

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Opting Out Temporarily of Eastern
Oregon Solar Siting Rules pursuant to House Bill
3409

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ORDER NO. 2025-043

WHEREAS, The Land Conservation and Development Commission (LCDC) adopted new rules for Eastern Oregon Solar Siting at the June 2025 LCDC meeting. These rules will go into effect January 1, 2026; and

WHEREAS, This rulemaking was directed by the passage of House Bill 3409 (HB 3409) in 2023 and the subsequent LCDC charge to DLCD (Department of Land Conservation and Development) staff in November 2023. DLCD staff formed and worked with a Rulemaking Advisory Committee (RAC) to draft new regulations designed to find opportunities and reduce conflicts when siting photovoltaic solar power generation facilities in Eastern Oregon; and

WHEREAS, Oregon Administrative Rule (OAR) allows counties three pathways for reviewing photovoltaic solar power generation facilities on agricultural lands in Eastern Oregon: 1) Utilize new rules for Division 33 (OAR 660-033-0130(44)) for solar siting, which occurs if the County takes no formal action; 2) Continue to use the existing rules in Division 33 (OAR 660-033-0130(38)) and formally opt out of the new rules; or 3) Adopt a customized program under the provision of Statewide Planning Goal 5 (OAR 660-023-0195) as part of a comprehensive plan update and robust public process; and

WHEREAS, if the County chooses to adopt a customized program under the provision of Statewide Planning Goal 5, it will temporarily opt out of the new rules for Division 33 (OAR 660-033-0130(44)) while it undergoes the process to develop the customized program; now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, HEREBY ORDERS as follows:

Section 1. Effective January 1, 2026, Deschutes County shall temporarily opt out of new solar siting provisions in Division 33 (OAR 660-033-0130(44)) while it undergoes the process to develop a customized program for solar siting under the provision of Statewide Planning Goal 5.

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Section 2. During this time period, existing provisions for solar siting shall remain effective until such time that a new program under the provisions of Statewide Planning Goal 5 and a comprehensive plan update are adopted.

Dated this _____ of _____, BOARD OF COUNTY COMMISSIONERS
20__ OF DESCHUTES COUNTY, OREGON

ANTHONY DeBONE, Chair

PATTI ADAIR, Vice Chair

ATTEST:

Recording Secretary

PHIL CHANG, Commissioner