spread of noxious weeds and other undesirable weed species. • Farm and Forest Compatibility Test required by ORS 215.296 & mirrored at OAR 660-033-0130(5). • Cumulative Impacts Test when triggered under certain circumstances. • Developer is required to look at the poorest agricultural lands on a particular tract first.	The Farm and Forest Compatibility test is traditionally complicated and very discretionary. Since the test is required by statute it cannot be waived by LCDC. However, the adopted rules contain provisions to make this highly discretionary test more straightforward and much less risky.
Workforce Housing: • An applicant is not required to construct workforce housing. Instead, the application will demonstrate that considerations for the amount, type, and location of temporary workforce housing have been made.	Applies equally to both Divisions.
Review of Rule Effectiveness: • On or before July 1, 2027, the department will provide a report to the Land Conservation and Development Commission that describes how the rules have, or have not been effective in accomplishing the stated intent at OAR 660-023-0195(1), and if necessary, recommend revisions designed to accomplish said intention: • Subsequent reports reviewing the effectiveness of this rule will be provided at four-year intervals beginning on or before September 30, 2031.	Applies equally to both Divisions.
Effective Date: • Rule revisions adopted by LCDC on June 26, 2025, are to become effective on January 1, 2026.	Applies equally to both Divisions. This gap in timing was provided so that counties may choose to opt out of the provisions of OAR 660-033-0130(44) prior to the rule becoming effective.

Data Collection: • Counties are not required to create or acquire advanced information or data beyond what is readily available from the ORESA mapping tool or other easily available sources. Instead, such information, especially regarding Wildlife Habitat and Historic, Cultural and Archaeological Resources not obtainable from a simple desktop assessment will be furnished by an applicant on a project specific basis.	Applies equally to both Divisions.

The Division 23 pathway under Statewide Planning Goal 5 represents an opportunity for counties to deliberately plan for these very large, land intensive facilities. A local program established under Division 23 may allow consideration of the very largest projects subject to local jurisdiction without requiring an exception. A local program established under Division 23 is expected to include a map of potentially eligible areas, comprehensive plan provisions expressing local policy choices, and implementing zoning provisions that would apply to conditional use applications for individual projects.

The Division 33 pathway creates an expanded opportunity for Eastern Oregon counties to respond to conditional use applications for projects that, while smaller than those allowed under Division 23 above, are still very much larger than allowed in the current rules without an exception. The Division 33 pathway does not contemplate the establishment of a local program. Instead, the Division 33 pathway requires counties to receive and respond to individual applicant driven proposals unless they choose to opt-out, as described in OAR 660-033-0130(44).

Allowing larger project sizes and additional flexibility under Division 23 provides an incentive for counties and developers. Taking this one step further, the planning process identified in Division 23 requires a robust level of community engagement. This is the most fundamental and important difference between the two primary rule revisions. The county can then use the outcomes of community engagement to inform local policy choices as the counties develop the elements of a local program. Counties that engage in these efforts afford their residents and communities the opportunity to think through issues regarding solar siting, to emphasize what they see as opportunities, and to work through what they may have as concerns. Community engagement of this nature will simply not occur under Division 33. As a result, the rules under Division 23 allow projects up to the maximum sizes subject to county jurisdiction without triggering the requirement for an exception. Furthermore, Division 23 also allows counties more flexibility to design program components, including agricultural mitigation measures and community benefit measures, more suitable for unique local circumstances.

The involvement of local interests should result in a greater level of ownership and support of the eventually adopted local program. The results will be communities that are more informed about, comfortable with, and welcoming towards photovoltaic solar development. Applications made in this environment are more likely to enjoy a smooth review process and are less likely to suffer legal challenges

HB 3409, section 35(2) – Secondary Rule Revisions: OAR 660-004-0022(4), OAR 660-006-0025(j) & (k), OAR 660-006-0050(4), OAR 660-023-0190, OAR 660-033-0120 and OAR 660-033-0130(45)(4),

In addition to the Primary Rule Revisions described above, LCDC adopted a bundle of Secondary Rule Revisions. Some revisions in this category were deemed necessary for administrative purposes. Others were identified as helpful in carrying out the overarching purpose of Finding Opportunities and Reducing Conflicts in Siting Photovoltaic Solar Power Generation Facilities. Additional information is as follows:

OAR 660-004-0022(4) – Goal 2 Exceptions Rule:

> (4) A site justified for a photovoltaic solar power generation facility under section (3) and is also found to satisfy OAR 660-004-0020 shall remain zoned for exclusive farm use, forest use or mixed farm and forest; whichever is applicable. A county shall also continue to apply the relevant approval criteria at OAR 660-033-0130(38), OAR 660-033-0130(45) or OAR 660-006-0025(4)(k).

Discussion: While most all of this work is focused on when an exception is not necessary, the exceptions process remains available. This language serves as a companion to the revision adopted by LCDC on November 3, 2023, as directed by HB 3409, section 35(1). One issue that has arisen for solar developers, counties, and communities around the state is whether an approved exception to statewide planning Goal 3 (agriculture) or Goal 4 (forestry) should be accompanied with a change to the underlying zoning of the property. The rule amendment clarifies that the underlying zoning district should remain unchanged, which would prevent permanent loss of underlying farm or forest land once the renewable solar energy's life cycle is over.

OAR 660-006-0025(4)(j) and (k) – Goal 4 Forest Lands Rule:

> (j) Commercial utility facilities for the purpose of generating power, not including photovoltaic solar power generation facilities in eastern Oregon. A power generation facility considered under this subsection shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR chapter 660, division 4;

(k) Commercial utility facilities for the purpose of generating power as a photovoltaic solar power generation facility in eastern Oregon, under the following standards:
(A) A power generation facility considered under this subsection shall not preclude more than 240 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR chapter 660, division 4.
(B) An application for a facility under this subsection shall comply with the requirements of ORS 215.446(3).

Discussion: Although the RAC elected not to dive deeply into the siting on forest land in eastern Oregon question at this time, they did see fit to elevate the threshold for a simple conditional use application from 10 acres to 240 acres. This adjustment more closely aligns the Forestlands rule with similar provisions in the Agricultural Land rule at OAR 660-033-0130(38) and creates greater opportunity for solar development on forest lands.

OAR 660-006-0050(4) – Goal 4 Forest Lands Rule:

(4) A county in eastern Oregon shall apply either OAR chapter 660, division 6 or 33 standards for siting a photovoltaic solar power generation facility in an agriculture/forest zone based on the predominant use of the subject lot or parcel on January 1, 2024.

Discussion: This language applies to lands included in a "mixed" Farm and Forest Zone. These areas are characterized by a combination of commercial farming, ranching and forestry activities and are protected under both goal 3 and goal 4. Counties may approve uses allowed under both Division 6 and Division 33 on lands zoned Farm and Forest. The adopted provision serves to settle confusing caselaw by declaring that determining applicable review criteria will be based on "predominant use." Put another way, if the property has been predominantly used for forestry activities, the Division 6, Forest Lands provisions will govern an application. If the property has been predominantly used for farming or ranching, the Division 33, Agricultural Land provisions will govern an application. Making this distinction adds clarity, which reduces risk. With less risk comes greater opportunity and reduced conflict.

OAR 660-023-0190 – Goal 5 Natural Resources Rule:

Energy Sources
(1) For purposes of this rule:
(a) "Energy source" includes naturally occurring locations, accumulations, or deposits of one or more of the following resources used for the generation of energy: natural gas, surface water (i.e., dam sites), geothermal, solar, and wind areas. Energy sources applied for or approved through the Oregon Energy Facility Siting Council (EFSC) or the Federal Energy Regulatory Commission (FERC) may ~~shall~~ be deemed significant energy sources for purposes of Goal 5.

Discussion: Only a fragment of revisions to OAR 660-023-0190 are provided above. The full set are scattered throughout the rule and would be awkward to include in their entirety here. These revisions adjust long standing but often overlooked provisions that require counties to inventory sites presented to EFSC or FERC as significant goal 5 resources, which triggers a full goal 5 assessment. In most cases, this work has not occurred. Where it has, counties have found it challenging to accomplish. These adjustments relieve the obligation for counties regarding photovoltaic solar power generation facilities in eastern Oregon and help clarify that a county interested in establishing a local program may utilize either the standard process described at OAR 660-023-0030 thru 0050, or the new process established under OAR 660-023-0195.

OAR 660-033-0120 – Goal 3 Agricultural Land Rule:

High Value Farmland	**All Other**	**USES**
R5,17	R5,22	Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities.
R5,37	R5,37	Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale.
R5,38 **,44**	R5,38 **,44**	Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale.

Discussion: The text above shows the relevant portion of the Table included with OAR 660-033-0120, which is used to identify the proper level of review and applicable review criteria for specific uses. The columns to the left and center identify if the use is considered allowed on high-value farmland (left-hand column) or all other farmland (middle column), or if the use requires county review (R) before it may be approved. The right-hand column calls out uses that may be considered on lands protected for Exclusive Farm Use, which align with ORS 215.213 and ORS 215.283.

In the event that a county review is required, the table identifies applicable review criteria identified in OAR 660-033-0130.

For example, all three uses identified above require county review because an R is present in the left-hand column. The numbers then correspond with subsections of OAR 660-033-0130. The number "5" identifies that the provisions of OAR 660-033-0130(5) is applicable. This is the long standing "Farm and Forest compatibility test required by state statute. The numbers "17" and "22", refer to OAR 660-033-0130(17) and (22), respectively, which are the "12/20 acre" rules that apply generally to power generation facilities. The number "37" refers to OAR 660-033-0130(37), which is better known as the "LCDC Wind Rule." The number "38" refers to OAR 660-033-0130(38), which is better known as the "LCDC Solar Rule."

The minor and technical revision to the table at OAR 660-033-0120 shown above refers to OAR 660-033-0130(44), which is the new language in Division 33 adopted by LCDC on June 26, 2025. Adding this citation to the table at OAR 660-033-0120 simply identifies that OAR 660-033-0130(44) is final and available for use

OAR 660-033-0045(4) – Goal 3 Agricultural Land Rule:

> (4) A county in eastern Oregon shall apply either OAR chapter 660, division 6 or 33 standards for siting a photovoltaic solar power generation facility in an agriculture/forest zone based on the predominant use of the tract on January 1, 2024.

Discussion: This language essentially mirrors that adopted as OAR 660-006-0050(4) and is helpful for the same reasons stated above.

IV. Review of renewable energy siting assessment tools used by the State Department of Energy and recommendations regarding missing or outdated data sets.

A detailed description of the Oregon Renewable Energy Siting Assessment (ORESA) project is provided on the Oregon Department of Energy (ODOE) Website at State of Oregon: Energy in Oregon - Oregon Renewable Energy Siting Assessment (ORESA), a portion of which reads as follows:

<Beginning of text from ODOE website>

"The Oregon Renewable Energy Siting Assessment project collected data and information through assessments to develop a report and mapping tool that provide an understanding of the opportunities and constraints that come with renewable energy and transmission development in Oregon.

The ORESA project was funded through a $1.1 million U.S. Department of Defense Office of Local Defense Community Cooperation grant awarded to the Oregon Department of Energy,

working with the Department of Land Conservation & Development and Oregon State University's Institute for Natural Resources.

Project Purpose and Need

Continued renewable energy development is anticipated in Oregon in the coming decades, particularly solar energy, wind energy, and associated transmission line development (see drivers for renewable energy development in ODOE's 2018 Biennial Energy Report).

Developing these energy resources involves balancing issues related to natural resources, land use, environmental impacts, noise concerns, and cultural and archeological artifacts (among others) through processes at all levels of government – federal, tribal, state, and local.

Renewable energy and transmission projects also have effects on military training areas in Oregon and adjoining states, and may have a potential future effect on necessary military uses to prepare for future threats. Potential effects could include radar interference from wind facilities; low-level flight obstructions from tall structures such as wind turbines; electromagnetic interference from high-voltage transmission lines; and glint and glare from solar photovoltaic arrays near airfields. Meanwhile, there are parts of the state that have substantial renewable energy resources and facility potential. Local governments have benefitted from increased tax base and local economic growth through renewable energy project development.

This project collected information about locations for current and future renewable energy and transmission development, to build an understanding of the opportunities and constraints that come with specific locations. The state can now use the report and mapping tool to continue to support renewable energy growth and economic development.An excellent description of the process used to develop Oregon Renewable Energy Siting Assessment (ORESA) Mapping and Reporting tool can be view by following this link: 2022-ORESA-Mapping-Reporting-Tool-Summary.pdf

The figure to the right is included at the beginning of the summary and shows the many steps that went into developing the ORESA Mapping and Reporting tool. Multiple meetings with Focus Groups, Cross-Section User Groups, and Beta Testing Sessions created dozens of touch points across a diverse universe of potential users.

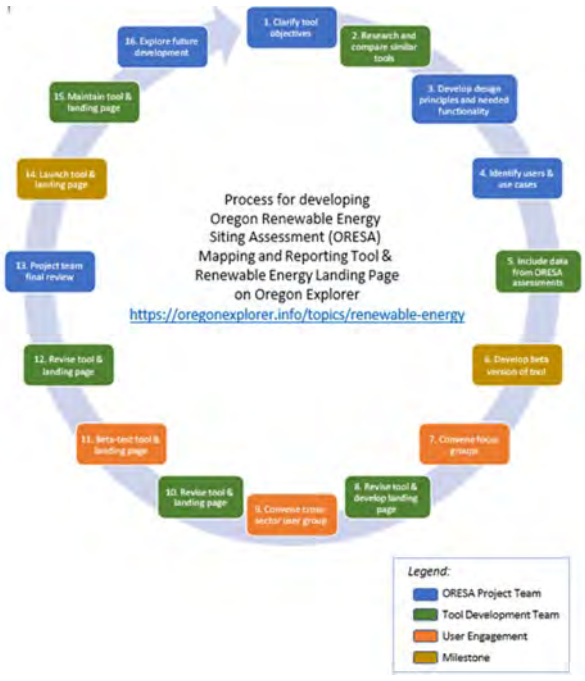


Figure 11 Summary of ORESA mapping tool features

The project team was able to incorporate most all of the feedback and recommendations from interested parties into the Tool. However, time and budget constraints simply did not allow for every suggestion to be explored, or every recommendation to be carried out. The project team grouped outstanding items into three categories: Data Gaps, Tool Functionality, and Resources/Considerations. This information is provided below. Areas of overlap with RAC priorities are highlighted.

Data Gaps

The project team worked with stakeholders through a series of focus groups to identify data for the ORESA mapping and reporting tool. The following is a list of data gaps identified through this process by stakeholders as being potentially useful to support discussion about potential renewable energy projects that should be considered for future phases or other projects:

- Transmission and distribution system capacity
- Distribution lines (voltages 12kv-115kv or 12kv-69kv)
- Co-operative, municipal, public utility district data on existing transmission and substation location/availability
- Substation level reliability metrics
- Safety shut off / wildfire management tools
- Locations of energy storage
    - Interconnections
    - Cultural resources

    Note: While not included as spatial information, several resources and descriptors are included in the Tool, along with a statement that notification and coordination is required to facilities will not damage cultural resources
    - Tribal lands (ceded lands, not just areas managed by Oregon's nine federally recognized tribes) and First Foods gathering areas
    - Equity and Environmental Justice

    Note: Some spatial information is included in the Explore section of the Tool, such as EPA EJScreen, but is limited in the Reporting section. Several resources and descriptors are included in the Tool, along recognition of ongoing efforts in Oregon from HB 4077 and national tools in beta form.
    - Local ordinance restrictions (e.g. wind turbine height restrictions, setbacks)
    - Good locations for agri-voltaics
    - Irrigation districts
    - Renewable Energy developments in progress

- Climate Change vulnerabilities, risks, and impacts
- Utility hosting capacity analysis via the PUC for Distribution System Planning
- Radar (e.g., CARSR, NORAD) and restrictions (note: data exist, but are not publicly available)
- Military offshore operations data

Tool Functionality

Tool functions that were of interest or highlighted by focus group members but are not included in the tool at this time due to project scope, timing, budget, or other constraints but could be considered for future phases or other projects.

- Notify specific county and State contacts about potential renewable energy projects
- List whether it's an EFSC project vs. local-jurisdiction project based on size and type of project; prompt so user knows that there may be other, long processes required
- Include a section about permitting
- Note: The Siting Procedures Review report includes a review and analysis of siting regulations, permitting, and project review processes. While not embedding in the tool functionality, it is included in the Learn section.
- Allow applicants for renewable energy projects to upload specific coordinate points that identify proposed structures within a project site boundary
- Include a pre-application form so that tribes, local, state, federal agencies could get an initial look at a potential renewable energy project
- As the Investor Owned Utilities increase accessibility and resolution of GIS based infrastructure management tools, include these data/analysis in the Tool
- Evaluate user entered parameters and renewable energy targets (e.g., max MW for areas of interest)
- Land Use Planning Goal 5 evaluations
- Filter contact list based on Areas of Interest
- Ability to evaluate multiple project sites at a time (e.g., 15 projects)
- Enable a report that would provide a report back for a project that occurs both offshore and onshore (e.g., likely this would be a wind energy project that connects a facility with a lease offshore, but has onshore components) to provide information on both in-water and onshore project considerations.

- Support renewable energy reporting functionality for larger areas (e.g., regions or statewide) to show areas where constraints are minimal and renewable energy opportunities are relatively high

Resources/Considerations

Additional resources and considerations that were of interest or highlighted by focus group members but are not included due to limitations on project scope, feasibility, timeline:

- Support biomass, transmission, pumped storage, hydropower, renewable hydrogen renewable energy projects
- Be able to click and see already available renewable energy guidelines (encourage review before contacting state agency representative). Add specific county renewable energy ordinances and guidelines
- Note: The Siting Procedures Review report includes a review and analysis of siting regulations, permitting, and project review processes. While not embedding in the tool functionality, it is included in the Learn section.
- Determination of no hazard letters for submittal in permitting
- Address information needs from community members, especially those adjacent to proposed sites – with particular focus on equity and environmental justice issues and underrepresented communities.

  Note: Efforts to develop a statewide equity mapping tool are underway and should be monitored for further inclusion in the Tool.
- Integration of data and information from other Tools that are in development, including statewide equity mapping tool, wildfire risk mapping, and enhancements to OROWindMap.
- Identify an overall renewable energy state agency point of contact for all the state agencies to help developers with proposed project developments
- Explore conversations with military liaisons related to military installations where renewables are desired in the future
- Use tool to determine if Oregon can meet state and local clean energy goals under existing and restricted local and state siting scenarios
- Have consolidated and holistic tools for use at community level. Advocate for data/info on distributed system planning (DSP) to be combined. Identify where siting can benefit communities. In rural areas, where system interconnection is “squishy” this can be even more important. Better tool to explain why projects in certain place/in certain communities
- Provide help for folks to use it when its operational (training and outreach)

- Note: The ORESA project team provided a series of presentations and workshop when releasing the Tool. Additionally, a recorded webinar with a demonstration of the Tool will be provided as a resource.
- Do a sample project siting for resilience-based community scale microgrid locating
- Support local renewable energy community planning (e.g., clean energy planning)
- Could be useful for communities exploring green tariffs under HB2021"

<End of text from ODOE website>

ORESA Data Sets Identified by the RAC

Ag & Forestry

- Federal Lands Grazing Allotments
- Rangeland Capability
- Forest Productivity
- Improve accuracy of HVFL Layer(s)
- Other?

Note: *Some of this information will not be immediately available or may be difficult to obtain.*

Wildlife

- Game Management Units
- Big Game Migration Corridors
- ODFW Habitat Categories, particularly Category 1
- Other
- Be sure GSG maps are current
- Updated Big Game Map
- Locations subject to existing mitigation investments.

Note: *Some of this information will not be immediately available or may be difficult to obtain.*

Tribes

- See highlighted items above.
- Other.

County

- County level approvals for wind and solar projects
- Counties that have "Opted out" of Section (44). As of this writing Deschutes, Umatilla, and Wasco counties have chosen to "Opt Out."
- Counties that have established a local program pursuant to Division 23
- Other

Note: *Some of this information will not be immediately available or may be difficult to obtain.*

Infrastructure

- See highlighted items above.

Other

- Location of large wildfires
- Other

V. Review of existing practices relating to mitigation of impacts of photovoltaic solar power generation facilities and transmission development and recommendations for:

Mitigating impacts on farming practices on agricultural lands through best practices and land use regulations;

Mitigating impacts on farming practices on agricultural lands related to photovoltaic solar development does not have a long history or an abundance of precedent. The department's internal and external research was unable to identify uniform and tested approaches that can be considered "best practices."

LCDC's Agricultural Lands Rule has a single example of agricultural mitigation in conjunction with "Youth Camps." Please See OAR 660-033-0130(40). This rule is designed to allow additional camp development when offset by voluntarily restricting development opportunities on other agricultural lands or wildlife habitat. To the best of the department's knowledge this provisions of OAR 660-033-0130(40)(c) have never been exercised.

The department's external research found various guidelines prepared by state or national agricultural advocacy groups such as the American Farmland Trust, the California Council of Land Trusts, or the New York State Energy Development Authority (NYSERDA). Land trust advice tends to favor agricultural mitigation through conversation easements, in-lieu of payments or requiring complimentary activities such as agrivoltaics. The NYSERDA has established a detailed "Smart Solar Siting Scorecard" as a means of determining how a proposed project may be developed in harmony with other New York State objective. Department staff attempted to draft a simplified version of a "Siting Scorecard" motivated by the NYSERDA example. The department's version of a score card was not well received, and it was not pursued further.

A local and more relevant example of agricultural mitigation efforts may be found on the Columbia Plateau. This concept was recently pioneered by Pine Gate Renewables (PGR) and Morrow County as the company sought EFSC approval for the Sunstone project, which has

been described earlier in this report. In this situation, PGR retained the services of ECOnorthwest, a well-respected Oregon firm specializing in public policy research and capable of conducting complex economic analysis. The resulting study was able to predict possible loss in the county's dryland wheat agricultural sector over the life of the project and assign a value to that loss, which would be paid by the company in the form of compensatory mitigation.

The rules adopted by LCDC seek to emulate the outcome, if not the exact process, utilized by PGR in the Sunstone proposal. Rather than conducting a complex economic analysis, the rule provides a simple methodology to calculate an applicant's agricultural mitigation responsibilities. The methodology, included with OAR 660-023-0195 as Attachment A, relies on factors such as agricultural practices, soil capability, crop rent figures, and project lifespan to establish a monetary value representing the applicant's compensatory mitigation responsibilities.

Mitigating impacts on fish and wildlife habitat in accordance with the policies described under ORS 496.012 and 506.109

The following information was provided by the Oregon Department of Fish and Wildlife in response to this part of the report.

Development Siting Tools

Siting Tool	Web Address	Brief Description
Oregon Renewable Energy Siting Assessment (ORESA) Mapping and Reporting Tool	https://www.oregon.gov/energy/energy-oregon/Pages/ORESA.aspx	Data and information about renewable energy, military training and operational areas, economic development opportunities; land use considerations; natural, cultural and environmental resources; and other regulatory requirements.
ODFW Centralized Oregon Mapping Products and Analysis Support System (COMPASS)	https://www.dfw.state.or.us/maps/compass/	Online system of wildlife information and maps to help plan land use, energy, transportation, conservation and other large projects. Provides access to spatial representations of Oregon Conservation Strategy components. Includes a Strategy Reporting Tool that provides an aggregate report of Strategy data within a user submitted area of interest.
Oregon Sage-Grouse Development Siting Tool	https://oregonexplorer.info/content/sage-grouse-development-siting-tool?topic&ptopic	Interactive application that allows prospective developers in Oregon to access information about potential project impacts to greater sage-grouse and estimates sage-grouse mitigation requirements specific to a project area.
Oregon Explorer Natural Resources Digital Library	https://oregonexplorer.info/	Digital library that integrates and provides access to data and information from state and federal agencies, local govts, university scientists, and citizens to support informed decisions and actions by people concerned with natural resources, environment, and communities throughout Oregon.
Western Association of Fish and Wildlife Agencies' Crucial Habitat Assessment Tool (CHAT)	https://www.wafwachat.org/	Non-regulatory, decision support system of state fish and wildlife agency priorities to aid the proactive decision-making process during pre-planning stages.
Argonne Nat'l Laboratories Geospatial Energy Mapper (GEM)	https://gem.anl.gov/	A free online mapping tool for identifying areas within the US that may be suitable for power generation and energy corridors. Originally an Eastern Interconnection tool, recently expanded to be nationwide. Flexible modeling of facility siting factors such as slope and land protections. Includes wildlife information. Tools to generate and analyze energy corridor routes.
Western Electricity Coordinating Council (WECC) Environmental and Cultural Data Viewer	https://ecosystems.azurewebsites.net/WECC/Environmental/	Web mapping application to view and access environmental/cultural risk classification data layers developed by WECC stakeholders. Intended for use in regional transmission expansion planning, and siting level analysis.

Oregon Department of Fish and Wildlife

Oregon's Fish and Wildlife Habitat

- All the land and waters of the state provide habitat for fish and wildlife
- Healthy, abundant, and accessible habitat is the foundation on which healthy fish and wildlife populations can persist

One of the most effective means to conserve and recover species is to conserve and restore habitat

What is fish and wildlife habitat?

The specific conditions of lands and waters that provide nutrition, shelter, space, and mobility for Oregon's diverse species to fulfill all their life stages



Mitigation Planning

Habitat Category	Definition	Example	Goal for Mitigation	Mitigation Strategy
Category 1	Irreplaceable, essential and limited habitat	Bogs and fens, certain springs and pools, occupied Washington ground squirrel colonies, occupied spotted owl or marbled murrelet nesting areas, certain migration corridors	No loss of habitat quantity or quality	Avoidance
Category 2	Essential and limited habitat	Salt marshes, cottonwood galleries, big game winter range, fish or wildlife migration corridors, some spawning and rearing areas.	No net loss of habitat quantity or quality and to provide a net benefit of habitat quantity or quality	In-kind, in-proximity mitigation
Category 3	Essential habitat, or important and limited habitat	Older forested areas, reed canary grass wetland, big game summer range, spawning and rearing areas.	No net loss of habitat quantity or quality	In-kind, in-proximity mitigation
Category 4	Important habitat	Isolated or degraded wetlands, degraded rangelands, spawning, rearing and foraging areas.	No net loss of habitat quantity or quality	In-kind or out-of-kind, in-proximity or off-proximity mitigation
Category 5	Habitat having high potential to become either essential or important habitat	Restorable rye grass fields or diked or drained coastal marshes, marshes, some types of reservoirs.	Net benefit in habitat quantity or quality	Actions that improve habitat conditions
Category 6	Habitat that has low potential to become essential or important habitat	Urban areas and other areas with little or no restoration potential, artificial ponds without native species.	Minimize impacts	Minimize direct habitat loss and avoid off-site impacts



Supporting certainty for developers regarding mitigation requirements within the siting process;

Certainty within a process is highly desirable. However, certainty may also come with a loss of flexibility. The land use siting process is no different. Clear and objective measures guarantee compliance, thereby reducing cost and risk. Discretionary measures that require judgment may allow for more creative thinking but are subject to opposition and possible legal challenges that are both costly and time consuming.

These rules attempt to balance certainty for developers and local decision makers regarding mitigation requirements in two primary ways. To begin, the rules articulate the circumstances for when mitigation is not required, when mitigation is required, and when a site is not eligible to be considered under this opportunity. With this knowledge, a developer may select sites fully understanding what is or is not going to be expected of them. Second, in at least two instances, Agricultural Mitigation and Community Benefits consideration, the rules establish safe harbor measures that will be found to comply with the requirements in all instances. Put another way, the presiding county has a duty to find that the mitigation requirement has been met when the safe harbor is followed. Furthermore, in the event of a legal challenge on this point the Land Use Board of Appeals (LUBA) or presiding court will be obligated to uphold the county's decision.

VI. 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.

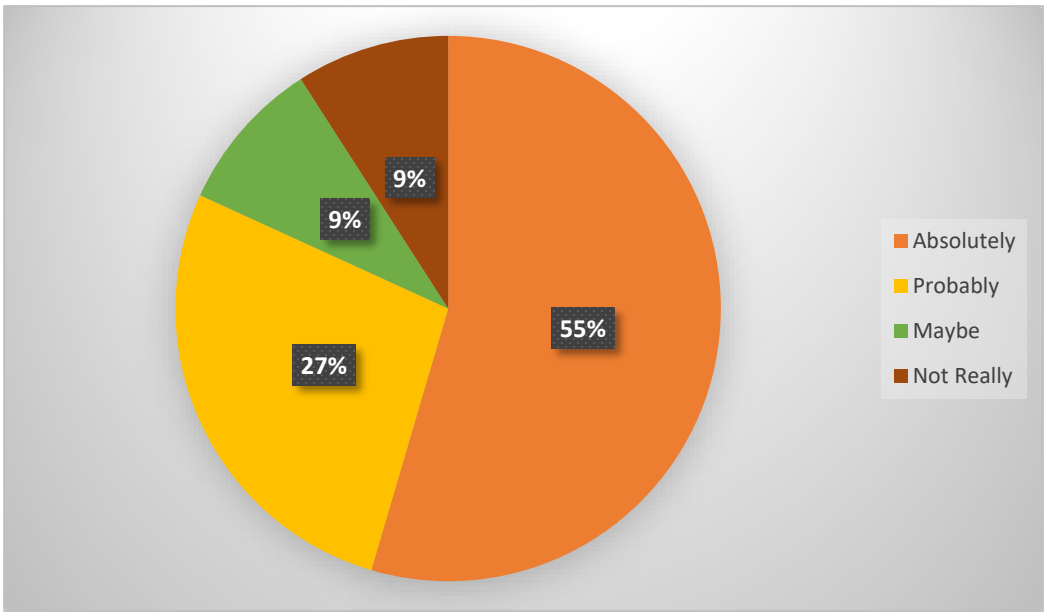
Technical Assistance (TA) grants are competitive awards to local governments that fund projects to update a comprehensive plan, to update local land use ordinances, or other planning compliance projects. The grants must align with the department's priorities provided in the Grant Allocation Plan. The adopted 2025-2027 Grant Allocation Plan specifically mentions Eastern Oregon renewable solar energy planning under Statewide Planning Goal 5 and the newly adopted rules in Division 23 as eligible for technical assistance grants. The planning process in Division 23 is designed to allow counties to connect with communities, solar developers, tribal governments, state agencies, and other interested parties to design a siting process for renewable energy and transmission development.

Results from On-Line County Planner Survey

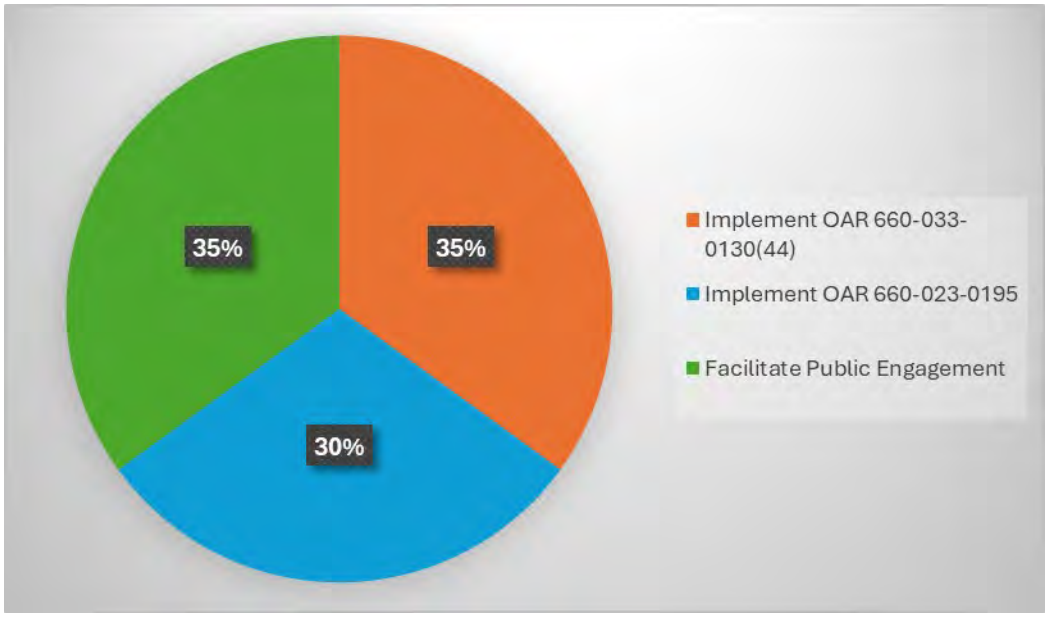
The following slide and graphics show the results of an online survey sent to the Eastern Oregon county planning community. The survey may be viewed online.



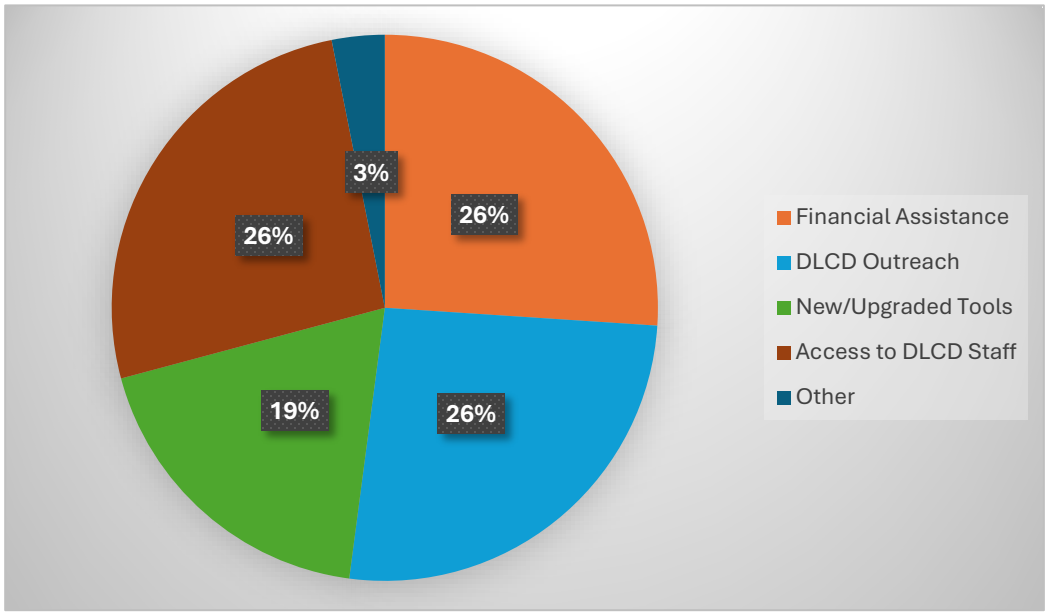
1. **Would your jurisdiction benefit from technical assistance resources to help implement HB 3409?**



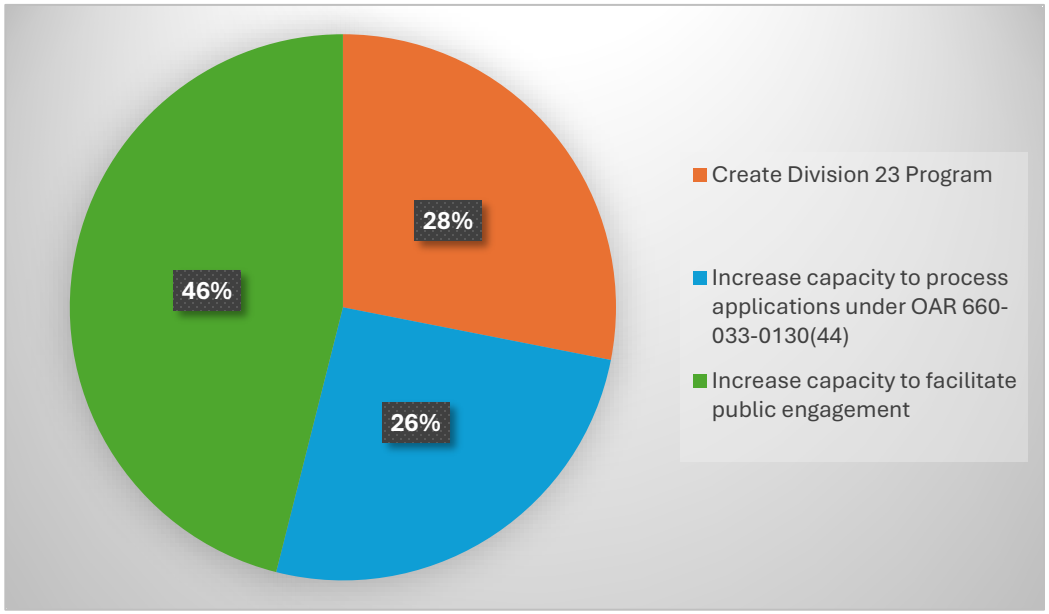
2. **If interested, how do you think your jurisdiction would use technical assistance resources to help implement HB 3409? Please check all that apply.**



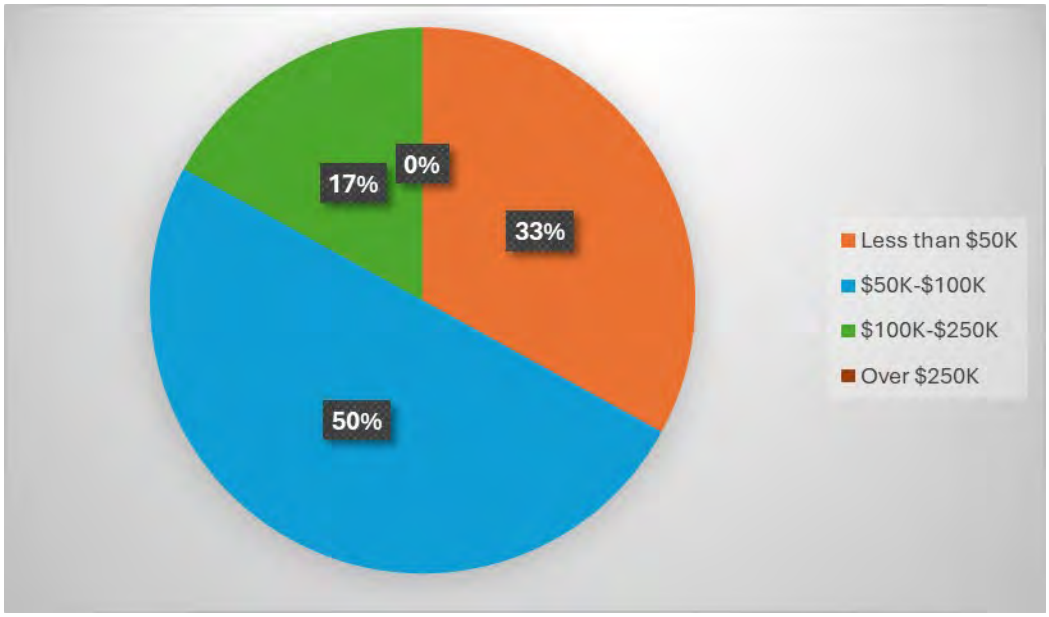
3. **If interested, what type of technical assistance resources would be most helpful for your jurisdiction?**



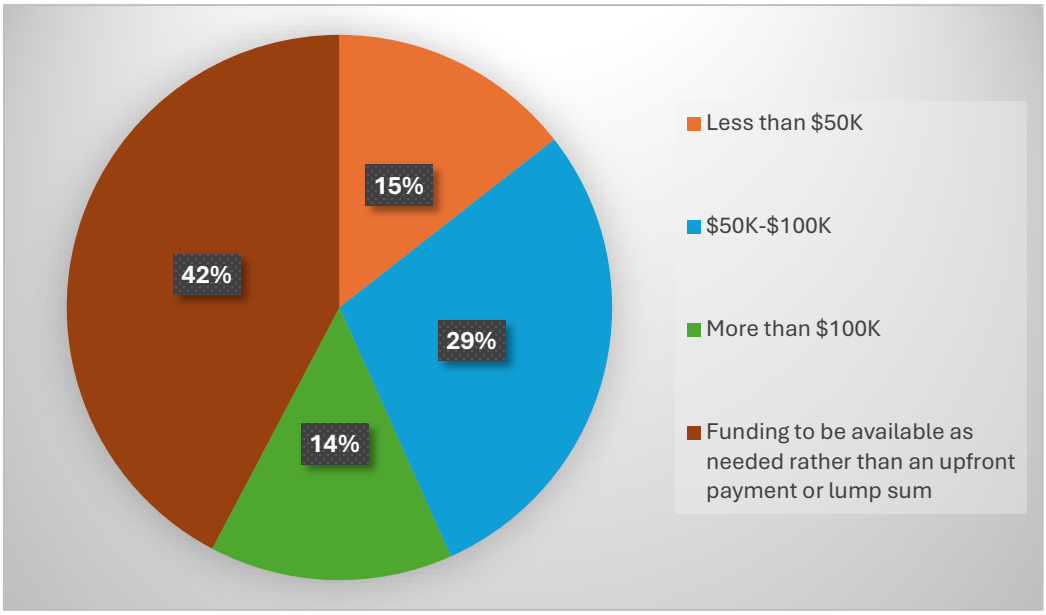
4. **If financial assistance is most needed, what would it be used for?**



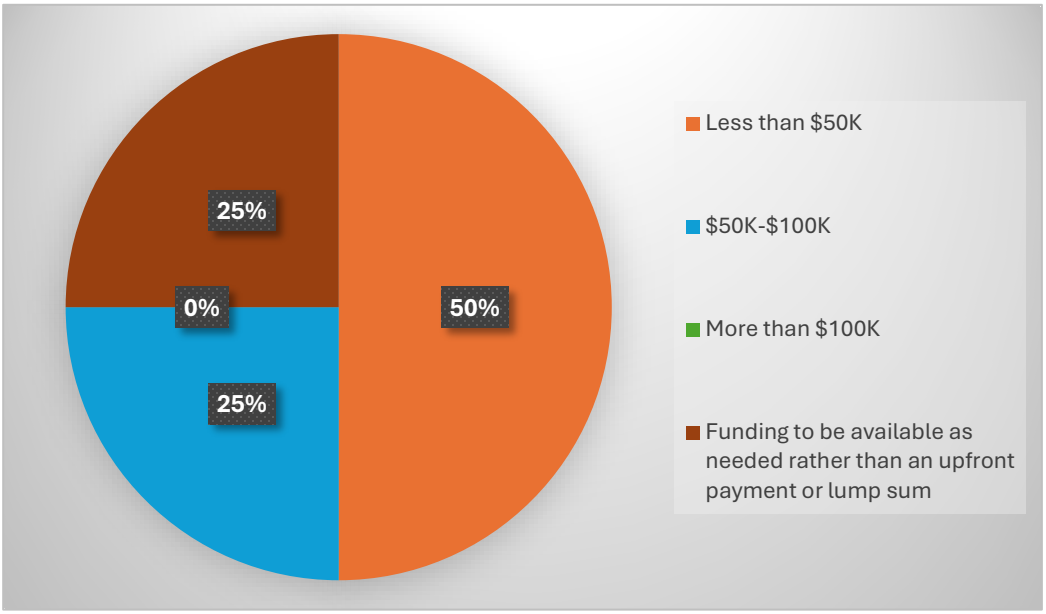
5. **If financial assistance is most needed for creating a local program to identify preferred locations for solar development under the new opportunity in the Goal 5 Rule (OAR 660-023-0195), how much would be adequate?**



6. **If financial assistance is most needed for increasing capacity to review individual photovoltaic solar applications accepted under the new and expanded conditional use opportunity in the Agricultural Land Rule (OAR 660-033-0130(44)), how much would be adequate?**



7. **If financial assistance is most needed for increasing capacity to help facilitate the engagement of public bodies, tribal governments, and communities in the siting process for renewable energy and transmission development, how much would be adequate?**



8. **Please share any other thoughts or observations you would like to have considered.**
   - "We have not had any commercial solar applications so this is based on best guess about what might be beneficial. We always struggle to keep up with new statutory requirements."
   - "Private developers are actively reaching out to residents without adequately understanding rules. I think a strategy of identifying ideal "types" of locations and characteristics, (i.e. not visible from a scenic highway or river) would be helpful in setting rules ahead of time, versus reacting to requests piecemeal with no plan in place. "
   - "Crook County is interested in pursuing a complete Goal 5 update in conjunction with this. We will need a lot of help and support to pull it."
   - "I appreciate any help that I could receive."

