

Chairman Williamson and Committee Members

## Comments Regarding HB 3456

First, let me say that the process being used regarding this bill has been and is not transparent, and frankly is dishonest. The precursor to HB 3456, HB 2023 had strong opposition. It was scheduled and withdrawn at least three times which removed much of the opposing testimony from the record. Those opposing that bill were told that there would be an amendment to the bill to reflect the changes that instead are appearing in this new HB 3456. Unless someone accidentally noticed this new bill number is being used instead of an amended HB 2023, you will see no testimony in spite of the opposition to this change in the Land Use rules. I sincerely hope that you consider this manipulation of the process when considering HB 3456. If the change stood on it's own merit, it would not require changing the Bill Number to confuse the public.

This bill addresses a problem that does not exist. Oregon is not in need of additional renewable energy resources which would be built as a result of this bill as evidenced by the following:

1. At the March meeting of the Integrated Resource Plan Advisory Council to Idaho Power, the representatives of Idaho Power stated they would not be needing additional energy resources until the mid 2020's. The draft material indicates power purchase agreements for small amounts of additional energy are predicted starting 2025. The Oregon Utilities are predicting an even longer time before needing additional energy resources and they report that demand has been virtually flat for multiple years.
2. Oregon currently has operating 2015 Mw of wind developments which were sited by the Oregon Department of Energy and Energy Facility Siting Council. There are 6 additional wind developments (Wheatridge, Golden Hills, Montegue, Perennial Wind Chaser, Saddle Butte and Summit Ridge) totaling 2312 Mw of additional wind which have been approved but not yet built due to a lack of customers. This does not include the wind and solar developments which have been approved by the counties and are either operating or are planned to be constructed. This is in an environment where Oregon already produces more energy than we use.
3. Umatilla Electric is planning to construct 300 acres of wind developments according to information they shared with the Umatilla County Commissioners. They already have obtained local approval for 80 acres of that amount through the local exception process.
4. If the intent of this undermining of Oregon's Land Use Goals in order to meet the needs of other states by sacrificing Oregon resources, and requiring Oregon taxpayers to subsidize developments that are not intended to meet needs in Oregon, it is time to take a careful look at what this state can afford to sacrifice.

Oregon is already at risk of having large tracts of agricultural land filled with solar and wind developments for several reasons including:

1. Oregon provides no requirement that developers show a need for the energy that will be developed.
2. The Idaho Public Utility Commission (PUC) now only requires 2 year contracts for solar energy producers. Oregon PUC requires 20 year contracts. Because of this, multiple solar developers now want to build solar developments in Oregon to produce energy for wholesale distribution to other states.

3. The impact of this law extends significantly beyond the actual solar development due to transmission lines required to move the energy to the grid, impacts of erosion, weeds, reduced property values, impacts to wildlife and people located on surrounding properties..

We are already losing our farm land due to impacts such as extending Urban Growth Boundaries. For example, during 2014/2015, there were 15 urban growth boundary amendments that brought 3,341 acres zoned EFU into urban growth boundaries. The Agricultural Census reports that between 2007 and 2012, Oregon lost 98,069 acres of farm land.

This bill is not consistent with the protection of Oregon's farm land, and once it is lost to development, it does not return to agricultural uses. Decisions regarding the appropriateness of allowing solar developments on high value farm lands should remain a county process handled as an exception to Oregon's statewide planning goals. The current process is working. Solar developments are being sited, The current siting process addresses multiple direct and indirect impacts which will be circumvented should HB 3456 pass.

What is not working about the existing process that justifies undermining Oregon's Land Use Planning rules? The counties have developed procedures based upon their unique priorities in order to control commercial developments within their borders. There are counties such as Morrow County which encourages energy development in virtually all areas of the county. There are also Counties such as Umatilla County which choses to control where these commercial developments are sited and evaluate the overall impacts of the development and associated transmission lines on the people and habitat within the county.

HB 3456 takes control over where developments are sited away from the counties and opens up areas to development that may not be compatible with the long-term local plans for an area. It also provides a generalized approval of developments absent site specific analysis which is applied by the counties.

HB 3456 will undermine the agricultural economic base of the state and set a precedent that is likely to be followed in other areas to the detriment of agriculture in Oregon.

This bill is being proposed to benefit one electric company in Eastern Oregon regardless of the impacts to other landowners.

The county reviews not only the impacts of the solar development but also the impacts of the transmission line connecting the development to the grid.

Umatilla Electric has stated that they have been contacted by several energy developers to also construct their transmission lines. Consequently, they want to open up as large an area as possible to solar development..

The related impacts of this bill will be devastating to the agricultural land in the area and will result in thousands of acres of unintended consequences.

This bill is an example of one that is intended to benefit a few at the expense of many. The right of way impacts can far exceed the land used for the solar development. Describing a proposed development as only impacting "waste land" avoids the related impacts of these developments.

Proponents of this bill claim that it will help Oregon meet its renewable energy requirements. Consider the following:

1. Oregon currently produces more energy than it uses.
2. Counting the hydro-power production, nearly all energy produced in Oregon is renewable.
3. Electricity use has been flat or going down due to microgrids, batteries and conservation.
4. Oregon currently has operating 2015 Mw of wind developments which were sited by the Energy Facility Siting Council and the Department of Energy.
5. There are 6 additional wind developments (Wheatridge, Golden Hills, Montegue, Perennial Wind Chaser, Saddle Butte, and Summit Ridge) totaling 2312 Mw of additional wind which have been approved, but not yet built due to a lack of customers. (This does not include the wind and solar developments which have been approved by the counties and are either operating or are planned to be constructed.)
6. Oregon taxpayers will be paying for tax incentives for most if not all of these developments.

Why would this legislature feel the need to overrule long standing land use laws that all other users must abide by in order to allow a utility to avoid local land use rules when a process exists for them to obtain approval through the local county? Do not remove protections for thousands of acres of agricultural land to benefit Umatilla Electric.

Umatilla Electric will provide pictures of what they describe as “waste land” which has already been approved for an 80 acre solar development through the exception process. They will also tell you that the exception process costs between \$150,000 and \$250,000 to complete. According to Umatilla County planning department, they charge \$1,000 and the cost of distributing materials for the exception. The County Planner for Umatilla County could only surmise that Umatilla Electric must be paying awfully high legal costs to come up with such figures.

The true basis for this change to Oregon Land Use Laws is to further Umatilla Electric’s desire to expand their business of constructing transmission lines to connect solar developments to the grid via the use of their power of eminent domain.

These land use decisions should remain with the local counties who are in the best position to make a determination on a case by case basis regarding the appropriateness of siting of developments impacting local agricultural land. The indirect impacts of these developments such as increased erosion, the spread of noxious weeds, transmission lines, roads, wildlife and people in the area are best handled by a local exception process, not a blanket authorization to build.

Thank you for considering these concerns.

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