

Summary of Revisions included in Solar Rulemaking Project Draft #3

General

Proposed definitions of arable lands, arable soils, nonarable lands and nonarable soils to be added to the definitions section at OAR 660-033-0020 have been removed.

The language “or any components thereof” has been removed from several locations based on legal advice received by department staff.

Page 1 – Lines 17-25.

The description of temporary workforce housing has been removed from the introduction at (38).

Page 3 – Line 85.

Language regarding “arable soils” has been substantially returned to its original form.

Page 3 – Lines 91-99.

The EESE analysis has been added to the arable land criteria.

Page 3 – Lines 101-103.

Language regarding “nonarable soils” has been substantially returned to its original form with a limited safe harbor-like provision.

Page 3 - Lines 106-107.

Most discretionary criteria has been removed from nonarable soils.

Pages 3&4 – Lines 111-121.

Language has been added to discuss Goal 5 resources that are inventoried in acknowledged comprehensive plans.

Page 4 – Lines 124-126.

Two options are offered to discuss consideration of wildlife species or wildlife habitat that is not inventoried in an acknowledged comprehensive plan.

Page 5 – Lines 131-136.

An additional subsection (38)(e) has been added requiring the project owner to essentially record a covenant not to sue based on accepted farm and forest practices. This language is modeled after OAR 660-033-0130(30), which is currently required on any dwelling approved in an exclusive farm use zone.

Page 5 – Lines 138-140.

An additional subsection (38)(f) has been added to simply state that nothing in the rule prevents a county from requiring a bond or other retirement responsibility on a developer.

Page 5 – Lines 142-144.

An additional subsection (38)(g) has been added to recognize that an amendment to ORS 469.300(11)(a)(D), which is the 100-acre definition that triggers a review by EFSC, would be a good time for LCDC to think about the 20/100-acre thresholds again.