

Fact Sheet for Solar & Irrigation Reservoir Rulemaking

Department of Land Conservation and Development

May 17, 2011

- Notice of this rulemaking is required under State law to be mailed to every property owner in the State with land in an exclusive farm use zone or mixed farm-forest zone
- However, the proposed new rules are likely to affect only a small number of properties in these zones
- We are not aware of any development that is proposed on or near your property related to these proposed rules
- There is no provision for eminent domain or trespass in these proposed rules
- The properties likely to be affected are those on which landowners might like to develop 1) commercial solar energy facilities, 2) irrigation reservoirs or 3) certain uses near irrigation reservoirs
- New rules would add additional review criteria to the siting of these uses that could impose certain limitations on them. As potentially very large uses, commercial solar energy facilities and irrigation reservoirs could result in the loss of a significant amount of farmland
- Solar energy facilities subject to the rule **do not** include solar panels on your home or business that are primarily for your own use
- Solar rulemaking is being proposed in response to outdated rules governing commercial power generating facilities, and growing interest in developing commercial solar facilities
- New solar review criteria streamline the approval of commercial facilities on less productive farmland and discourage such facilities on more productive farmland; they also add some review criteria, such as avoiding soil compaction and addressing wildlife concerns
- Irrigation reservoirs subject to the rule **do not** include farm or home ponds that are located on your own land; these are considered farm or accessory uses
- Irrigation reservoir rulemaking is being proposed in response to unclear rules governing irrigation reservoirs and a request by members of the Oregon Board of Agriculture to clarify how this use should be reviewed
- Dropping groundwater levels around the state mean that farmers are seeking additional surface water sources, which irrigation reservoirs can store
- New irrigation reservoir criteria encourage the siting of such uses in locations without important wildlife habitat or significant protected natural features
- New irrigation reservoir criteria would restrict certain new uses and activities within one-half mile of the reservoir, including recreational uses as listed, commercial power generation, public utilities and destination resorts. These uses, which could be attracted to the edge of what looks like a lake, could potentially interfere with the irrigation use of irrigation reservoirs
- The proposed rules do not apply to the residential or farm use of property. If you don't plan to develop a commercial solar facility, irrigation reservoir or certain uses around an irrigation reservoir, you may not have an interest in this rulemaking.
- The proposed rules will allow landowners who are adjacent to proposed commercial solar facilities, irrigation reservoirs and certain uses around irrigation reservoirs to receive notice and have the opportunity to make public input into local decisions on these uses