


# Oregon

John A. Kitzhaber, M.D., Governor

MEASURE: HB 2820 B  
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05/20/2013 - Hearing Room C

**To:** Senate Committee on Environment and Natural Resources  
Senator Dingfelder, Chair

**From:** Todd R. Cornett, Energy Siting Division Administrator

**Re:** HB 2820-B11 Relating to the Energy Facility Siting Council Solar Siting Thresholds

## Purpose of the -B11 Amendment

- 1. Removes definition of "Arable Lands":** This resolves confusion and potential conflict with the existing DLCD solar siting rule definition of "Arable Land". This ensures the DLCD solar siting rule, in addition to the definition of "Arable Land" will continue to be used for the purposes of administering the solar siting land use process while the solar PV jurisdictional threshold amended language will be used solely for the purpose of a jurisdictional threshold.
- 2. Amends the Solar PV jurisdictional thresholds:**

"(D) A solar [collecting] photovoltaic power generation facility using more than [100 acres of land.]:

"(i) 100 acres located on high-value farmland as defined in ORS 195.300;

"(ii) 100 acres located on land that is predominantly cultivated or that, if not cultivated, is predominantly composed of soils that are in capability classes I to IV, as specified by the National Cooperative Soil Survey operated by the Natural Resources Conservation Service of the United States Department of Agriculture; or

"(iii) 320 acres located on any other land.

How this jurisdictional threshold would work:

Scenario #1: Proposed project is below 100 acres. No soils mapping exercise is required for the purpose of establishing jurisdiction. Jurisdiction will automatically be at the county or city level.

Scenario #2: Proposed project is 320 acres or above. No soils mapping exercise is required for the purpose of establishing jurisdiction. Jurisdiction will automatically be at the EFSC level.

Scenario #3: Proposed project is between 100 and 319 acres. Applicant either conducts an objective mapping exercise themselves or request the County do it. The objective mapping exercise results in one of the following:

- 3A. Proposed project is located on high value farmland. Jurisdiction is EFSC.
- 3B. Proposed project is predominantly cultivated. Jurisdiction is EFSC.
- 3C. Proposed project is predominantly located on soils that are in capability classes I to IV. Jurisdiction is EFSC.
- 3D. Proposed project is predominantly located on soils that are in capability classes V – VIII. Jurisdiction is city or county.