Key Take-Aways from On-Line County Planner Survey Results

- 83% of respondents indicated that they could likely benefit from technical assistance resources.

- Responses on how technical assistance resources might be used were almost equally divided between:
  - Implementing OAR 660-033-0130(44) – 35%
  - Implementing OAR 660-023-0195 – 30%
  - Facilitating Public Engagement – 35%
- Responses on the type of technical assistance resources that would be beneficial were almost equally divided between:
  - Financial Assistance – 26%
  - DLCD Outreach Strategy – 26%
  - New/Updated Tools – 19%
  - Access to DLCD Staff – 26%
- Responses indicated that financial assistance was most likely to be used for increasing capacity to help facilitate the engagement of public bodies, tribal governments, and communities in the siting process for renewable energy and transmission development (46%), as opposed to creating a Division 23 program (28%) or increasing capacity to review applications under OAR 660-033-0130(44)(26%).
- Possible financial assistance estimates for different efforts varied but were generally less than $100 K.
- Respondents showed a strong interest in having access to financial assistance on an as needed basis.

Recommendations

- Develop a dedicated, multi-pronged strategy for enhanced technical assistance resource (ETAR) categories:
  - ETAR Category - Financial Assistance.
    - Recommendation(s).
      - ✓ Pursue funds for a grant program that will support development of local programs under Division 23. Suggested amount: $150,000
      - ✓ Pursue funds for a grant program that will furnish assistance on an as-needed basis modeled after the TGM “Quick Response program (which is able to deploy resources effectively and efficiently) and designed to increase capacity to review projects applied for under OAR 660-033-0130(44), as well as support public engagement. Funds from this program should be available to local and tribal governments and may be used to retain professional services to assist with, among other things: material review, preparing presentation and findings, cultural resources survey review or preparation. Suggested amount: $300,000.

- ETAR Category - A DLCD outreach strategy for communicating these new rules that both informs counties of the alternative pathways to siting solar projects and includes additional resources.
  - Recommendations.
    - ✓ DLCD will provide a copy of this report to county planning directors and elected officials in eastern Oregon, which include a detailed description of the new rules.
    - ✓ DLCD to schedule time with the Oregon County Association of County Planners (AOCPD) in early 2026.
    - ✓ DLCD will offer to meet directly with any county interested in learning more about the new rules (Gilliam County, Jefferson County, Morrow County examples)
    - ✓ DLCD will make a point of being available for pre-app conferences between applicants and local jurisdictions (Lake County example).

- ETAR Category - The development of new tools or upgrades to existing tools, on-line and otherwise.
  - Recommendation.
    - ✓ Invest in the ORESA on-line tool to add important data layers that support desk-top discovery and reduce the amount of data that is needed to be provided by applicants on a project specific basis. Additional data sets may include but are not limited to; a more complete depiction of ODFW Wildlife Habitat Categories, additional information on irrigation and irrigation districts, and improved data on the location of high-value farmland soils. Suggested investment: $500,000

- ETAR Category - Access to DLCD staff for assistance and advice.
  - Recommendations.
    - ✓ Increase DLCD staff capacity by adding an additional Regional Representative in Eastern Oregon. Eastern Oregon (which includes the Crook-Deschutes-Jefferson tri-county area, as well as Hood and Lake counties) is currently served by two of the department's very talented Regional Representatives. However, they can only be in so many places at once and DLCD coverage in this region lags behind that of most sister agencies (Business Oregon, DEQ, DSL, ODFW, ODOT, etc…). Additional Regional Representative capacity will also lighten the workload of Department specialists, allowing them to be available for solar-related questions and issues, as well as help to support other state priorities.

- ✓ Increase DLCD staff capacity by permanently restoring the position of "Renewable Energy Planner." Returning this position to the department's roster of specialists would allow additional direct participation in local planning efforts and the review of individual renewable energy applications. A dedicated FTE in this field would also enable the department to more effectively engage in inter-agency coordination with large projects such as the statewide energy plan, or conduct a thorough analysis of Statewide Planning Goal 13 (*Energy*).

VII. Next Steps

Scheduled Review

OAR 660-023-0195(11) requires review of the adopted rules in 2027, and every four years thereafter, to determine if the rules are effective in their stated goal of reducing conflict in renewable solar energy siting in Eastern Oregon.

Potential Topics for Additional Research and Future Consideration

The department reached out to members of the Rulemaking Advisory Committee in compiling this list of topics for additional research and future consideration:

Agriculture & Forestry

- Consider revisions to Oregon's Right-to-Farm Statute, ORS 30.930, to create a "hold harmless" provision with regard to wildfire.
- Additional consideration of agrivoltaics.
- Continue conversations on the best way to approach non-irrigated lands located within American Viticulture Area (AVA) designations.
- Continue conversations on the best ways to approach water rights and irrigation districts language, particularly around consideration of water availability in agricultural criteria.
- More detailed rules for consideration of larger renewable solar energy facilities on forest lands.

Agricultural Mitigation

- Could mitigation methodology include a more accurate and locally grounded formula for agricultural mitigation payments?
- Should mitigation methodology include ongoing or tiered payment structures for agricultural mitigation that reflect long-term losses?

- Should agricultural mitigation requirements apply to Class 6 soil? (currently they do not apply)
- Consider a maximum percentage cap on the amount of farmland allowed for solar development.

Wildlife

- Explore the establishment of a cumulative effects analysis for wildlife habitat.
- Explore the buildout of a robust state habitat mitigation program that includes proactive advanced mitigation credit creation in priority service areas.
    - Note: These are “big picture: issues that should probably not be limited to just Photovoltaic Solar Development.

Safety

- Research whether siting projects in proximity to homes can create an unsafe situation.
- Research whether the risk of wildfire originating from a photovoltaic solar facility, including battery storage, warrants a protective fuel break buffer or defensible space to protect nearby or surrounding lands.
- Research whether the risk of wildfire originating on nearby or surrounding lands warrants a protective fuel break buffer or defensible space to protect the photovoltaic solar facility.

County Level

- Review effectiveness of applicability triggers – how many counties develop a renewable solar energy program under Division 23 and how many counties choose to review renewable solar development applications under Division 33.
- Consider how county discretion to include or exclude from significant photovoltaic solar resource areas (Division 23) has worked in practice.
- Review effectiveness of period before expiration of a permit.

Other

- Additional consideration of community solar projects and microgrids.
- Consider Updating Goal 13: Energy Conservation.
- Consider the sufficiency of decommissioning bonds.
- Continue to explore development of new tools or upgrades to existing tools, on-line and otherwise.

VIII. Conclusion

Land use planning is complicated, in part because multiple points of view and values need to be balanced or reconciled. The work called for by HB 3409 required persistence and dedication. The RAC chose to persist through many, many hours of meetings and other activities. Careers began and retirements were recorded over the course of this work. This was a long, hard process, but in the end, it was a healthy one.

It is unclear whether these rules will result in additional photovoltaic solar power generation being sited in Oregon, given developments at the national level since the Legislature enacted HB 3409 in 2023. However, all efforts to forecast Oregon's energy future agree that additional renewable energy development will be necessary to meet the state's Clean Energy Goals. Furthermore, it appears that most studies tend to support the position that Oregon could use up to about 10 Gigawatts (GW) of installed photovoltaic solar energy generation. Most of the 10 GW would be added capacity, which may occur in Oregon or at out-of-state locations. With current photovoltaic solar energy generation facilities averaging about six acres of land base for every installed Megawatt (MW) of capacity, 10 GW of development would occupy an estimated 60,000 acres.

The final rules balanced the information provided to the RAC about which lands were suitable for solar energy development from a market perspective with the information regarding competing important resources such as agriculture, archaeological and cultural resources, and fish and wildlife habitat. Using the best available data (which is not comprehensive) the department identified more than two million acres of non-federal land, an area roughly the size of Umatilla County, as potentially eligible in Eastern Oregon. The department expects that only a small percentage of potentially eligible lands will materialize as genuine sites for photovoltaic solar development.

Additional factors are unclear or unable to be controlled. In general, the development community tends to be trending towards larger projects that are not subject to county jurisdiction. However the rules adopted pursuant to Section 35(2) of HB 3409 establish more than 2.2 million acres in eastern Oregon as potential candidates for utility scale photovoltaic solar development without the need for an exception. The department will continue to monitor the effectiveness of these adopted rules to see if they result in renewable solar energy development that is a net positive for both the communities that host them and the entire state of Oregon.

Informational Video Links

Topic #1: Oregon's Statewide Planning Program - https://youtu.be/hqW87mgYayI
Topic #2: Goals 2,3,4,5 - https://youtu.be/F8fTl5QITbY
Topic #3: Jurisdiction - https://youtu.be/KudCylXUYxQ
Topic #4: HB 3409 - https://youtu.be/SUPPOTvfn5M
Topic #5: ORESA Mapping Tool - https://youtu.be/TXpI1Cy442U
Topic #6: Goal 5 - https://youtu.be/8Nt4fYdWUZ4
Topic #7, Part I: Existing Criteria, Conditional Use Process - https://youtu.be/q4gcVP61otk
Topic # 7, Part II: Existing Criteria, Goal 2 Exception Process - https://youtu.be/WnAyENNPTKE
Topic # 7, Part III: Existing Criteria, ORS 215.446 **-** https://youtu.be/lIe5mL_TZXc

Primary Rule Revisions, Division 23 - https://youtu.be/ihyrmA9_qb4
Primary Rule Revisions, Division 33 - https://youtu.be/TzNEiiFgV2c
Secondary Rule Revisions, Divisions 4,6,and 23 - https://youtu.be/Mym5DAYWxTQ
Agricultural Mitigation Methodology - https://youtu.be/3H6IuAaTDPI
Determining Rangeland Productivity - https://youtu.be/vELY9XMMbBs

ORESA Mapping & Reporting Tool Demonstration, November 1, 2021

Appendices

Appendix A. Rule Making Advisory Committee Report prepared by Kearns&West

Appendix B. Primary Administrative Rule Revisions

Appendix C. RAC Tour Information

Appendix D. Agricultural Mitigation Example

Appendix E. County Mapping Information

Appendix A

KEARNS & WEST

Eastern Oregon Solar Siting Rulemaking Advisory Committee (RAC) Report

Developed by Kearns & West

May 06, 2025








KEARNS WEST

Eastern Oregon Solar Siting Rulemaking Advisory Committee (RAC) 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 occurred 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. HB 3409 outlines the duties of the RAC, which, in addition to advising LCDC (Section 37), states:

> *"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 minimizes conflicts with 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 conducted the review of applications and selection of RAC members that align with HB 3409. A list of RAC members, affiliations, and participation is captured in the appendices below (page 11).

The RAC met 13 times between March 2024 and April 2025; with in-person meetings occurring in the eastern Oregon communities of Christmas Valley, Hermiston, Burns, Madras, and Moro. 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 (TACs) 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 more than 20 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 "office hours" several times a month from December 9, 2024, to April 28, 2025, for RAC members to drop in and discuss questions, thoughts, and ideas on the rule language. Finally, DLCD staff developed informative videos to share more detailed information about technical and policy concepts for RAC members to view outside of meetings.

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 that more discussion time was needed. The RAC requested DLCD staff to seek LCDC approval for a timeline extension to continue working to improve and clarify the draft rules. DLCD requested an extension of RAC meetings through April 2024 with a final report delivered to LCDD in June 2025, which was approved.

The RAC used a "Fist to Five" voting scale to register their level of agreement with the rules as they were developed. A "fist", 1 or 2 indicates no support with serious objections and modifications needed. A 3 or higher indicates increasing levels of support and acceptance of proposals and modifications. In their last three meetings, each RAC member had the opportunity to share their level of support/or no support and accompanying considerations. RAC members and staff worked diligently with each other to address outstanding concerns and incorporate ideas. In the end, all RAC members are generally supportive of the current rule language draft, voting either a 3 or a 4 (note that no RAC member offered full support with a 5).

RAC Conversation Key Themes

A key outcome of the RAC's work was to bifurcate the rule into two permitting pathways. Division 23 is a Goal 5 inventory process that would be utilized by counties to first identify and designate siting areas, and then an application process that is limited to those designated areas. The Division 23 process is expected to take a year or more, and to date, no counties have indicated intent to use this pathway. Division 33 is a more direct pathway that allows counties to review applications without a Goal 5 inventory process and approve certain facilities without a goal exception if the applicant satisfies requirements, including agricultural mitigation and community benefits agreements, among other criteria. 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 most likely 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

The RAC discussed whether these constraints are needed at all, but decided to include these factors based on the considerations presented by the legislature in HB 3409.

Mapping: RAC members expressed appreciation for DLCD staff's effort to map the solar opportunities, as DLCD noted that not all resources can 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 further reductions that do not allow enough developable land 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 altitude as additional layers.

The Areas of Significance factors will allow county planners to use the map to understand where solar resource development may be sought. County planners shared that they 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.

Overall, there is uncertainty around exactly how much land will be available for development with some RAC members questioning whether this rule provides enough flexibility to lead to more efficient solar permitting due to process questions, unmappable constraints, and how other DLCD Rulemakings, including the Cultural Areas Rulemaking and Farm and Forest Rulemaking, will impact solar development.

Photovoltaic Solar Resource Areas versus Facilities (Sites): The RAC had significant discussion about the counties' capacity and interest in implementing the rules. RAC members discussed trade-offs of having an opt-in or opt-out approach for counties to apply the rules and engaged with counties outside of RAC meetings through surveys and presentations to discuss concerns and ideas. 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). The RAC agreed that it is helpful for counties to have options to pursue Division 23 or Division 33 and helpful for developers to have an actionable pathway in the near term.

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 215.446 and the Oregon Department of Fish and Wildlife's Habitat Mitigation 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, as well as the land pattern of Eastern Oregon being protective of both agricultural and wildlife.

Voluntary Implementation: The RAC agreed to add language clarifying voluntary implementation and Post Acknowledgement Plan Amendment (PAPA) processes. Some RAC members suggested that this rule 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 meetings. The RAC discussed public meeting notice 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 coordinated with Tribal leadership and staff and the Oregon State Historic Preservation Office (SHPO) to provide input to the RAC on the language. 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. An updated Cultural Areas rulemaking is expected to be adopted in late 2025. There remains uncertainty around what that rule will require and how it will interact with solar facility siting. Therefore, at the last RAC meeting, the RAC agreed that the solar rule should align with the final Cultural Areas Rulemaking. In the interim, the RAC agreed that Inadvertent Discovery Plans (IDPs) should be required for all solar development, and that language presented at the April 22, 2025 meeting needs to be cleaned up to accurately reflect intent on who is a qualified archeologist and what needs to be consistent with SHPO's archeological guidelines.

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 that community benefits are important to showcase incentives to counties. Overall, the RAC agreed to include community benefits, which are required under both Division 23 and 33.

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 and providing the calculator as a tool on the DLCD website.

Zone Changes: The RAC disagreed on whether the underlying zone designation should be retained, and after discussion, agreed to include language that the underlying zone would not change unless there was a concurrent zone change request. It was noted that not all RAC members agreed with this.

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

Areas for Further Discussion

Local vs. State Control: RAC members reflected varying views regarding local and state decision-making 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. That question remains outstanding, but it appears that the rule may apply at EFSC in certain instances.

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 a balance between protecting irrigated land and allowing landowners flexibility to diversify their land with solar. The RAC agreed to rule language allowing for the 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 and comparing high-value soils with irrigated soils. 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. However, some RAC members are still concerned that soil and other agricultural thresholds are too restrictive when combined with the other restrictions in the rule, unmappable constraints, and the uncertainty created by other DLCD rulemaking efforts.

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. The RAC requested DLCD staff to look further into opportunities for agrivoltaics in allowing for and incentivizing agricultural land and renewable energy production.

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 and agreed to add that clarification to the Solar Rule.

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 costs. 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 community 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. The RAC did not reach agreement on how best to address cumulative impacts.

Review of Rule Effectiveness: Some RAC members questioned 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. The RAC agreed that the rules should be revisited in two years to review their implementation and effectiveness.

Process: Some RAC members expressed concerns about scope creep and divergence from the 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.

Urban Growth Boundaries: The RAC and DLCD staff disagreed on whether the Solar Rule should include a setback from Urban Growth Boundaries ("UGB"). The RAC agreed to exclude a UGB setback, unless the area is already designated as an Urban Reserve, since electrical infrastructure such as substations are often close to UGBs. DLCD staff have continued to analyze whether to propose a staff recommendation to include a UGB setback, even though it conflicts with the RAC recommendation.

Acreage Thresholds: The RAC had significant discussions around what acreage threshold should be provided for Division 23 and Division 33 and how those thresholds interact with EFSC permitting. There remains uncertainty around whether the acreage thresholds should match EFSC jurisdictional thresholds or whether a lower acreage threshold is appropriate for Division 33.

Technical Assistance: DLCD staff shared that outreach to counties is ongoing to understand what they need for technical assistance. RAC members expressed concern regarding the lack of responses from counties to date and asked for individual follow-up with counties. Some RAC members asked that a flow chart be developed of how to apply the rules, and that a matrix cross-walking the divisions, EFSC standards, and the Cultural Areas rulemaking would be helpful. RAC members that represented county perspectives suggested providing financial aid and DLCD staffing to present rule information to their commissioners.

Conclusion & Next Steps

Kearns & West developed this report as a summary of 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 the 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	04/22/25	TOTAL
Andrew Mulkey, Jim Johnson	1000 Friends of Oregon	✓		✓	✓	✓	✓	✓	✓				✓		✓	9
Mike W. McArthur, James Williams	Community Renewable Energy Association	✓		✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	13
Will Van Vactor, John Eisler	Crook County Community Development Director		✓										✓	✓	✓	4
Elaine Albrich	Davis Wright Tremain	✓	✓	✓	✓	✓		✓	✓	✓		✓	✓	✓	✓	12
Kimberly Peacher	Department of the Navy	✓	✓	✓			✓	✓	✓	✓	✓					8
Greg Corbin, Jason Callahan	Green Diamond Resource Company	✓		✓	✓	✓	✓	✓	✓		✓	✓		✓		10
Brandon McMullen	Harney County Planning Director	✓	✓		✓			✓	✓	✓	✓	✓	✓	✓	✓	11
Councilor Les Anderson	Klamath Tribes	✓						✓					✓			3
Commissioner James Williams	Lake County	✓	✓	✓	✓	✓			✓			✓	✓	✓		9
Michael Eng	Lostine Fire Wise	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	13
Max Yoklic	New Sun Energy	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	12
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	✓	✓	✓	✓	✓	✓	✓		✓		✓	✓	✓	✓	12
Damien Hall, Jack Watson, Alyssa Forest	Oregon Solar+Storage Industries Association	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		13
April Snell, Ken Yates	Oregon Water Resources Congress	✓		✓	✓	✓	✓		✓		✓	✓	✓		✓	10

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	04/22/25	TOTAL
Thad Eakin, Nicole Mann	Oregon Wheat Growers League	✓			✓	✓	✓				✓	✓				**6**
Travis Sellers	Pendleton Building and Construction Trades Council	✓		✓		✓	✓				✓					**5**
Dugan Marieb	Pine Gate Renewables	✓	✓	✓	✓			✓	✓	✓	✓	✓			✓	**10**
Mark Lindley	Portland General Electric	✓	✓													**2**
Emily Griffith, Max Greene, Diane Brandt	Renewable Northwest	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	**13**
Steve Knudsen	Retired BPA	✓			✓	✓										**3**
Bill Richardson	Rocky Mountain Elk Foundation	✓	✓	✓	✓	✓		✓		✓	✓	✓	✓	✓	✓	**12**
Denise Stillwell	South Central Oregon Economic Development District	✓	✓	✓												**3**
Laura Tabor, Garth Fuller, Lauren Link	The Nature Conservancy	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	**14**
Anahi Segovia Rodriguez	Verde	✓	✓	✓		✓		✓		✓				✓	✓	**8**

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	04/22/25	TOTAL
Jim Johnson	Oregon Department of Agriculture	✓	✓	✓	✓	✓		✓								**6**
Jeremy Thompson, Greg Jackle	Oregon Department of Fish & Wildlife	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	**13**
Dan Hubner	Oregon Department of Forestry	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	**13**
Michael Darin	Oregon Department of Geology and Mineral Industries	✓			✓			✓	✓							**4**
Tom Jackman, Michael Freels, Rob Del Mar, Jillian DiMedio	Oregon Department of Energy		✓	✓				✓	✓	✓	✓	✓	✓	✓	✓	**10**

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	04/22/25	TOTAL
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	✓	✓	✓	✓	✓				✓	✓		✓		✓	**9**
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		✓										✓		✓	**3**
Commissioner Dan Dorran	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												✓	✓	✓	**3**

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	04/22/25	TOTAL
Adam Tate	Oregon Department of Land Conservation and Development	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	**13**
Alexis Hammer	Oregon Department of Land Conservation and Development	✓	✓	✓				✓	✓					✓	✓	**7**
Alyssa Bonini	Oregon Department of Land Conservation and Development											✓	✓	✓	✓	**4**
Amanda Punton	Oregon Department of Land Conservation and Development											✓	✓	✓	✓	**4**
Angie Brewer	Oregon Department of Land Conservation and Development	✓	✓	✓	✓	✓	✓	✓					✓	✓	✓	**10**
Brenda Ortigoza Bateman	Oregon Department of Land Conservation and Development	✓														**1**
Casaria Taylor	Oregon Department of Land Conservation and Development	✓	✓		✓	✓	✓	✓	✓			✓	✓	✓	✓	**11**
Dawn Marie Hert	Oregon Department of Land Conservation and Development	✓	✓	✓	✓		✓		✓	✓		✓	✓	✓	✓	**11**
Gordon Howard	Oregon Department of Land Conservation and Development	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	**13**
Jon Jinings	Oregon Department of Land Conservation and Development	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	**14**
Kirstin Greene	Oregon Department of Land Conservation and Development											✓	✓	✓	✓	**4**
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. All meeting documents can be found on DLCD's webpage.

Date and Location	Documents
March 12, 2024 Christmas Valley, Oregon	• Agenda • Meeting Packet • Presentation • Maps 1 • Maps 2 • Tour Materials • Travel Information
April 18, 2024 Burns, Oregon 97720	• Meeting Packet • Comment - OSSIA • Presentation - ODFW • Presentation - DLCD • Tour Map • Tour Materials
May 30, 2024 Hermiston, Oregon	• 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
July 17, 2024 Madras, Oregon	• Agenda • Meeting Packet
August 28, 2024 Moro County, Oregon	• Meeting Agenda • Meeting Packet • Comment - McCullough • Comment - COLW • Comment - Dept of Navy
October 1, 2024	• Agenda • Meeting Packet
November 5, 2024 and November 13, 2024	• Agenda • Meeting Packet
December 5, 2024	• Meeting Packet
December 18, 2024	• Meeting Packet
January 9, 2025	• Meeting Packet
February 20, 2025	• Meeting Packet
April 2, 2025	• Meeting Packet
April 22, 2025	• Meeting Packet

Appendix B

660-023-0195 NEW SECTION - ALL NEW LANGUAGE
Photovoltaic Solar Resources in eastern Oregon

(1) Introduction and Intent. This rule is designed to assist counties in eastern Oregon to identify opportunities and reduce conflicts for the development of photovoltaic solar power energy generation facilities. Projects proposed to be sited in significant photovoltaic solar resource areas are eligible for responsible levels of regulatory relief, subject to the standards and requirements herein. Local programs designating photovoltaic solar resource areas are presumed to comply with Goal 3 when in compliance with this rule. Finally, this rule is intended to help achieve the successful development of photovoltaic solar energy generation in eastern Oregon that:

(a) Makes meaningful contributions to the state's clean energy goals;

(b) Is supported by coordination across all levels of interested parties, including but not limited to, local, state, federal, and tribal government;

(c) Increases potential for local governments, Tribes, and local residents to share the benefits of solar development; and

(d) Suitably accounts for potential conflicts with the values and resources identified under Oregon Laws 2023, chapter 442, section 35(2) *compiled as a note after* ORS197.732 and this rule.

(2) **Definitions.** For purposes of this rule, the definitions in ORS 197.015, OAR 660-006-0005, OAR 660-023-0010, OAR 660-033-0020, and OAR 660-033-0130(38) apply, unless the context requires otherwise. In addition, the following definitions apply:

(a) "Annual solar utility scale capacity factor" means the amount of energy produced in a typical year, as a fraction of maximum possible energy for 100 percent of the hours of the year.

(b) "Archaeological Resources" is a term that has the meaning as "archaeological site," as defined in ORS 358.905(1)(a), which means a geographic locality in eastern Oregon, including but not limited to submerged and submersible lands, that contains archaeological objects and the contextual associations of the objects with:

(A) Each other; or

(B) Biotic or geological remains or deposits. Examples of archaeological sites include but are not limited to shipwrecks, lithic quarries, house pit villages, camps, burials, lithic scatters, homesteads and townsites.

(c) "Cultural Resources" means archaeological sites, culturally significant landscape features, and sites where both are present. Also referred to as "cultural resource site."

(d) "Eastern Oregon" means that portion of the State of Oregon lying east of a line beginning at the intersection of the northern boundary of the state and the western boundary of Wasco County, thence southerly along the western boundaries of the counties of Wasco, Jefferson, Deschutes and Klamath to the southern boundary of the state.

(e) "Historic Resources" are those buildings, structures, objects, sites, or districts that potentially have a significant relationship to events or conditions of the human past.

(f) "Microgrid" means a local electric grid with discrete electrical boundaries, acting as a single and controllable entity and able to operate in grid-connected or island mode.

(g) “Military Special Use Airspace” is airspace of defined dimensions identified by an area on the surface of the earth wherein activities must be confined because of their nature, or wherein limitations may be imposed upon aircraft operations that are not a part of those activities. Military special use airspace includes any associated underlying surface and subsurface training areas.

(h) “Military Training Route” means airspace of defined vertical and lateral dimensions established by the Department of Defense for the conduct of military flight training at indicated airspeeds in excess of 250 knots.

(i) “Oregon Renewable Energy Siting Assessment (ORESA)” is a renewable energy mapping tool housed on Oregon Explorer.

(j) “Photovoltaic solar power generation facility” includes, but is not limited to, an assembly of equipment that converts sunlight into electricity and then stores, transfers, or both, that electricity. This includes photovoltaic modules, mounting and solar tracking equipment, foundations, inverters, wiring, storage devices and other components. Photovoltaic solar power generation facilities also include electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, all necessary grid integration equipment, new or expanded private roads constructed to serve the photovoltaic solar power generation facility, office, operation and maintenance buildings, staging areas and all other necessary appurtenances, including but not limited to on-site and off-site facilities for temporary workforce housing for workers constructing a photovoltaic solar power generation facility. For purposes of applying the acreage standards of this section, a photovoltaic solar power generation facility includes all existing and proposed facilities on a single tract, as well as any existing and proposed facilities determined to be under common ownership on lands with fewer than 1320 feet of separation from the tract on which the new facility is proposed to be sited. Projects connected to the same parent company or individuals shall be considered to be in common ownership, regardless of the operating business structure. A photovoltaic solar power generation facility does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.

(k) “Significant photovoltaic solar resource area” means an area consisting of lands that are particularly well suited for the siting of photovoltaic solar power generation facilities because a county determined the area to be significant pursuant to section (4). Multiple photovoltaic solar power generation facilities may be located within a photovoltaic solar resource area.

(l) “Transmission Line” means a linear utility facility by which a utility provider transmits or transfers electricity from a point of origin or generation or between transfer stations.

(m) "Tribe" as defined in ORS 182.162(2), means a federally recognized Indian tribe in Oregon, except where the definition in ORS 97.740 applies by statute.

(3) Standard Process. Counties may amend their acknowledged comprehensive plans to establish significant photovoltaic solar resource areas using the standards and procedures in OAR 660-023-0030 through 660-023-0050.

(4) Significant Photovoltaic Solar Resource Areas. Rather than using the standard process provided in section (3), counties in eastern Oregon may choose the following process to establish significant photovoltaic solar resource areas.

(a) Counties may establish significant photovoltaic solar resource areas through the adoption of a local program that includes a map, comprehensive plan policies and inventory, and implementing land use regulations found to be consistent with the provisions of this rule.

(b) To implement this rule for the purpose of establishing significant photovoltaic solar resource areas a county shall follow the post-acknowledgment plan amendment process pursuant to OAR chapter 660, division 18.

(c) Prior to conducting a hearing to consider establishing a significant photovoltaic solar resource area or areas a county will hold one or more public meetings to solicit input.

(A) The public meeting(s) must occur in areas of the county that include lands likely to be determined significant photovoltaic solar resources.

(B) The county must provide mailed notice of the meeting(s) to Tribes, all incorporated cities within the county, and property owners of lands likely to be determined significant photovoltaic solar resources and within a two-mile radius of such areas. The county must also provide mailed notice to any physical address assigned to property located within the lands requiring notice as shown in county assessor records that are not the same as the property owner's address.

(C) Public meetings conducted pursuant to this section should use best practices for community engagement identified in documents such as "Putting the People in Planning A guide for local governmental agencies in Oregon June 30, 2019."

(D) The county should carefully take note of possible local benefits and local concerns regarding photovoltaic solar power generation facility development raised in the public meeting(s), as well as consideration of areas the county may particularly wish to include or exclude, if any.

(E) The county should draft program elements prepared for an eventual public hearing in accordance with input received at the public meeting(s) and consistent with the provisions of this rule.

(F) A county that provides notice under this subsection has complied with OAR 660-023-0060.

(d) In addition to submitting the notice of the proposed amendment to the Director required by ORS 197.610(1), the county shall provide notice of the Post-Acknowledgement Plan Amendment to:

(A) The Oregon Department of Fish and Wildlife (ODFW);

(B) The Oregon Department of Energy;

(C) The State Historic Preservation Officer;

(D) The Oregon Department of Agriculture.

(E) The Oregon Department of Aviation;

(F) The United States Department of Defense;

(G) The Oregon Legislative Commission on Indian Services (LCIS); and

(H) Federally recognized Indian tribes that may be affected by the application. Each county shall obtain a list of tribes with an ancestral connection to land within their jurisdiction from LCIS and shall send notice to all tribes in the commission's response.

(e) When designating a significant photovoltaic solar resource area, a county may choose not to identify conflicting uses as would otherwise be required by OAR 660-023-0030 through 660-023-0050. In the alternative, a county may choose to conduct a more detailed analysis that may lead to the identification of conflicting uses.

(f) If a county chooses to identify conflicting uses under subsection (e), a county may choose not to limit or prohibit conflicting uses on nearby or surrounding lands. In the alternative, a county may choose to conduct a more detailed analysis of economic, social, environmental and energy (ESEE) consequences that could lead to a decision to limit or prohibit conflicting uses within a significant photovoltaic solar resource area.

(g) If a county chooses to conduct an additional analysis of economic, social, environmental and energy (ESEE) consequences as described in subsection (f), it must follow the provisions of OAR 660-023-0040.

(h)(A) Unless otherwise indicated, to qualify as a significant photovoltaic solar resource area, an area must be comprised of lands which have the following characteristics:

(i) Topography with a slope that is predominantly 15 percent or less;

(ii) An estimated Annual Solar Utility-Scale Capacity Factor of 19 percent or greater; and

(iii) Location within 10 miles of a transmission line with a rating of 69 KV or above.

(B) A county may determine, based on facts and evidence in the record, that additional lands lacking one or more of the characteristics identified by paragraph (A), are suitable for designation as significant photovoltaic solar resource areas;

(C) A county may determine that lands including the characteristics identified by paragraph (A) are not necessary or appropriate to designate as significant photovoltaic solar resource areas.

(D) It is not necessary for a county to consider resources or features beyond those described in paragraph (A) when adopting significant photovoltaic solar resource areas. Instead, the county shall base final project eligibility, including the determination of any necessary mitigation requirements, on information provided by an applicant pursuing approval of a photovoltaic solar energy generation facility and considered in conjunction with subsections (I), (j) and (k) below.

(I)No mitigation is required for a photovoltaic solar power generation facility within an acknowledged significant photovoltaic solar resource area when located on:

(A) Agricultural lands protected under Goal 3 that are:

(i) comprised of soils as classified by the U.S. Natural Resources Conservation Service (NRCS) with an agricultural capability class VII and VIII; or

(ii) comprised of soils as classified by NRCS with an agricultural capability class VI and do not have the ability to produce 300 pounds of herbaceous biomass per acre per year. The ability to produce herbaceous biomass is determined from data available on the Rangeland Analysis Platform and is calculated by averaging the amounts of herbaceous biomass per acre attributed to each year for all of the years for which data is provided.

(B) Lands characterized by ODFW as Category 5 or 6, or other areas of poor to no value as wildlife habitat or with little or no restoration potential based on field data provided by the applicant and developed in

consultation with ODFW. The county may refine the exact location or categorization of wildlife habitat during consideration of a photovoltaic solar power generation facility but must consult ODFW.

(C) Lands where the construction and operation of the photovoltaic solar power generation facility will not result in significant adverse impacts to historic, cultural or archaeological resources because no such resources are present, or if resources are present, they will be avoided through project design to the extent that no additional mitigation is necessary, as provided in section (6).

(D) Notwithstanding paragraphs (A) through (C), a county may find that lands within solar photovoltaic resource areas described in paragraphs (A) through (C) require additional mitigation measures as specified by the county.

(j) Mitigation is required for a photovoltaic solar power generation facility within an acknowledged significant photovoltaic solar resource area when located on lands that include one or more of the following features:

(A) Agricultural lands protected under Goal 3 that are:

(i) Comprised of soils with an agricultural capability class VI as classified by NRCS and have the ability to produce greater than 300 pounds of herbaceous biomass per acre per year if the subject property consists of at least 640 acres. The ability to produce herbaceous biomass is determined from data available on the Rangeland Analysis Platform and is calculated by averaging the amounts of herbaceous biomass per acre attributed to each year for all of the years for which data is provided; or

(ii) Comprised of soils with an agricultural capability class III, IV, or V as classified by NRCS, without an appurtenant water right on January 1, 2024.

(iii) Mitigation for agricultural lands described in this subsection must be consistent with the requirements of section (5).

(B) Wildlife habitat characterized by ODFW as Category 2 that is not otherwise limited by subsection (k) and wildlife habitat characterized by ODFW as Category 3 or 4 based on field data provided by the applicant and developed in consultation with ODFW. The county may refine the exact location or categorization of Category 2, 3, or 4 wildlife habitat during consideration of a photovoltaic solar power generation facility but must consult with ODFW. Mitigation for wildlife habitat described in this paragraph shall be consistent with the requirements of ORS 215.446(3)(a).

(C) Wildlife Habitat: Eastern Oregon Deer Winter Range, Eastern Oregon Elk Winter Range, Big Horn Sheep Habitat, and Pronghorn Essential and Limited Habitat as identified by Oregon Renewable Energy Siting Assessment (ORESA). The county may refine the exact location of wildlife habitat identified by this paragraph during consideration of a photovoltaic solar power generation facility but must consult with ODFW. Mitigation for wildlife habitat described in this paragraph shall be consistent with the requirements of ORS 215.446(3)(a).

(D) Priority Wildlife Connectivity Areas where the ODFW makes a finding, based on site specific conditions, that mitigation for wildlife habitat consistent with the requirements of ORS 215.446(3)(a) reduces impacts from the photovoltaic solar power generation facility to a level acceptable to ODFW.

(E) Lands where the construction and operation of the photovoltaic solar power generation facility may result in significant adverse impacts to historic, cultural or archaeological resources as defined in section (6), but the project incorporates necessary mitigation measures pursuant to subsection (6).

