



MEMORANDUM

TO: Deschutes County Board of Commissioners

FROM: Tanya Saltzman, AICP, Senior Planner
Will Groves, Planning Manager
Peter Gutowsky, AICP, Director

DATE: September 3, 2025

SUBJECT: Eastern Oregon Solar Siting Rules / Options for Consideration for Exclusive Farm Use and Forest Use Zones

I. BOARD DIRECTION

On June 26, 2025, the Land Conservation and Development Commission (LCDC) adopted Oregon Administrative Rules (OARs) that guide development of renewable photovoltaic solar energy sites in Eastern Oregon on non-federal Exclusive Farm Use (EFU) and Forest Use zoned land (Attachment 1).

EFU Zoning

The administrative rules pertaining to EFU-zoned land become effective on January 1, 2026. Oregon counties will be opted in to the Eastern Oregon Solar Siting Rules (Attachment 2) unless they specifically take action to opt-out. There are three options for the Board of County Commissioners (Board) to consider:

- 1. Maintain local control by adopting Order No. 2025-042, opting out of Eastern Oregon Solar Siting Rules.** This option allows Deschutes County to continue applying existing rules in OAR 660-33-0130(38) for evaluating applications for photovoltaic solar power generation facilities ("facilities") on a case-by-case basis.
- 2. Do nothing.** On January 1, 2026, the County is automatically opted into OAR 660-033-130(44), which will enable Deschutes County, without amending its Comprehensive Plan or zoning code, to approve applications for individual facilities/sites of set sizes in the EFU zone without taking an exception to Goal 3: up to 160 acres on eligible high value farmland, 1,280 acres on arable farmland, and 1,920 acres on non-arable, lower quality farmland. A discretionary land use decision is still required, with public notice. Discretionary land use decisions may require a hearing and are subject to appeal.

3. **Initiate a customized program pursuant to OAR 660-023-0195 and under the provision of Statewide Planning Goal 5.** A customized solar siting program to designate photovoltaic solar power generation areas in the county would be considered and adopted as part of a comprehensive plan update. This option will involve a more robust public process and allow for acreage sizes for individual application sites larger than allowable under OAR 660-033-130(44): up to 240 acres on eligible high value farmland, 2,560 acres on arable farmland, and 3,840 acres on non-arable, lower quality farmland. Given the significance of this program, it would need to be prioritized as work task in the Community Development Department’s (CDD) FY 2025/2026 or 2026/2027 work program. In order to implement this option, the Board would adopt a temporary opt-out order, Order 2025-043, which would be repealed once the plan amendment is adopted (Attachment 3). If executed, this option, like Option 2, will require a discretionary land use decision and public notice, with the possibility of a hearing and potentially, an appeal.

Forest Use Zoning

LCDC also amended the Forestland Rules, OAR 660, Division 6, to increase the acreage threshold for applications for photovoltaic solar projects from 10 acres to 240 acres without taking an exception to Goal 4. Expanding this use in Forest Use zones will be a significant undertaking because it will require an extensive Goal 5 Economic, Environmental, Social, and Energy (ESEE) analysis due to wildlife inventories that include Elk Range, Tumalo Deer Winter Range, and Metolius Deer Winter Range, and Deer Migration Range. There are two options for the Board’s consideration:

1. Continue to allow photovoltaic solar farms on 10-acre parcels of property in the Forest Use zones;
or
2. Prioritize as a work task in the CDD FY 2025/2026 or 2026/2027 work program the development of opportunities for photovoltaic solar farms up to 240-acres in the Forest Use zones. .

II. DESCHUTES COUNTY COMMERCIAL SOLAR PROJECTS

From 2015 to 2019, Deschutes County approved six commercial photovoltaic solar projects, all without appeals, on EFU-zoned lands. Five have been developed. Compared to other solar projects in Eastern Oregon, which can encompass thousands of acres and generate hundreds and in some cases thousands of megawatts (MW), facilities in Deschutes County are relatively small.¹

Table 1 – Deschutes County Commercial Solar Projects

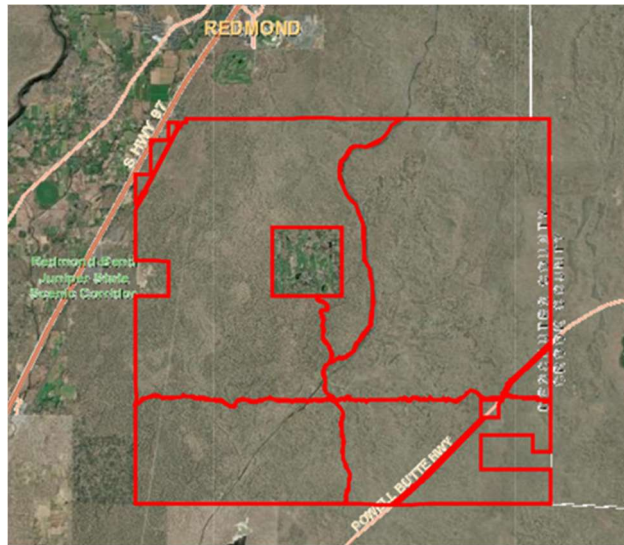
Name	Location	Size	Power Generation
Oregon Solar Land Holdings	21850 Highway 20	156 acres	10 MW
NorWest Energy 2, LLC	62435 Erickson Road	118 acres	10 MW
Central Electric Co-op	61090 27 th Street	22 acres	550,000 Watts
Saturn Power Corporation	9500 S Highway 97	95 acres	10 MW
Bear Creek Solar Center, LLC	21705 Neff Road 62210 Hamby Road	90 acres	10 MW
Alfalfa Solar Farm, LLC *	26780 Austin Road	120 acres	10 MW

