



Oregon

Theodore R. Kulongoski, Governor

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November 14, 2008

TO: The Honorable Peter Courtney, President of the Senate
The Honorable Jeff Merkley, Speaker of the House

FROM: Richard Whitman, Director
Department of Land Conservation and Development

SUBJECT: Notice of Rulemaking Required by ORS 183.335

Enclosed are notices of rulemaking filed with the Oregon Secretary of State as required by ORS 138.335(1)(d) and (15). The enclosed notices indicate that the Land Conservation and Development Commission (LCDC) will consider the adoption of amendments to administrative rules regarding the siting of wind power generation facilities on agricultural land.

The proposed rule amendments clarify the current review process for commercial power generation facilities on farmland by creating a separate category and new standards for review of wind power projects under the list of permitted and conditional uses set forth in OAR 660-033-0130. The proposed new criteria are intended to (1) avoid or minimize adverse impacts to agriculture (in particular high-value farmland soils) by wind power projects and (2) streamline the review process for wind power projects that would not cause adverse impacts to agriculture.

LCDC will hold a public hearing to consider the proposed rule amendments in Tillamook on December 4, 2008. The meeting, which includes other agenda items, will begin at 8:30 a.m. at the Tillamook County Library, 1716 3rd Street, Tillamook. Interested persons may address LCDC concerning the proposal at that time, or may provide written comments. Written comments are encouraged, and will be accepted until the close of the hearing.

As required by ORS 183.335, this notice must be provided certain legislators, including the chairs and co-chairs of any interim committee with authority over the subject matter of these rules, at least 49 days before the effective date of the proposed rule amendments. These proposed rule amendments will not be effective until filed with the Secretary of State, which will occur after adoption and at least 49 days subsequent to this notice.

The proposed rule amendments may be obtained from the department's website at www.oregon.gov/lcd. Alternatively, to obtain a copy of the proposed rule amendments by mail, e-mail, or fax, please contact Bryan Cruz González at (503) 373-0050 ext. 322 or by e-mail at bryan.gonzalez@state.or.us.

Address written comments to the Chair of the Land Conservation and Development Commission, care of Bryan Cruz González at the above address, fax number or e-mail address. If you have questions about this proposal, contact Katherine Daniels at (503) 373-0050 ext. 329 or by e-mail at katherine.daniels@state.or.us or Jon Jinings at (541) 318-2890 or by e-mail at jon.jinings@state.or.us.

Enc: Notice of Proposed Rulemaking Hearing, Statement of Need and Housing Cost Impact Statement
cc: Senators Bates and Girod; Representatives Boquist, Clem and Roblan