Temporary rules restrict Oregon solar development

By MATEUSZ **PERKOWSKI** EO Media Group

Oregon's land use regulators have temporarily expanded restrictions on solar arrays on high-value farmland over the objections of advocates who claim they'll impede development.

Solar facilities larger than 12 acres on high-value farmland have required conditional use permits in Oregon, but ambiguities in the regulatory language raised concerns among farm and conservation groups.

For example, one project was approved without a permit last year because the county government determined it didn't "preclude" agriculture use, since bees could still forage beneath the solar panels.

In response to these concerns, the Land Conservation and Development Commission issued temporary rules clarifying that solar projects cannot "use, occupy or cover" more than 12 acres, regardless of whether they "preclude" farm uses.

During a Jan. 24 meeting in Salem, Ore., the commission voted to approve additional provisions prohibiting most solar development on top-quality soils: those defined as Class I, Class II, prime and unique.

However, the revised rules will allow solar facilities of up to 20 acres on such soils if the project includes a "farm use element" for the project's duration, as determined by county land use rules. The special rules for "dual use" facilities are set



Oregon State University/Capital Press

Sheep graze underneath a solar array at Oregon State University in Corvallis, where researchers discovered grass growing more lush later in the season than elsewhere in the pasture. Such dual use projects are subject to special provisions under new Oregon rules for solar developments.

to expire in 2022.

Due to a request to submit additional information, the commission will also revisit the solar rules again at its meeting on March 21-22 with the goal of enacting permanent regulations.

A representative of Renewable Northwest, a nonprofit that supports solar energy, hopes the additional information will be compelling enough for the commission to decide changes need to be made to the rules.

"From the perspective of solar interests, the rule is extremely prohibitive and

has the potential to cripple the state's community solar program before it really gets going," said Rikki Seguin, the group's policy director.

Under Oregon's community solar program, residents could subscribe to a shared solar facility within their utility's service district, but the recently adopted rules could greatly restrict where projects could be built in the Willamette Valley, Seguin said.

Solar facilities can help Oregon farmers earn extra income to keep their land in the family and the property

can ultimately be returned to agricultural use, she said.

"There's a fixed life to solar facilities," Seguin said, adding that preserving Oregon farmland should be balanced with developing the state's clean energy economy. "What we see missing from these rules is any consideration of balance.

The farmland preservation group 1,000 Friends of Oregon supports the temporary rules in light of the "challenging process" and "strong interests on all sides of the issue," said Meriel Darzen, rural lands attorney for the nonprofit.

"In the end, we feel the department did the best it could with the very difficult position it was in," she said.

The regulation takes the "best of the best soils" off the table while leaving enough land open so solar development can occur in the appropriate areas, she

The rules are likely just the beginning of the conversation and 1,000 Friends of Oregon would like to see Oregon continue to revisit the issue and develop a statewide vision for renewable energy and land use, Darzen said.

Mary Anne Cooper, public policy counsel for Oregon Farm Bureau, said the rules were a "step in the right direction" and hopes they will be revisited as more data becomes available about solar development in the Willamette Valley and elsewhere in Oregon.

The Farm Bureau would like to see the state government recognize other aspects of agricultural productivity other than soil quality, such as the availability of irrigation, drainage systems or high-quality rangeland forage, she said.

Data collected by Oregon's Department of Land Conservation and Development — which is overseen by the commission — indicates 80 projects are currently proposed on nearly 1,000 acres of high-value farmland in the Willamette

Although solar advocates argued that proposed solar projects represent less than one-tenth of 1 percent of the nearly 1.46 million acres of high-value farmland in the Willamette Valley, DLCD recommended enacting the stricter regulations because the farmland impacts have been "disproportionate" in some areas.

The proposed conversion of nearly 1,000 acres of high-value farmland in the region "in a relatively short period of time" indicated that the existing rules for solar development were "too permissive" in the context of preserving farmland, the agency said.

Starnes continues crusade for campaign finance reform

By Paris Achen Oregon Capital Bureau

Patrick Starnes, former candidate for governor, earns a living now as a carpenter renovating an 1878 house in

Brownsville.

In his spare time, he is working to remodel Oregon's campaign finance laws to cut the influence of major donors.

Limiting campaign money was a primary plank for Starnes as he campaigned for governor last year as the candidate of the Independent Party of Oregon. He took no more than \$100 from any single donor though Oregon law would have allowed him to take checks of any size.

Shortly before the election, he dropped out in a deal with Democratic Gov. Kate Brown, getting from her promise to champion campaign finance limits in the 2019 Legislature.

He means to hold her to that promise and is continuing his one-man campaign

He calls on the governor's office regularly to check on campaign finance proposals. He's been assigned a point person in the Governor's Office, executive assistant Jack Polales, to meet with weekly.

commitment is "The important to see it through rather than getting the promises from everyone," Starnes

He also shows up at legislators' offices, sometimes unannounced, with a bright smile on his face and a ready speech on why there should be controls on how much donors can spend on political campaigns.

Wednesday, instance, he met individually with Sens. Ginny Burdick, Fred Girod, Tim Knopp and

"Since I am new to the Capitol, it is more introductory," Starnes said Friday. "If you haven't heard about me, this is who I am, and this is what I campaigned on. I want to hear from them mostly



Starnes

what their questions are and what their solutions are."

Some legislators have already agreed to support a constitutional amendment needed to make limits legal.

"Some lawmakers aren't interested in it and don't think it's a big issue," Starnes said.

His dream is to limit campaign contributions to \$1,000 for individuals and political action committees each election cycle.

In 1997, the Oregon Supreme Court ruled that such limits violated Oregonians' constitutional right to free speech, but voters could authorize the caps by approving an amendment.

Legislators in each chamber have proposed separate referrals to voters revising

different parts of the Constitution. The legislation would let voters decide whether to allow caps but proposes no specific limit.

Currently, donors can give as much as they want.

For instance, former Nike CEO Phil Knight contributed \$2.5 million to the campaign of state Rep. Knute Buehler, the Republican nominee challenging Brown. Knight contributed another \$1 million to the Republican Governors Association, which itself gave \$2 million to Buehler's campaign.

contributions Those helped make 2018 the most expensive governor's race in Oregon's history.

While Starnes is pressing for a \$1,000 limit, the governor prefers matching the federal limits of \$2,600 per individual and \$5,000 per political action committee.

Starnes admitted his number probably won't appeal to most lawmakers.

"I don't think it's viable, but one still has to haggle,' Starnes said.

When Brown testified at the first meeting of the new Senate Committee on Campaign Finance Wednesday, Starnes watched from the audience with his signature

She spoke to kick off the committee's work on campaign finance legislation.

When the governor entered the meeting, Starnes intercepted her to shake her hand and did the same thing when she left the meeting.

She declared her support for a constitutional amendment and requiring "dark money" groups to disclose the names of their donors. Such groups include politicai nonprofits that can legally receive unlimited contributions from corporations, unions and individuals and spend it without identifying

"Political interests should be able to speak out publicly but not to be able to disguise their voices and financial interests in the outcome they seek to influence," Brown said.

donors.

In late 2018, Starnes's mission to reform campaign finance found a nexus with Jeff Golden, Golden, a freshman senator from Ashland, chairs the campaign finance committee.

During his campaign, he vowed not to accept contributions from political action committees to show wouldn't be influenced by special interests, according to the Medford Mail Tribune.