¹ The average size of the six commercial solar farms approved in Deschutes County is 100 acres.

* Alfalfa Solar Farm's land use approval expired in 2023.

Regarding solar projects on federal land in Deschutes County, on November 21, 2024, the Bureau of Land Management (BLM) issued a notice of segregation of 4,037 acres of public land for the "Expedition Solar Project" near Juniper Preserve Destination Resort and Highway 97.² If initiated, local land use approval is not required. Figure 1 below illustrates the approximate location. According to BLM, the project is proposed to be a 700 MW solar farm. It is currently in preliminary review.³

Figure 1 – Approximate Location of BLM / Expedition Solar Project



III. RULEMAKING

Passed by the Oregon Legislature in 2023, House Bill (HB) 3409 directed the Department of Land Conservation and Development (DLCD) to collaborate with a Rulemaking Advisory Committee (RAC) to develop a process for identifying opportunities for, and reducing conflicts in, siting solar photovoltaic energy facilities in Eastern Oregon. DLCD held 14 meetings with the RAC between February 2024 and April 2025. The goal was to identify sites that support photovoltaic solar energy generation projects to help meet Oregon's clean energy goals. In HB 3409, legislators directed that this should happen without unnecessarily encroaching upon resources that are important to Oregonians as reflected in the statewide land use planning program. Legislators specified that the rules should preserve or mitigate impacts on culturally significant areas, wildlife habitats, and areas vital for farming, ranching, and forestry.⁴

² <https://www.federalregister.gov/documents/2024/11/21/2024-27320/notice-of-segregation-of-public-land-for-the-expedition-solar-project-deschutes-county-oregon>

³ <https://www.blm.gov/programs/energy-and-minerals/renewable-energy/active-renewable-projects#Projects%20in%20Preliminary%20Review>. Before entering formal environmental review under the National Environmental Policy Act, proposals for renewable energy projects undergo agency preliminary review. This includes but is not limited to adjudication for completeness and conformance with regulatory requirements, processing prioritization, and development of a cost recovery agreement with applicants.

⁴ https://links-2.govdelivery.com/CL0/https%2F%2Fwww.oregon.gov%2Fclcd%2FCommission%2FDocuments%2F2025-06_Item_4_Combined.pdf%3Futm_medium=email%26utm_source=govdelivery/1/01010197ccedba01-377d3959-c059-4acb-b53b-92891abfd891-000000/SNtchJ_rnUUuQjXuTg83seh6i-EUIZDWuq6VGWRD5VY=412

EFU Zoning

On June 26, 2025, LCDC adopted OARs that guide development of renewable solar energy sites in Eastern Oregon on EFU zoned properties. These regulations become effective on January 1, 2026. Counties are opted-in and must comply with these regulations unless they specifically take action to opt-out. The rules provide counties with several pathways for reviewing photovoltaic solar power generation facilities on non-federal EFU zoned lands.

- **OAR 660-033-0130(38):** These are the existing rules in Division 33 (Agricultural Land) that counties currently use for evaluating proposals for photovoltaic solar power generation facilities. This pathway is currently available to counties and will remain an option if a county makes a decision to opt out of the new rules in Division 23 or Division 33. These existing rules allow limited solar development on farmland and require approval of an exception to Statewide Planning Goal 3 for any significantly sized renewable solar project (more than 12 acres on high-value farmland, more than 20 acres on arable lands, and more than 320 acres on non-arable lands). If counties choose this option, they need to take formal action to opt out of the new Division 33 rules.
- **OAR 660-033-0130(44):** The new rules in Division 33 automatically apply unless a county takes formal action to opt out. These rules allow counties to review individual applications for photovoltaic solar power generation facilities/sites. Under these rules, a county would not be required to adopt comprehensive plan and land use code amendments for rule implementation. Counties are allowed to approve individual facilities/sites of set sizes on EFU-zoned properties as follows: up to 160 acres on high value farmland, 1,280 acres on arable farmland, and 1,920 acres on non-arable, lower quality farmland.
- **OAR 660-023-0195:** The new Division 23 (Natural Resources) rules give counties direction on how to adopt their own customized solar siting program, under the provisions of Statewide Planning Goal 5. Adoption of such a program would occur as part of a comprehensive plan update to designate photovoltaic solar power generation areas in the county. This option involves a more robust public process and allows for larger acreage sizes for individual application sites: up to 240 acres on high value farmland, 2,560 acres on arable farmland, and 3,840 acres on non-arable, lower quality farmland.