(F) Notwithstanding paragraphs (A) through (E), a county may find that individual locations within solar photovoltaic resource areas described in paragraphs (A) through (E) have impacts that are too significant to be mitigated and thus are not eligible for approval under the provisions of this rule.

(k) Lands with any of the following features are not eligible for photovoltaic solar power generation facility development under the provisions of this rule:

(A) Significant Sage-Grouse Habitat described at OAR 660-023-0115(6)(a) and (b). The county may refine the exact location of Significant Sage-Grouse Habitat during consideration of a specific project but must consult with ODFW.

(B) Priority Wildlife Connectivity Areas as designated by the ODFW that do not qualify under paragraph (j)(D).

(C) High Use and Very High Use Wildlife Migration Corridors designated by ODFW. The county may refine the exact location of high use and very high use wildlife mitigation corridors during consideration of a photovoltaic solar energy facility but must consult with ODFW.

(D) Wildlife habitat characterized by ODFW as Category 1 based on field data provided by the applicant and developed in consultation with ODFW. The county may refine the exact location and characterization of Category 1 wildlife habitat during consideration of a photovoltaic solar energy facility but must be consult with ODFW.

(E) On lands included within Urban Reserve Areas acknowledged pursuant to OAR chapter 660, division 21.

(F) Soils that are irrigated or not irrigated and classified prime, unique, Class I or Class II as classified by NRCS, unless such soils make up no more than five percent of a proposed Photovoltaic Solar Site and are present in an irregular configuration or configurations that prevent them from being independently managed for farm use. If this paragraph does not apply, then no agricultural mitigation is required.

(G) High-Value Farmland as defined at ORS 195.300(10)(c) through (f) except otherwise described in paragraphs (F) and (H).

(H) Agricultural lands protected under Goal 3 with an appurtenant water right on January 1, 2024. This subsection does not apply if the ability to use the appurtenant water right to irrigate subject property becomes limited or prohibited due to a situation that is beyond the control of the water right holder including but not limited to: prolonged drought, critical groundwater designations or other state regulatory action, reduced federal contract allocations, and other similar regulatory circumstances. If retained, the appurtenant water right has been transferred to another portion of the subject property, tract or another property and maintained for agricultural purposes. Where this paragraph does not apply then no agricultural mitigation is required.

(I) Lands where the construction and operation of the photovoltaic solar power generation facility will result in significant adverse impacts to historic, cultural or archaeological resources that cannot be mitigated pursuant to the provisions of section 6.

(J) The Metolius Area of Critical State Concern identified as Area 1 and Area 2 in the management plan adopted by the commission, as referenced in ORS 197.416.

(5) Agricultural Mitigation:

(a) For the purposes of this section, "compensatory mitigation" means the replacement or enhancement of the impacted resource in equal or greater amounts than predicted to be impacted by a development.

(b) Compensatory mitigation for agricultural land may be accomplished in one of the following ways:

(A) A county may approve a method, or methods proposed by the applicant when substantial evidence in the record demonstrates that the proposed compensatory mitigation will:

(i) Be suitably durable to last until the impact has been removed or no longer exists;

(ii) Be proximate by being located in the same county or an adjacent county or counties as the proposed impact; and either

(iii) Result in no net loss of the agricultural productivity of the local agricultural community; or

(iv) Provide an uplift to the relevant agricultural economy.

(B) As an alternative to mitigation provided under paragraph (A) necessary compensatory mitigation for agricultural lands protected under Goal 3 may be accomplished by use of a one-time compensatory mitigation payment made for the purpose of replacing economic value that is lost by the local community when agricultural land is used for photovoltaic solar development. The compensatory mitigation payment is to be established pursuant to the methodology included as Attachment A. An applicant providing the established compensatory mitigation payment will be considered in all instances to comply with the requirements of this section.

(C) The compensatory mitigation payment established under paragraph (B) may be received by the county, a unit of county government, a 501-c-3 not for profit organization operating in the county, a local Soil and Water Conservation District, or similar entity capable of utilizing the funds to provide uplift opportunities for the applicable agricultural sector.

(6) Historic, Cultural, and Archaeological Resources: The proposed photovoltaic solar power generation facility shall avoid, minimize, or mitigate significant adverse impacts to historic, cultural, and archeological resources pursuant to the requirements of ORS 215.446(3)(b), relevant provisions of OAR chapter 660, division 23, and this section.

(a) Prior to the submittal of an application for development of a photovoltaic solar power generation facility within a significant photovoltaic solar energy area, an applicant shall compile information on the subject location that includes, among other things a records review, field survey, site inventory and cultural resources survey completed by an Oregon qualified archaeologist who is eligible to receive an archaeological permit based on ORS 390.235.

(b) The applicant shall transmit the information compiled pursuant to subsection (a) to the State Historic Preservation Office (SHPO) and any Tribe that may be affected by the application at least 60 days prior to submitting the application to the county.

(c) The applicant shall provide written notice that does not transmit the information compiled pursuant to subsection (a) to DLCD and ODFW at least 60 days prior to submitting the application to the county.

(d) When provided information on known or potential archaeological sites, local government will use the information to inform land use decisions, recommendations to applicants, and permit conditions in a manner that preserves confidentiality and is consistent with state law. ORS 192.345(11) exempts most

information concerning the location of archaeological sites and objects from public records disclosure, except when information on an Indian tribe's cultural or religious activities is requested by the governing body of a tribe. Requirements in this rule are intended to be consistent with ORS 192.345(11).

(A) A professional archaeologist representing either a local government or an applicant may access data relevant to a proposed land use action or permit application, consistent with privileges assigned by state statute and administrative rule.

(B) In the acquisition and publishing of data exempt from disclosure as a public record or which may not be publicly disclosed, local governments may:

(i) Acquire and publish aggregated data in a spatial format to indicate relative likelihood of inadvertent discovery within all or a portion of a local jurisdiction.

(ii) Acquire and publish data on a known archaeological site if the location of the site is approximated so that the precise location of the site is obscured.

(iii) Acquire and keep confidential information on a specific site received from an applicant that is used to inform permit conditions or other strategies for avoiding impacts to a significant site or support compliance with state statutes and rules governing excavation of a significant archaeological site.

(e) Based upon, any historic, cultural, and archaeological resources inventories in the local comprehensive plan, comments received including a letter of concurrence if any from SHPO, and comments received from any Tribe that may be affected by the application regarding the information compiled and submitted pursuant to subsection (a), a county shall make one of the following determinations in its decision regarding the application:

(A) No historical, archaeological, or cultural resources are known to be present;

(B) Historical, archaeological, or cultural resources are known to be present, and will be avoided through project design to the extent that no additional mitigation is necessary;

(C) Historical, archaeological, or cultural resources are known to be present, and mitigation measures will reduce impacts so that there are no significant adverse impacts to historical, archaeological, or cultural resources; or

(D) Historical, archaeological, or cultural resources are known to be present, and development will result in significant adverse impacts which cannot be mitigated and an archaeological permit from SHPO cannot be obtained.

(f) The county shall include mitigation measures including but not limited to those required by any SHPO archeological permit needed, as conditions of approval in the final decision.

(g) The county shall require an Archaeological and Human Remains Inadvertent Discovery Plan (IDP) in all instances.

(7) Community Benefits: All applications for a photovoltaic solar power generation facility within a significant photovoltaic solar resource area shall identify how the project will contribute to addressing community needs and benefits. Identified contributions, financial or otherwise, will be in addition to property tax revenues or payments in lieu of taxes.

(a) A county may approve a community benefit proposal submitted by the applicant when substantial evidence in the record demonstrates that the proposed contribution or contributions are:

(A) Meaningful and reasonable;

(B) Will serve to help improve a community's social health, well-being, and functioning;

(C) Informed through one or more public meetings conducted for the purpose of encouraging community members and any Tribe that may be affected by the application to express needs and interests. Public meetings conducted pursuant to this subsection should use best practices for community engagement identified in documents such as "Putting the People in Planning A guide for local governmental agencies in Oregon June 30, 2019".

(D) If a monetary payment, the contribution(s) is received by an organization identified by the county decision that may include the county or a unit of county government, Tribal government, a 501-c-3 not for profit organization operating in the county, a local Soil and Water Conservation District, or similar entity capable of utilizing the funds to provide uplift opportunities for the community or communities that stand to have the most direct relationship with the subject project.

(b) (A) Rather than the standards provided in subsection (a), a county may require one of the following options to address community needs and benefits, which demonstrate compliance with the requirements of this section:

(i) The applicant commits to contributing a one-time payment in an amount representing $1,000 per nameplate MW prior to construction to be received by an organization identified by the county decision that may include the county or a unit of county government, tribal government, a 501-c-3 not for profit organization operating in the county, a local Soil and Water Conservation District, or similar entity capable of utilizing the funds to provide uplift opportunities for the community or communities that stand to have the most direct relationship with the subject project;

(ii) The applicant commits to ensuring that emergency service providers are guaranteed a source of electricity during a power outage event through providing battery storage or some other method; or

(iii) The applicant creates a Microgrid addressing identified community needs.

(B) Prior to submittal of an application with a proposed community benefit under paragraph (A), the applicant shall conduct detailed public outreach activities that include providing written notice to any Tribe that may be affected by the application, property owners within 750 feet of the exterior boundaries of the subject property, as well as any physical address assigned to lands within 750 feet of the exterior boundaries of the subject property as shown in county assessor records that are not the same as the property owner's address. Detailed public outreach activities shall also include at least one public open-house meeting conducted in person, or at least two public open-house meetings conducted from a virtual platform.

(8) Maximum Size of Photovoltaic Solar Power Generation Facilities

(a) On high-value farmland that qualifies for an exemption pursuant to the provisions of paragraph (4)(k)(G) and that is not otherwise limited by the provisions of paragraph (4)(k)(E), the facility may not use, occupy, or cover more than 240 acres, not including lands devoted to temporary workforce housing.

(b) On arable land, the facility may not use, occupy or cover more than 2,560 acres, not including lands devoted to temporary workforce housing.

(c) On non-arable land, the size of the facility is not limited by this rule. Instead, the maximum size of a photovoltaic solar power generation facility is governed by the provisions of ORS 215.446.

(9) Additional Review Standards and Criteria. A county may approve a photovoltaic solar power generation facility within a significant photovoltaic solar resource area by determining that the following items have been satisfied:

(a) An application shall identify whether the proposed photovoltaic solar power generation facility is within a Military Special Use Airspace or a Military Training Route, as may be shown by the ORESA mapping tool or equivalent map. Any application located beneath or within a Military Special Use Airspace or a Military Training Route with a proposed floor elevation of 500 feet above ground level or less shall include a glint and glare analysis for the applicable utilized military airspace. Any measures necessary to avoid possible conflicts with low flying aircraft as identified in the glint and glare analysis will be developed in coordination with the United States Department of Defense or Oregon Military Department as applicable, described in the application materials, and attached as conditions of approval to the county decision.

(b) The applicant has satisfied the information transmittal and notice requirements identified in subsections (6)(b) and (c).

(c) The applicant has contacted and sought comments from the United States Department of Defense at least 30 days prior to submitting a land use application. The requirements of this subsection do not apply when the county code requires a pre-application conference prior to submitting an application that includes at a minimum, the United States Department of Defense.

(d) For a proposed photovoltaic solar power generation facility on high-value farmland or arable land, a study area consisting of lands zoned for exclusive farm use located within two miles measured from the exterior boundary of the subject property shall be established and:

(A) If fewer than 320 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits wholly or partially within the study area, no further action is necessary.

(B) If at least 320 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities wholly of partially within the study area, the county must find that the photovoltaic solar power generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar power generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area

(e)(A) The application will demonstrate 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 individual with qualifications determined to be acceptable by the county demonstrating that such temporary housing is reasonably likely to occur. The plan need not obligate the applicant to financially secure the temporary housing. The approved workforce housing plan shall be attached to the decision as a condition of approval.

(B) On-site and off-site facilities for temporary workforce housing for workers constructing a photovoltaic solar power generation facility must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete.

(C) The county may consider temporary workforce housing facilities not included in the initial approval through a minor amendment request filed after a decision to approve a photovoltaic solar power generation facility. A minor amendment request shall be subject to OAR 660-033-0130(5) and shall not have no effect on the original approval of the project.

(e) The requirements of OAR 660-033-0130(38)(h)(A) through (D) have been satisfied for proposed photovoltaic solar power generation facilities on high-value farmland and arable land, and the requirements of OAR 660-033-0130(38)(h)(D) have been satisfied for proposed photovoltaic solar power generation facilities on nonarable land.

(f) A county may condition approval of a proposed photovoltaic solar power generation facility to address other issues, including but not limited to assuring that the design and operation of the facility will promote the prevention and mitigate the risk of wildfire.

(g) For a photovoltaic solar power generation facility located on arable or nonarable lands, the project is not located on arable soils unless it can be demonstrated that:

(A) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or

(B) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract as compared to other possible sites also located on the subject tract, including sites that are comprised of nonarable soils;

(h) For a photovoltaic solar power generation facility located on nonarable lands no more than 2,560 acres of the project will be located on arable soils.

(i) Notwithstanding any other rule in division 33, a county may determine that ORS 215.296 and OAR 660-033-0130(5) for a proposed photovoltaic solar power generation facility on agricultural land are met when the applicable provisions of this section are found to be satisfied.

(j) The county has identified and attached as conditions of approval all mitigation required pursuant to this rule.

(k) The county shall require as a condition of approval for a photovoltaic solar power generation facility, that the project owner sign and record in the deed records for the county a document, binding upon the project owner and the project owner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices as defined in ORS 30.930(2) and (4).

(l) Nothing in this rule shall prevent a county from requiring a bond or other security from a developer or otherwise imposing on a developer the responsibility for retiring the photovoltaic solar power generation facility.

(m) Any applicable local provisions have been satisfied.

(10) Duration of Permit. 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 submits a written request for an extension of the development approval period to the county prior to the expiration of the approval period. The county may consider additional extensions in the manner provided in OAR 660-033-0130(44)(i)(K).

(11)) Use of ORESA: In addition to other sources, a county may rely on data from online mapping tools, such as ORESA data, to inform determinations made under this rule.

(12) REVIEW OF RULE EFFECTIVENESS: On or before July 1, 2027, the department will provide a report to the Land Conservation and Development Commission that:

(a) Is informed by coordination with parties consistent with those interests represented on the Rules Advisory Committee established pursuant to Oregon Laws 2023, chapter 442, section 37 *compiled as a note after* ORS197.732.

(b) Identifies those counties who have chosen to establish significant photovoltaic solar resource areas pursuant to section (4) and have not opted out of the provisions of OAR 660-033-0130(44)(a)(B).

(c) Identifies the number of counties that have chosen not to implement this rule for purposes of considering photovoltaic solar power generation facilities pursuant to subsection (4)(b).

(d) Describes how well the intent of this rule as provided in section (1) is being accomplished.

(e) Includes recommended updates, if any, the department identifies as being necessary to better accomplish the intent of this rule as provided in section (1).

(f) Subsequent reports reviewing the effectiveness of this rule will be provided at four-year intervals beginning on or before September 30, 2031 and will follow the provisions of subsection (a) through (e).

OAR 660-033-0130
Photovoltaic Solar Sites in eastern Oregon

(38) A proposal to site a photovoltaic solar power generation facility **except for a photovoltaic solar power generation facility in eastern Oregon subject to the provisions of paragraphs (44)(a)(B) and (C)** shall be subject to the following definitions and provisions:

ALL NEW LANGUAGE BELOW IN SECTION 44

(44)(a) A county may review a proposed photovoltaic solar power generation facility on agricultural land in eastern Oregon under one of the following three alternatives:

(A) A county may review a proposed photovoltaic solar power generation facility on agricultural land under section (38).

(B) If a county has not adopted a program under OAR 660-023-0195, the county may review a proposed photovoltaic solar power generation facility on agricultural land located in eastern Oregon under the provisions of subsections (b) through (n) of this section; or

(C) If a county has adopted a program under the provisions of OAR 660-023-0195, a county may review a proposed photovoltaic solar power generation facility on agricultural land located in eastern Oregon.

(b) A proposal to site a photovoltaic solar power generation facility under paragraph (a)(B) is subject to the following definitions and provisions:

(A) “Arable land” means land in a tract that is predominantly cultivated or, if not currently cultivated, predominantly comprised of arable soils.

(B) “Arable soils” means soils that are suitable for cultivation as determined by the governing body or its designate based on substantial evidence in the record of a local land use application, but “arable soils” does not include high-value farmland soils described at ORS 195.300(10) unless otherwise stated.

(C) “Eastern Oregon” means that portion of the State of Oregon lying east of a line beginning at the intersection of the northern boundary of the state and the western boundary of Wasco County, thence southerly along the western boundaries of the counties of Wasco, Jefferson, Deschutes and Klamath to the southern boundary of the state.

(D) “High-value farmland means land described in ORS 195.300(10).

(E) “Nonarable land” means land in a tract that is predominantly not cultivated and predominantly comprised of nonarable soils.

(F) “Nonarable soils” means soils that are not suitable for cultivation. Soils with an NRCS agricultural capability class V–VIII and no history of irrigation shall be considered nonarable in all cases. The governing body or its designate may determine other soils, including soils with a past history of irrigation, to be nonarable based on substantial evidence in the record of a local land use application.

(G) “Photovoltaic solar power generation facility” includes, but is not limited to, an assembly of equipment that converts sunlight into electricity and then stores, transfers, or both, that electricity.

This includes photovoltaic modules, mounting and solar tracking equipment, foundations, inverters, wiring, storage devices and other components. Photovoltaic solar power generation facilities also include electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, all necessary grid integration equipment, new or expanded private roads constructed to serve the photovoltaic solar power generation facility, office, operation and maintenance buildings, staging areas and all other necessary appurtenances, including but not limited to on-site and off-site facilities for temporary workforce housing for workers constructing a photovoltaic solar power generation facility. For purposes of applying the acreage standards of this section, a photovoltaic solar power generation facility includes all existing and proposed facilities on a single tract, as well as any existing and proposed facilities determined to be under common ownership on lands with fewer than 1320 feet of separation from the tract on which the new facility is proposed to be sited. Projects connected to the same parent company or individuals shall be considered to be in common ownership, regardless of the operating business structure. A photovoltaic solar power generation facility does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.

(c)(A) If an applicant files an application for a proposed photovoltaic solar power generation facility pursuant to OAR 660-033-0130(45)(a)(B), a county must process the application unless a county has either:

(i) Approved a program for significant solar photovoltaic resource areas under the provisions of OAR 660-023-0195; or

(ii) Taken action through the county elected body, either prior to, or after the effective date of this rule, that declines to consider photovoltaic solar power generation facilities under paragraph (a)(B).

(B) A county may choose to consider photovoltaic solar power generation facilities under paragraphs (a)(A) or (C).

(d) A county may approve a photovoltaic solar power generation facility under paragraph (a)(B) as follows:

(A) On high-value farmland that qualifies for an exemption pursuant to the provisions of subparagraph (D)(vii) and that is not otherwise limited by the provisions of subparagraph (D)(vi), the facility may not use, occupy, or cover more than 160 acres not including lands devoted to temporary workforce housing.

(B) On arable land, the photovoltaic solar power generation facility may not use, occupy, or cover more than 1,280 acres not including lands devoted to temporary workforce housing.

(C) On non-arable land, the photovoltaic solar power generation facility may not use, occupy, or cover more than 1,920 acres not including lands devoted to temporary workforce housing.

(D) Notwithstanding paragraphs (A) through (C), a county may not approve a photovoltaic solar power generation facility under paragraph (a)(B) on land that is:

(i) Significant Sage-Grouse Habitat described at OAR 660-023-0115(6)(a) and (b). The county may refine the exact location of Significant Sage-Grouse Habitat during consideration of a specific photovoltaic solar power generation facility but must consult with the Oregon Department of Fish and Wildlife (ODFW).

(ii) Priority Wildlife Connectivity Areas (PWCA's) as designated by ODFW that do not qualify under OAR 660-023-0195(4) (j)(D).

(iii) High Use and Very High Use Wildlife Migration Corridors designated by ODFW. The county may refine the exact location of high use and very high use wildlife mitigation corridors during consideration of a specific photovoltaic solar power generation facility but must consult with ODFW.

(iv) Wildlife habitat characterized by ODFW as Category 1 based on field data provided by the applicant and developed in consultation with ODFW. The county may refine the exact location and characterization of Category 1 wildlife habitat during consideration of a specific photovoltaic solar power generation facility but must must consult with ODFW.

(v) On lands included within Urban Reserve Areas acknowledged pursuant to OAR chapter 660, division 21.

(vi) Soils that are irrigated or not irrigated and NRCS classified as prime, unique, Class I or Class II, unless such soils make up no more than five percent of a proposed photovoltaic solar site and are present in an irregular configuration or configurations that prevent them from being independently managed for farm use.

(vii) High-Value Farmland as defined at ORS 195.300(10)(c) through (f) except otherwise described in paragraphs (vi) and (viii).

(viii) Agricultural lands protected under Goal 3 with an appurtenant water right on January 1, 2024. This subparagraph does not apply if the ability to use the appurtenant water right to irrigate subject property becomes prohibited due to a situation that is beyond the control of the water right holder including but not limited to: critical groundwater designations or other state regulatory action, reduced federal contract allocations, and other similar regulatory circumstances. If retained, the appurtenant water right has been transferred to another portion of the subject property, tract or another property and maintained for agricultural purposes. Where this paragraph does not apply then no agricultural mitigation is required.

(viii) High-Value Farmland as defined at ORS 195.300(10)(c) through (f) except otherwise described in subparagraphs (vi) and (vii).

(ix) Sites where the construction and operation of the photovoltaic solar power generation facility will result in significant adverse impacts to historic, cultural or archaeological Resources that cannot be mitigated pursuant to OAR 660-023-0195(6).

(x) The Metolius Area of Critical State Concern identified as Area 1 and Area 2 in the management plan adopted by the Land Conservation and Development Commission, as referenced in ORS 197.416.

(e) Approval of a proposed photovoltaic solar power generation facility under paragraph (a)(B) is subject to the following requirements:

(A) The proposed photovoltaic solar power generation facility is located in an area with the following characteristics:

(i) Topography with a slope that is predominantly 15 percent or less;

(ii) An estimated Annual Solar Utility-Scale Capacity Factor of 19 percent or greater; and

(iii) Predominantly within 10 miles of a transmission line with a rating of 69 KV or above.

(B) For a proposed photovoltaic solar power generation facility on high-value farmland or arable land, a study area consisting of lands zoned for exclusive farm use located within two miles measured from the exterior boundary of the subject property shall be established and:

(i) If fewer than 320 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits wholly or partially within the study area, no further action is necessary.

(ii) When at least 320 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities wholly of partially within the study area, the county must find that the photovoltaic solar power generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar power generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

(C) The proposed photovoltaic solar power generation facility shall take measures to mitigate agricultural impacts as provided in OAR 660-023-0195(5)(b)(B) and (C).

(D) The proposed photovoltaic solar power generation facility shall take measures to provide community benefits as provided in OAR 660-023-0195(7)(b).

(E) 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).

(F) The proposed photovoltaic solar power generation facility shall mitigate potential impacts to historic, cultural, and archeological resources pursuant to OAR 660-023-0195(6).

(G) (i) The application will demonstrate 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 individual with qualifications determined to be acceptable by the county demonstrating that such temporary housing is reasonably likely to occur. The plan need not obligate the applicant to financially secure the temporary housing. The approved workforce housing plan shall be attached to the decision as a condition of approval.

(ii) On-site and off-site facilities for temporary workforce housing for workers constructing a photovoltaic solar power generation facility must be removed or converted to an allowed use under section (19) or other statute or rule when project construction is complete.

(iii) The county may consider temporary workforce housing facilities not included in the initial approval through a minor amendment request filed after a decision to approve a

photovoltaic solar power generation facility. A minor amendment request shall be subject to section (5) and shall have no effect on the original approval of the project.

(H) The requirements of paragraphs (38)(h)(A) through (D)[1] have been satisfied for proposed photovoltaic solar power generation facilities on high-value farmland and arable land, and the requirements of paragraph (h)(D) have been satisfied for proposed photovoltaic solar power generation facilities on nonarable land.

(I) A county may condition approval of a proposed photovoltaic solar power generation facility to address other issues, including but not limited to assuring that the design and operation of the facility will promote the prevention and mitigate the risk of wildfire.

(J) For a photovoltaic solar power generation facility located on arable or nonarable lands, the project is not located on arable soils unless it can be demonstrated that:

(i) Siting the facility on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or

(ii) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract as compared to other possible sites also located on the subject tract, including sites that are comprised of nonarable soils;

(K) For a photovoltaic solar power generation facility located on nonarable lands no more than 1,280 acres of the facility will be located on arable soils.

(L) A county that receives an application for a permit under this section shall, upon receipt of the application, provide notice as required by ORS 215.446(6) and (7).

(f) Notwithstanding any other rule in this division, a county may determine that ORS 215.296 and section (5) for a proposed photovoltaic solar power generation facility are met when it finds that the applicable provisions of subsections (b) through (e) are satisfied.

(g) A county shall satisfy the requirements of OAR 660-023-0195(9)(a) through (c).

(h) The county has identified and attached as conditions of approval all mitigation required pursuant to this rule.

(i) Any applicable local provisions have been satisfied.

(j) 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 submits a written request for an extension of the development approval period prior to the expiration of the approval period.

(k) A county may grant a permit described in subsection (j) a third and final extension for a period of up to 24 months if:

(A) An applicant submits a written request for an extension of the development approval period prior to the expiration of the second extension granted under subsection (j);

[1] See the end of the document for the language in 660-033-0130(38)(h)(A) through (D)

(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.

(l) 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 section.

(m) The county governing body or its designate shall require as a condition of approval for a photovoltaic solar power generation facility, that the project owner sign and record in the deed records for the county a document binding the project owner and the project owner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices as defined in ORS 30.930(2) and (4).

(n) Nothing in this section shall prevent a county from requiring a bond or other security from a developer or otherwise imposing on a developer the responsibility for retiring the photovoltaic solar power generation facility.

660-033-0145
Agriculture/Forest Zones

(1) Agriculture/forest zones may be established and uses allowed pursuant to OAR 660-006-0050;

(2) Land divisions in agriculture/forest zones may be allowed as provided for under OAR 660-006-0055; ~~**and**~~

(3) Land may be replanned or rezoned to an agriculture/forest zone pursuant to OAR 660-006-0057.**; and**

(4) A county in eastern Oregon shall apply either OAR chapter 660, division 6 or 33 standards for siting a photovoltaic solar power generation facility in an agriculture/forest zone based on the predominant use of the tract on January 1, 2024.

OAR.❷❷6_699_6796(9❹(h)(A).through.(D)?referenced.on.Page.❶?Line.7❶8?Footnote.7?are.shown.here.for.reference¡.They.are.not.proposed.for.amendment¡

(h) The following criteria must be satisfied in order to approve a photovoltaic solar power generation facility on high-value farmland described at ORS 195.300(10).

(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;

(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 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;

(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;

(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;

Appendix C

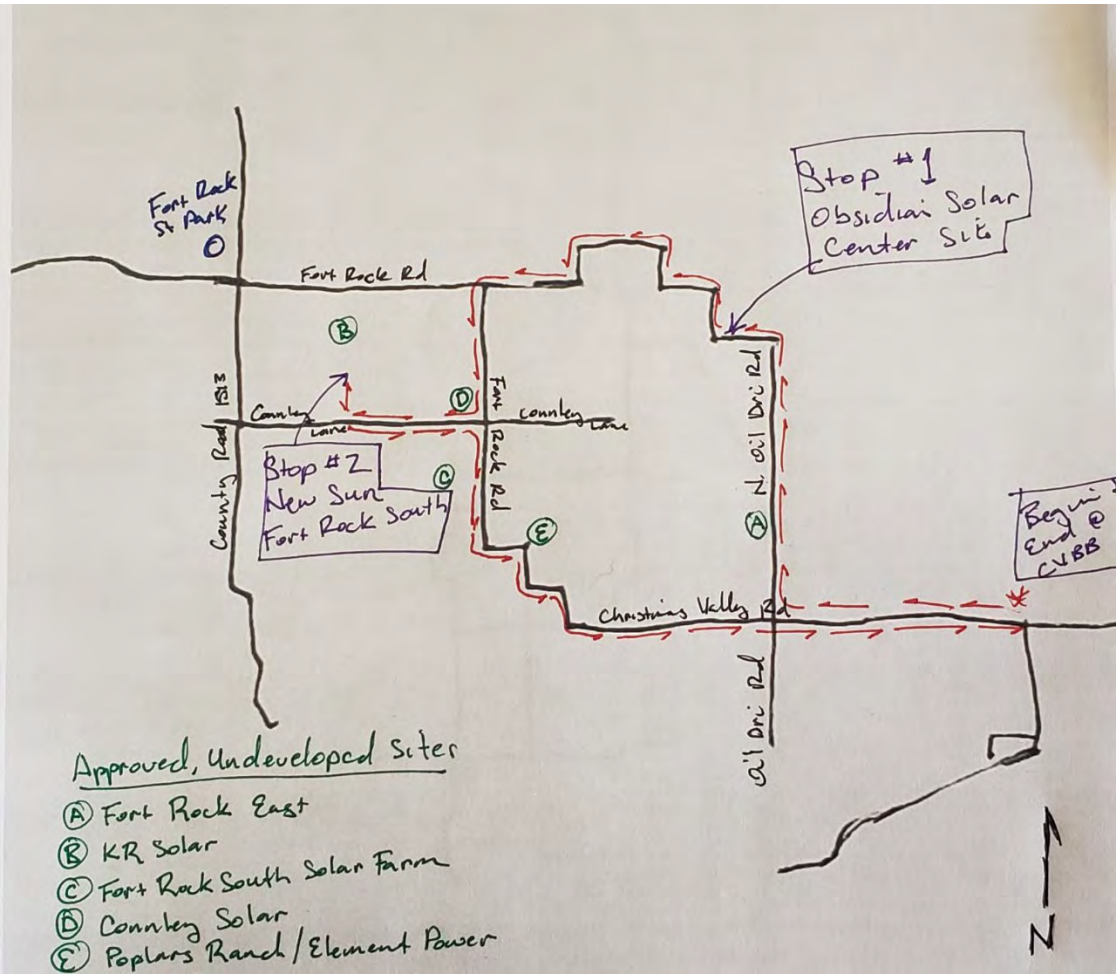
Oregon
Tina Kotek, Governor

Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540
Phone: 503-373-0050
Fax: 503-378-5518
www.oregon.gov/LCD

March 10, 2023

LCDC Solar Rules Advisory Committee
Meeting 1 - Christmas Valley Oregon
Tour Information

Route Map



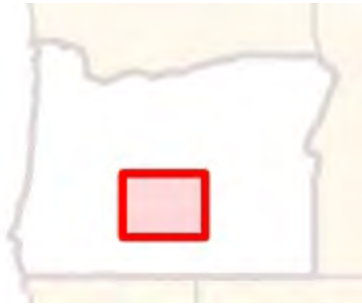
Attachments:

A. North Lake County Transmission Lines
B. Obsidian Solar Center Information (Stop 1)
C. Fort Rock South Maps (Stop 2)
D. Fort Rock Basin History & Fort Rock State Park
E. Klamath Tribes: Reservation and Ceded Lands Map
F. North Lake County Agriculture Information
G. North Lake County Wildlife Information

OREGON EXPLORER

North Lake County Transmission Lines





Legend

- Counties
- Transmission Lines
  - Unknown
  - 115 kV
  - 115 - 230 kV
  - 230 - 500 kV
  - >= 500 kV

1: 832,018

Notes

26.3 0 13.13 26.3 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

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This map is a user generated static output for reference only from:
Oregon Renewable Energy Siting Assessment Map Viewer
Data layers that appear on this map may or may not be accurate, current, or reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Project:

Obsidian Solar Center at Fort Rock

At 400 MW, this will be the largest and lowest cost solar facility in the Northwest

https://obsidiansolarcenter.com

C

ATTACHMENT B

Obsidian RENEWABLES, LLC

Project Details

Capacity: *BESS Capacity:*	• *400MW$_{AC}$/ up to 680 MW$_{DC}$* • *Approved for up to 50MW/250MWh "flow" batteries*
Location: *Site Specifics:* *Land Use:*	• *Lake County, Oregon (4,000 ft elevation with ideal solar conditions)* • *4,080 acres purchased and under option (100% Site Control) adjacent to 500 kV transmission lines that make up the Southern Intertie* • *OR EFSC approved a Site Certificate, 2022*
Interconnection: *Transmission:*	• *Bonneville Power Administration:* • *400 MW interconnection study underway for 500 kV line.* • *System impact study is completed.* • *Affected systems near completion.* • *Location on the BPA system positioned to serve several utilities in OR and WA. (Lines run from the Columbia dam system on the Oregon and Washington border to the California border)* • *Transmission requests pending with delivery points to several locations in WA and OR*
EPC:	• SOLV Energy: Turnkey EPC services agreement
Target NTP: *Target COD:*	• *3Q 2023* • *3Q 2026*
Tax Credit Eligibility:	• *PTC eligibility through IRA extension of solar power production credit (subject to prevailing wage and union labor requirements)* • *ITC eligible 40% through domestic content modules]*
Economic Development:	• *Sited in low-income census tract* • *~150 construction jobs in 2024 - 2026* • *5 – 10 FTE Operations and Maintenance*
About Obsidian Renewables:	Obsidian Renewables has a long track record of developing renewable energy projects in the Pacific Northwest. We have an extensive pipeline of projects in development, including solar and green hydrogen infrastructure across Oregon and Washington. Our team employs a multi-disciplinary approach to development, drawing upon expertise in energy, law, real estate, finance, tax, and engineering paired with deep ties to key stakeholders and off- takers in the region.

Location and Site Plan

Development Site near Fort Rock, OR



Obsidian Solar Center Photovoltaic Array Site Plan



Illustrative use: Obsidian Renewables Black Cap Solar Project



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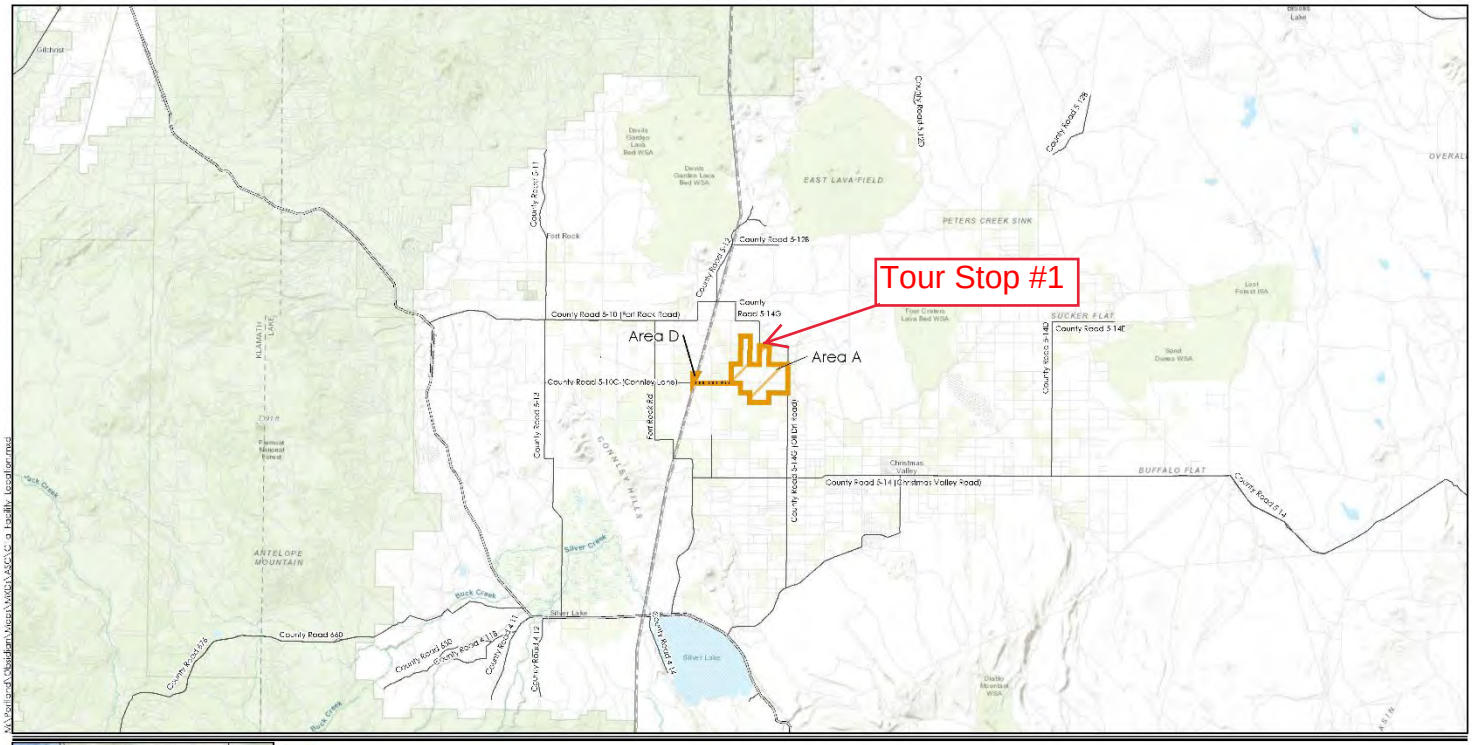


Figure C-1a
Facility Location within the Region

Obsidian Solar Center

October 2019

Obsidian Solar Center LLC

Sources: Esri 2019, Johnson 2019, Lake County Planning Department 2019

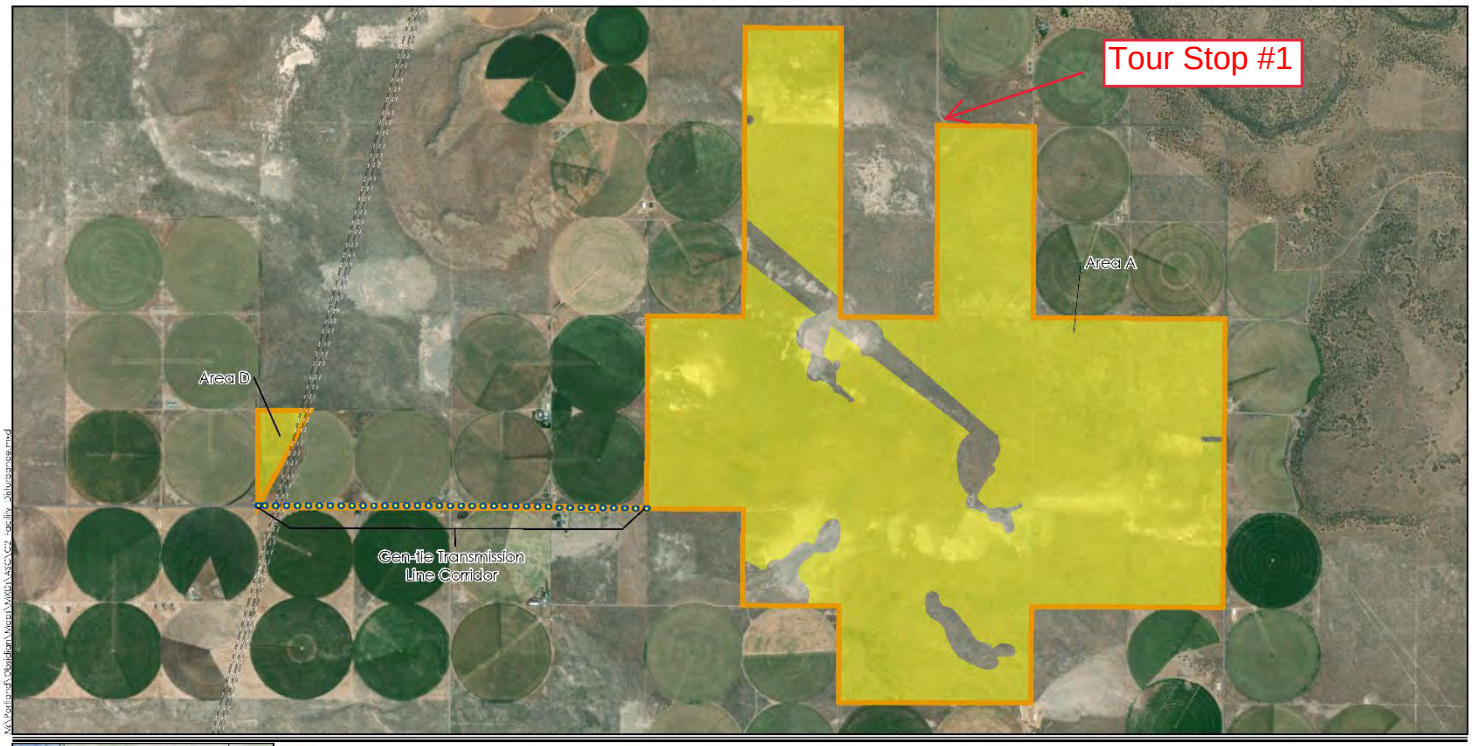


Figure C-2
Facility Disturbance Locations

Obsidian Solar Center

October 2019

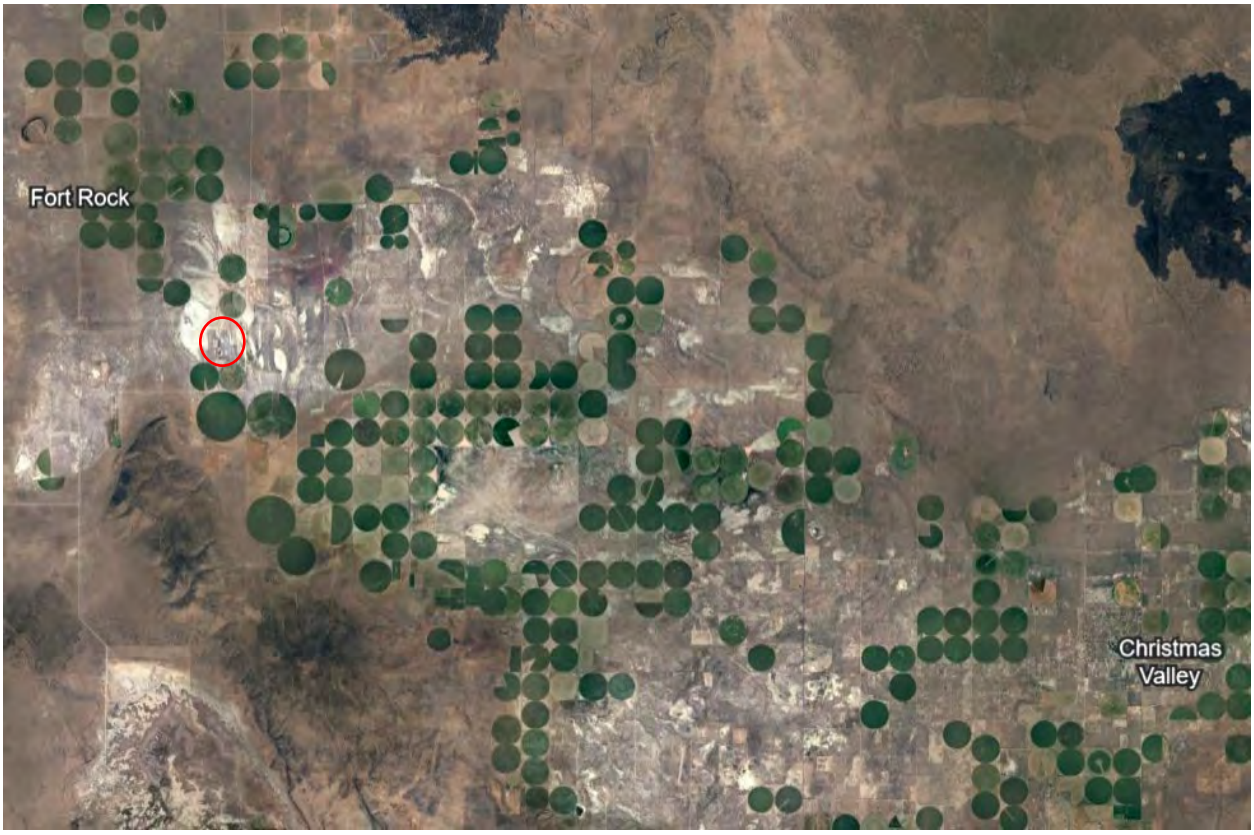
Obsidian Solar Center LLC

Sources: Esri 2019

Fort Rock South

ATTACHMENT C

C





C

Fort Rock Basin History and Fort Rock State Park

The Fort Rock Basin has served as a vital part of the Native American lifestyle. Fort Rock Cave is near Fort Rock State Natural Area, and is the site of an archaeological discovery of several 9,350 to 10,500 year-old sagebrush sandals. This property serves as a reminder of the rich cultural heritage that has shaped so much of Oregon's history. The story of the Fort Rock Basin is told by the artifacts left behind and by the rich oral tradition of the tribes who claim the area as home. Fort Rock Cave is a National Historic Landmark and is open only by a state park guided tour and reservations are required.

