May 15, 2026

To: Department of Land Conservation and Development
635 Capitol Street NE Suite 150
Salem, OR 97301

**RE: DLCD's Recommendations Pursuant to Executive Order 25-29**

Renewable Northwest ("RNW") appreciates the opportunity to provide comments to the Oregon Department of Land Conservation and Development ("DLCD") on the agency's proposed recommendations pursuant to Executive Order ("EO") 25-29. RNW is a clean energy advocacy nonprofit working to decarbonize the electric sector in Oregon, Washington, Montana, and Idaho by accelerating the transition to clean energy. Our members include wind, solar, and storage developers, associated businesses, environmental organizations, and consumer advocates.

EO 25-29 directed DLCD to "accelerate clean energy deployment through Oregon's land use planning framework."[1] We appreciate DLCD Staff's work to evaluate existing rules and to identify opportunities to improve siting for clean energy and transmission infrastructure. While several recommendations move in the right direction, we are concerned that the recommendations, on the whole, do not match the urgency of the moment or the intent of the EO. Oregon has spent years pursuing incremental adjustments to siting renewable energy, but siting and permitting timelines remain far longer than other states[2], and deployment outcomes remain far below what the state's energy and climate goals require.

Despite having some of the most ambitious clean electricity targets in the country, Oregon ranks near the bottom in new renewable energy development.[3] Our members who develop renewable energy have been telling us this for years: Oregon is one of the most challenging states for development. This is by design: Oregon's land use planning framework was intended to preserve farmland, forests, and natural resources outside of urban growth boundaries. Indeed, our land use

[1] https://www.oregon.gov/gov/eo/eo-25-29.pdf
[2] Researchers found that Oregon has one of the longest renewable energy permitting timelines at the state level. While this research is focused on the EFSC permitting pathway, the state's land use system under DLCD's purview is a key element driving the length of that permitting process.
https://www.frontiersin.org/journals/sustainable-energy-policy/articles/10.3389/fsuep.2026.1715811/full
[3] https://www.opb.org/article/2025/05/12/oregon-washington-green-energy-bonneville/

system has served the state well in protecting our landscapes and resources, but it was not built with the scale and urgency of the clean energy transition in mind.

Oregon faces the dual challenge of maintaining strong protections for farmland, forests, and natural resources while also building the energy infrastructure needed to meet the state's clean energy goals and growing electricity demand. Oregon's major utilities are currently not on track to reduce emissions 80% by 2030 under HB 2021, and difficulties siting new generation and transmission are part of the problem. Delays increase the cost of energy, slow emission reductions, and make it harder to deliver the economic benefits that clean energy projects can provide, including jobs, local tax revenue, and supplemental income for rural landowners.

Our comments are grounded in the simple premise that Oregon needs deeper reforms that better balance resource protection with the urgent need for clean energy and transmission infrastructure. This does not mean dismantling Oregon's land use system, but it does point toward rebalancing policy goals. EO 25-29 presents an opportunity to shift toward more structural reforms, and we encourage DLCD to pursue these reforms commensurate with the scale of the challenge.

## I. Feedback on DLCD Recommendations

Recommendation 2.5: Consider updating Statewide Planning Goal 13, Energy Conservation, and if necessary, promulgate a new administrative rule to provide guidance for clean energy planning and siting

Oregon's land use planning system was developed over 50 years ago to address concerns over the impact that rapid population growth and associated development would have on Oregon's natural and working lands. The nineteen goals express the state's policy priorities related to farmland, forests, natural resources, and more. Missing from those goals, however, is any mention of climate change and the need for clean energy development to reduce greenhouse gas emissions and provide reliable, affordable energy. While the state's land use planning system has done a tremendous job of protecting our landscapes over the last 50 years, it is not equipped to address the climate crisis and clean energy development needs.

**Accordingly, we support Staff's recommendation to Amend Goal 13 – the state's energy conservation goal – to include clean energy development as a specific objective.** Updating Goal 13 would align our state's land use system with our energy policy goals, bringing much needed balance to the land use system by recognizing the need for clean energy development in the state.