Forest Use Zoning

LCDC also amended the Forestland Rules, OAR 660, Division 6, to increase the acreage threshold for a photovoltaic solar project that can be processed as a conditional use from 10-acres to 240-acres on Forest Use zoned lands without taking an exception to Goal 4.

IV. SOLAR SITING in EFU ELIGIBLE AREAS

The new solar siting rules apply to all non-federal EFU zoned properties with several exceptions listed below:

- Sage-grouse Habitat
- Priority Wildlife Connectivity Areas

- High Use and Very High Use Wildlife Migration Corridors
- Wildlife habitat characterized by Oregon Department of Fish and Wildlife (ODFW) as Category 1
- Urban Reserve Areas
- EFU lands with an appurtenant water right as of 1/1/24
- High-value Farmland
- Metolius Area of Critical State Concern
- Location predominantly beyond 10 miles of a transmission line with a rating of 69 KV or above

It is difficult to accurately identify the number and scope of eligible EFU properties in Deschutes County because the following data is not readily available:

- Wildlife habitat characterized by ODFW as Category 1⁵
- EFU lands with an appurtenant water right as of 1/1/24
- High-value Farmland⁶

Excluding the three data sets listed above, Table 2 identifies the properties in Deschutes County that could potentially take advantage of the new rules. Many of the EFU parcels, however, are irrigated, rendering them ineligible, meaning that actual eligibility is likely less than the estimates below. Furthermore, as depicted in Table 3, 95% of the potentially eligible properties consist of 100 acres or less.

Table 2 – Potentially Eligible EFU Properties for Solar Siting

EFU Zoned Properties	Taxlots	Acres
(Gross) Non-Federal Ownership	9,409	250,576
Exceptions	Taxlots	Acres
Sage Grouse Habitat	4,434	152,697
Priority Wildlife Connective Areas		
High Use and Very High Use Wildlife Migration Corridors		
Redmond Urban Reserve Area		
Metolius Area of Critical State Concern		
Location predominantly beyond 10 miles of a transmission line with a rating of 69 KV or above		
Potentially Eligible EFU Properties⁷	Taxlots	Acres
(Net) Non-Federal Ownership	4,975	97,879

Table 3 – Potentially Eligible EFU Properties for Solar Siting by Acreage Category

Acreage Category	Properties	% of Total	Acres	% of Total
0-5	2,206	44%	3,421	3%
5-10	700	14%	5,287	5%
10-20	789	16%	12,699	13%
20-40	727	15%	22,147	23%

⁵ There is no official map for ODFW Habitat Category 1. Category 1 habitat is defined as essential, limited, and irreplaceable. Examples include bogs and fens, certain springs, seeps, and heron rookeries. An applicant would provide this data in a project level assessment.

⁶ High-value Farmland, defined in Deschutes County Code, Chapter 18 04, Title, Purpose and Definitions, recognizes tracts of land composed of predominant soil types when irrigated.

⁷ Excludes ODFW Category 1 wildlife habitat, EFU lands with an appurtenant water right as of 1/1/24 and High-value Farmland.

40-80	329	7%	18,399	19%
80-200	189	4%	23,158	24%
200-400	25	1%	6,515	7%
400-600	6	0.12%	2,668	3%
600-800	2	0.04%	1,323	1%
800-1,000	1	0.02%	846	1%
1,000+	1	0.02%	1,416	1%
TOTAL	4,975	100%	97,879	100%

V. OPTIONS

Deschutes County has a history of approving applications for renewable solar energy projects. As noted above, six have been approved since 2015. The new solar siting rules cater to Eastern Oregon counties with sparsely populated areas and large non-irrigated EFU tracts and Forest Use zoned tracts. However, the new rules are somewhat impractical to implement in Deschutes County, when factoring in the limited eligibility area and more importantly, the small average parcel size of EFU zoned properties and for Forest Use zoned properties, wildlife resources. Options for the Board's consideration are:

EFU Zoning

1. Adopt Order No. 2025-042, opting out of Eastern Oregon Solar Siting Rules.
2. Do nothing and automatically opt-in effective January 1, 2026.
3. Initiate a customized program, under the provision of Statewide Planning Goal 5 and adopt a temporary opt-out order, Order No. 2025-043, that will be repealed once a plan amendment is adopted. Given the significance of this work program, it would need to be prioritized as work task in CDD's FY 2025/2026 or 2026/2027 work program.

Forest Use Zoning

1. Continue to allow photovoltaic solar farms on 10-acre-sized Forest Use-zoned parcels; or
2. Prioritize as a work task in the CDD FY 2025/2026 or 2026/2027 work program the development of opportunities for photovoltaic solar farms up to 240 acres in the Forest Use zones.

Attachments:

1. DLCD Eastern Oregon Solar Siting Rule Summary
2. Opt-Out Order 2025-042
3. Temporary Opt-Out Order 2025-043