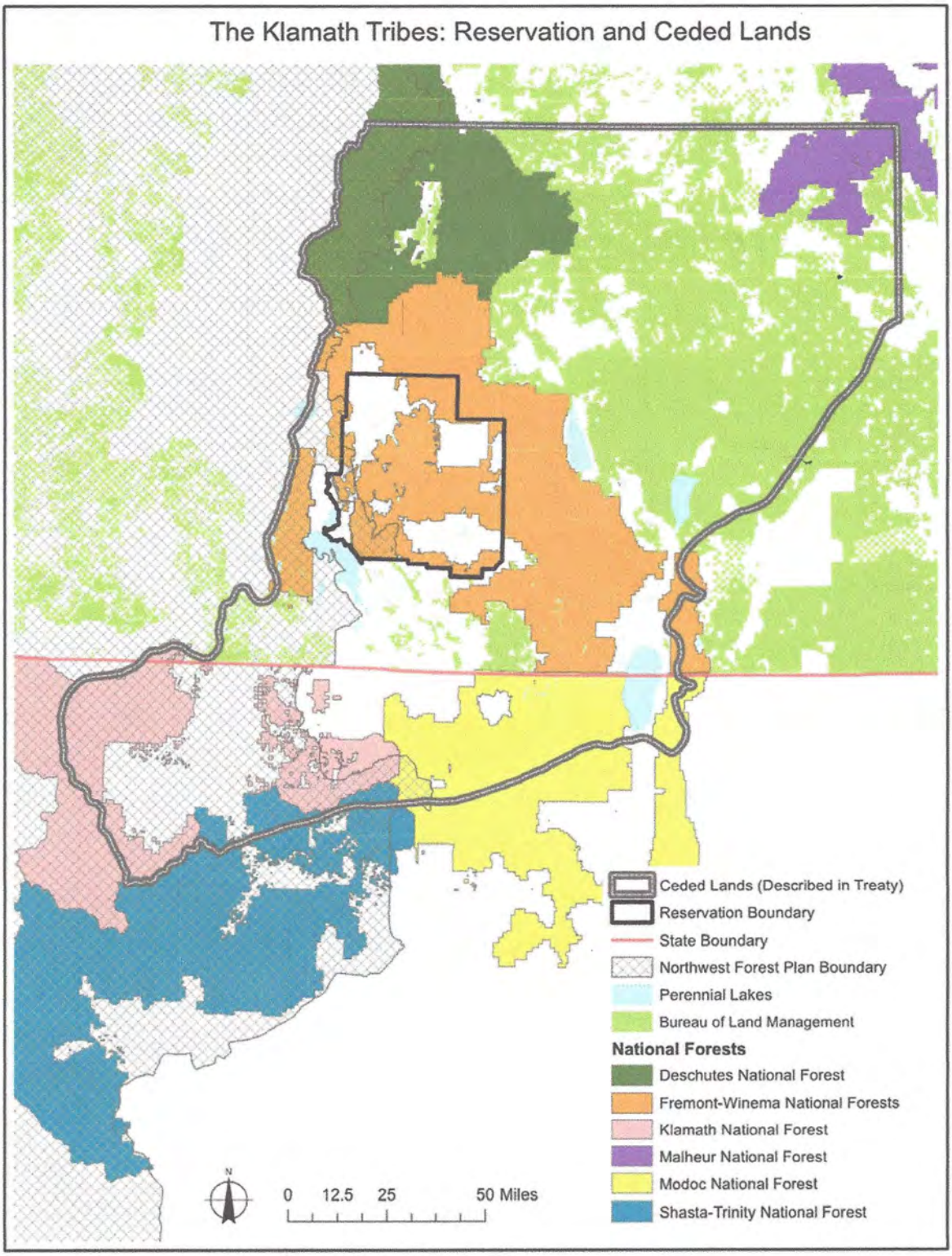


Like a desert mirage, this National Natural Landmark rises huge out of the barren, immense flatness of Oregon's high desert. An enormous near-circle of towering jagged rock walls make it seem like a fort. Hike around and you'll soon realize it's even bigger than it looks! It's an old tuff ring set in what was a shallow sea in prehistoric times. As you walk around inside, imagine the early American Indians who canoed to and from what was then an island. Sandals found in a nearby cave are the oldest ever discovered, dating back around 9,350-10,500 years.



Text and Images Courtesy of Oregon State Park and Recreation Department

C



501 Chiloquin Blvd. – P.O. Box 436 – Chiloquin, Oregon 97624
(541) 783-2219 – Fax (541) 783-2609

North Lake County Agriculture

General Information:

Elevation: 4,280 to 4,400 feet (valleys)
Mean annual precipitation: 8 to 10 inches
Mean annual air temperature*:* 43 to 45 degrees F
Frost-free period: 50 to 80 days
NRCS Soil Agricultural Capabilities:

- Most Areas Class VI as Dryland and improve with Irrigation (Class IV???).
- Playas typically Class VIII.

Farming:

Dryland Farming: Very little dryland farming in North Lake County.

Irrigated Lands: Farming with Irrigation is the primary type of cultivated agriculture in North Lake County.

- *Source, Delivery, and Amounts of Irrigation water:*
  - Groundwater pumped from wells.
  - Almost exclusive use of center pivot irrigation systems, opposed to wheel lines, hand lines or flood irrigation systems. Pivots typically irrigate 132 acres but can be larger or smaller.
  - Typical application 1.5-2.0 acre feet per year.
- *Primary Crops:*
  - Irrigated Alfalfa Hay Production
    - Three Cuttings per year.
    - 2.5-5 tons per acres.
- *Other Crops:*
  - Irrigated Timothy Hay, Triticale, Barley
    - Grain crops typically put up as hay.
- *Markets:* Dairy Quality Alfalfa and other hay products may be sold into local, regional, national and international markets.

Ranching:

Primary Type and Features:

- Cow/Calf Operations are most common. A few sheep here and there.
- Ranching operations regularly operate on a combination of private and public lands.
  - Private Lands are often relied on to produce hay for winter feeding.
    - Supplemental feeding is typically necessary beginning in Mid November-Early December and lasting into April or Early May.
    - Typical feeding rate is 25 lbs of hay per day for each member of the cow herd.
  - Public Lands (BLM, USFS, DSL) are leased by many operators through the regular gazing season which can run from May through October. The amount of leased public lands often exceeds the amount of private land by many times.
- Calves are often born in February and March to be sold after weaning the next Fall.

*** I've done my best here but some of this might not be quite right. I would welcome corrections from those with more knowledge than me.** *Jon*

North Lake County Wildlife

Big Game

Most Common Species:



*Mule Deer



*Rocky Mountain Elk

Other Species:



*Pronghorn Antelope



*Big Horn Sheep

Sensitive Species[1]

Pygmy Rabbit



Greater Sage-Grouse



An Assortment of Raptors





[1] "Sensitive" refers to fish and wildlife that are facing one or more threats to their populations and/or habitats. Consistent with OAR 635-100-0040(2), “Sensitive Species” are defined as having small or declining populations, are at-risk, and/or are of management concern. Implementation of appropriate conservation measures to address existing or potential threats may prevent them from declining to the point of qualifying for threatened or endangered status.

* Images and Information Courtesy of the Oregon Department of Fish and Wildlife (ODFW). We invite ODFW to share more details as the RAC Tours the area.

C

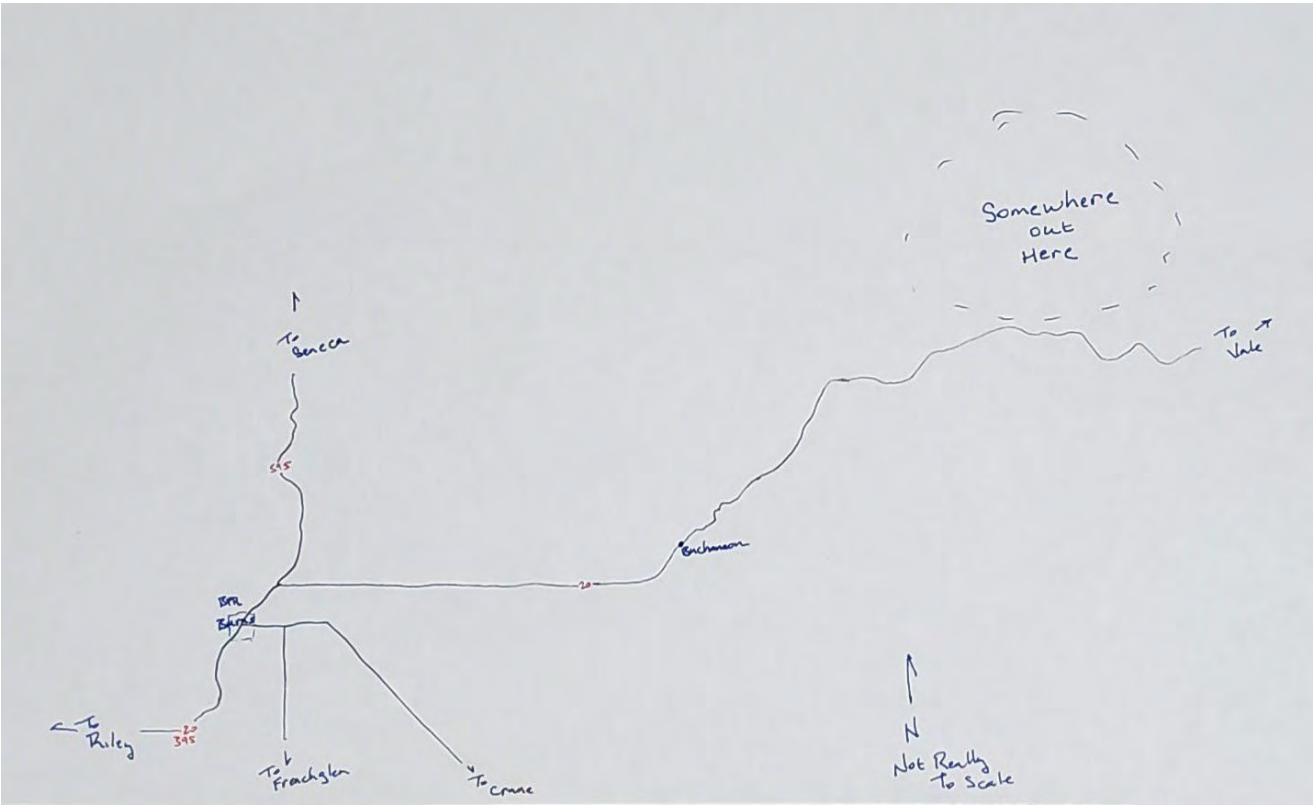
Oregon
Tina Kotek, Governor

Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540
Phone: 503-373-0050
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www.oregon.gov/LCD

April 17, 2024

LCDC Solar Rules Advisory Committee
Meeting 2 – Burns, Oregon
Tour Information

Route Map



ATTACHMENTS:

A. Oregon Sage-Grouse Core and Low Density Habitat Map

B. Sage Hen Rest Area Historical Information

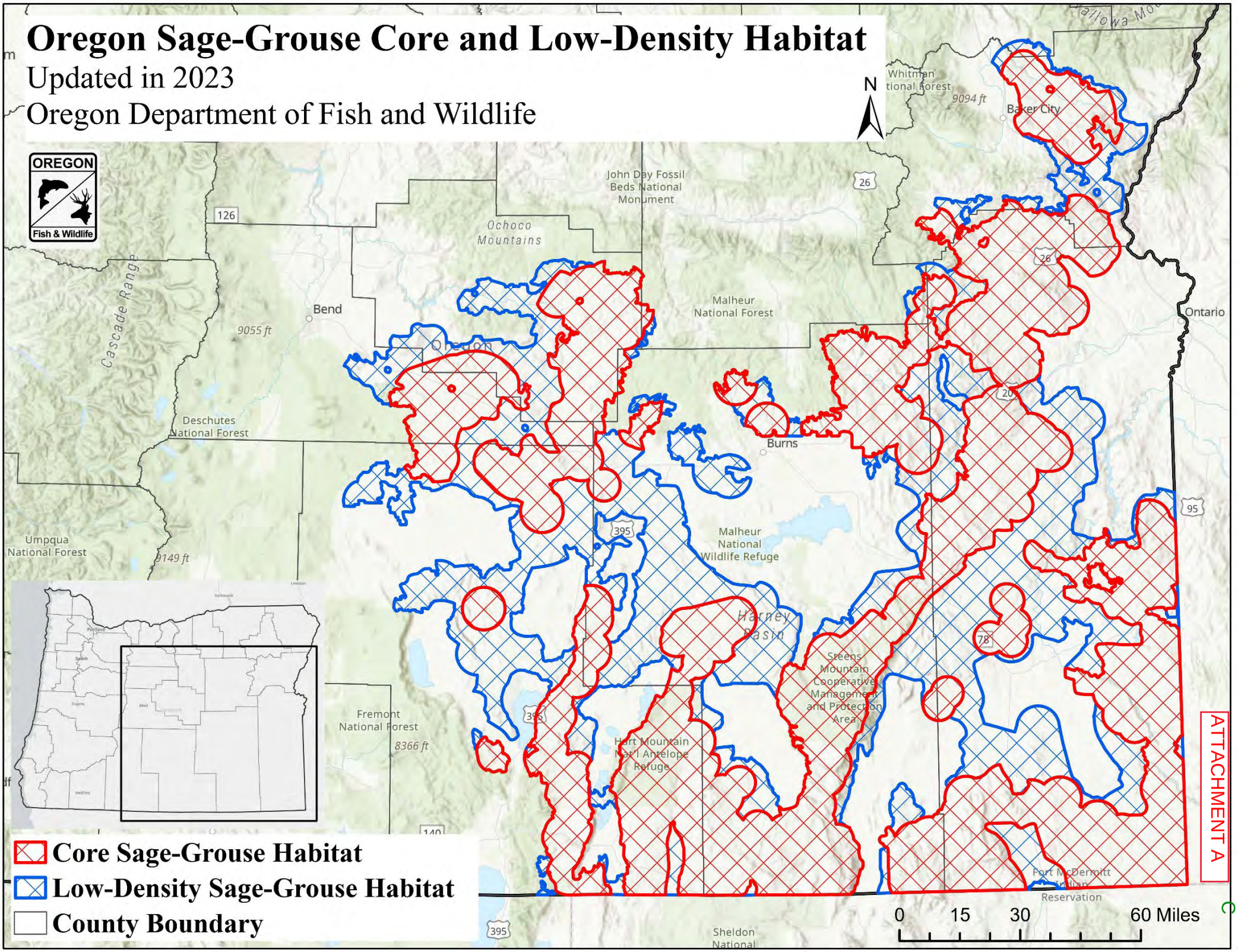
C. Burns Paiute Aboriginal Territory

D. Harney County Agricultural Information

Oregon Sage-Grouse Core and Low-Density Habitat

Updated in 2023

Oregon Department of Fish and Wildlife



ATTACHMENT A

Homeland of the Burns Paiute

ATTACHMENT B

Oregon Travel Information Council

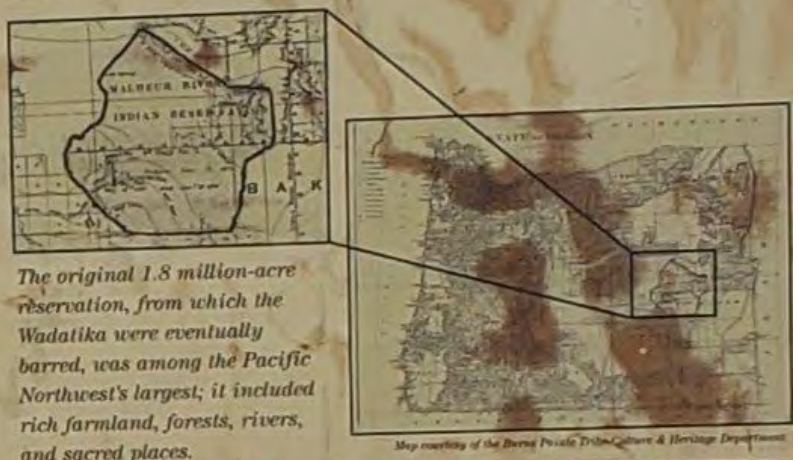
This region is the homeland of the *Wadatika* (wada seed eaters), a nomadic band of Northern Paiute Indians. Today, the descendents of these people are known as the Burns Paiute.

Armed conflicts between ranchers and the *Wadatika*, during the late 1800s, led President Ulysses S. Grant to create the 1.8 million-acre Malheur Reservation in 1872. Pressure from settlers opened portions of the reservation to grazing and settlement by 1876.

Denied access to traditional lands, the *Wadatika* soon faced starvation. Continued encroachment, combined with the U.S. Government's failure to fulfill promises of food, shelter, education, and agricultural supplies, resulted in open warfare – the Bannock War of 1878.

Upon defeat in 1879, the Paiute were forcibly marched to distant reservations. Congress terminated the Malheur Reservation in 1883 and made the land available for settlement.

Some Paiute drifted back to the region by the early 1900s. Most lived in extreme poverty either on land allotments too arid for farming, or in makeshift tents on the outskirts of Burns. In 1972, the Burns Paiute purchased 771 acres on which to live – and with this land base, they are regaining self-sufficiency and tribal identity.



The original 1.8 million-acre reservation, from which the Wadatika were eventually barred, was among the Pacific Northwest's largest; it included rich farmland, forests, rivers, and sacred places.

Map courtesy of the Burns Paiute Tribe Culture & Heritage Department



Photo courtesy of the Burns Paiute Tribe Culture & Heritage Department

During the 1920s, Father Peter Heuel, a Catholic Priest, became interested in the plight of the Burns Paiute and began writing letters and speaking to government agents on their behalf. He was successful in securing donations



Photo courtesy of the Burns Paiute Tribe Culture & Heritage Department

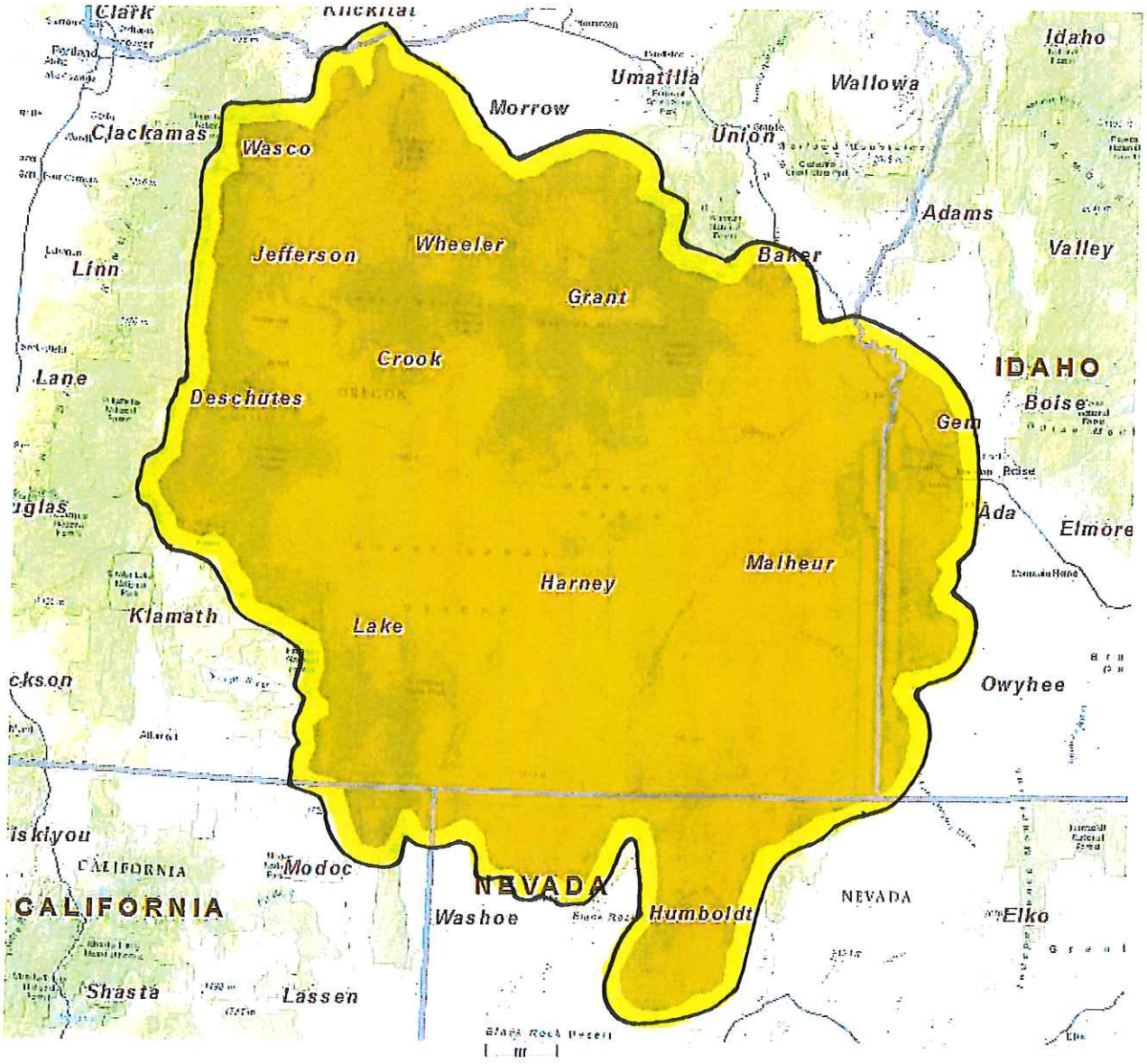
Today, the Burns Paiute are a thriving community, and are important to the economy and culture of Harney County.

C

ATTACHMENT C

Traditional Territory (Burns Paiute Tribe)

The Burns Paiute Tribe traditional aboriginal territory extends from the east foothills of the Cascades up north to The Dalles, extending east into Boise, Idaho, south to Smokey Spring, Nevada, and into California, to the southern tip of Goose Lake.



Scale: 1:3,000,000

C

ATTACHMENT D

North Harney County Agriculture

General Information:

Elevation: 4,000 to 4,500 feet (basin)

Mean annual precipitation: 8 to 12 inches

Mean annual air temperature*:* 43 to 46 degrees F

Frost-free period: 50 to 90 days

NRCS Soil Agricultural Capabilities:

- Most Dryland areas Class VI
- Most Irrigated Lands Class IV
- Natural Meadows Class IV-VI

Farming:

Dryland Farming: Very little dryland farming in North Harney County.

Irrigated Lands: Farming with Irrigation is the primary type of cultivated agriculture in North Harney County.

- Extensive use of center pivot irrigation systems, some wheel lines, hand lines or flood irrigation systems. Pivots typically irrigate 132 acres but can be larger or smaller.

Primary Crops*:* Irrigated Hay Production. Hay is often put up and feed to cattle as part of the same commercial livestock operation.

Other Crops*:* Irrigated Timothy Hay, Triticale, Barley. Grain crops typically put up as hay.

Ranching:

Primary Type and Features:

- Cow/Calf Operations are most common. A few sheep and goats here and there.
- Ranching operations regularly utilize a combination of private and public lands.
- Public Lands (BLM, USFS, DSL) are leased by many operators through the regular gazing season which can run from May through October. The amount of public lands leased by the operator often exceeds the amount of private land owned or leased by the operator by many times.
- Private Lands are often relied on to produce hay for winter feeding.
- Supplemental feeding is typically necessary beginning in Mid November-Early December and lasting into April or Early May.
- Typical feeding rate is 25 lbs of hay per day for each member of the cow herd.
- Calves are often born in February and March to be sold after weaning the next Fall

ATTACHMENT D, Cont... C

2022 CENSUS OF AGRICULTURE *County Profile*





Harney County
Oregon

Total and Per Farm Overview, 2022 and change since 2017

	2022	% change since 2017
Number of farms	477	-10
Land in farms (acres)	1,479,684	-5
Average size of farm (acres)	3,102	+6
Total	($)	
Market value of products sold	99,336,000	+21
Government payments	13,297,000	+391
Farm-related income	5,751,000	+56
Total farm production expenses	95,091,000	+39
Net cash farm income	23,293,000	+16
Per farm average	($)	
Market value of products sold	208,252	+35
Government payments [a]	91,703	+449
Farm-related income [a]	36,167	+93
Total farm production expenses	199,352	+55
Net cash farm income	48,832	+29

1 Percent of state agriculture sales

Share of Sales by Type (%)

Crops	37
Livestock, poultry, and products	63

Land in Farms by Use (acres)

Cropland	183,917
Pastureland	1,235,445
Woodland	40,648
Other	19,674

Acres irrigated: 122,421
8% of land in farms

Land Use Practices (% of farms)

No till	6
Reduced till	6
Intensive till	11
Cover crop	5

Farms by Value of Sales

	Number	Percent of Total [b]
Less than $2,500	152	32
$2,500 to $4,999	34	7
$5,000 to $9,999	23	5
$10,000 to $24,999	55	12
$25,000 to $49,999	39	8
$50,000 to $99,999	35	7
$100,000 or more	139	29

Farms by Size

	Number	Percent of Total [b]
1 to 9 acres	33	7
10 to 49 acres	72	15
50 to 179 acres	91	19
180 to 499 acres	95	20
500 to 999 acres	55	12
1,000+ acres	131	27

2022 CENSUS OF AGRICULTURE *County Profile*

Market Value of Agricultural Products Sold

	Sales ($1,000)	Rank in State [c]	Counties Producing Item	Rank in U.S. [c]	Counties Producing Item
Total	**99,336**	**19**	**36**	**1,410**	**3,078**
Crops	**36,470**	**24**	**36**	**1,488**	**3,074**
Grains, oilseeds, dry beans, dry peas	291	25	32	2,347	2,917
Tobacco	-	-	-	-	267
Cotton and cottonseed	-	-	-	-	647
Vegetables, melons, potatoes, sweet potatoes	(D)	32	33	(D)	2,831
Fruits, tree nuts, berries	156	26	33	1,367	2,711
Nursery, greenhouse, floriculture, sod	(D)	32	34	(D)	2,660
Cultivated Christmas trees, short rotation woody crops	-	-	24	-	1,274
Other crops and hay	36,004	11	36	88	3,035
Livestock, poultry, and products	**62,867**	**10**	**36**	**935**	**3,076**
Poultry and eggs	(D)	27	36	(D)	3,027
Cattle and calves	61,523	3	36	241	3,047
Milk from cows	(D)	21	27	(D)	1,770
Hogs and pigs	43	18	34	1,136	2,814
Sheep, goats, wool, mohair, milk	551	18	36	355	2,967
Horses, ponies, mules, burros, donkeys	592	14	36	483	2,907
Aquaculture	-	-	25	-	1,190
Other animals and animal products	51	23	35	1,245	2,909

Producers [d] 915

Sex
Male 508
Female 407

Age
<35 76
35 – 64 481
65 and older 358

Race
American Indian/Alaska Native 11
Asian -
Black or African American -
Native Hawaiian/Pacific Islander -
White 899
More than one race 5

Other characteristics
Hispanic, Latino, Spanish origin 15
With military service 69
New and beginning farmers 203

Percent of farms that:

Have internet access **86**

Farm organically **1**

Sell directly to consumers **4**

Hire farm labor **23**

Are family farms **95**

Top Crops in Acres [e]

Forage (hay/haylage), all	131,217
Field and grass seed crops, all	(D)
Rye for grain	(D)
Triticale	(D)
Barley for grain	(D)

Livestock Inventory (Dec 31, 2022)

Broilers and other meat-type chickens	52
Cattle and calves	81,697
Goats	459
Hogs and pigs	105
Horses and ponies	2,676
Layers	807
Pullets	-
Sheep and lambs	3,968
Turkeys	45

[a] Average per farm receiving. [b] May not add to 100% due to rounding. [c] Among counties whose rank can be displayed. [d] Data collected for a maximum of four producers per farm. [e] Crop commodity names may be shortened; see full names at www.nass.usda.gov/go/cropnames.pdf. [f] Position below the line does not indicate rank. (D) Withheld to avoid disclosing data for individual operations. (NA) Not available. (Z) Less than half of the unit shown. (-) Represents zero.

USDA is an equal opportunity provider, employer, and lender.

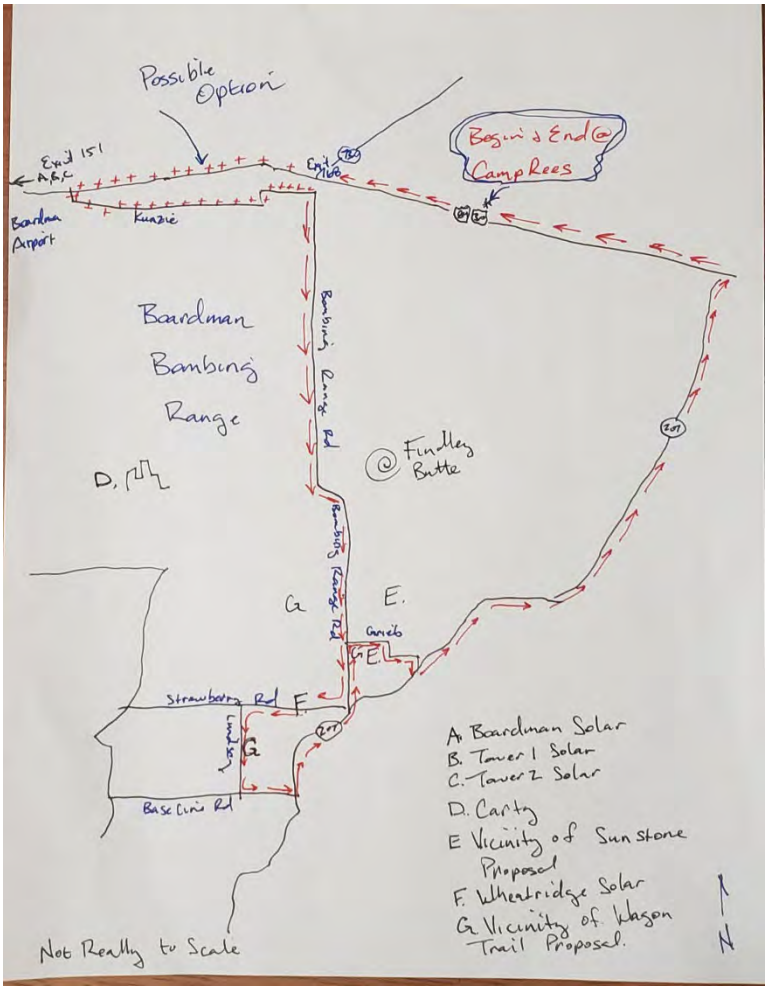
Oregon
Tina Kotek, Governor

Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540
Phone: 503-373-0050
Fax: 503-378-5518
www.oregon.gov/LCD

May 28, 2024

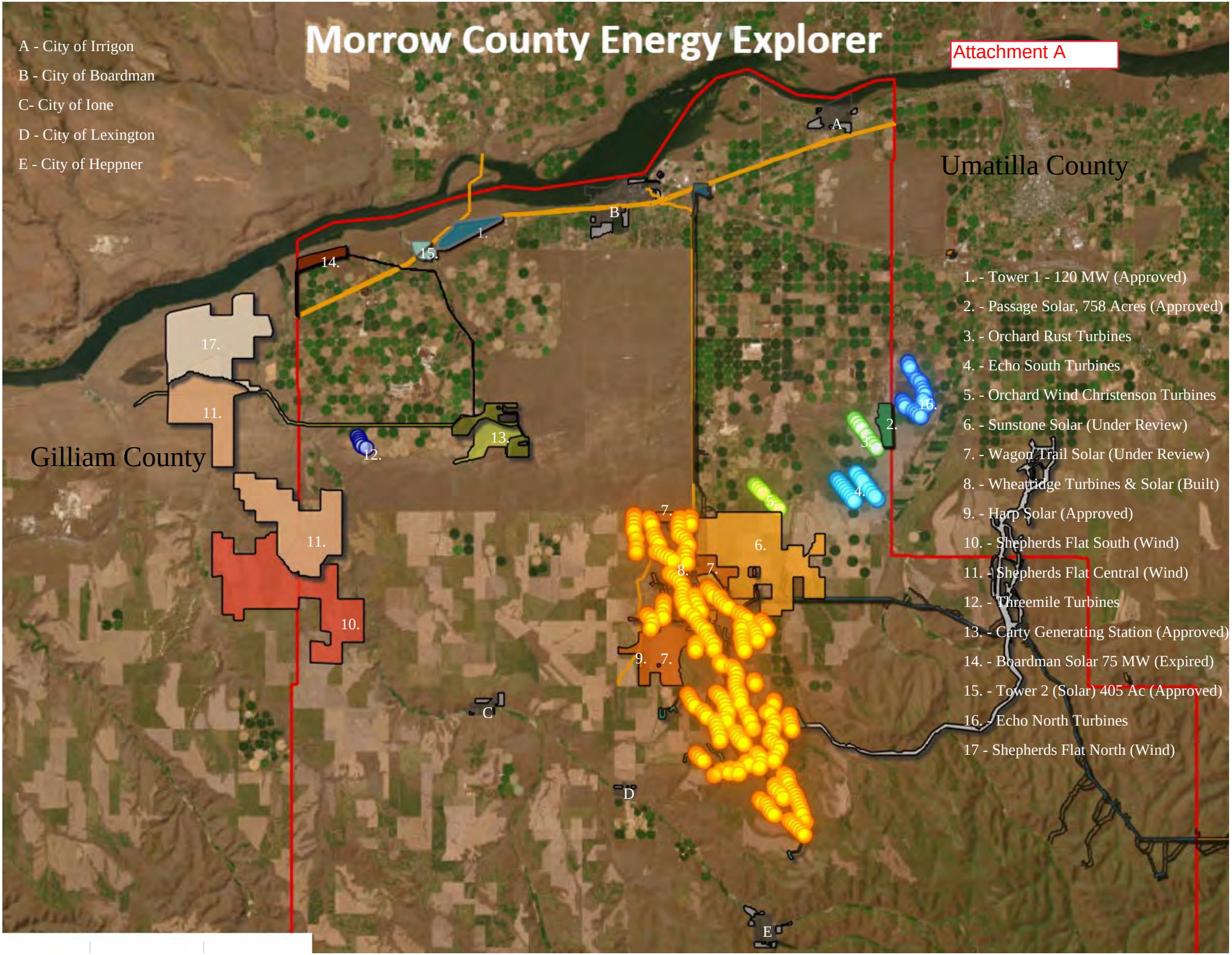
LCDC Solar Rules Advisory Committee
Meeting 3 – Camp Rees, Oregon
Tour Information

Route Map



ATTACHMENTS:

A. Morrow County Energy Map
B. North Morrow County Wildlife
C. Bombing Range Road Corridor Maps
D. Critical Groundwater Areas
E. CTUIR Aboriginal Title Lands
F. Morrow County Ag Census Info
G. Umatilla County Ag Census Info


Morrow County Energy Explorer
Attachment A
A - City of Irrigon
B - City of Boardman
C- City of Ione
D - City of Lexington
E - City of Heppner
Umatilla County
Gilliam County
1. - Tower 1 - 120 MW (Approved)
2. - Passage Solar, 758 Acres (Approved)
3. - Orchard Rust Turbines
4. - Echo South Turbines
5. - Orchard Wind Christenson Turbines
6. - Sunstone Solar (Under Review)
7. - Wagon Trail Solar (Under Review)
8. - Wheatridge Turbines & Solar (Built)
9. - Harp Solar (Approved)
10. - Shepherds Flat South (Wind)
11. - Shepherds Flat Central (Wind)
12. - Threemile Turbines
13. - Carty Generating Station (Approved)
14. - Boardman Solar 75 MW (Expired)
15. - Tower 2 (Solar) 405 Ac (Approved)
16. - Echo North Turbines
17 - Shepherds Flat North (Wind)

C

Attachment B

North Morrow County Wildlife

Sensitive Species[1]

***Washington Ground Squirrel**



***Burrowing Owl**



***Long Billed Curlew**



[1] "Sensitive" refers to fish and wildlife that are facing one or more threats to their populations and/or habitats. Consistent with OAR 635-100-0040(2), “Sensitive Species” are defined as having small or declining populations, are at-risk, and/or are of management concern. Implementation of appropriate conservation measures to address existing or potential threats may prevent them from declining to the point of qualifying for threatened or endangered status.

