

**SOLAR LEASES ON AGRICULTURAL LAND**

Presenters:  
**Kathleen Kapla, Sally Anderson Hansell, Marie Barlow**

OREGON STATE BAR AGRICULTURAL LAW SECTION  
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**MARIE BARLOW**  
 NEWSUN ENERGY  
 IN-HOUSE COUNSEL, POLICY & REGULATORY AFFAIRS

Solar Developer vs. Solar Company vs. Operational Company  
 Process of choosing land for development  
 Due diligence  
 Other factors

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**KATHLEEN KAPLA**  
 KAPLA LAW PLLC

**SALLY ANDERSON HANSELL**  
 ANDERSON HANSELL PC

**COURTING**

- Privacy
- Money matters
- Welcoming solar into the "family"
- Long-term commitment with a string of new partners
- Negotiating lease terms
- Climbing mountains together: neighbors, zoning and regulations

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### KEY MOMENTS IN THE LEASE

- Development period when due diligence occurs
- The lease period, which could be 30 years
- When the lease ends, when solar panels and structures could be obsolete

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### SITING THE PANELS AND OTHER STRUCTURES

- During due diligence:
  - Farming continues
  - The need for the developer's agents to do their work and avoid disturbing the farmer
- Which ground to choose
- Which roads to use
- Privacy
- Fencing
- Weed abatement/spray/overspray

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### ASSIGNABILITY

Concerns of the Landowner

- Getting used to new operational companies from time to time
- Requests for estoppel agreements
- How to transfer the rents to your family members

Concerns of the Solar Developer/Operation Company

- Financing and lender requirements
- Investor interests

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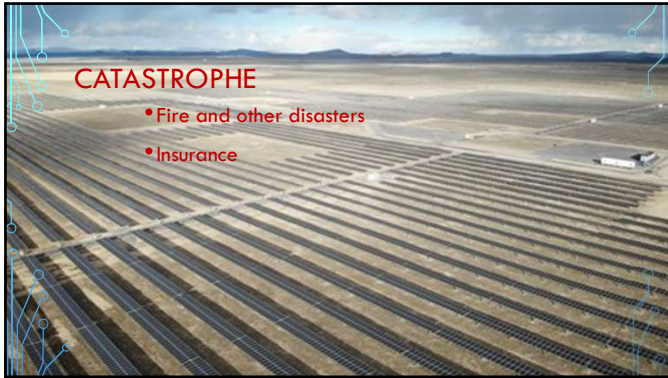
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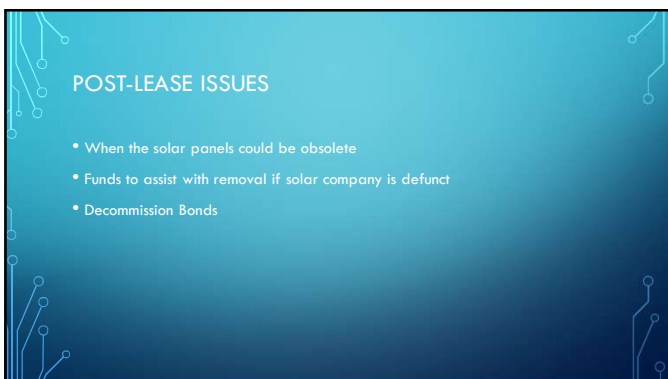
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