However, we should work to ensure that amending Goal 13 would have more than just a symbolic impact. To that end, we have several questions for Staff:

1. *What does a Goal amendment process entail? Who is involved? How long would it take?*
2. *What specific outcomes does DLCD hope to achieve by amending Goal 13?*
3. *Would a Goal 13 rewrite support a quicker development process for clean energy?*
4. *Would an updated Goal 13 serve as a "reason" that could justify a Goal 3 or 4 exception during the siting & permitting process?*

Recommendation 1.1: Develop statute and rule provisions regarding stand-alone Battery Energy Storage Systems

**We strongly support Staff's recommendation to develop statute and rule provisions regarding stand-alone storage or BESS**. Storage is essential to a reliable grid, allowing utilities to store energy when supply is high and deliver it during peak demand. Despite this clear public benefit, standalone storage projects do not have a clear authorization pathway under Oregon law. **Specifically, RNW urges DLCD to put forward a recommendation defining BESS as a utility facility necessary for public service.** This designation would provide much-needed clarity for BESS permitting and help accelerate deployment.

Recommendation 2.1: New policies prioritizing re-use of existing sites over developing at new, undisturbed locations, or technical assistance to implement existing laws that prioritize the re-use of existing sites

While this sounds like a win-win theory in concept, many of the incentives to re-use existing sites are already in place. Developers prioritize reusing existing sites because of the large upfront costs associated with new site preparation and the infrastructure that comes with existing sites. For example, repowering wind sites is standard industry practice, where old turbines are swapped out for newer models, extending the life of the wind farm and using the existing footprint and grid infrastructure. Further, HB 4076, which was passed last session incentivizes siting new projects or additional capacity at existing sites where there is surplus interconnection, which is essentially extra transmission capacity that allows more power to be injected onto the grid at that specific point of interconnection.

**To the extent DLCD decides to pursue this concept, we recommend focusing on actions that streamline the permitting process for generation projects that re-use existing sites and transmission projects in existing right of way ("ROW").** These kinds of projects should require significantly less time to permit because of their limited impacts on the landscape and communities. We recommend that DLCD inventory the barriers that generation and transmission projects face to siting at existing sites or in existing ROW, and work to remove those barriers within the permitting process.

RNW also cautions that relying on existing sites alone will not solve the problem. Most projects in Oregon are far from their end of life, and we need to add more capacity to the grid now, which will require more land.

Recommendation 1.4: Expand the "Green Corridor" rule in OAR 660-033-0055 to apply statewide to facilitate and streamline transmission siting

RNW would appreciate more information from Staff on the intent and potential impact of expanding the Green Corridor rule statewide. Additionally, the concept of establishing preferred transmission corridors is similar to one of the directives under EO 25-29. The Oregon Department of Energy ("ODOE"), the Public Utility Commission ("PUC"), and the Governor's office are tasked with proposing a framework to strategically accelerate the identification and designation of transmission corridors. **To the extent that DLCD pursues this recommendation, we encourage the agency to coordinate with ODOE, the PUC, and the Governor's office to ensure alignment as the state considers how to facilitate efficient transmission development**.

Recommendation 1.3: Develop guidance for local government implementation of HB 4031(2026) and undertake conforming rulemaking on OAR 660-004-0022 to account for HB 4076 (2026)

HB 4031 temporarily allows certain renewable energy projects that would otherwise be subject to Energy Facility Siting Council ("EFSC") jurisdiction to instead pursue county-level permitting. Importantly, it does not require that the county accepts those projects; rather, it creates an optional permitting pathway for project developers. The law's impetus was the limited window of availability for federal clean energy tax credits, which provide a significant opportunity to lower energy costs and accelerate deployment of new resources.

Given that counties already have established siting and permitting processes for energy facilities, RNW does not believe HB 4031 requires extensive agency implementation. **To the extent DLCD believes guidance would be helpful for local governments, RNW supports only a limited and practical guidance document that will facilitate efficient and consistent implementation**. Any guidance effort should be narrowly tailored and developed on an expedited timeline to ensure projects can move forward in a timely manner under the HB 4031 framework.