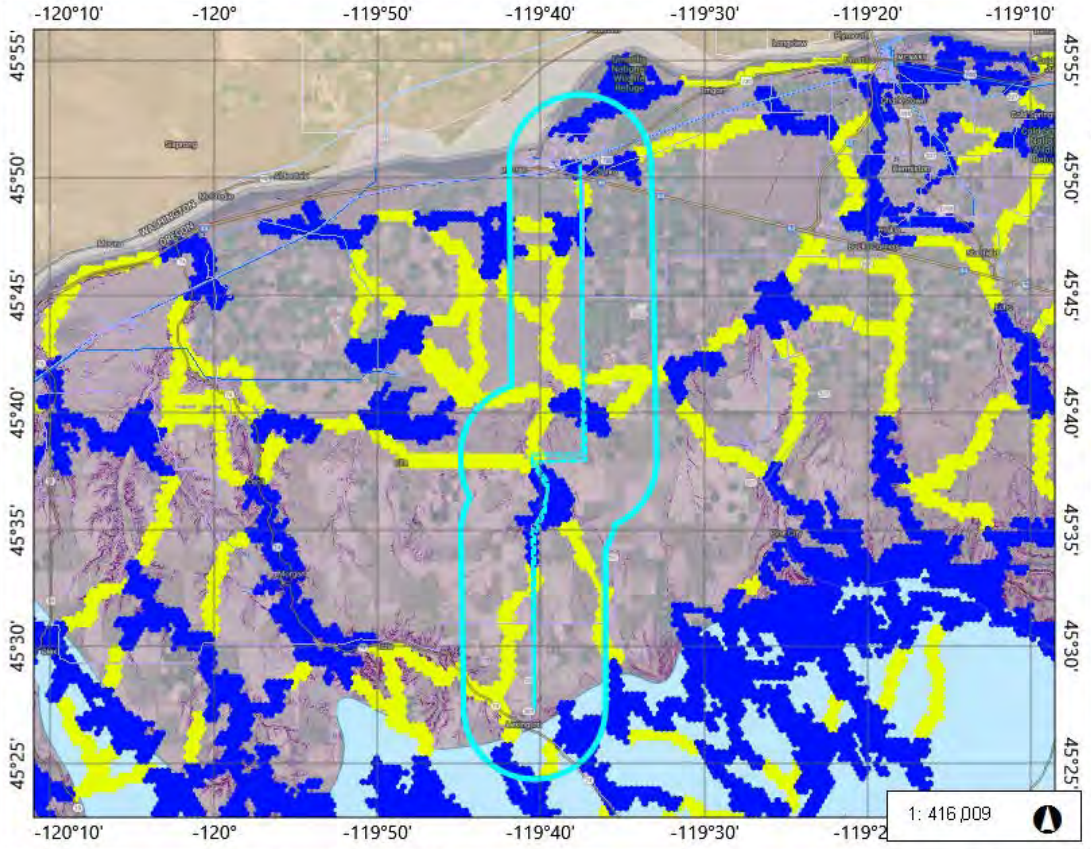
* Images and Information Courtesy of the Oregon Department of Fish and Wildlife (ODFW). We invite ODFW to share more details as the RAC Tours the area.

C

Attachment C

OREGON EXPLORER

Bombing Range Road Corridor





Legend

Transmission Lines
- Unknown
- 115 kV
- 115 - 230 kV
- 230 - 500 kV
- >= 500 kV

Priority Wildlife Connectivity Areas
- Connector
- Region
- Steppingstone

Eastern Oregon Deer Winter Range

Eastern Oregon Elk Winter Range

Pronghorn Essential and Limited Habitat

Slope
- 0 - 10
- 10.00000001 - 15
- 15.00000001 - 20
- 20.00000001 - 30
- 30.00000001 - 756

Notes

10 Mile Corridor
Wildlife Habitat and Slope

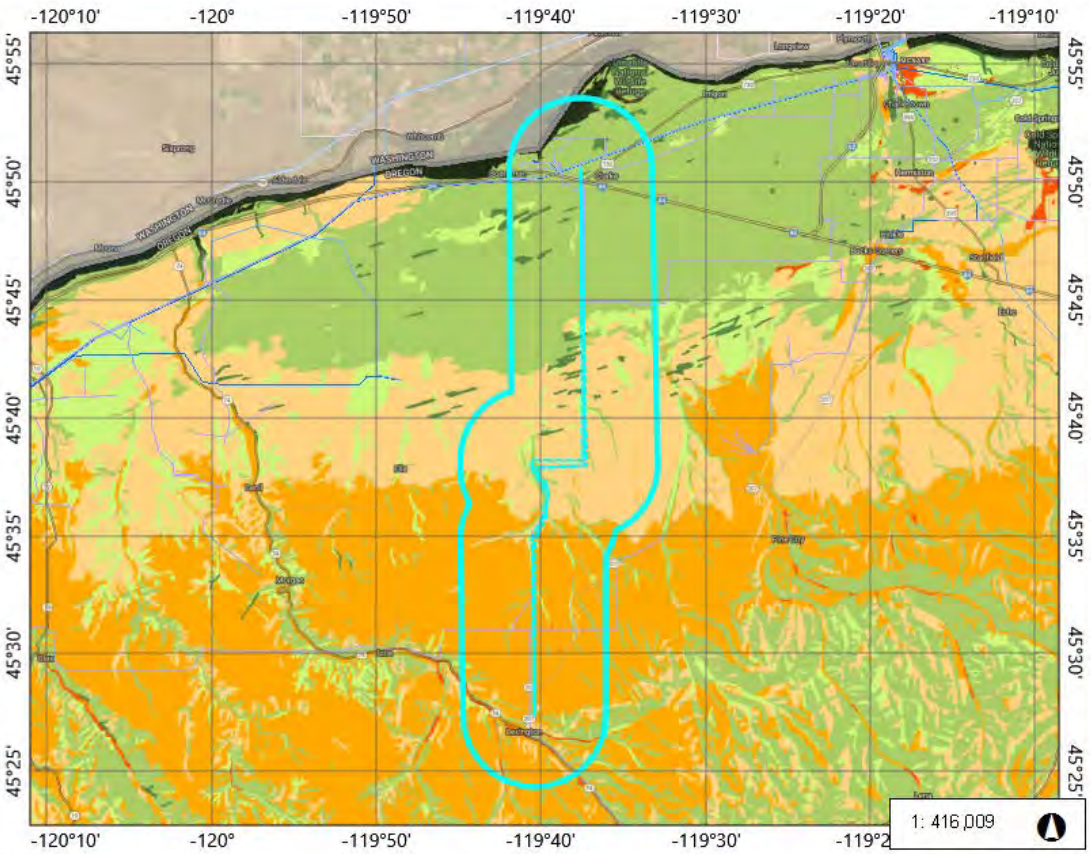
13.1 0 6.57 13.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Oregon Explorer (https://oregonexplorer.info)

This map is a user generated static output for reference only from:
Oregon Renewable Energy Siting Assessment Map Viewer
Data layers that appear on this map may or may not be accurate, current, or reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION.

OREGON EXPLORER

Bombing Range Road Corridor





Legend

Transmission Lines
- Unknown
- 115 kV
- 115 - 230 kV
- 230 - 500 kV
- >= 500 kV

Non-Irrigated Soil Capability Class
- No Data
- Class 1
- Class 2
- Class 3
- Class 4
- Class 5
- Class 6
- Class 7
- Class 8

Notes

10 Mile Corridor
Non-Irrigated Soil Capability

13.1 0 6.57 13.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Oregon Explorer (https://oregonexplorer.info)

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Attachment D

C

Local Critical Ground Water Management Administrative Areas

Columbia River

Columbia River

Irrigon

730

Boardman

84

84

207

Umatilla County

74

Ione

Lexington

Morrow County

Heppner

74

Gilliam County

206

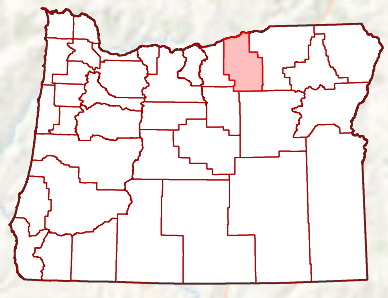
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Wheeler County

Grant County

N

0 5 10 Miles

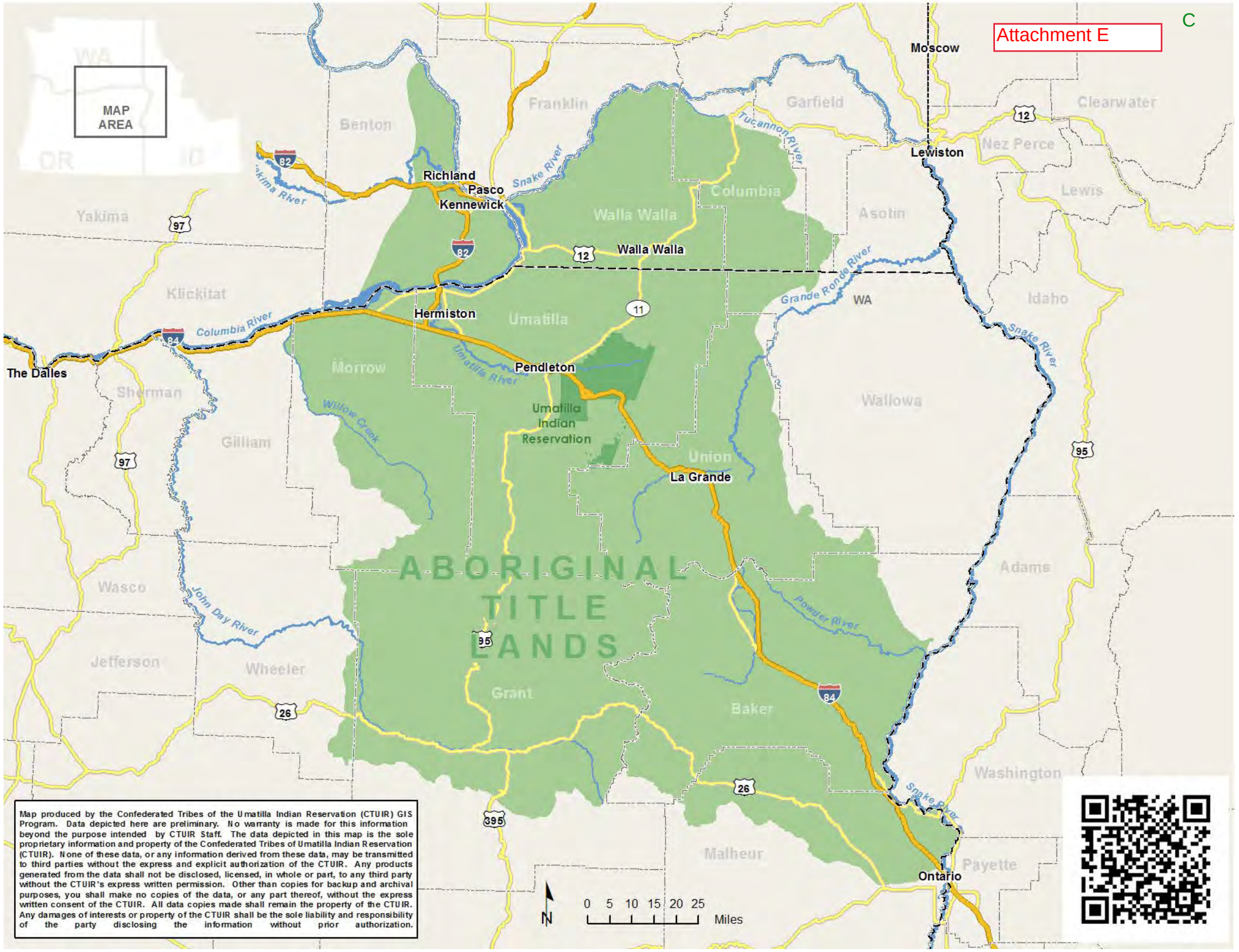


Legend

- State Highway
- UGB
- City Limits
- LUBGWMA
- Stage Gulch CGWA
- Ordnance Gravel CGWA
- Butter Creek CGWA
- Ordnance Basalt CGWA
- Ella Butte Classified GWA

Attachment E

C



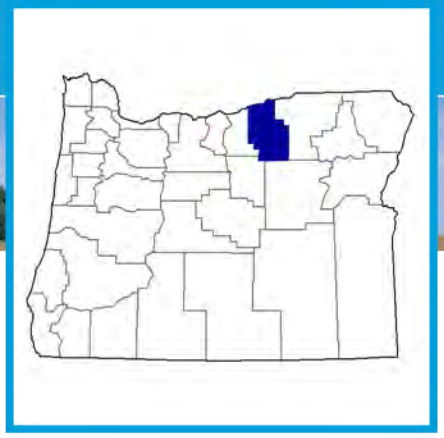
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C

Attachment F

2022 CENSUS OF AGRICULTURE *County Profile*





Morrow County
Oregon

Total and Per Farm Overview, 2022 and change since 2017

	2022	% change since 2017
Number of farms	341	-9
Land in farms (acres)	1,052,805	-7
Average size of farm (acres)	3,087	+3
Total	($)	
Market value of products sold	866,052,000	+45
Government payments	10,478,000	-10
Farm-related income	9,508,000	-53
Total farm production expenses	809,981,000	+50
Net cash farm income	76,057,000	-15
Per farm average	($)	
Market value of products sold	2,539,743	+60
Government payments [a]	62,740	+16
Farm-related income [a]	70,954	-44
Total farm production expenses	2,375,310	+65
Net cash farm income	223,042	-6

13 Percent of state agriculture sales

Share of Sales by Type (%)

Crops	43
Livestock, poultry, and products	57

Land in Farms by Use (acres)

Cropland	499,002
Pastureland	504,567
Woodland	32,626
Other	16,610

Acres irrigated: 115,072
11% of land in farms

Land Use Practices (% of farms)

No till	16
Reduced till	19
Intensive till	11
Cover crop	3

Farms by Value of Sales

	Number	Percent of Total [b]
Less than $2,500	137	40
$2,500 to $4,999	9	3
$5,000 to $9,999	22	6
$10,000 to $24,999	31	9
$25,000 to $49,999	12	4
$50,000 to $99,999	11	3
$100,000 or more	119	35

Farms by Size

	Number	Percent of Total [b]
1 to 9 acres	56	16
10 to 49 acres	55	16
50 to 179 acres	22	6
180 to 499 acres	41	12
500 to 999 acres	24	7
1,000+ acres	143	42

2022 CENSUS OF AGRICULTURE *County Profile*

Market Value of Agricultural Products Sold

	Sales ($1,000)	Rank in State [c]	Counties Producing Item	Rank in U.S. [c]	Counties Producing Item
Total	**866,052**	**2**	**36**	**68**	**3,078**
Crops	**370,590**	**4**	**36**	**93**	**3,074**
Grains, oilseeds, dry beans, dry peas	125,645	2	32	496	2,917
Tobacco	-	-	-	-	267
Cotton and cottonseed	-	-	-	-	647
Vegetables, melons, potatoes, sweet potatoes	201,316	1	33	25	2,831
Fruits, tree nuts, berries	2,368	18	33	367	2,711
Nursery, greenhouse, floriculture, sod	(D)	13	34	(D)	2,660
Cultivated Christmas trees, short rotation woody crops	(D)	9	24	(D)	1,274
Other crops and hay	29,363	12	36	113	3,035
Livestock, poultry, and products	**495,462**	**1**	**36**	**78**	**3,076**
Poultry and eggs	(D)	(D)	36	(D)	3,027
Cattle and calves	310,033	1	36	41	3,047
Milk from cows	(D)	1	27	58	1,770
Hogs and pigs	53	16	34	1,063	2,814
Sheep, goats, wool, mohair, milk	(D)	(D)	36	(D)	2,967
Horses, ponies, mules, burros, donkeys	177	26	36	1,199	2,907
Aquaculture	(D)	9	25	(D)	1,190
Other animals and animal products	7	28	35	1,779	2,909

Producers [d] 642

Sex
Male	392
Female	250

Age
<35	21
35 – 64	314
65 and older	307

Race
American Indian/Alaska Native	5
Asian	-
Black or African American	-
Native Hawaiian/Pacific Islander	-
White	629
More than one race	8

Other characteristics
Hispanic, Latino, Spanish origin	12
With military service	73
New and beginning farmers	145

Percent of farms that:

Have internet access	82
Farm organically	2
Sell directly to consumers	4
Hire farm labor	35
Are family farms	92

Top Crops in Acres [e]

Wheat for grain, all	130,775
Vegetables harvested, all	46,082
Forage (hay/haylage), all	25,482
Potatoes	23,477
Corn for grain	20,904

Livestock Inventory (Dec 31, 2022)

Broilers and other meat-type chickens	(D)
Cattle and calves	183,667
Goats	137
Hogs and pigs	77
Horses and ponies	716
Layers	468
Pullets	30
Sheep and lambs	(D)
Turkeys	(D)

[a] Average per farm receiving. [b] May not add to 100% due to rounding. [c] Among counties whose rank can be displayed. [d] Data collected for a maximum of four producers per farm. [e] Crop commodity names may be shortened; see full names at www.nass.usda.gov/go/cropnames.pdf. [f] Position below the line does not indicate rank. (D) Withheld to avoid disclosing data for individual operations. (NA) Not available. (Z) Less than half of the unit shown. (-) Represents zero.

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Attachment G

C

2022 CENSUS OF AGRICULTURE *County Profile*





Umatilla County
Oregon

Total and Per Farm Overview, 2022 and change since 2017

	2022	% change since 2017
Number of farms	1,616	-6
Land in farms (acres)	1,491,922	+10
Average size of farm (acres)	923	+18
Total	($)	
Market value of products sold	525,616,000	+40
Government payments	18,081,000	-10
Farm-related income	25,377,000	-15
Total farm production expenses	473,355,000	+29
Net cash farm income	95,719,000	+66
Per farm average	($)	
Market value of products sold	325,257	+50
Government payments [a]	42,543	+11
Farm-related income [a]	42,085	-11
Total farm production expenses	292,917	+38
Net cash farm income	59,232	+77

8 Percent of state agriculture sales

Share of Sales by Type (%)

Crops	85
Livestock, poultry, and products	15

Land in Farms by Use (acres)

Cropland	708,548
Pastureland	522,272
Woodland	214,782
Other	46,320

Acres irrigated: 132,558
9% of land in farms

Land Use Practices (% of farms)

No till	12
Reduced till	9
Intensive till	13
Cover crop	5

Farms by Value of Sales

	Number	Percent of Total [b]
Less than $2,500	642	40
$2,500 to $4,999	140	9
$5,000 to $9,999	174	11
$10,000 to $24,999	153	9
$25,000 to $49,999	108	7
$50,000 to $99,999	73	5
$100,000 or more	326	20

Farms by Size

	Number	Percent of Total [b]
1 to 9 acres	553	34
10 to 49 acres	374	23
50 to 179 acres	202	13
180 to 499 acres	126	8
500 to 999 acres	99	6
1,000+ acres	262	16

2022 CENSUS OF AGRICULTURE *County Profile*

Market Value of Agricultural Products Sold

	Sales ($1,000)	Rank in State [c]	Counties Producing Item	Rank in U.S. [c]	Counties Producing Item
Total	**525,616**	**3**	**36**	**177**	**3,078**
Crops	**448,021**	**2**	**36**	**56**	**3,074**
Grains, oilseeds, dry beans, dry peas	174,662	1	32	321	2,917
Tobacco	-	-	-	-	267
Cotton and cottonseed	-	-	-	-	647
Vegetables, melons, potatoes, sweet potatoes	161,396	2	33	32	2,831
Fruits, tree nuts, berries	(D)	10	33	100	2,711
Nursery, greenhouse, floriculture, sod	(D)	9	34	(D)	2,660
Cultivated Christmas trees, short rotation woody crops	64	16	24	365	1,274
Other crops and hay	66,810	4	36	48	3,035
Livestock, poultry, and products	**77,595**	**8**	**36**	**812**	**3,076**
Poultry and eggs	(D)	6	36	(D)	3,027
Cattle and calves	55,752	5	36	284	3,047
Milk from cows	(D)	8	27	(D)	1,770
Hogs and pigs	(D)	(D)	34	(D)	2,814
Sheep, goats, wool, mohair, milk	1,401	7	36	138	2,967
Horses, ponies, mules, burros, donkeys	1,406	3	36	200	2,907
Aquaculture	-	-	25	-	1,190
Other animals and animal products	1,843	4	35	144	2,909

Producers [d] 3,122

Sex
Male	1,870
Female	1,252

Age
<35	214
35 – 64	1,653
65 and older	1,255

Race
American Indian/Alaska Native	37
Asian	12
Black or African American	-
Native Hawaiian/Pacific Islander	6
White	3,025
More than one race	42

Other characteristics
Hispanic, Latino, Spanish origin	129
With military service	266
New and beginning farmers	873

Percent of farms that:

Have internet access	88
Farm organically	1
Sell directly to consumers	8
Hire farm labor	24
Are family farms	94

Top Crops in Acres [e]

Wheat for grain, all	234,999
Forage (hay/haylage), all	46,288
Vegetables harvested, all	33,004
Field and grass seed crops, all	19,199
Potatoes	14,913

Livestock Inventory (Dec 31, 2022)

Broilers and other meat-type chickens	595
Cattle and calves	65,169
Goats	1,376
Hogs and pigs	129
Horses and ponies	2,167
Layers	(D)
Pullets	568
Sheep and lambs	8,355
Turkeys	153

[a] Average per farm receiving. [b] May not add to 100% due to rounding. [c] Among counties whose rank can be displayed. [d] Data collected for a maximum of four producers per farm. [e] Crop commodity names may be shortened; see full names at www.nass.usda.gov/go/cropnames.pdf. [f] Position below the line does not indicate rank. (D) Withheld to avoid disclosing data for individual operations. (NA) Not available. (Z) Less than half of the unit shown. (-) Represents zero.

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C

Oregon

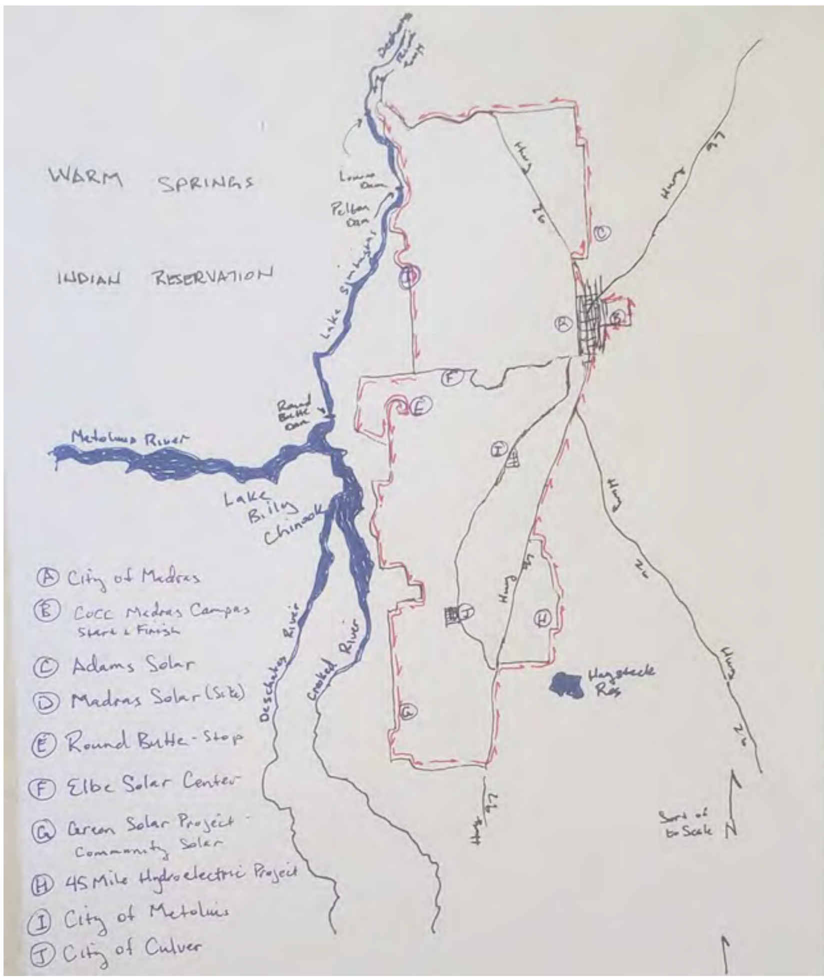
Tina Kotek, Governor

Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540
Phone: 503-373-0050
Fax: 503-378-5518
www.oregon.gov/LCD

July 14, 2024

LCDC Solar Rules Advisory Committee
Meeting 4 – Madras, Oregon
Tour Information

Route Map:



<u>ATTACHMENTS:</u>

A. Deschutes Basin Board of Control Districts

B. North Unit Irrigation District (NUID) Facts

C. Economic Contributions of NUID

D. Pelton Round Butte Project

E. Pelton Round Butte Milestones

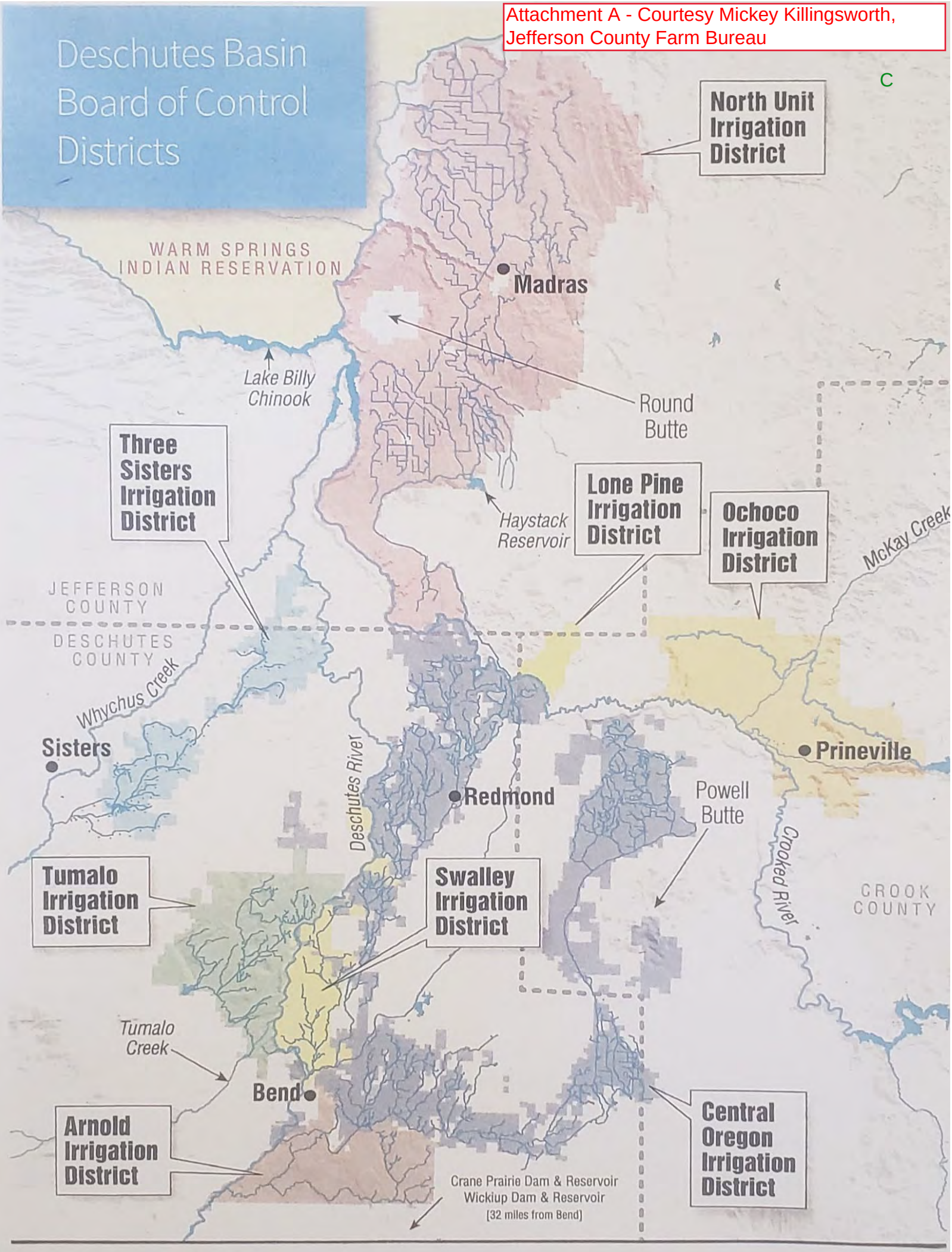
F. Madras Solar

G. Warm Springs Ceded Lands

H. Mile 45 Hydro Project

Attachment A - Courtesy Mickey Killingsworth, Jefferson County Farm Bureau

C



Attachment B - Courtesy Mickey Killingsworth, Jefferson County Farm Bureau

C

NORTH UNIT IRRIGATION DISTRICT

- Serves 59,000 acres
- 950 water users
- Built 1938-1949
  - First water delivered to approximately 17,000 acres in 1946
  - Remaining acres received water in 1949
- Bureau of Reclamation Project
  - District still carries debt to federal government
- Main water source – Wickiup Reservoir (approximately 200,000 af)
  - Supplemented by flow rights in Deschutes and Crooked Rivers
  - Diverted at Bend from Deschutes River
  - Delivered through canals to Haystack Reservoir and then to farmers
  - Average water diverted 190,217 af
  - Average water delivered 109,239 af
  - 65 miles of main canal
  - 235 miles of laterals
  - 1500 delivery structures
    - Weirs and flow meters
    - NUID is a metered and demand system
- Typical types of irrigation used on farm
  - Center pivot & linear
  - Wheel line
  - Hand line
  - Drip
  - Flood w/pump back system
- Conservation projects
  - Lined 12 miles of main canals 1996-1999
    - Fully funded by district
    - Cost 8 million
    - Saves 20,000 af per year
  - Multiple pipe projects on laterals
    - Funded by a combination of grants and district funds

Attachment C - Courtesy Mickey Killingsworth, Jefferson County Farm Bureau

C

The Economic Contribution of NUID

North Unit Irrigation District (NUID) provides irrigation water to some of the most productive and valuable farmland of the Deschutes River Basin in Central Oregon.*

NUID supports over **950** farms

NUID agriculture contributes over **800 jobs** to the local economy

NUID carrot seeds can produce enough carrots to feed over **1 billion people** annually

NUID irrigates almost **60k acres** of farmland annually

NUID agriculture production supports **$83 million** in direct economic output and supports an additional **$53 million** in economic output across the broader Jefferson County economy.

Through extensive contributions to the Deschutes River Basin Habitat Conservation Plan, NUID contributes to **critical habitat** and recreation opportunities in the region.

NUID water supply supports over **900,000** outdoor recreation trips annually, generating up to **$32 million** in local and non-local spending.

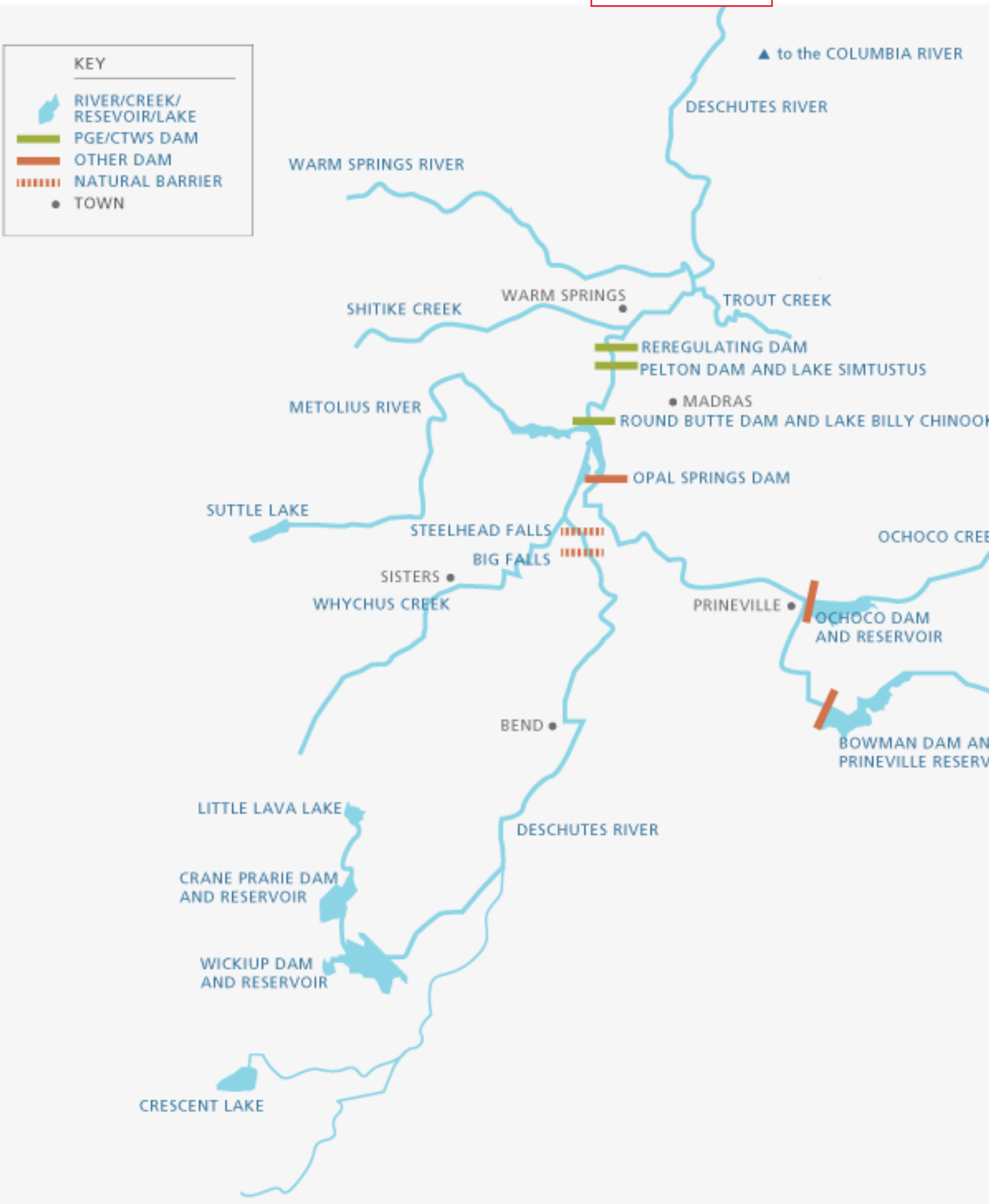


NUID boundaries generally follow Jefferson County, and much of the data for NUID is represented at the county-level.

ECOnorthwest

Attachment D

C



Attachment E

Pelton Round Butte **milestones**

1958
Pelton and Re-Regulating Dams completed

1964
Round Butte Dam completed

1980
Confederated Tribes of Warm Springs became co-licensees to build the Re-Regulating Dam powerhouse.

For more than 40 years, the dams significantly altered the natural ecosystem, cutting off the native salmon and steelhead populations in the Upper Deschutes and changing temperatures in the Lower Deschutes.

1994
Beginning of relicensing process

1995
First annual Fisheries Workshop

In the 1990s, we began the process of relicensing the project with the intention of correcting some of these historic problems in the basin.

2001
CTWS became co-owners of the Pelton Round Butte project with PGE.

To determine the best direction, we worked with local, state and federal agencies as well as non-profit conservation groups. The relicensing process was guided by numerous scientific studies and close collaboration amongst these organizations.

2005
50-year project license

2006
First awards granted from Pelton Fund, supporting local projects to improve water quality and restore habitat

2007
Pelton Round Butte certified for the first time as a low impact hydroelectric project

2010
Selective Water Withdrawal Tower complete and operating, enabling downstream fish passage

2012
Thanks to the changes implemented after the relicensing process, the first salmon in more than 40 years returned to the Upper Deschutes basin

2016
Pelton Round Butte recertified as a low impact hydroelectric project

C

Attachment F

Madras Solar Energy Facility

Oregon.gov

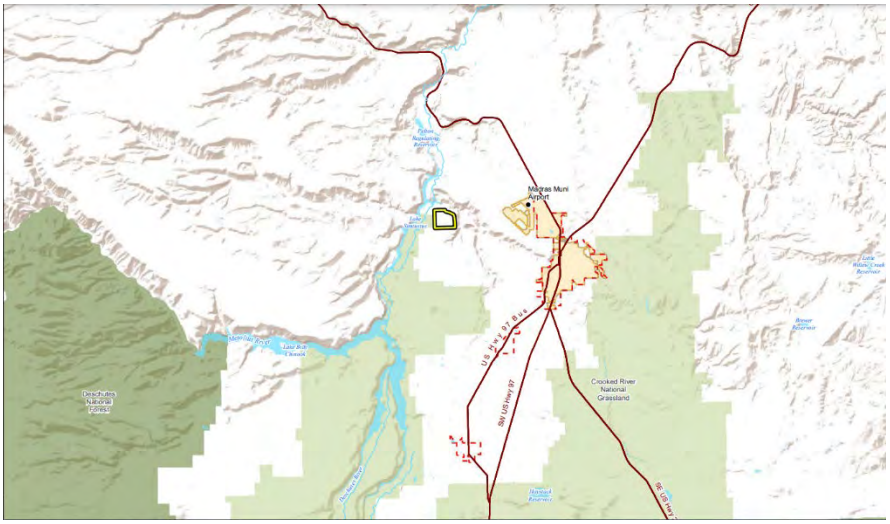
Site Description:
The Madras Solar Energy Facility is an approved but not yet-constructed solar photovoltaic energy generation facility with a nominal generating capacity of 63 megawatts (MW) and up to 63 MW of battery storage located within a site boundary of approximately 284 acres. Approved related and supporting facilities include an electrical collection system, 34.5-kV to 230-kV step-up transformers, a substation, operations and maintenance enclosure, point of interconnection switching station, and an integrated battery storage system.

Status:
Approved/Under Review. The deadline for the Certificate Holder (Madras PV1, LLC, a wholly owned subsidiary of Ecoplexus Inc.) to commence construction was June 25, 2024. The certificate holder must complete construction of the facility within 18-months of the construction commencement date.

On June 25, 2024, the Department received preliminary Request for Amendment 1 (pRFA1) seeking Council approval to extend the construction commencement deadline from June 25, 2024 to June 25, 2027; extend the construction completion deadline by 18 months from the new construction start deadline; and to change the parent company from Ecoplexus Inc. to Fresh Air Power Development LLC. The certificate holder will remain Madras PV1, LLC.

