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June 23, 2017

Martha Fritzie, Senior Planner  
Clackamas County Department of Transportation and Development  
150 Beaver Creek Road  
Oregon City, OR 97045

RE: Pacific Northwest Solar LLC – Local File: Z0115-17-CP, Z0116-17-C  
DLCD File: 006-17

Ms. Fritzie:

Thank you for the opportunity to review and comment on the land use proposal referenced above. The applicant in this case is proposing an exception to Statewide Planning Goal 3, Agricultural Lands, for property located at Township 3 south, Range 4 east, Section 17, Tax Lot 00150. The purpose of the request is to develop a 10 megawatt (MW) utility-scale photovoltaic solar facility on approximately 70 acres adjacent to the City of Estacada's urban growth boundary.

The Department of Land Conservation and Development (DLCD) recognizes that energy produced from renewable sources is an important part of the future for our state and nation. We support developing renewable energy facilities in appropriate locations. Specifically, OAR 660-033-0130(38) is designed to encourage solar developers to select sites with the lowest potential for commercial farming and ranching and the lowest value for wildlife habitat. Lands with these characteristics are considered preferable for solar development and the rule provides a relatively clear path for siting projects up to 320 acres on such lands. Lands with greater capacity for commercial farming and ranching are considered less desirable for solar development. Recognizing the limited amount of high-value farmland in the state, land use rules give preference to non-high value lands, and generally limit solar installations on high value farmland to 12 acres or less. *See* OAR 660-033-0130(38)(f).

DLCD has reviewed the application, and has following concerns:

- (1) The application relies on Statewide Planning Goal 13, Energy Conservation, to demonstrate a need for the solar facility under OAR 660-004-0022(1). Although Goal 13 does address the subject of energy, it does not address energy facility siting. Planning guidelines in Goal 13, and elsewhere in the Statewide Planning Goals, are not approval criteria for comprehensive plan amendments.
- (2) The application asserts that the proposed solar facility is a rural industrial use, and thus may be justified under OAR 660-004-0022(3). As an initial matter, the department is not convinced that a solar facility is rightfully considered rural industrial development, at

least not in all cases. More directly, however, upon initial review, the department is not convinced the applicant has demonstrated that the subject property provides a significant comparative advantage as required by OAR 660-004-0022(3)(c).

- (3) The department is concerned that the applicant has not adequately considered siting the project on other lands that would not require an exception, as required by OAR 660-004-0020.

The above comments are based on the department's initial review of the application. DLCD will provide additional written testimony addressing these concerns prior to the first evidentiary hearing on July 10, 2017.

We request that this letter be entered into the record of these proceedings and that we receive a copy of the decision. If additional information is provided at the hearing, we ask that the hearing be continued, pursuant to ORS 197.763(4)(b), to allow us time to review the new information and respond if necessary. If you have any questions please contact me at 503-934-0048 or by e-mail at [timothy.murphy@state.or.us](mailto:timothy.murphy@state.or.us).

Respectfully,



Tim Murphy  
Farm and Forest Lands Specialist

Cc: Todd Cornett, Oregon Department of Energy  
James W. Johnson, Oregon Department of Agriculture  
Joy Vaughan, Oregon Department of Fish and Wildlife  
Lori Warner-Dickason, Oregon Department of State Lands