

AGENDA ITEM FOR ADMINISTRATIVE MEETING ( ) Discussion only  
( X ) Action

FROM (DEPT/ DIVISION): County Counsel

SUBJECT: Solar Rulemaking Comments

<p>Background:</p> <p>Staff has drafted a comment letter regarding the Eastern Oregon Solar Rulemaking. The letter is before the Board for review and approval.</p>	<p>Requested Action:</p> <p>Approve letter and sign the letter</p>
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ATTACHMENTS : Proposed Agreement

\*\*\*\*\*For Internal Use Only\*\*\*\*\*

Checkoffs:

- ( ) Dept. Heard (copy)
- ( ) Human Resources (copy)
- ( X ) Legal (copy)
- ( ) (Other - List:)

To be notified of Meeting:  
 Bob Waldher  
 Needed at Meeting:

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Scheduled for meeting on: January 22, 2025

Action taken:

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Follow-up:

## Board of Commissioners



216 S. E. 4<sup>th</sup> Street  
Pendleton, OR 97801

Daniel N. Dorran  
541-278-6201

John M. Shafer  
541-278-6203

Celinda A. Timmons  
541-278-6202

January 22, 2025

Eastern OR Solar RAC Members  
Attn: Jon Jinings  
jon.jinings@dlcd.oregon.gov

### **Re: Eastern OR Solar Rulemaking Comments**

Mr. Jinings:

As an affected Eastern Oregon county, Umatilla County is pleased to provide comments on recent proposed rulemaking language to siting photovoltaic solar power generation facilities in Eastern Oregon.

Regrettably, the current proposed language forces counties to “opt-out” through a Post Acknowledgement Plan Amendment (PAPA). Umatilla County believes that the rule should be optional, and that counties should have the option to opt-in to the proposed rule changes if desired.

Permitting solar projects is already a complicated process for many eastern Oregon counties due to limited resources and staffing. Similarly, processing new Goal 5 PAPA requests is also complicated. Requiring eastern Oregon counties to evaluate Goal 5 to permit solar would be overly burdensome to a majority of the effected counties. Additionally, today, there is nothing preventing a county from applying Goal 5 to a significant solar resource area if desired by the county or an applicant.

The current rule language does not require mitigation to be equitable to impacts. While mitigation is important for all resources, this is particularly important for impacts to agriculture. Does the use of agrivoltaics provide an exemption for mitigation requirements? For example, a high value row crop is much more valuable than potential beekeeping under solar panels. Specifically, regarding agricultural mitigation, the current language does not require compensatory payments to go towards the loss of a crop or grazing. The language, “uplift opportunities for applicable agricultural sector” is very broad. This could be interpreted to fund a tasting room structure or other related facility. However, what has been lost is farm land. The RAC should consider narrowing this language down to be specific to the agricultural loss.

Regarding compensatory mitigation payments that benefit the community, perhaps the Rule should require that a community benefit committee be established under the County to determine how this money will be spent. Umatilla County has accomplished something similar for wind projects.

The language present under (b) (C) Implementation, the notice requirement of “general vicinity” is not a clear and objective land use standard. A clear and objective notice requirement regarding noticing distance should be recommended by the RAC for successful implementation by counties.

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Lastly, the proposed rule language does not necessarily address battery storage. How will associated battery facilities be evaluated?

Thank you for your consideration.

Celinda A. Timmons  
Chair, Board of Commissioners

Daniel N. Dorran,  
Commissioner

John M. Shafer  
Commissioner