On July 3, 2024 the Department issued a Public Notice on the pRFA1. The pRFA1 and the Public Notice of the Department's receipt of the pRFA1 are available below.

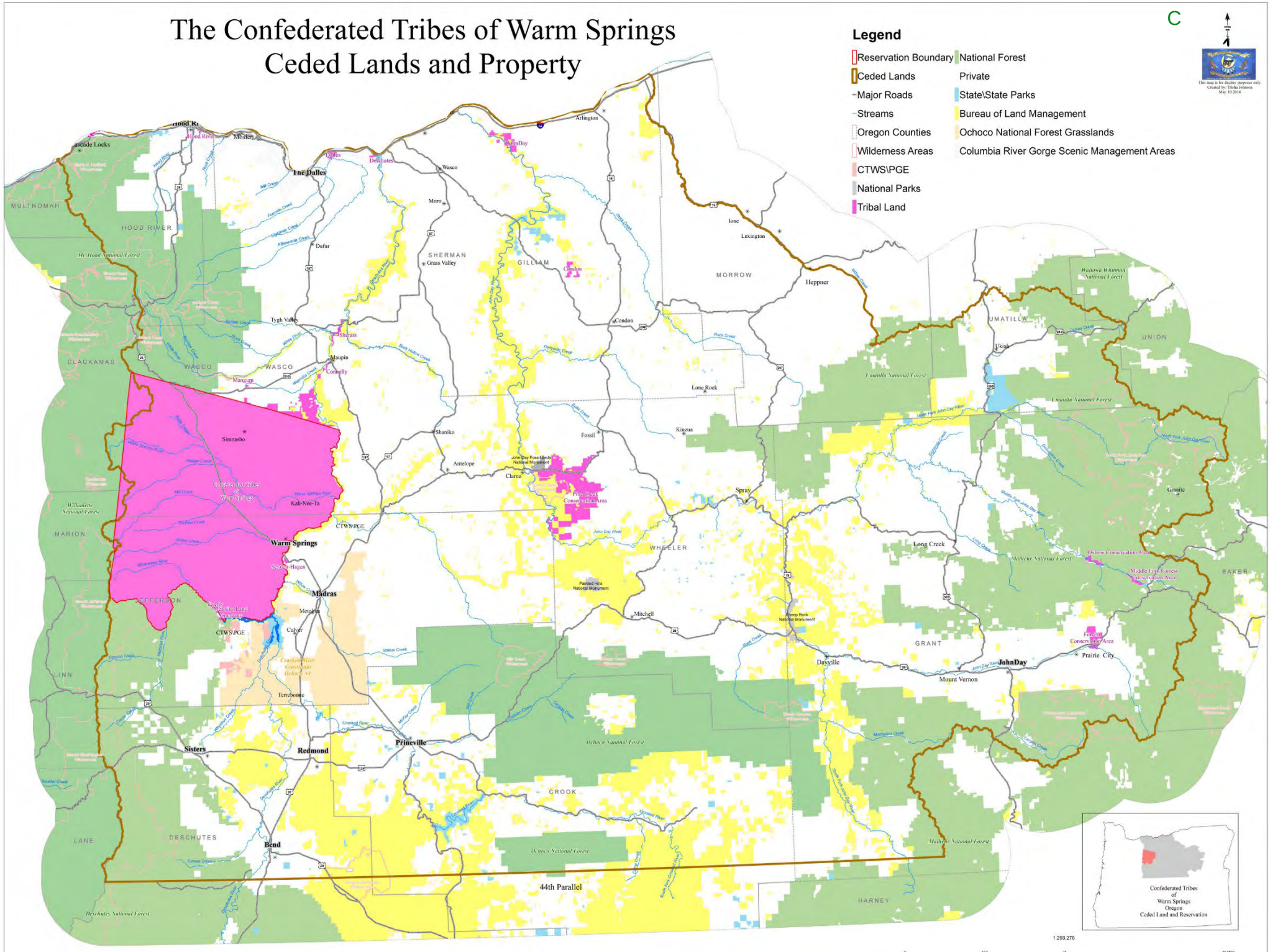
In RFA1, the certificate holder requested a Type B review and a determination for this amendment request. The Department is evaluating that request and will issue a determination which will be posted to the project amendment(s) timeline below.



Attachment G

C

The Confederated Tribes of Warm Springs
Ceded Lands and Property



Project Overview

U.S. DEPARTMENT OF ENERGY | Energy Efficiency & Renewable Energy

The 45 Mile Hydroelectric Project: The 45 Mile Project demonstrated innovative technology and advanced strategies that resulted in the development and construction of a 2.999 MW facility situated in Central Oregon. It was constructed at a reduced levelized cost of energy (LCOE) (below $0.07/kWh), successfully meeting the goals of the DOE in promoting commercial development of cost competitive, clean hydropower for America's energy grid.



The Challenge: This project directly assessed the issues of time delays, high costs, and lengthy permitting processes that can slow the growth of hydropower. The project evaluated and identified unique, innovative technology that has improved energy and environmental performance characteristics. This project also identified potential opportunities to further promote hydroelectric growth by optimizing production and reducing capital costs.

Partners: Oak Ridge National Laboratories: Dr. Boualem Hadjerioua as consultant and technical investigator providing publications, presentations, and collaborative efforts to help ensure the project's success. Apple, Inc. for funding and support, purchasing the project and incorporating it into their existing portfolio as an example of their dedication to promoting clean energy.

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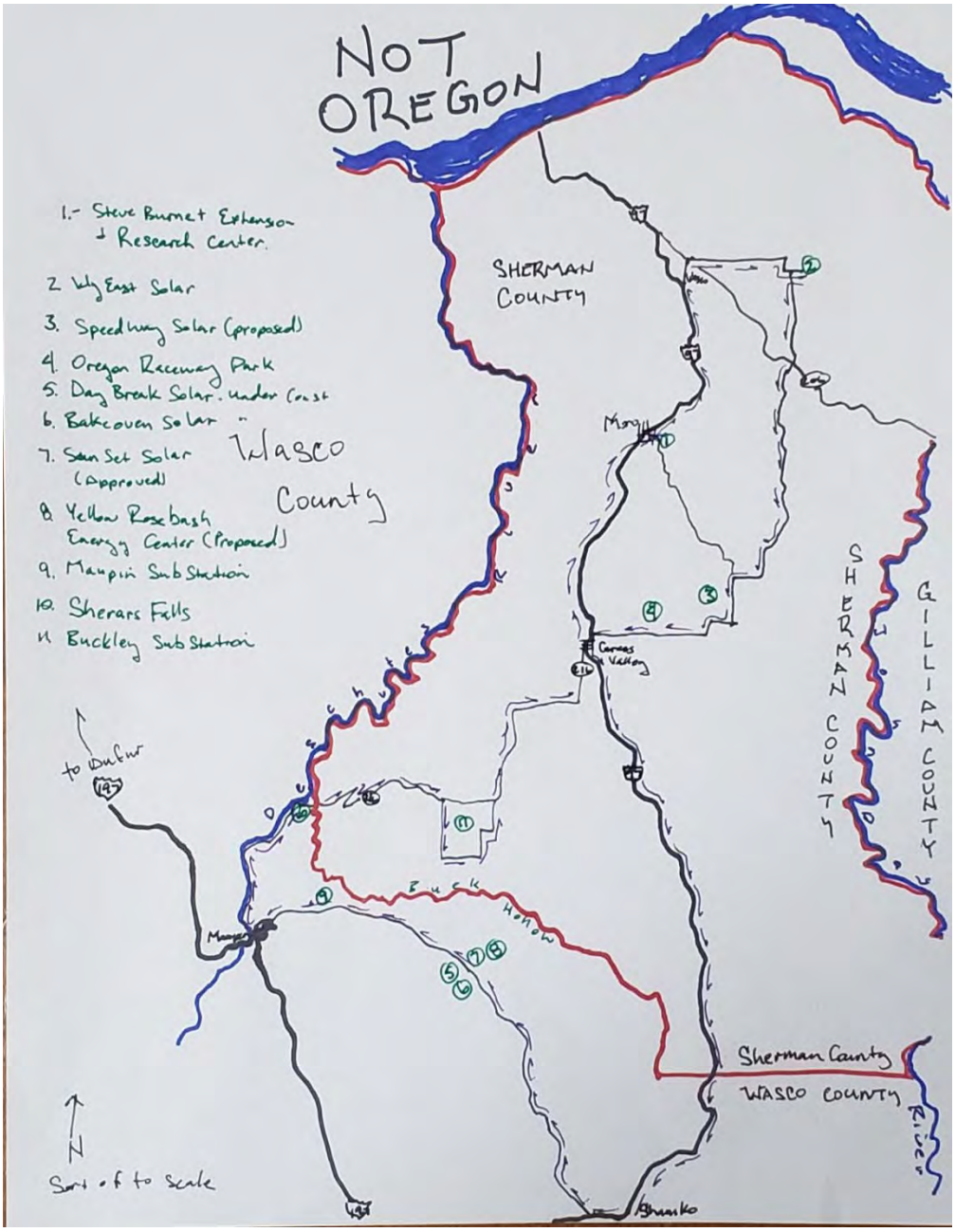
Oregon
Tina Kotek, Governor

Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540
Phone: 503-373-0050
Fax: 503-378-5518
www.oregon.gov/LCD

August 25, 2024

LCDC Solar Rules Advisory Committee
Meeting 5 – Moro, Oregon
Tour Information

Route Map:



Attachments:

A. Wy'East Solar
B. EFSC Projects
C. SC Wheat Stats
D. Census of Ag
E. Sherars Falls Info
F. WS Ceded Lands
G. Wildlife
H. Non-irrigated Soils

Attachment A

C

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WyEast Solar

WyEast Solar is an operating solar photovoltaic (PV) farm in Wasco, Sherman, Oregon, United States.

This article is part of the Global Solar Power Tracker, a Global Energy Monitor project.

Report an error

Project Details

Table 1: Phase-level project details for WyEast Solar

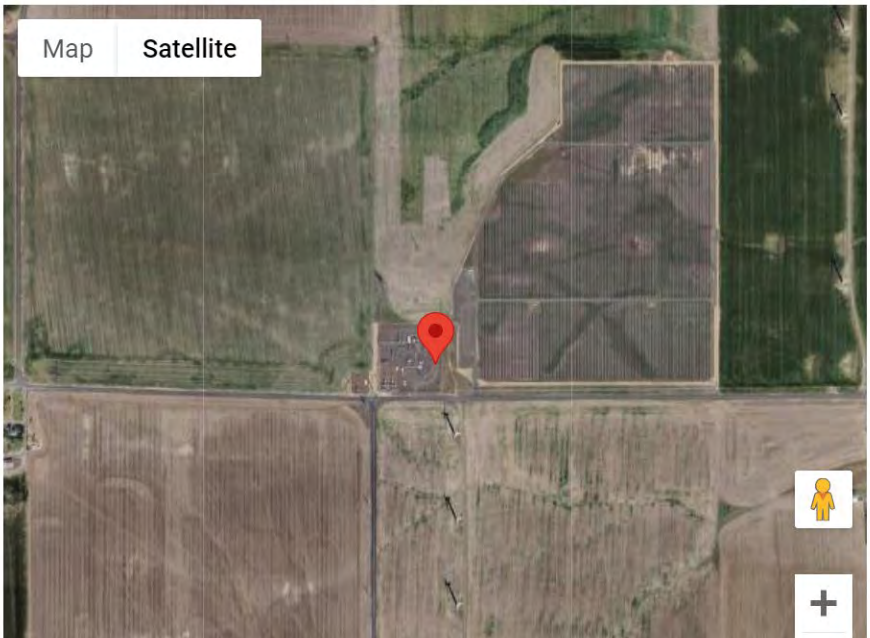
Status	Commissioning year	Nameplate capacity	Technology	Operator
Operating[1]	2018[1]	10 MWac[1]	PV[1]	Avangrid Renewables LLC[1]

Location

Table 2: Phase-level location details for WyEast Solar

Location	Coordinates (WGS 84)
Wasco, Sherman, Oregon, United States[1]	45.5846, -120.601 (exact)[1]

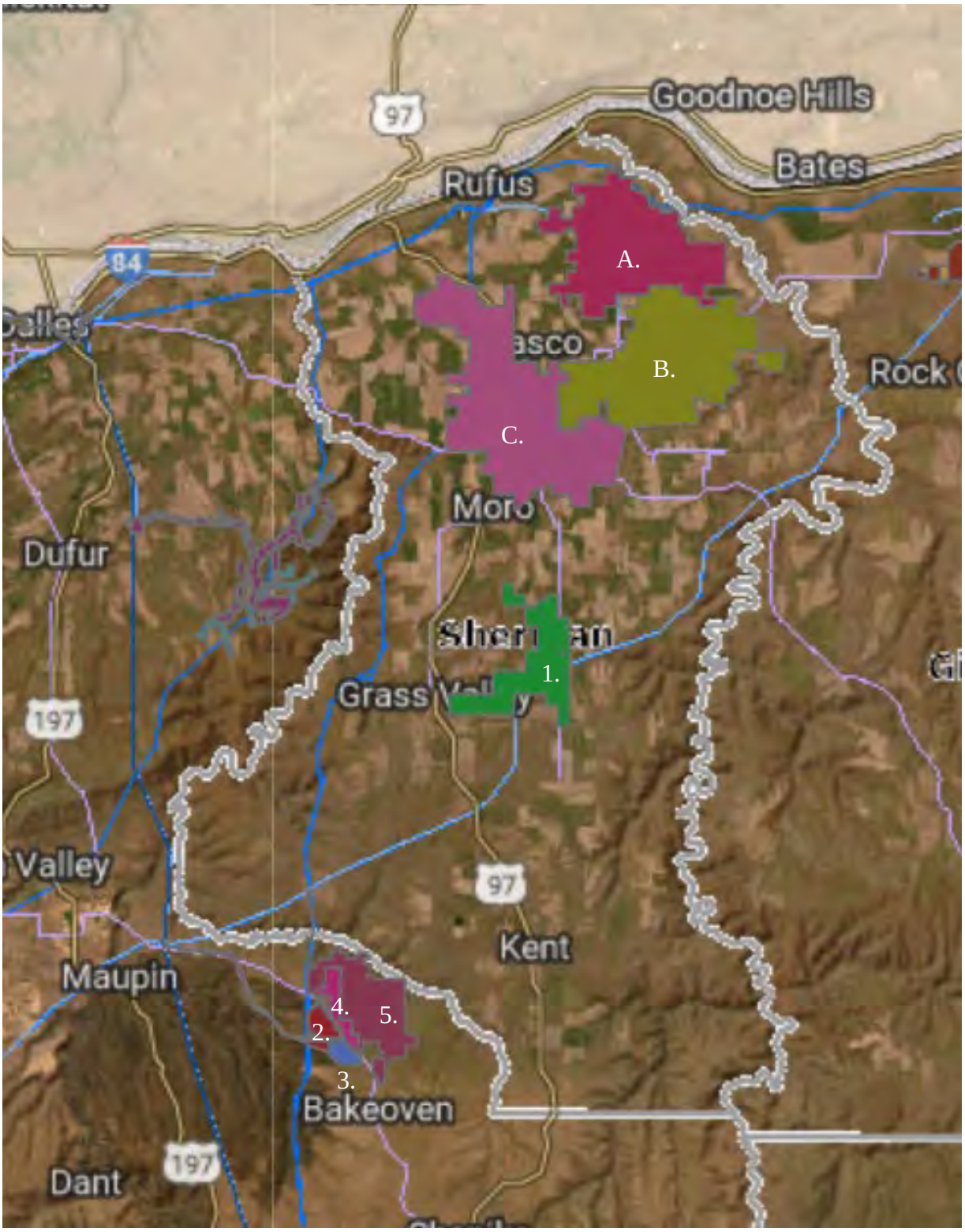
The map below shows the exact location of the solar farm:



Attachment B

C

Sherman County Area Projects Under EFSC Jurisdiction



A. Biglow Canyon Wind - 450 MW

B. Klondike III Wind - 300 MW

C. Golden Hills Wind - 400 MW

1. Speedway Solar (Proposed) - 900 MW

2. Daybreak Solar (Under Construction) - 140 MW

3. Bakeoven Solar (Under Construction) - 60 MW

4. Sunset Solar (Approved) - 103 MW

5. Yellow Rosebush Solar (Proposed) - 800 MW

Attachment C

C

Sherman County Wheat Stats

Approximately 250,000 acres cultivated for wheat production which equals 125,000 per year with the typical summer-fallow rotation.

Typical production on those 125k acres per year is about 7 million bushels.

Average yield is about 56 bu/acre
(Bushel equals 60 pounds)

Nearly 100% of production is for the export market. Primarily these are Asian and pacific rim countries.

Top Buyers for the 2022/23 (June 2022-May 2023) soft white wheat crop year were:

1. Philippines- 36 million bushels
2. China- 29 million bushels... They are a wild card each year, can be a top buyer, or buy nearly zero
3. Japan- 25 million bushels
4. South Korea- 22 million bushels
5. Indonesia- 12 million bushels

Typically each year the US government purchases wheat for donation to countries experiencing famine and experiencing humanitarian crises. Yemen is been the destination for many years now. This past year they purchased almost 8 million bushels on their own, not counting the donation bushels.

Soft white wheat characteristics from this region are typically lower protein and gluten strength when compared to other classes of wheat such as hard red winter (used for making bread) grown on the southern plains of the US (Kansas is the #1 wheat producing state in the country) and dark northern spring in the Dakotas, Minnesota and into Canada. End uses for soft white wheat include, pastries, cookies and sponge cakes, which makes Asian developing countries important markets. As people have more money and are able to buy food they want, not needed to survive, their use of soft white wheat typically increases. Uses in other parts of the world include tortillas and flatbreads.

Soft white wheat from Sherman County is delivered to elevators or ground pile facilities during harvest, and shipped to the Portland/Vancouver area throughout the year on barges via the Columbia River. Barges are the most efficient way to ship the grain. The average barge size is 120,000 bushels which equates to 100 truckloads (truck pulling a 40 foot and 20 foot trailer combination). Using barges keeps over 5,830 truckloads of wheat from going down the Gorge from wheat just grown in this small county.

Attachment D

C

2022 CENSUS OF AGRICULTURE *County Profile*





Sherman County
Oregon

Total and Per Farm Overview, 2022 and change since 2017

	2022	% change since 2017
Number of farms	173	-9
Land in farms (acres)	402,516	-23
Average size of farm (acres)	2,327	-16
Total	($)	
Market value of products sold	54,820,000	+62
Government payments	6,566,000	-33
Farm-related income	3,128,000	-37
Total farm production expenses	47,453,000	+61
Net cash farm income	17,060,000	-10
Per farm average	($)	
Market value of products sold	316,876	+78
Government payments [a]	49,000	-18
Farm-related income [a]	30,074	-22
Total farm production expenses	274,297	+77
Net cash farm income	98,613	-2

1 Percent of state agriculture sales

Share of Sales by Type (%)

Crops	96
Livestock, poultry, and products	4

Land in Farms by Use (acres)

Cropland	257,887
Pastureland	131,416
Woodland	724
Other	12,489

Acres irrigated: 1,045
(Z)% of land in farms

Land Use Practices (% of farms)

No till	40
Reduced till	12
Intensive till	8
Cover crop	2

Farms by Value of Sales

	Number	Percent of Total [b]
Less than $2,500	75	43
$2,500 to $4,999	1	1
$5,000 to $9,999	6	3
$10,000 to $24,999	-	-
$25,000 to $49,999	6	3
$50,000 to $99,999	21	12
$100,000 or more	64	37

Farms by Size

	Number	Percent of Total [b]
1 to 9 acres	3	2
10 to 49 acres	19	11
50 to 179 acres	19	11
180 to 499 acres	15	9
500 to 999 acres	28	16
1,000+ acres	89	51

2022 CENSUS OF AGRICULTURE *County Profile*

Market Value of Agricultural Products Sold

	Sales ($1,000)	Rank in State [c]	Counties Producing Item	Rank in U.S. [c]	Counties Producing Item
Total	**54,820**	**26**	**36**	**1,888**	**3,078**
Crops	**52,405**	**20**	**36**	**1,281**	**3,074**
Grains, oilseeds, dry beans, dry peas	51,650	3	32	909	2,917
Tobacco	-	-	-	-	267
Cotton and cottonseed	-	-	-	-	647
Vegetables, melons, potatoes, sweet potatoes	-	-	33	-	2,831
Fruits, tree nuts, berries	-	-	33	-	2,711
Nursery, greenhouse, floriculture, sod	-	-	34	-	2,660
Cultivated Christmas trees, short rotation woody crops	-	-	24	-	1,274
Other crops and hay	756	32	36	2,236	3,035
Livestock, poultry, and products	**2,415**	**35**	**36**	**2,669**	**3,076**
Poultry and eggs	(D)	31	36	(D)	3,027
Cattle and calves	2,362	31	36	2,076	3,047
Milk from cows	-	-	27	-	1,770
Hogs and pigs	-	-	34	-	2,814
Sheep, goats, wool, mohair, milk	21	34	36	2,193	2,967
Horses, ponies, mules, burros, donkeys	(D)	34	36	(D)	2,907
Aquaculture	-	-	25	-	1,190
Other animals and animal products	(D)	27	35	(D)	2,909

Producers [d] 326

Sex
Male	211
Female	115

Age
<35	18
35 – 64	130
65 and older	178

Race
American Indian/Alaska Native	-
Asian	2
Black or African American	-
Native Hawaiian/Pacific Islander	-
White	320
More than one race	4

Other characteristics
Hispanic, Latino, Spanish origin	2
With military service	42
New and beginning farmers	64

Percent of farms that:

Have internet access	**72**
Farm organically	**1**
Sell directly to consumers	**3**
Hire farm labor	**29**
Are family farms	**86**

Top Crops in Acres [e]

Wheat for grain, all	98,884
Barley for grain	2,677
Forage (hay/haylage), all	1,447
Field and grass seed crops, all	(D)

Livestock Inventory (Dec 31, 2022)

Broilers and other meat-type chickens	10
Cattle and calves	2,726
Goats	218
Hogs and pigs	-
Horses and ponies	93
Layers	133
Pullets	(D)
Sheep and lambs	(D)
Turkeys	(D)

[a] Average per farm receiving. [b] May not add to 100% due to rounding. [c] Among counties whose rank can be displayed. [d] Data collected for a maximum of four producers per farm. [e] Crop commodity names may be shortened; see full names at www.nass.usda.gov/go/cropnames.pdf. [f] Position below the line does not indicate rank. (D) Withheld to avoid disclosing data for individual operations. (NA) Not available. (Z) Less than half of the unit shown. (-) Represents zero.

USDA is an equal opportunity provider, employer, and lender.

C

Attachment E



Sherar's Falls, is a small waterfall along the Deschutes River shortly before emptying into the Columbia River. It is a place considered a sacred fishing ground by local native tribes. It is located just north of the city of Maupin on Oregon Route 216 at Sherar's Bridge in Wasco County, in the U.S. state of Oregon. It totals 15 feet (4.6 metres) fall in a single drop and is the last waterfall along the Deschutes River before the Columbia River.[1] The waterfall is rated as a class 6 whitewater and has an administrative closure to boaters because of the danger.[2] It was named after Joseph Sherar, a 19th-century wagon road builder.

Location

Sherars Falls is located in Tygh Valley and is crossed upstream by Sherar's Bridge for Barlow Road. The road is historically the place where wagon trains crossed the Deschutes River at and proceeded west in order to bypass The Dalles.

Fishing

The waters of Sherars Falls are located in the heart of the Warm Springs Indian Reservation. The waterfall and its surroundings are a well-known location for Tribal fishing for salmon and steelhead for subsistence purposes using the traditional dip-nets technique. This method has been used by tribes to fish in the particularly rough waters of waterfalls and rapids. The setting around the waterfall makes it a prime location to use dip-net fishing.[3] Many fishermen reach from surrounding boulders although several platforms have been erected by the local tribe members. Only tribal members are permitted to fish on and around these structures by federal permit issued to the Warm Springs Reservation.

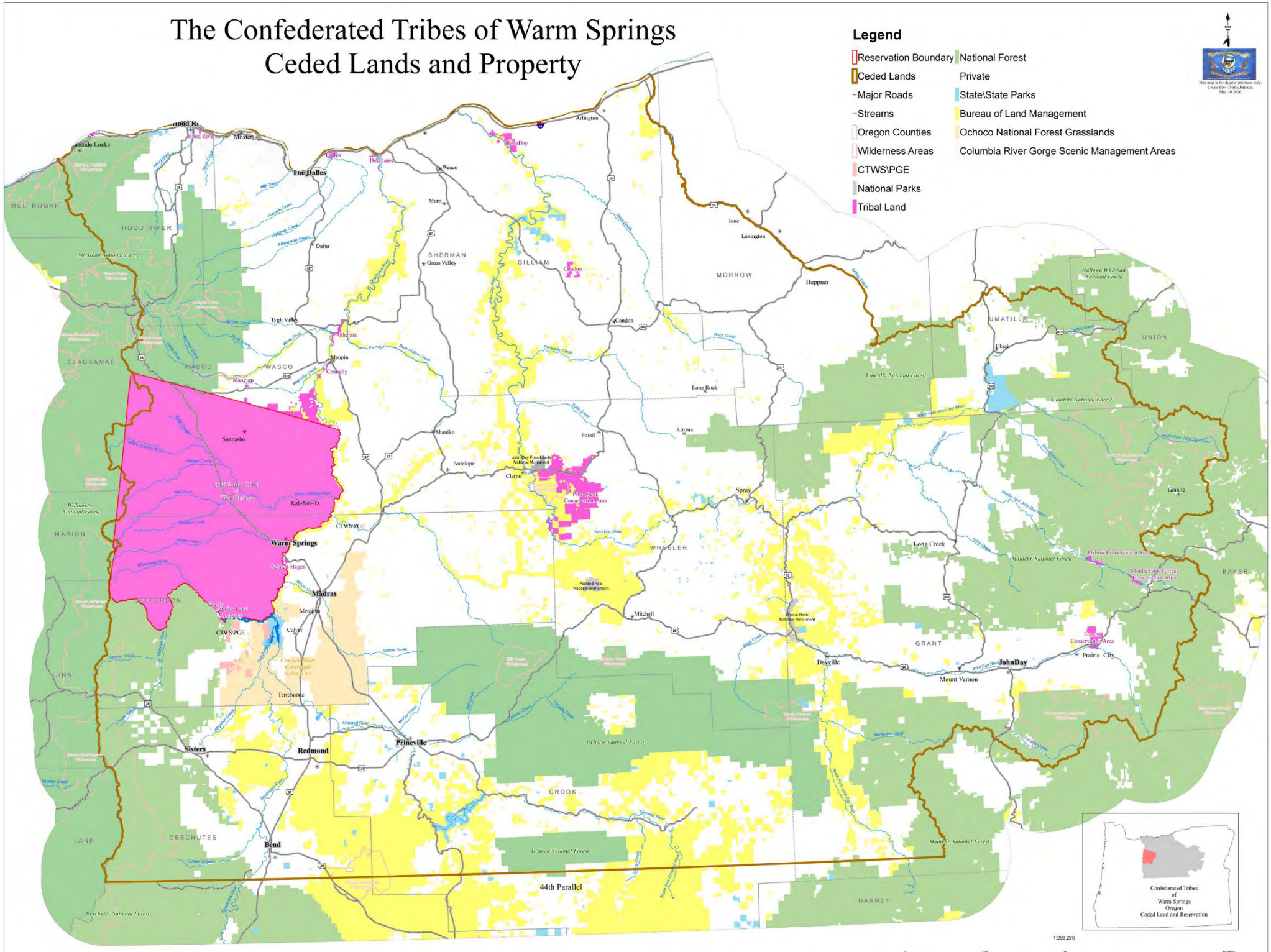
Regulations

Fishing for salmon, steelhead and Lamprey eel is regulated by the tribal council. Fishing is allowed 24 hours a day and is monitored by the Fish and Wildlife Committee. Marked spring Chinook, marked and unmarked fall Chinook, and coho as well as marked steelhead may be kept after being fished. On the other hand, regulations require all un-marked spring Chinook and steelhead, and sockeye to be released year round. Lamprey harvest at Sherars Falls is allowed when lamprey arrive from June through the end of August using hands or hand-powered tools such as dip nets or gaffs. Freezer harvest will end after 750 eels are caught.

Source: Wikipedia

Attachment F

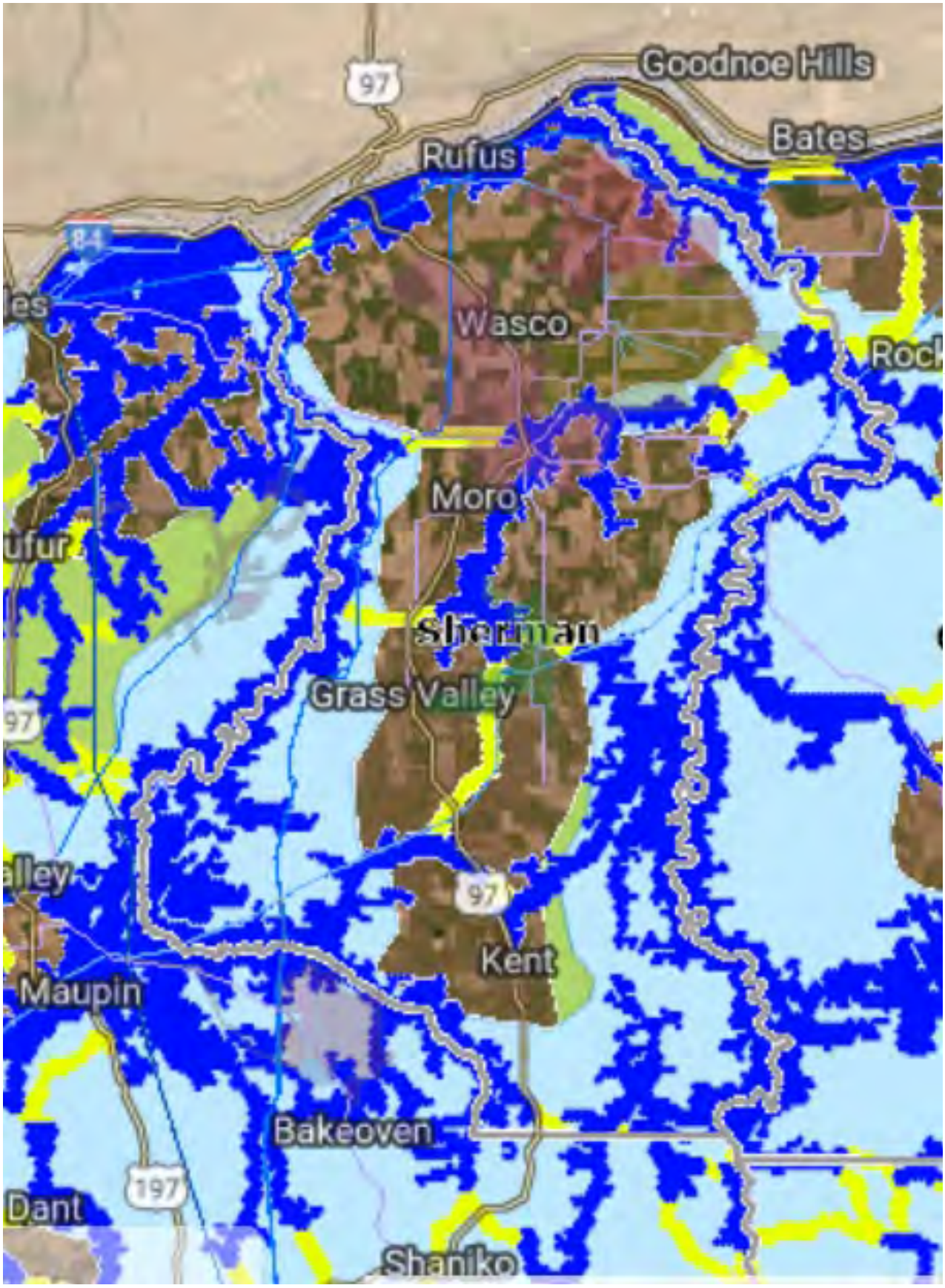
C



Attachment G

C

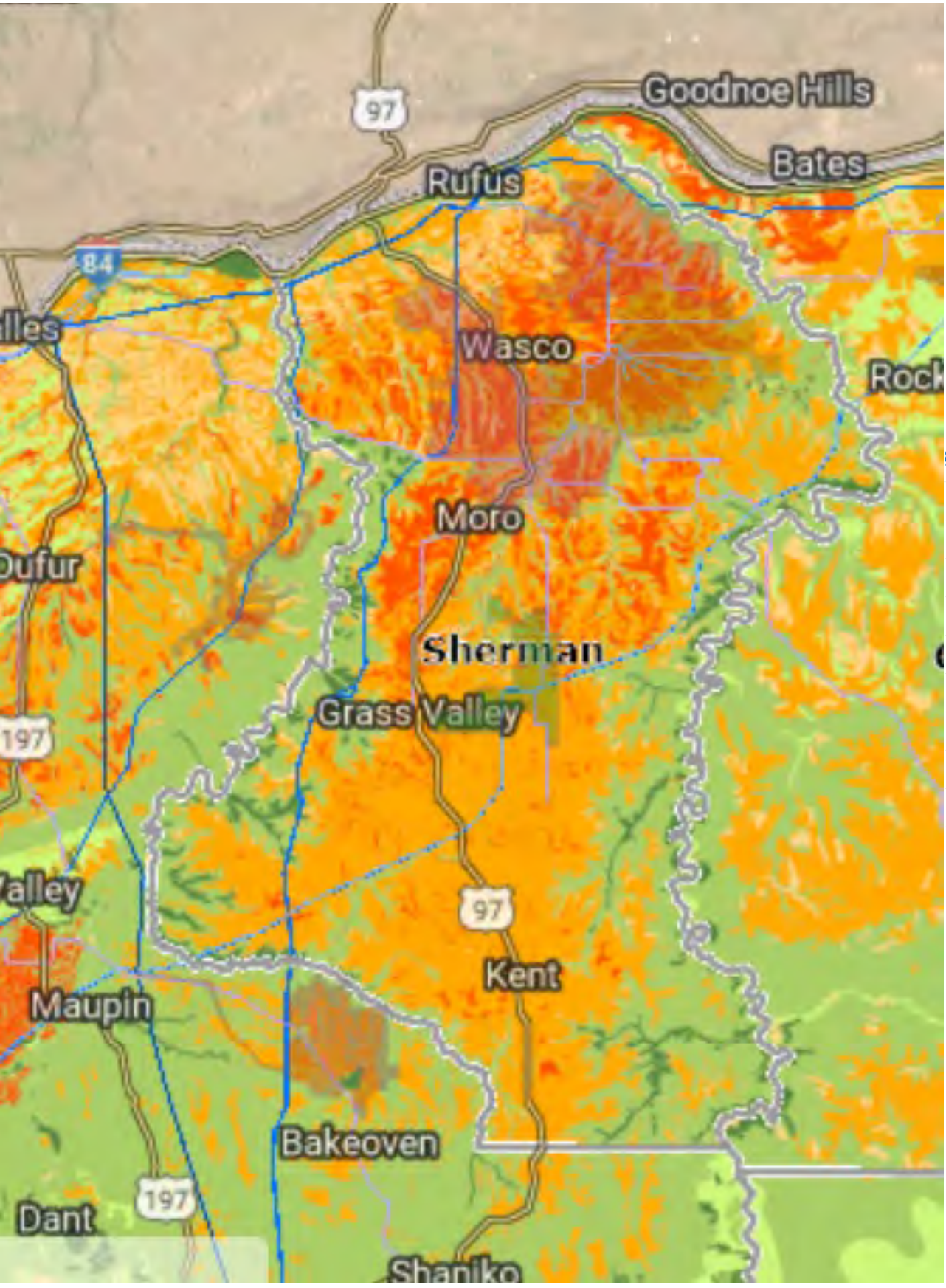
Sherman County Area Wildlife

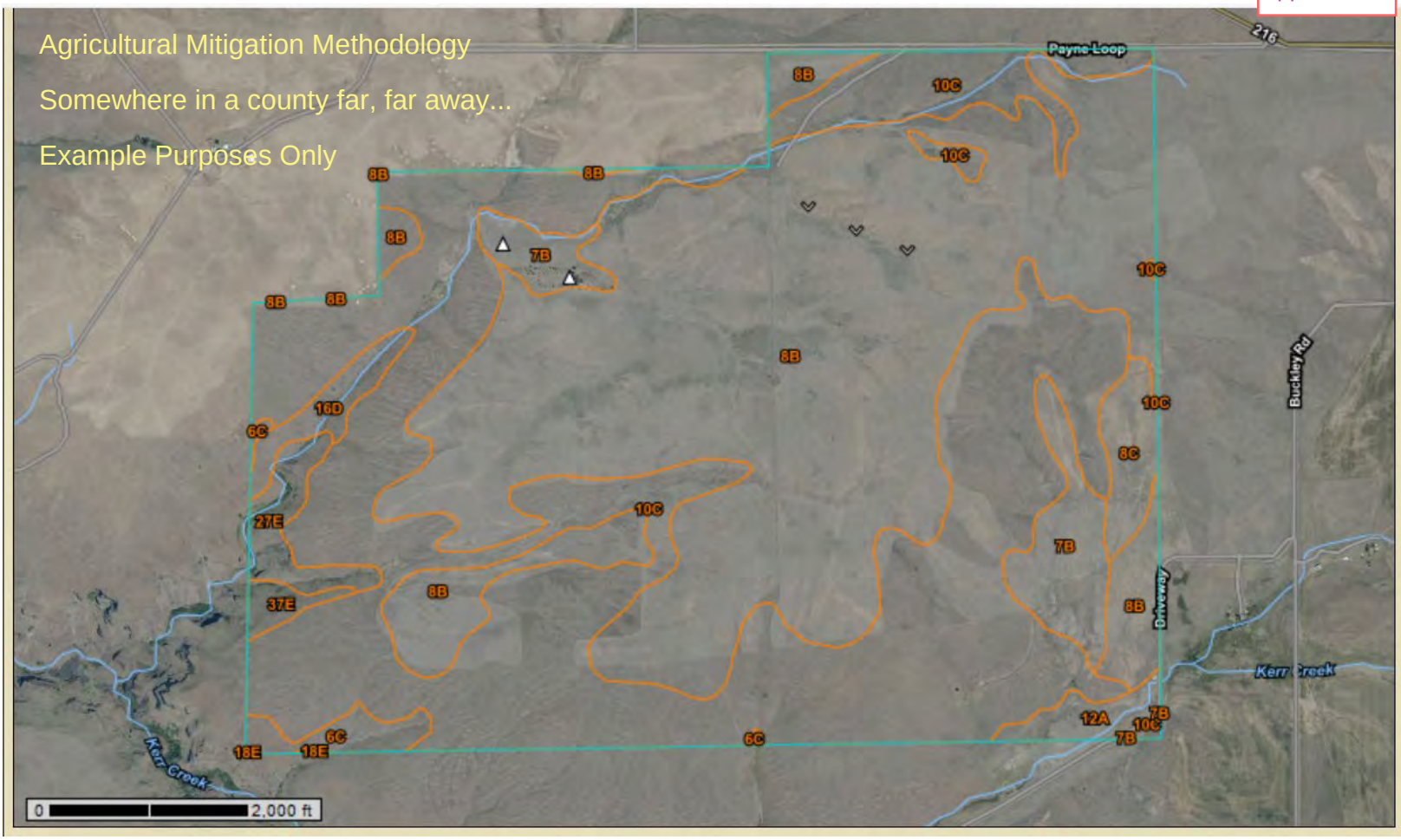


Attachment G

C

Sherman County Area Non-Irrigated Soils





Mitigation Calculations

1.0 Getting Started.

1.1 Identify the subject project area.

The subject project area is comprised of 1,280 acres.

1.2 Identify if the subject project area includes lands used, or if not currently in use, best suited for livestock grazing or cultivated agriculture.

