

HB 2109 (LC 649)

Clarifying 2019 Legislation on Renewable Energy Facilities



Source: Metro



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Background

- HB 2329 (2019) – exempted certain renewable energy facilities from Energy Facility Siting Council (EFSC) review. County review for wildlife habitat, cultural resources, etc.
- “Renewable energy facility” defined so any project generating energy from a renewable source within any county zoning, regardless of size or type, would be reviewed.
- This result NOT intended by the 2019 Legislature. Only certain solar, wind and geothermal projects intended to undergo county review as an alternative to EFSC review.

Effect of HB 2329 (2019)

- Measure 56 (M 56) requires local governments to notify property owners when state or local zoning changes limit or prohibit previously allowed uses. DLCD must reimburse local governments for notices mailed due to statutory changes.
- HB 2329 triggers M 56 because the additional criteria intended only for county review of larger solar, wind and geothermal projects now subjects any renewable energy project to local review.
- M 56 reimbursements could cost up to \$750,000, and no funding has been appropriated for this purpose.

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- DLCDD consulted the Speaker's Office about addressing HB 2329 in either special session. Due to higher priorities, action deferred to 2021 Regular Session.
- Governor's Office filed LC 649 at DLCDD's request. LC 649 has been renumbered as HB 2109.
- HB 2109 limits the definition of "renewable energy facility" to certain solar projects located on exclusive farm lands or geothermal and wind projects generating specific ranges of power as intended by the 2019 Legislature.

More Information & Questions

- Available on OLIS:
 - Copy of LC 649
 - HB 2109 (LC 649) Factsheet
 - Letter to DLCD from Rep. Helm (chief sponsor of HB 2329)
- Questions for DLCD?