To better understand Staff's recommendation, RNW would appreciate additional clarity on the following questions:

1. *What specific implementation issues does Staff believe require additional guidance for local governments under HB 4031?*
2. *What form would this guidance take (e.g. a memo, Q & A document, etc.)?*
3. *How does Staff envision ensuring that any guidance development does not delay local siting and permitting decisions for eligible projects?*

On HB 4076, RNW believes a limited and efficient conforming rulemaking may be appropriate. The law was written in such a way where projects that meet certain criteria are presumptively granted a goal exception, so a lengthy rulemaking process should not be necessary. However, it is our understanding that the legislature may take up HB 4076 again this session, so any implementation should wait for additional legislative direction.

## II. Additional Policy Options to Reduce Barriers to Clean Energy Deployment

In addition to the recommendations Staff has put forward, we encourage DLCD to consider other policy pathways that could help reduce barriers to clean energy deployment within Oregon's land use planning system while continuing to uphold the state's longstanding commitment to preserving our natural and working lands. Some of the concepts below are mutually exclusive, while others could be pursued in combination.

1. **Consider broadening the "reasons" that justify a Goal 3 exception to include state energy policies.** Currently, state energy policies like HB 2021 and the Renewable Portfolio Standard are generally not recognized as sufficient justification for a Goal 3 exception. As a result, Oregon's land use framework and energy policy objectives operate in tension with one another, creating additional uncertainty, delay, and cost for projects intended to advance state clean energy goals. Allowing state energy policies to be considered as part of the exception analysis could help better align these policy frameworks while preserving discretion to evaluate impacts on agricultural lands.
2. **Consider designating certain applications of solar as an allowable use on land zoned for exclusive farm use ("EFU"),** including:
    a. "Dual use" solar (i.e. agrivoltaics), where solar generation is integrated with continued agricultural production;
    b. Solar development with agricultural mitigation plans in place;
    c. Solar development on nonarable lands that are predominantly not cultivated and predominantly comprised of nonarable soils; and
    d. Solar facilities that fall under county siting and permitting jurisdiction.

    These approaches may provide opportunities to support renewable energy generation while minimizing impacts on agricultural land.
3. **Consider reauthorizing and updating dual use solar provisions** under OAR 660-033-0130(38)(g). DLCD could consider restoring this provision and updating it to better reflect new frameworks for dual use. Potential revisions could include:
    a. Removing the acreage limit for solar projects on high-value farmland ("HVF") where a qualifying dual use plan demonstrates continued agricultural production;
    b. Expanding eligibility to arable and nonarable lands, in addition to HVF; and
    c. Removing the repeal provision so this pathway remains available going forward.
4. **Consider amending the 320-acre threshold for solar allowed on nonarable land** under OAR 660-033-0130(38)(j). Restrictions on the size of solar facilities on EFU may

be most appropriately focused on arable and HVF. By contrast, limiting solar development on nonarable lands through an acreage cap may unnecessarily constrain opportunities on lands with comparatively lower agricultural utility.

5. **Consider amending the HVF definition** under ORS 195.300 to better align American Viticultural Areas ("AVA") designations with on-the-ground agricultural conditions. This could include:
    a. Removing AVA-related criteria from the HVF definition;
    b. Exempting solar facilities from the AVA-related HVF definitions; or
    c. Limiting HVF designations within eastern and southern Oregon AVAs to parcels that have irrigation rights.

RNW recommends that DLCD pursue some of the recommendations above in conjunction with some of the recommendations put forward by Staff. Together, these would go farther in reducing barriers to clean energy deployment under Oregon's land use planning system.

## III. Conclusion

RNW again thanks DLCD Staff for putting forward recommendations intended to reduce barriers to project development. We strongly support two of the recommendations: Amending Goal 13 and Developing Statute and Rule Provisions Regarding BESS. If implemented according to the intent of the EO, these concepts could meaningfully reduce the barriers that clean energy projects face in the siting process. However, RNW urges DLCD to pursue additional policy and rule changes that would more appropriately balance the state's land use policies and clean energy policies, including those outlined in section II above. Further, given the number of recommendations DLCD put forward, RNW encourages the agency to prioritize recommendations that will have the biggest potential impact toward accelerating clean energy project deployment. We look forward to continued engagement in the agency's implementation of EO 25-29.

Respectfully submitted,

/s/ Katie Chamberlain

Regulatory Manager

**Renewable Northwest**