The subject project area is identified as being used for cultivated agriculture (dry land).

1.3 Determine the various soils included within the subject project area and the number of acres in each soil class using data from the National Resource Conservation Service (NRCS). The NRCS On-Line Soil Survey is probably the best source of this information
https://websoilsurvey.nrcs.usda.gov/app/

SOIL INFORMATION				
#	Soil Name	AC	%	Ag Capability Class
6C	Very stony loam 2-20% slopes	14.1	1.1%	Irrigated: No class given Non-Irrigated: 7
7B	Silt Loam 1-7% slopes	50.3	3.8%	Irrigated: Prime Non-Irrigated: 2
8B	Silt Loam 1-7% slopes	621.7	47.5%	Irrigated: Prime Non-Irrigated: 3
8C	Silt Loam 7-15% slopes	19.6	1.5%	Irrigated: No class given

				Non-Irrigated: 3
10C	Complex 2-20% slopes	548.8	41.8%	
	* First Soil 50%	274.4	20.9%	Irrigated: No class given Non-Irrigated: 3
	* Second Soil40%	219.5	16.7%	Irrigated: No class given Non-Irrigated: 7
	* ??? 10%	54.9	4.2%	???
12D	Complex 0-3% slopes	12	1.0%	
	* First Soil 50%	6		Irrigated: Prime Non-Irrigated: 2
	* Second Soil 40%	4.8		Irrigated: Prime Non-Irrigated: 2
	* ??? 10%	1.2		" " ???
16D	Very stony loam 7-40% south slopes	15.2	1.2%	Irrigated: Non specified Non-Irrigated: 7
18E	Rock outcrop complex 40-70% slopes	0.3	0%	7, 8
27E	Rock outcrop-Rubble land-complex	19.8	1.5%	8, 8, 7
37E	Rock outcrop complex north slopes	6.9	0.5%	7, 8

Total Class 2 Acres	Class 2 % of Project	Total Class 3 Acres	Class 3 % of Project	Total Class 7 Acres	Class 7% of Project
62.3 (7B & 12D)	4.9%	915.3 (8B, 8C, 10C)	71.5%	298.4 (6C, 10C)	23.3%

2.0 Establish the Time Value of Money Adjusted Productivity Value (TVMAPV). This will include a series of steps.

2.1 For <u>cultivated agriculture</u> use the following:

a. Determine the most recent non-irrigated crop rent from the National Agricultural Statistics Service (NASS). See Table 3. If there is no information available for your county use the "Other Counties" figures ($52 from 2023).

There is no crop rent information available for this county. Therefore, the "Other Counties" figure of $52 will be applied.

b. Multiply the crop rate figure by the General Economic Contribution per Farm percentage of 0.56, which provides the Economic Contribution amount.

$52 x 0.56 = $29.12

c. Identify the duration of the Lease Agreement in years and multiply by the Economic Contribution amount.

The duration of the Lease Agreement is 30 years.

30 x $29.12 = $873.60

d. Apply a CAP RATE of 3% to discount the amount established in c., back to the Present Value (PV) by multiplying that number by the factor shown in Table 2. The resulting figure is the Time Value of Money Adjusted Productivity Value (TVMAPV).

$873.60 x .6533 as identified in Table 2 for a 30-year Lease Agreement= $570.76
The TVMAPV is $570.76

3.0 Calculate Mitigation Responsibility.

3.1 Multiply the TVMAPV by the appropriate efficiency factor identified for each soil type in Table 2.

$570.76 x 2 for class 2 soil = $1,141.52
$570.76 x 1.75 for class 3 soil = $998.83

3.2 Multiply the dollar amounts identified at 3.1 above by an administrative cost of 1.2%. Do not include Class 7 and 8 soils, or class 6 soils when not applicable. This is the total per acre mitigation cost for the identified soil class.

Class 2 soil: $1,141.52 x 1.2 = $1,369.82
Class 3 soil: $998.83 x 1.2 = $1,198.60

3.3 Calculate the total value for each soil class identified in 3.2 rounding to the nearest whole dollar.

Class 2 soils: 62.3 acres @ $1,369.82 per acre = $ 85,340
Class 3 soils: 915.3 acres @ $1,198.60 per acre = $1,097,079

3.4 Add the total value of all soil classes identified in 3.3. This is the total agricultural mitigation responsibility.

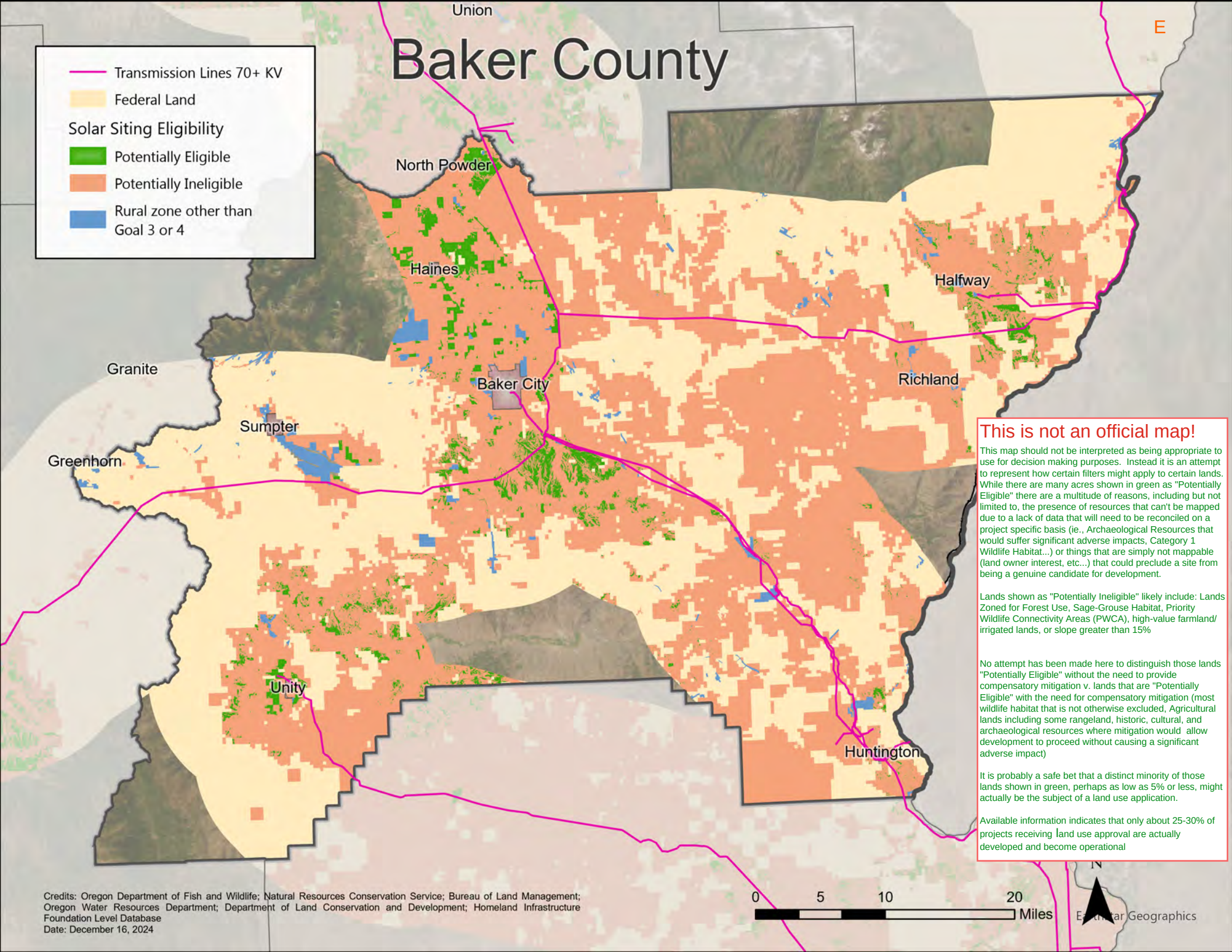
$85,340 + $1,097,079 + $0 = **$1,182,419**

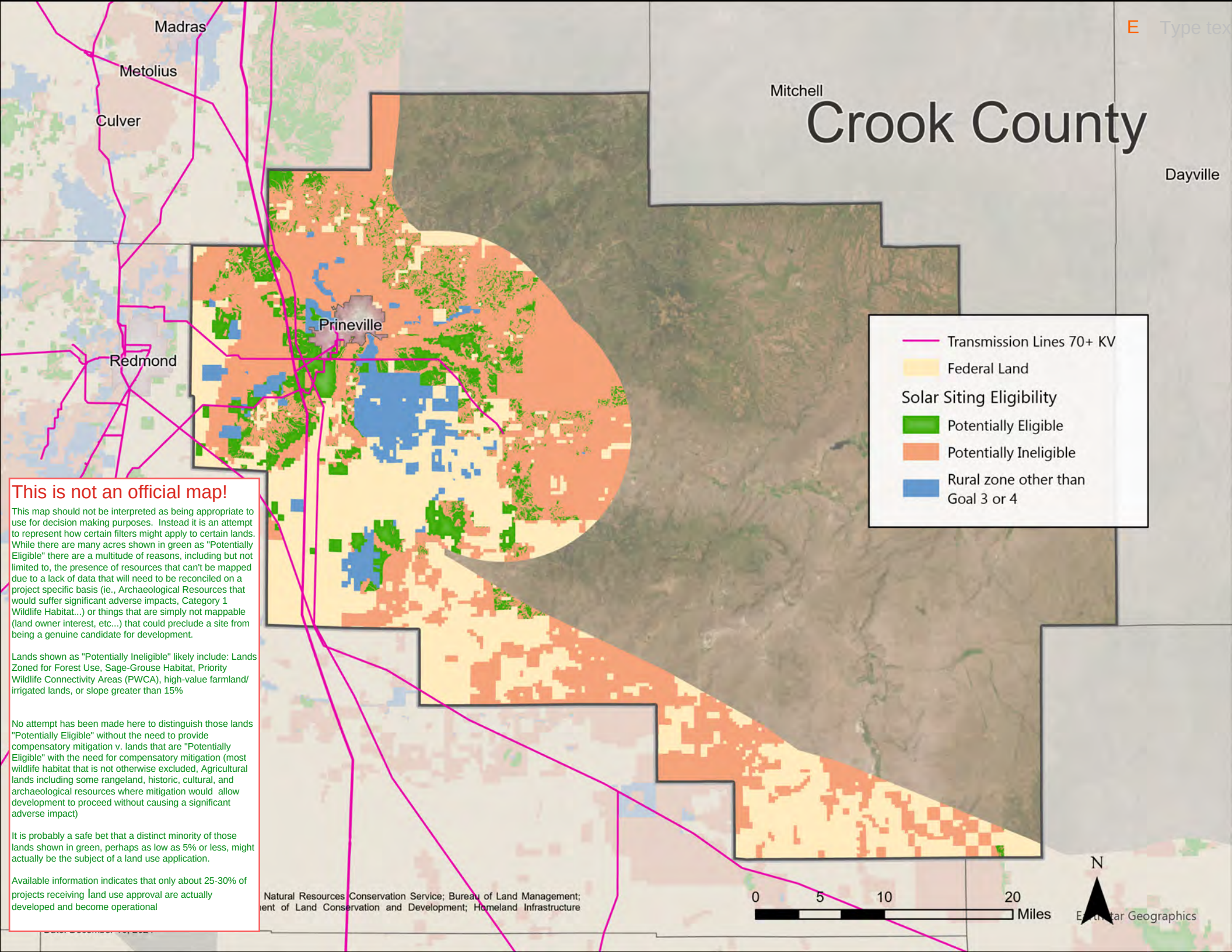
These number are not Official and are offered as EXAMPLES only. They should NOT be relied on to represent the actual number of acres genuinely available for development.

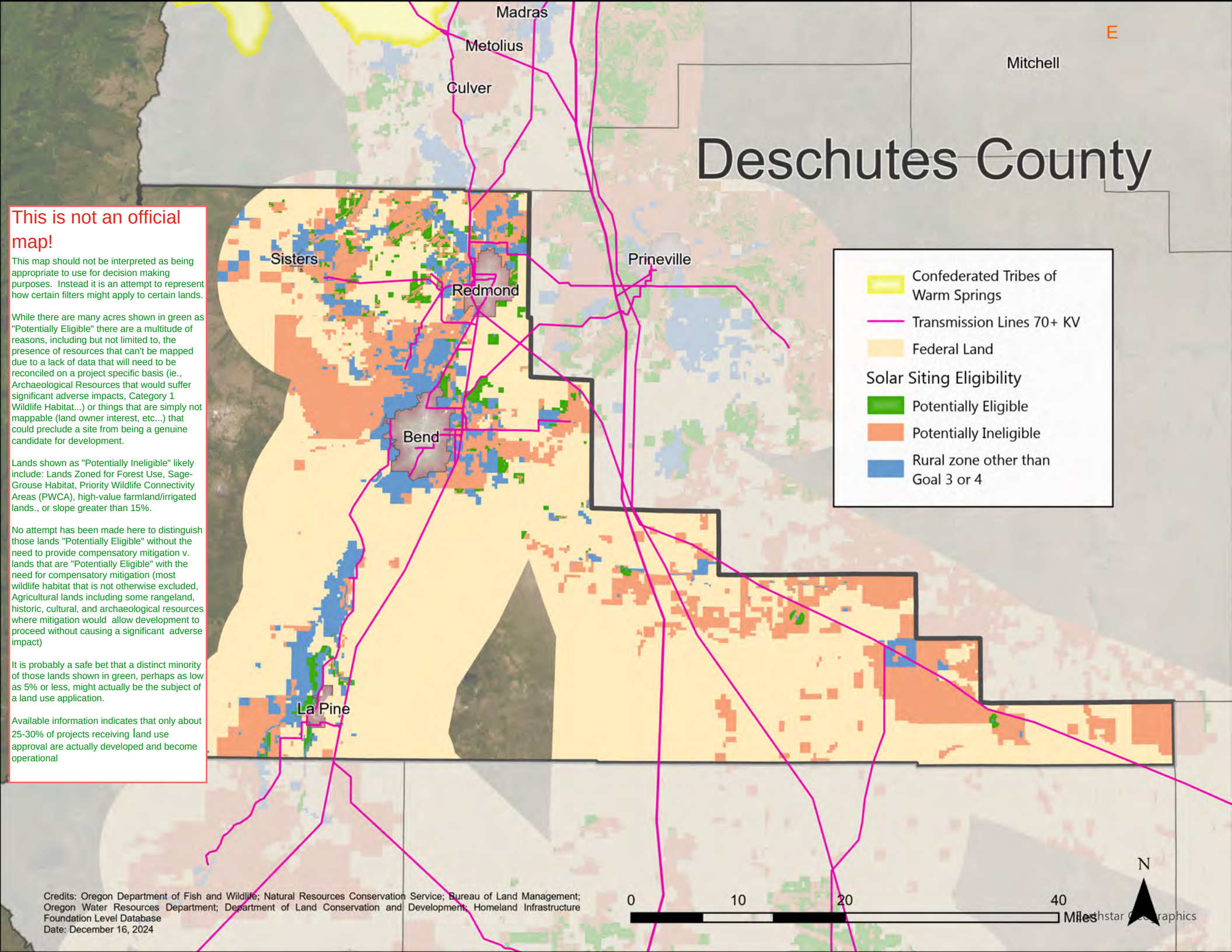
County	Total Acres	Acres in Corridors	Acres Potentially Eligible Slope Not Considered	Acres Potentially Eligible Slope Considered
Baker	1,976,320	1,624,783	119,715	49,841
Crook	1,911,680	758,863	146,851	73,901
Deschutes	1,955,200	1,469,617	31,154	28,238
Gilliam	782,720	699,644	256,558	97,576
Grant	2,898,560	904,969	149,520	84,015
Harney	6,544,640	3,567,968	446,188	384,195
Jefferson	1,146,240	806,399	206,778	92,711
Klamath	3,927,040	2,641,314	184,848	138,432
Lake	5,349,120	3,414,431	271,170	231,731
Malheur	6,355,200	2,889,353	98,396	58,842
Morrow	1,311,360	661,358	94,086	55,237
Sherman	531,840	490,443	126,411	75,804
Umatilla	2,067,840	1,800,997	486,297	213,631
Union	1,304,960	829,393	305,328	155,426
Wallowa	2,017,280	1,240,378	374,428	199,817
Wasco	1,532,800	1,444,847	36,245	222,522
Wheeler	1,097,600	518,251	252,194	65,376
Totals	**42,710,400**	**25,763,008**	**3,956,166**	**2,227,294**

THESE ARE NOT OFFICIAL NUMBERS!

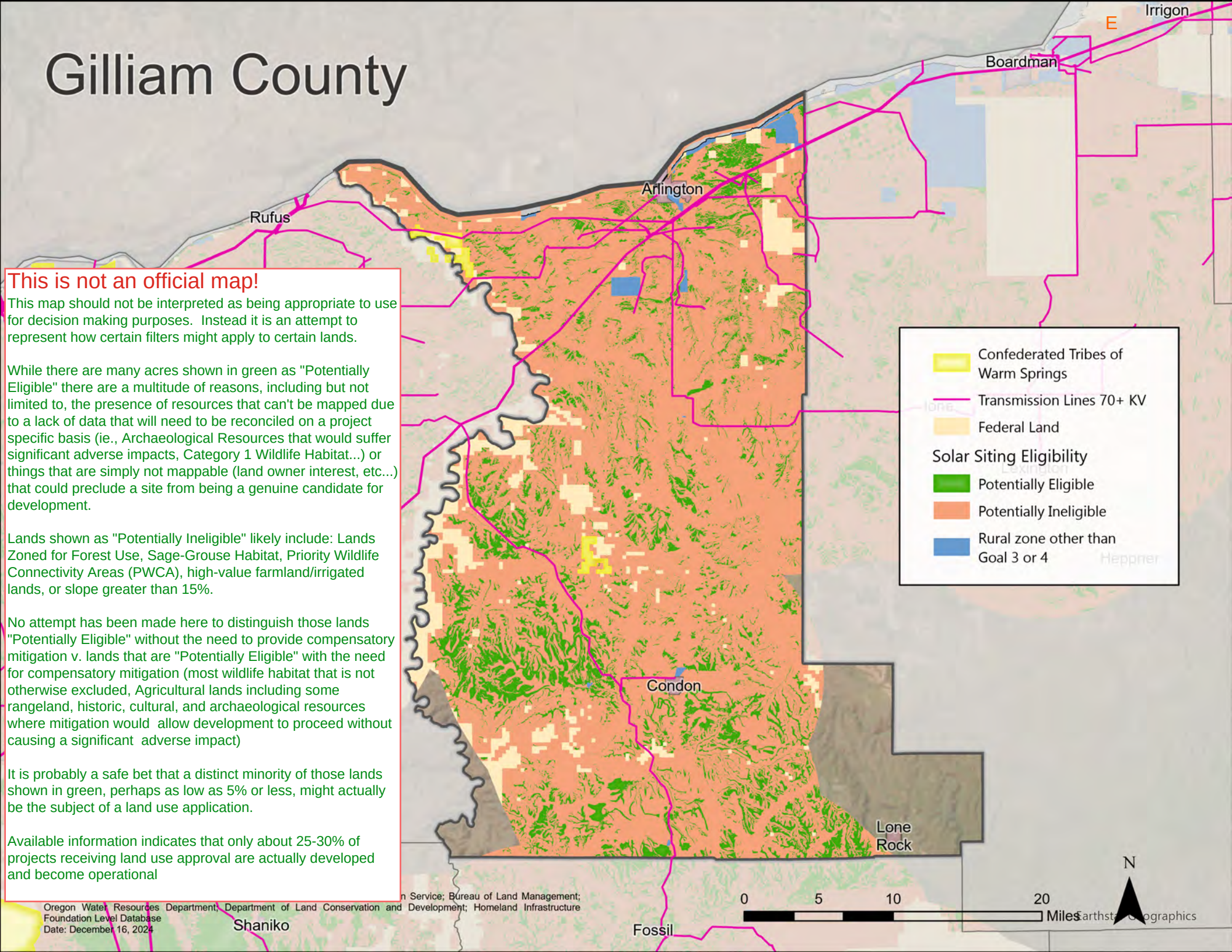
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Union
Baker County
E
Transmission Lines 70+ KV
Federal Land
Solar Siting Eligibility
Potentially Eligible
Potentially Ineligible
Rural zone other than Goal 3 or 4
North Powder
Haines
Halfway
Granite
Baker City
Richland
Sumpter
Greenhorn
Unity
Huntington
This is not an official map!
This map should not be interpreted as being appropriate to use for decision making purposes. Instead it is an attempt to represent how certain filters might apply to certain lands. While there are many acres shown in green as "Potentially Eligible" there are a multitude of reasons, including but not limited to, the presence of resources that can't be mapped due to a lack of data that will need to be reconciled on a project specific basis (ie., Archaeological Resources that would suffer significant adverse impacts, Category 1 Wildlife Habitat...) or things that are simply not mappable (land owner interest, etc...) that could preclude a site from being a genuine candidate for development.
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No attempt has been made here to distinguish those lands "Potentially Eligible" without the need to provide compensatory mitigation v. lands that are "Potentially Eligible" with the need for compensatory mitigation (most wildlife habitat that is not otherwise excluded, Agricultural lands including some rangeland, historic, cultural, and archaeological resources where mitigation would allow development to proceed without causing a significant adverse impact)
It is probably a safe bet that a distinct minority of those lands shown in green, perhaps as low as 5% or less, might actually be the subject of a land use application.
Available information indicates that only about 25-30% of projects receiving land use approval are actually developed and become operational
Credits: Oregon Department of Fish and Wildlife; Natural Resources Conservation Service; Bureau of Land Management; Oregon Water Resources Department; Department of Land Conservation and Development; Homeland Infrastructure Foundation Level Database
Date: December 16, 2024
0 5 10 20
Miles
N
Geographics


Madras
Metolius
Culver
Redmond
Prineville
Mitchell
Crook County
Dayville
Transmission Lines 70+ KV
Federal Land
Solar Siting Eligibility
Potentially Eligible
Potentially Ineligible
Rural zone other than Goal 3 or 4
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Natural Resources Conservation Service; Bureau of Land Management;
ent of Land Conservation and Development; Homeland Infrastructure
0 5 10 20
Miles
N


Madras
Metolius
Culver
Mitchell
E
Deschutes County
Sisters
Redmond
Prineville
Bend
La Pine
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Confederated Tribes of Warm Springs
Transmission Lines 70+ KV
Federal Land
Solar Siting Eligibility
Potentially Eligible
Potentially Ineligible
Rural zone other than Goal 3 or 4
Credits: Oregon Department of Fish and Wildlife; Natural Resources Conservation Service; Bureau of Land Management; Oregon Water Resources Department; Department of Land Conservation and Development; Homeland Infrastructure Foundation Level Database
Date: December 16, 2024
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40
Miles
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Gilliam County



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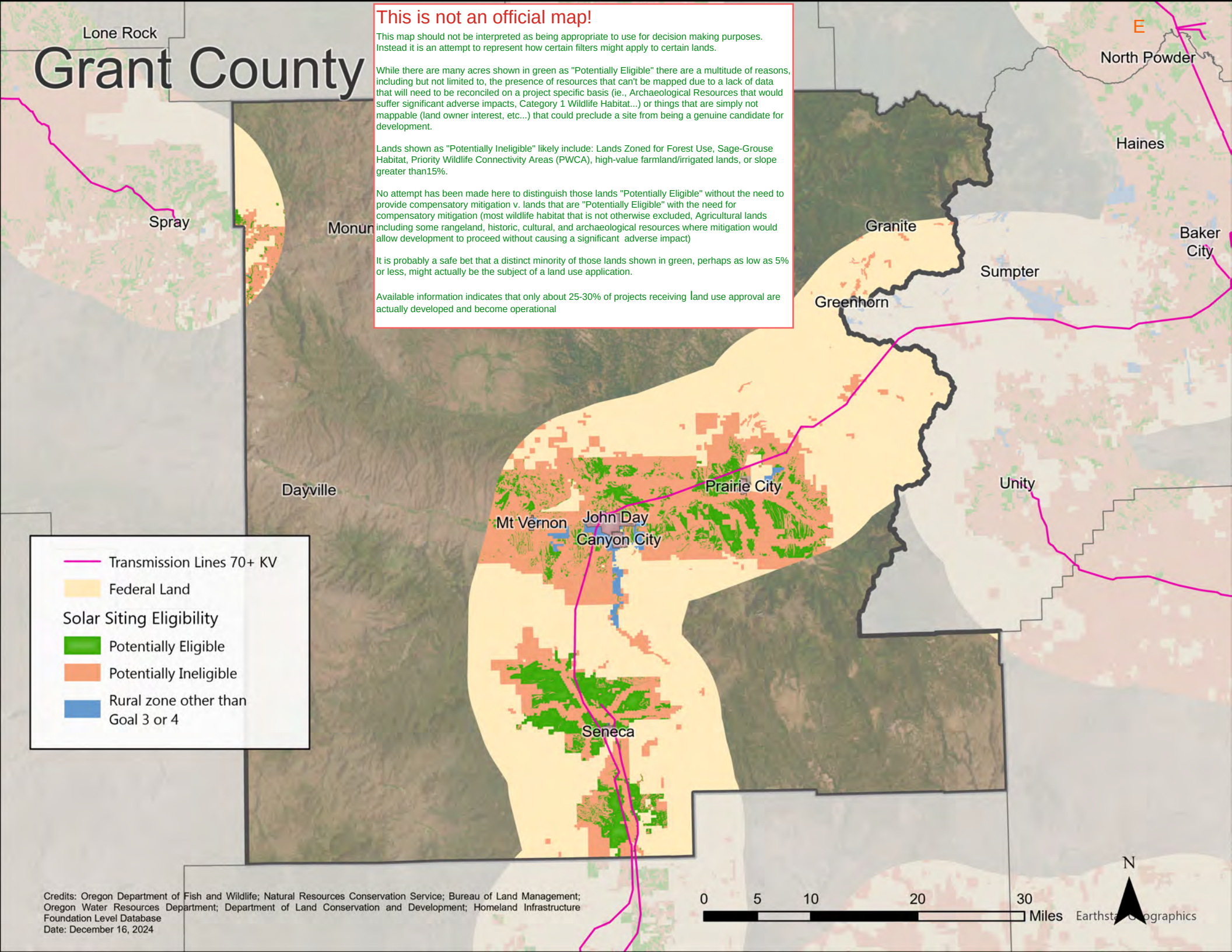
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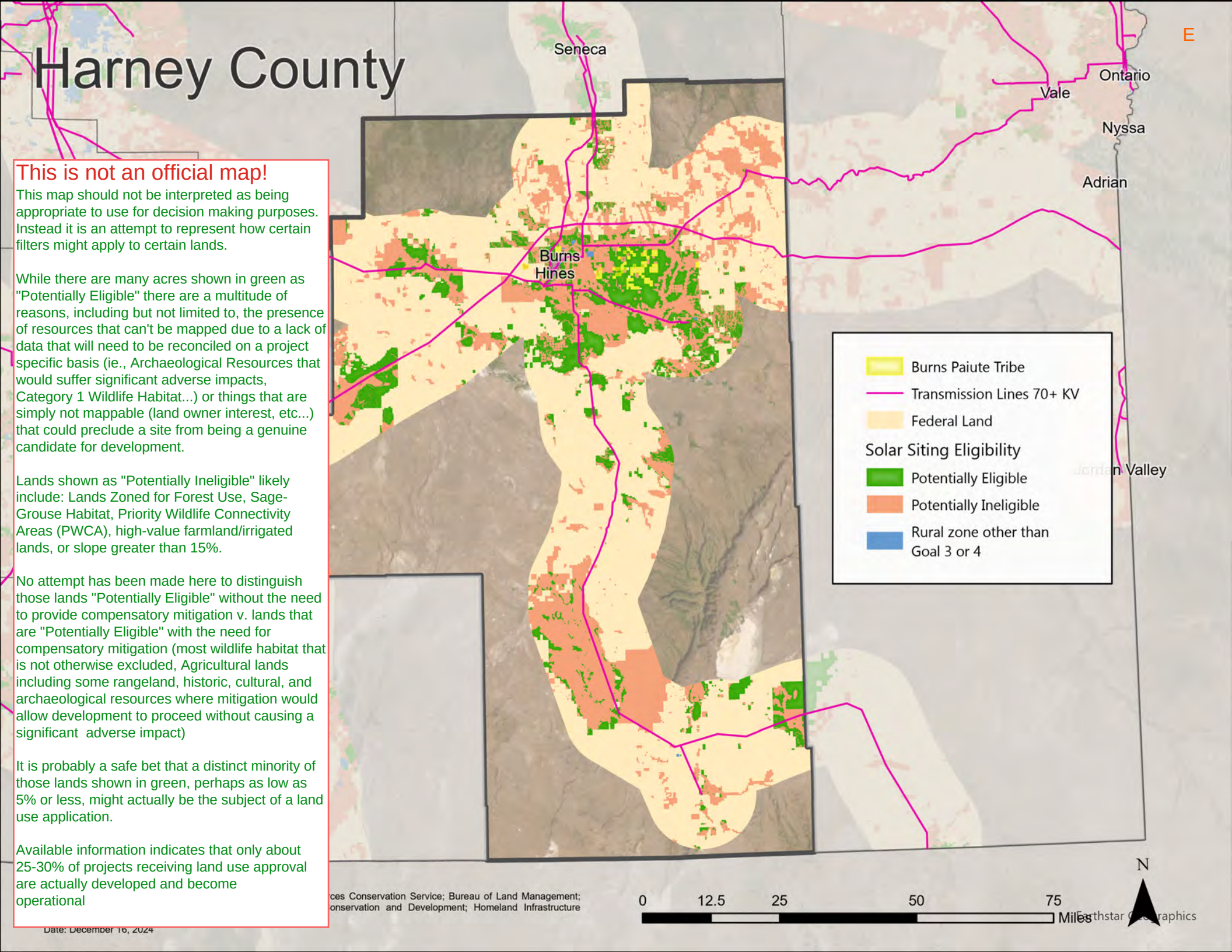
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n Service; Bureau of Land Management; Oregon Water Resources Department; Department of Land Conservation and Development; Homeland Infrastructure Foundation Level Database
Date: December 16, 2024


Lone Rock
Grant County
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E
North Powder
Haines
Baker City
Spray
Monun
Granite
Sumpter
Greenhorn
Dayville
Prairie City
Unity
Mt Vernon
John Day
Canyon City
Seneca
Transmission Lines 70+ KV
Federal Land
Solar Siting Eligibility
Potentially Eligible
Potentially Ineligible
Rural zone other than Goal 3 or 4
N
0 5 10 20 30
Miles
Earthstar Geographics
Credits: Oregon Department of Fish and Wildlife; Natural Resources Conservation Service; Bureau of Land Management; Oregon Water Resources Department; Department of Land Conservation and Development; Homeland Infrastructure Foundation Level Database
Date: December 16, 2024

Harney County



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rces Conservation Service; Bureau of Land Management; onservation and Development; Homeland Infrastructure

Date: December 16, 2024

Jefferson County

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E

Madras

Metolius

Culver

This map does not indicate lands that are unavailable due to inclusion in the Metolius Basin Area of Critical State Concern

Sisters

Redmond

Prineville

Confederated Tribes of Warm Springs

Transmission Lines 70+ KV

Federal Land

Solar Siting Eligibility

Potentially Eligible

Potentially Ineligible

Rural zone other than Goal 3 or 4

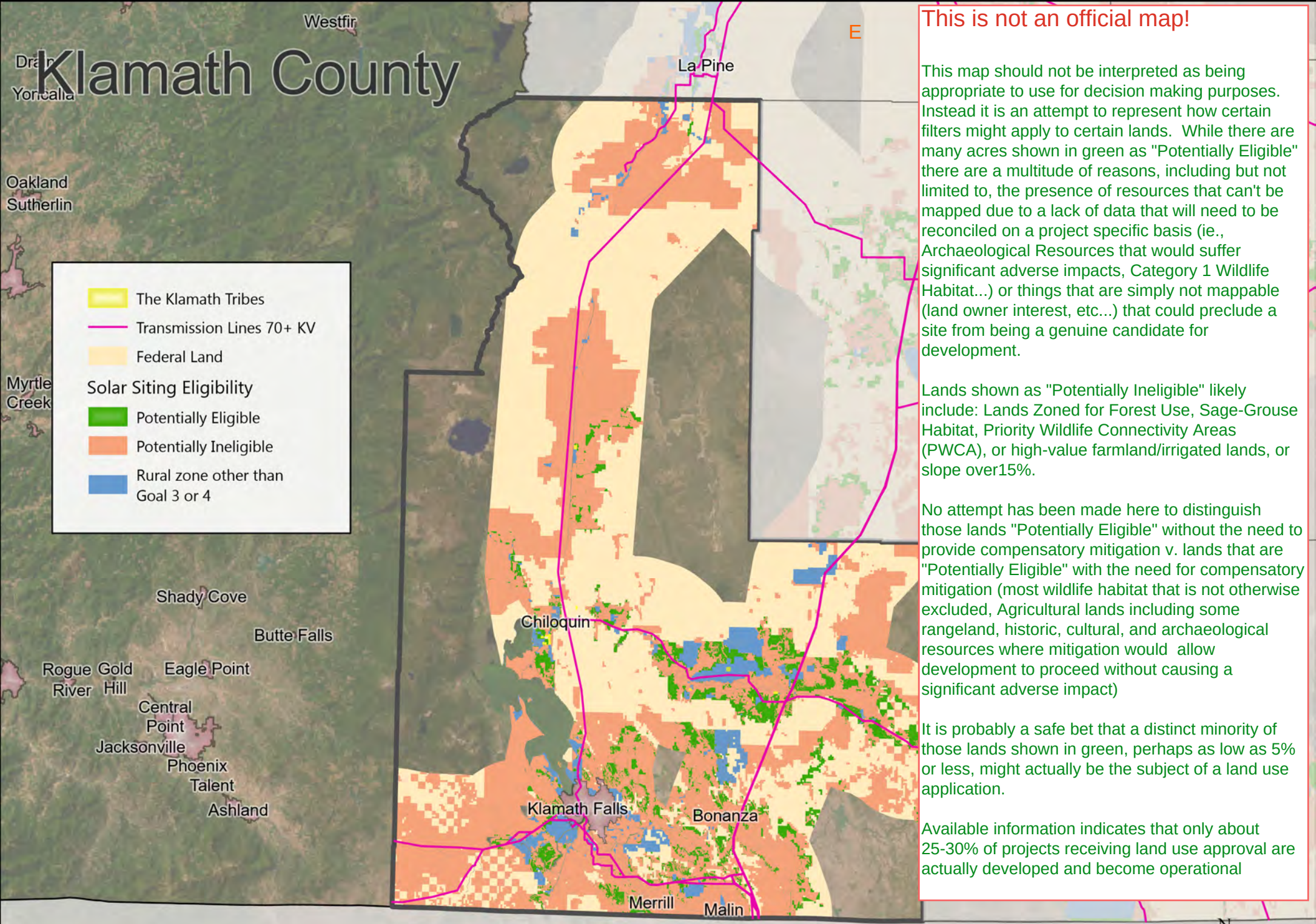
N

0 5 10 20 Miles

Earthstar Geographics

Credits: Oregon Department of Fish and Wildlife; Natural Resources Conservation Service; Bureau of Land Management; Oregon Water Resources Department; Department of Land Conservation and Development; Homeland Infrastructure Foundation Level Database

Date: December 16, 2024



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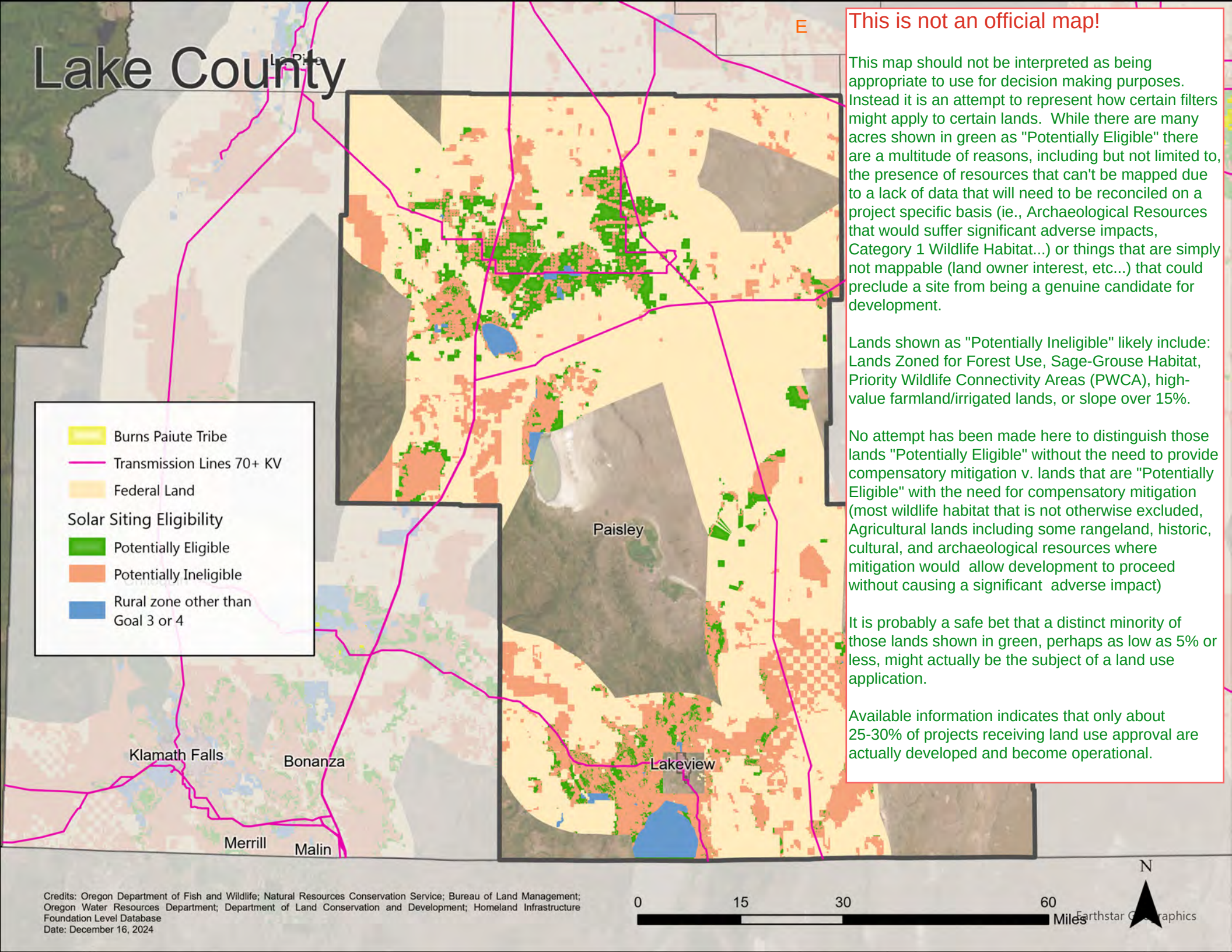
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Credits: Oregon Department of Fish and Wildlife; Natural Resources Conservation Service; Bureau of Land Management; Oregon Water Resources Department; Department of Land Conservation and Development; Homeland Infrastructure Foundation Level Database
Date: December 16, 2024

0 15 30 60 Miles

N

Earthstar Geographics



This is not an official map!

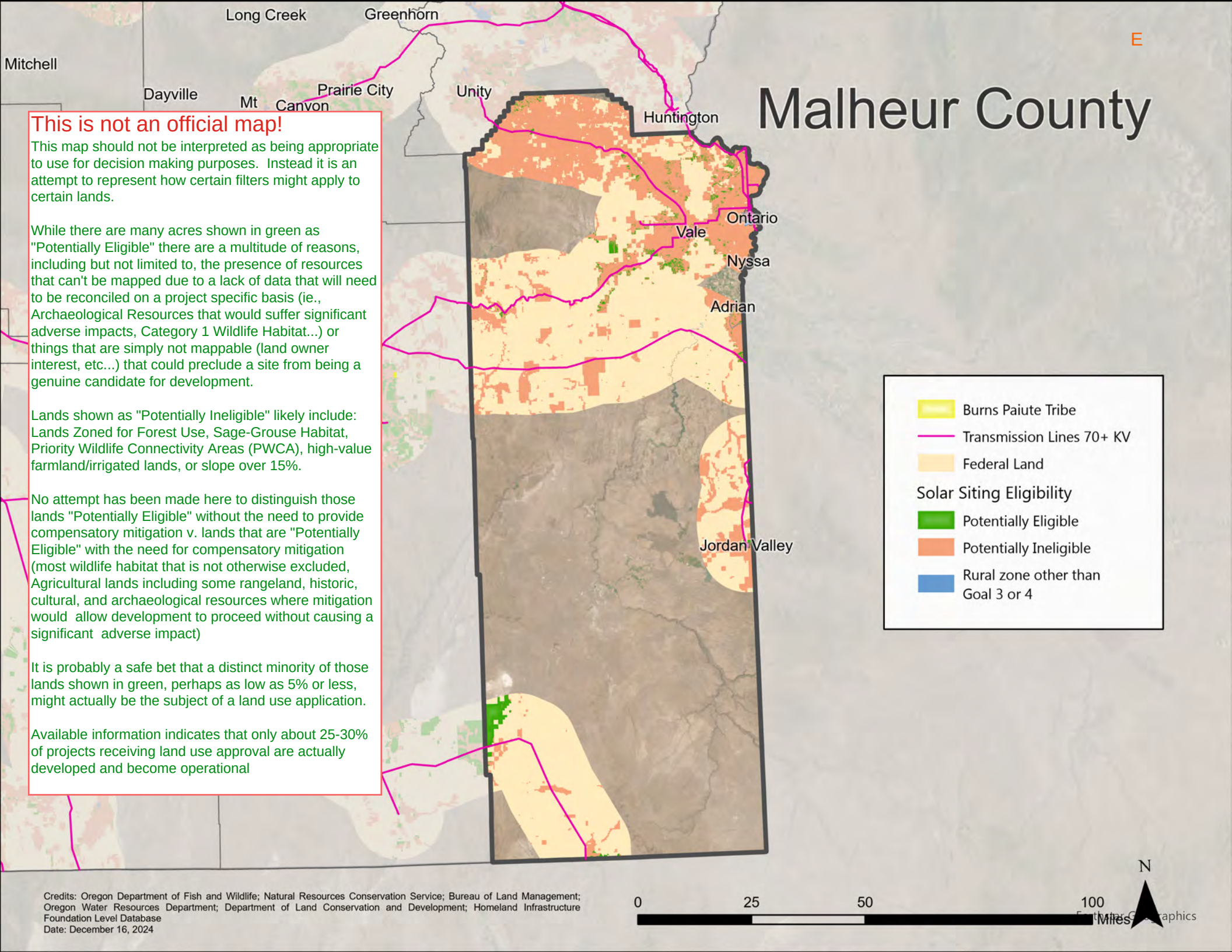
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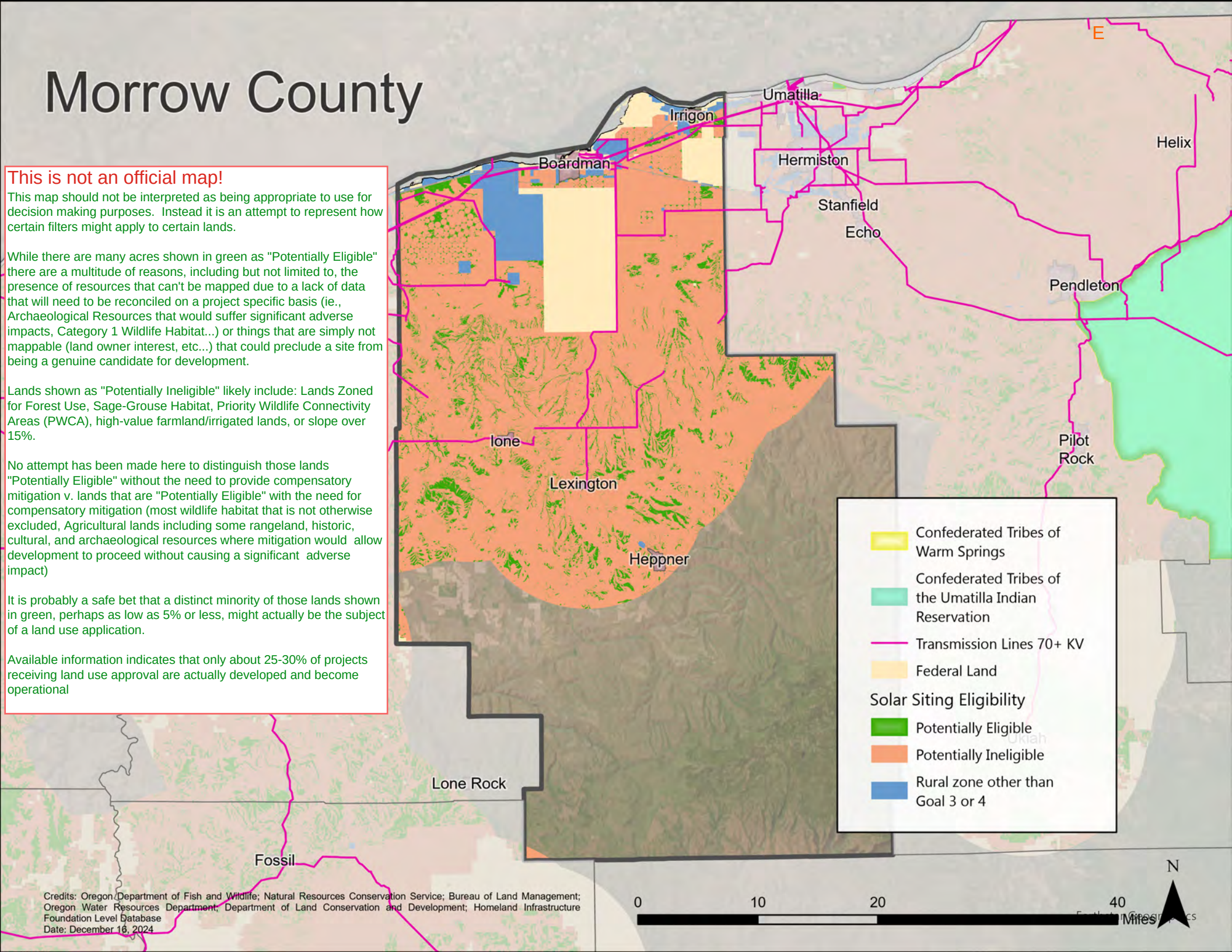
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Malheur County
Long Creek
Greenhorn
Mitchell
Dayville
Mt
Canyon
Prairie City
Unity
Huntington
Ontario
Vale
Nyssa
Adrian
Jordan Valley
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Burns Paiute Tribe
Transmission Lines 70+ KV
Federal Land
Solar Siting Eligibility
Potentially Eligible
Potentially Ineligible
Rural zone other than Goal 3 or 4
Credits: Oregon Department of Fish and Wildlife; Natural Resources Conservation Service; Bureau of Land Management; Oregon Water Resources Department; Department of Land Conservation and Development; Homeland Infrastructure Foundation Level Database
Date: December 16, 2024
0
25
50
100
Miles
N

Morrow County



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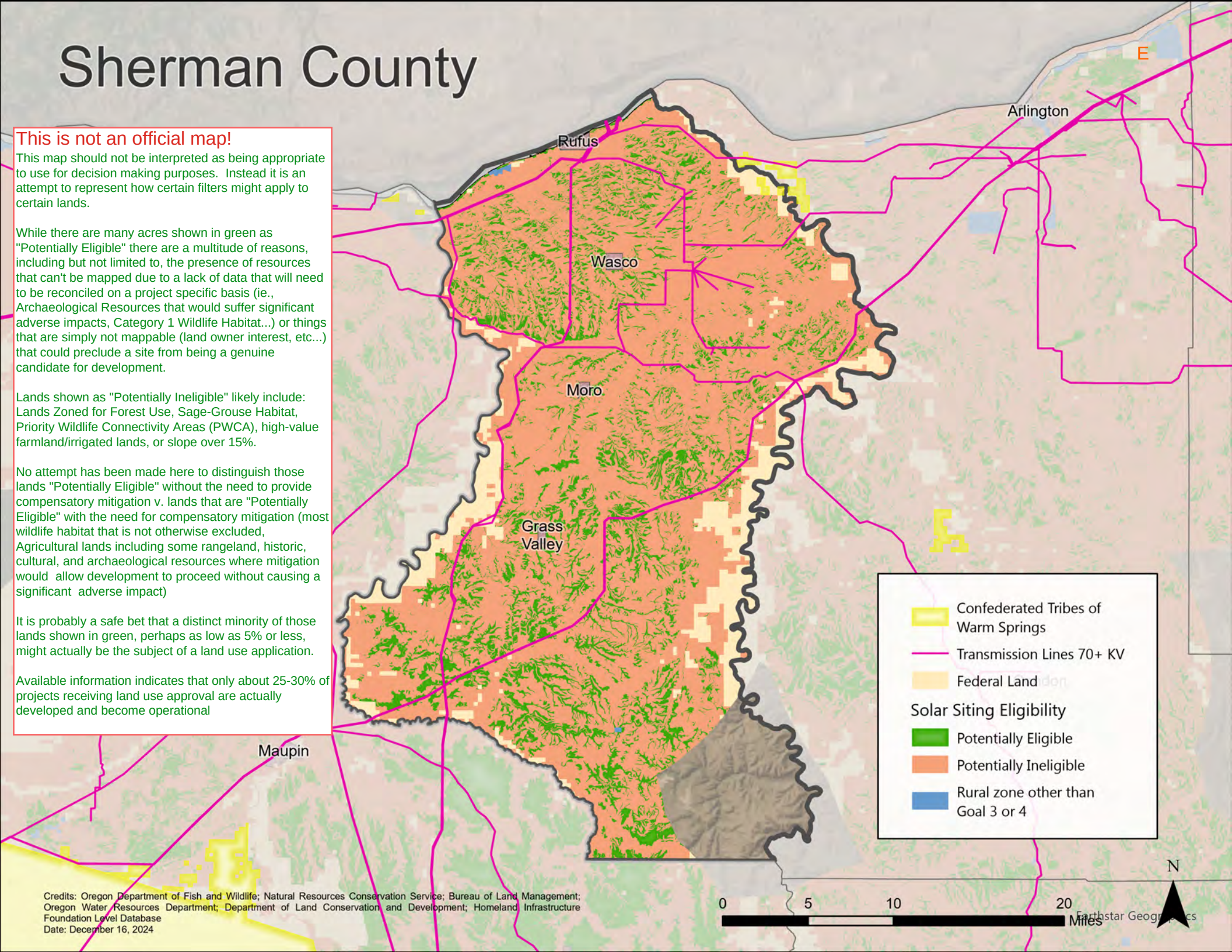
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Date: December 16, 2024

Sherman County



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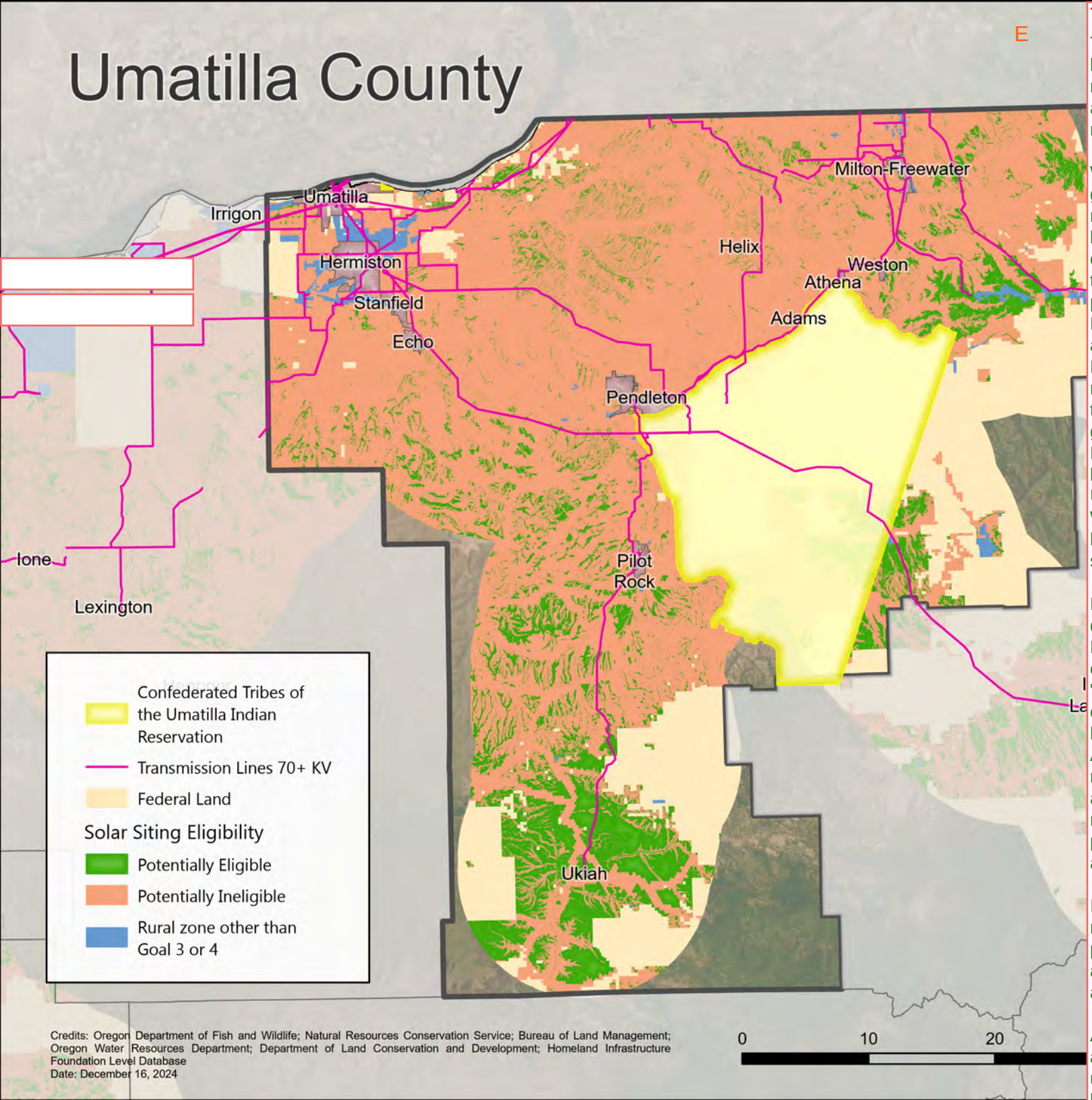
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Date: December 16, 2024

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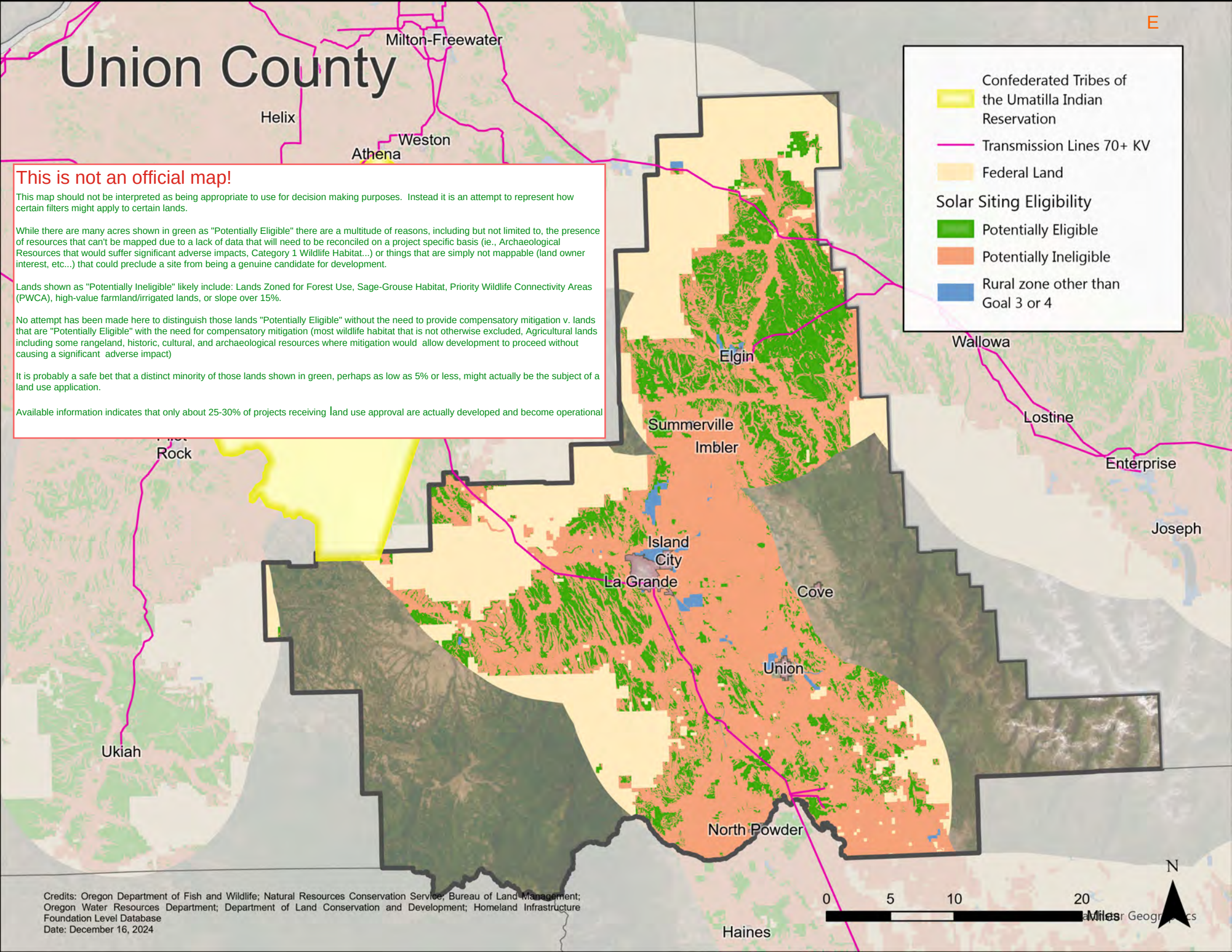
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Union County



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Date: December 16, 2024

E

Wallowa County

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Wallowa

Lostine

Enterprise

Joseph

North Powder

Transmission Lines 70+ KV

Federal Land

Solar Siting Eligibility

Potentially Eligible

Potentially Ineligible

Rural zone other than Goal 3 or 4

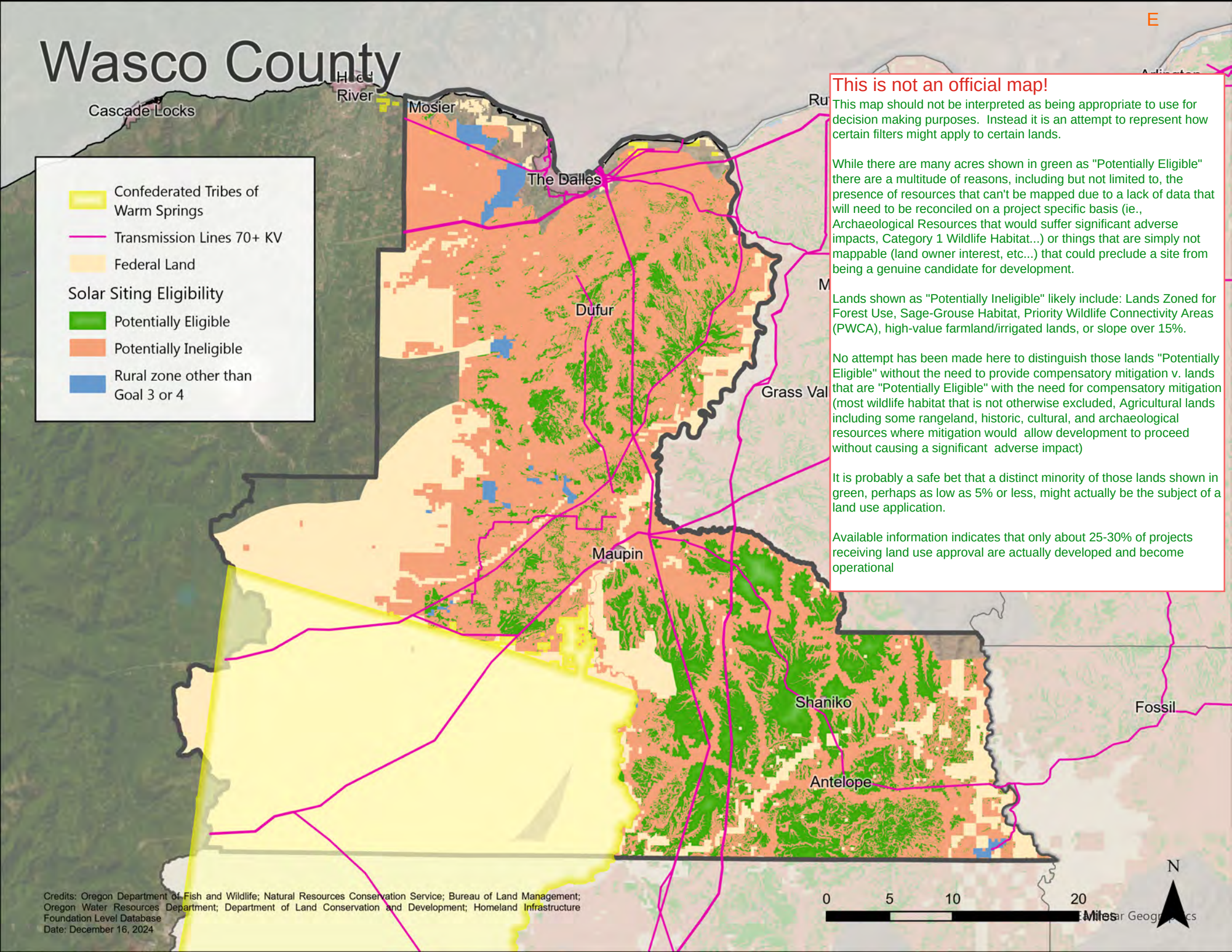
Credits: Oregon Department of Fish and Wildlife; Natural Resources Conservation Service; Bureau of Land Management; Oregon Water Resources Department; Department of Land Conservation and Development; Homeland Infrastructure Foundation Level Database

Date: December 16, 2024

0 5 10 20 Miles

N

Wasco County



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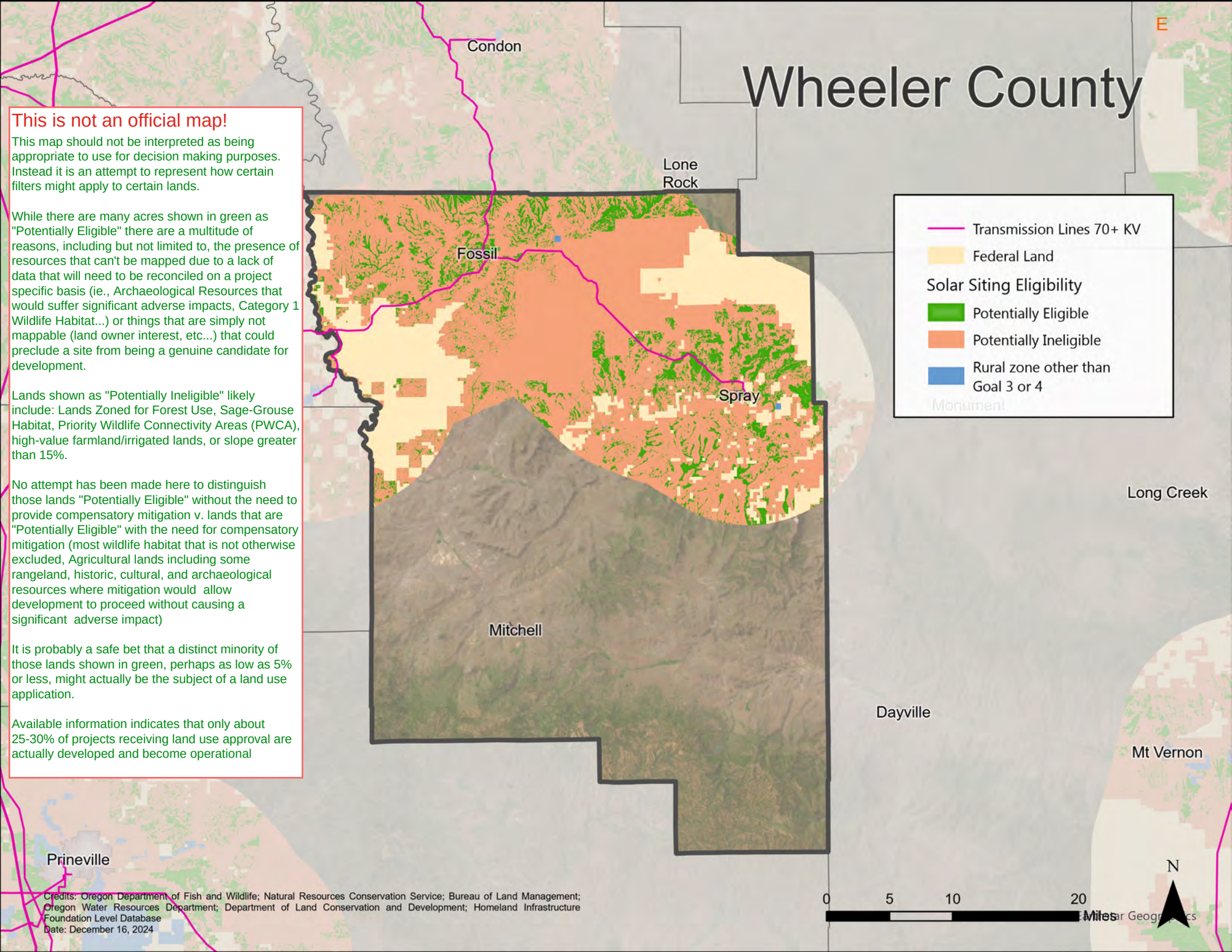
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Date: December 16, 2024


Wheeler County
Condon
Lone Rock
Fossil
Spray
Mitchell
Dayville
Long Creek
Mt Vernon
Prineville
Monument
Transmission Lines 70+ KV
Federal Land
Solar Siting Eligibility
Potentially Eligible
Potentially Ineligible
Rural zone other than Goal 3 or 4
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Date: December 16, 2024
0 5 10 20
Miles
N

Attachment E: Governor Kotek's Executive Order 25-29

EXECUTIVE ORDER NO. 25-29

EXECUTIVE ORDER ON REDUCING GREENHOUSE GAS EMISSIONS AND ADVANCING OREGON'S CLEAN ENERGY FUTURE

WHEREAS, Oregon faces increasing risks from climate change, including extreme weather events, wildfires, water scarcity, and rising energy costs, which threaten public health, safety, outdoor recreation, and economic stability; and

WHEREAS, affordable, abundant, and reliable clean energy is key to Oregon's economic future, and the state needs to deploy new energy infrastructure to enable sustained economic growth and to meet rising energy demands; and

WHEREAS, Oregon has adopted ambitious climate goals to reduce greenhouse gas emissions and transition to a clean energy economy, including targets established under House Bill 2021(2021) and other legislative and executive actions; and

WHEREAS, energy efficiency improvements across all sectors are among the most cost-effective strategies to reduce emissions and lower energy bills while maintaining economic productivity; and

WHEREAS, ensuring access to affordable, abundant, and reliable clean energy requires accelerated investment in electricity infrastructure, including renewable energy, energy storage, and grid modernization; and

WHEREAS, grid resilience is increasingly vital to support public safety in the face of climate-related disruptions, and investments in microgrids, battery storage, and grid hardening have a role to play in building greater resilience in Oregon's energy future; and

WHEREAS, Oregon can help reduce energy development costs and accelerate deployment of clean energy infrastructure needed to grow the economy by streamlining permitting, siting, and interconnection processes for clean energy projects; and

WHEREAS, public-private partnerships can mobilize investment, spur innovation, and create jobs that will be key to Oregon's growing clean energy economy; and

WHEREAS, a coordinated, statewide approach to planning and designating transmission corridors is essential to long-term infrastructure development that will support economic growth and ensure clean energy can be delivered efficiently and reliably to consumers.

NOW, THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

I. FOSTER THE TRANSITION TO A CLEAN ENERGY ECONOMY

1. **Prioritize Implementation of the Oregon Energy Strategy Pathways.** Executive branch agencies listed in Section II.1.a ("Agencies") are directed to adopt and implement greenhouse gas reduction strategies and align their decisions, activities, and investments as appropriate to advance the five least-cost pathways identified in the Oregon Energy Strategy. As appropriate, agencies will modify or add to current work plans and performance indicators to track and report on implementation activities to achieve the following objectives:

   a. **Advance Energy Efficiency Across All Sectors.** Agencies shall take appropriate actions within existing authorities and budgets to align decisions, activities, and investments to increase cost-effective energy efficiency in new and existing buildings, including providing cost savings through retrofits of building appliances and equipment.

   b. **Support Investment in Clean Electricity Infrastructure.** Agencies shall take appropriate actions within their existing authorities to accelerate investment in and deployment of least-cost and least-risk renewable energy resources, energy storage, demand response, and grid infrastructure in order to maintain and expand access to affordable and reliable clean electricity for Oregon ratepayers.

   c. **Increase Strategic Electrification of Vehicles and Buildings.** Agencies shall take appropriate actions necessary within their existing authorities to align programs, decisions, and investments to advance the state's interest in increasing cost-effective, strategic electrification of vehicles, buildings, and water heating systems while also supporting affordable and reliable energy for Oregon ratepayers.

   d. **Increase Supply and Use of Low-Carbon Fuels.** DEQ and the EQC shall evaluate the status and projected growth of the clean fuels market and update Oregon Clean Fuels Program rules to strengthen the Low-Carbon Fuels Standard (LCFS) to establish a reduction in carbon intensity of not less than 50% by 2040. DEQ is directed to evaluate the scope and stringency of the LCFS programs in neighboring states in proposing the new targets and

propose additional rule revisions if needed to better align the Oregon Clean Fuels Program with those neighboring jurisdictions based on that evaluation. DEQ shall establish an agreed upon workplan within three months of this Order that sets forth a timeline for completing the required rulemaking.

e. **Strengthen Resilience Across all Levels of the Energy System.** The PUC shall exercise its existing authority to evaluate and value grid resiliency benefits in electric utility resource planning processes. The PUC shall establish transparent criteria or processes for appropriately valuing the enhanced resiliency benefits from utility investments at all levels of the energy system, such as microgrids, energy storage, flexible loads, virtual power plant resources, and grid hardening, while also avoiding shifting costs from high-income ratepayers to energy burdened ratepayers.

2. **Get Clean Energy Projects Built.** Agencies are directed to develop and implement a coordinated, proactive approach to streamline land use and environmental reviews, siting and permitting, and interconnection processes for clean energy projects, energy storage, and associated transmission and distribution infrastructure, with particular focus on those that contribute to energy affordability and reliability. This includes but is not limited to the following initiatives:

   a. **Reduce Barriers to Clean Energy Deployment.** The Oregon Department of Energy (ODOE), in coordination with the PUC and the Department of Land Conservation and Development (DLCD), shall inventory, assess, and analyze barriers to the permitting, construction and interconnection of clean energy projects and associated infrastructure. ODOE will recommend actions to overcome those barriers while balancing opportunities for public participation with the state's interest in accelerating deployment of clean energy infrastructure that benefits Oregon ratepayers. Recommended actions will be brought for discussion by ODOE to the Energy Facility Siting Council. ODOE will report its findings and recommendations to the Governor no later than September 1, 2026.

   b. **Accelerate Clean Energy Deployment Through Oregon's Land Use Planning Framework.** The Department of Land Conservation and Development (DLCD) shall evaluate opportunities and barriers to clean energy development under Oregon's land use planning goals. DLCD will review existing rules and practices, including best practices from other

jurisdictions, and recommend actions and rule changes as needed to accelerate deployment of clean energy resources and grid infrastructure needed to deliver reliability and clean energy to Oregon consumers. Recommended actions will be brought for discussion and direction by DLCD to the Land Conservation and Development Commission. DLCD will report its findings and recommendations to the Governor no later than July 1, 2026.

c. **Streamline Clean Energy Siting.** Agencies identified in Section II.1.b of this Order shall evaluate and recommend actions to update siting and permitting processes to facilitate deployment of renewable energy, energy storage, and grid infrastructure needed to deliver reliable and affordable clean energy to Oregon consumers.

   i. Agencies shall evaluate existing authorities, rules, and practices to identify opportunities to streamline or increase the efficiency of siting and permitting processes within their jurisdiction for projects that:

      1. Benefit Oregon ratepayers and enable clean energy projects to interconnect onto the grid; and/or
      2. Involve upgrades to existing grid infrastructure and transmission expansion or co-location of renewable energy resources in existing rights of way.

   ii. Where opportunities are found to exist, agencies shall recommend actions to:

      1. Streamline existing processes;
      2. Establish parallel paths that enable required studies, reviews, and approval processes to occur contemporaneously; and/or
      3. Facilitate or accelerate interconnections for projects that reduce emissions, improve reliability, and benefit Oregon ratepayers.

   iii. Agencies shall bring recommended proposed actions for discussion with their Boards or Commissions and will report their findings and recommendations to the Governor no later than September 1, 2026.

d. **Identify Pathways to Facilitate Development of Clean Energy Infrastructure.** PUC staff, in partnership with ODOE and the Governor's Office, shall convene utilities, key agency leaders, local permitting authorities, and other interested parties to review progress toward achieving HB 2021's clean energy targets and explore opportunities for public-private partnerships

to facilitate development of clean energy infrastructure that is needed to achieve clean energy targets and will provide benefits to Oregon ratepayers.

e. **Develop a Framework for Strategic Transmission Siting.** ODOE, in coordination with the PUC and the Governor's Office, shall undertake a process to evaluate and propose a framework to strategically accelerate:

   i. Identification and designation of transmission corridors, including on public lands (state and federal);
   ii. Streamlined partial siting and permitting approvals for future projects in those corridors or within existing transmission rights-of-way; and
   iii. Targeting direct financial support for projects that are determined to benefit the public interest.

f. **Deploy Energy Storage.** To support grid reliability and resilience, this Order establishes a goal of deploying 8 gigawatts of energy storage capacity in Oregon by 2045.

3. **Build a Resilient Clean Energy Economy:** Agencies listed in Section II.1.c of this Order shall align programs, decisions, and investments to advance the state's interest in growing a resilient clean energy economy that attracts and supports climate-friendly industries, creates jobs, and aligns with Oregon's climate goals. This includes but is not limited to the following initiatives:

   a. **Develop Public-Private Partnerships.** Agencies shall explore and prioritize opportunities for public-private partnerships to support development and deployment of clean energy technologies that align with Oregon's carbon-free energy and economic development priorities. Agencies will highlight those opportunities for the Governor's Office for review and consideration on a quarterly basis.

   b. **Evaluate Emerging Clean Energy Technologies.** ODOE, DEQ, Business Oregon, the PUC, the Department of Geology and Mineral Industries (DOGAMI), and the Governor's Office, shall collaborate to identify and assess opportunities for advanced and emerging carbon-free energy technologies to play a role in Oregon's clean energy future; evaluate risks and barriers; and propose cross-agency frameworks to support development and deployment of advanced technologies that increase access to affordable, safe, and reliable clean energy. ODOE will report progress and key findings in its

Biennial Energy Reports, including the Report that must be submitted to the legislature by December 1, 2026, and in each subsequent iteration of the Report.

II. ACCOUNTABILITY, COORDINATION, AND PROGRESS ON IMPLEMENTATION

1. **Executive Branch Agencies Subject to this Order.** Progress on the direction and commitments of this Order will take focused and coordinated planning and execution by Oregon's natural resource agencies and their respective Boards or Commissions.

   a. The following state agencies are subject to the goals and directives outlined in Section I.1 of this Order:

      i. Oregon Department of Administrative Services (DAS);
      ii. Oregon Department of Energy (ODOE), including the Oregon Climate Action Commission and the Energy Facility Siting Council;
      iii. Oregon Department of Environmental Quality (DEQ);
      iv. Oregon Department of Land Conservation and Development (DLCD);
      v. Oregon Department of Transportation (ODOT); and
      vi. Oregon Public Utility Commission (PUC).

   b. The following state agencies are subject to the goals and directives outlined in Section I.2.c of this Order:

      i. Oregon Department of Energy (ODOE), including the Oregon Climate Action Commission and the Energy Facility Siting Council;
      ii. Oregon Department of Environmental Quality (DEQ);
      iii. Oregon Department of Geology and Mineral Industries (DOGAMI); and
      iv. Oregon Public Utility Commission.

   c. The following state agencies are subject to the goals and directives outlined in Section I.3 of this Order:

      i. Business Oregon;
      ii. Oregon Department of Energy (ODOE), including the Oregon Climate Action Commission;
      iii. Oregon Department of Environmental Quality (DEQ);

iv. Oregon Department of Geology and Mineral Industries (DOGAMI); and
v. Oregon Public Utility Commission.

d. The following state agencies shall provide information and consultation to assist other agencies with the implementation of this Order as needed:

i. Business Oregon;
ii. Oregon Department of Fish and Wildlife (ODFW);
iii. Oregon Department of State Lands;
iv. Oregon Department of Transportation (ODOT);
v. Oregon Parks and Recreation Department; and
vi. Oregon Water Resources Department (OWRD).

2. **Reporting and Accountability.** State agencies must deliver transparent, accurate reporting on public programs, maintain accountability to citizens and stakeholders, and establish clear feedback loops that enable public input and demonstrate responsive government action.

a. **Agency plans.** Each of the following agencies shall develop (or incorporate into an existing planning process) a biennial plan that includes targets and metrics appropriate to the agency's intersection with this Order with the goal of focusing existing and new resources, programs and incentives to advance the goals and actions in Part I of this Order as applicable:

i. Oregon Department of Energy (ODOE), including the Oregon Climate Action Commission and the Energy Facility Siting Council;
ii. Oregon Department of Environmental Quality (DEQ); and
iii. Oregon Public Utility Commission (PUC).

b. **Public Feedback and Oversight.** Agencies will present their biennial plans to their respective board or commission for discussion, review, and comment at a public meeting where public testimony can be received.

c. **Recommendations for Governor's Recommended Budget.** Biennial plans will be developed on a schedule and in a format to inform the development of the Governor's Recommended Budget starting with the 2029-2031 Agency Request Budget biennial cycle. Actions for consideration for the development of the 2027-2029 Governor's Recommended Budget will be expedited as needed.

d. **Implementation Workplan.** Agencies shall immediately begin developing implementation timelines and pathways to comply with this Order.

3. **Coordination and Oversight of Implementation.** The Governor's Office will take a leadership role in advancing the efforts associated with this Order. It is the responsibility of each respective agency director to ensure appropriate coordination and implementation contemplated by this Order is integrated into agency programs and initiatives.

4. **Legislative & Public Engagement.** As requested, agencies shall provide updates and presentations on implementation work to relevant Boards, Commissions, Councils, Local Governments, Federal Agencies, and the Oregon State Legislature.

5. **Engagement with Oregon's Nine Federally Recognized Sovereign Tribal Governments.** The State, through the Governor's Office and the State Agencies, shall collaborate with Oregon's nine federally recognized sovereign tribal governments to build, sustain, and enhance relationships to find common ground in support of the implementation of this Order.

Done at Salem, Oregon, this 18th day of November, 2025.

Tina Kotek
GOVERNOR

ATTEST:

Tobias Read
SECRETARY OF STATE