

February 26, 2019

House Committee on Energy and Environment  
900 Court St.  
Salem, Oregon 97301

Subject: House Bill 2329

Chair Helm and Members of the Committee,

Thank you for your consideration today of House Bill 2329, legislation to allow counties in the state to evaluate and issue land use approvals for larger renewable energy projects in Oregon. My specialty is solar farms. My company, Obsidian Renewables, has developed over 23 solar projects in Oregon, including the first solar farms for PacifiCorp and PGE six years ago.

Obsidian Renewables has proposed a project that is now before the Energy Facility Siting Council (EFSC), seeking a site certificate for a large (400 MW) solar photovoltaic farm in north Lake County outside the hamlet of Ft Rock. The project is expected to occupy about 3,600 acres when completed. I believe I am the first person who is not affiliated with a large utility or other large company to apply to EFSC for a site certificate for a renewable energy facility. My experience with the EFSC process has caused me to support HB 2329.

1. EFSC was created as a one-stop shop for utilities building large energy projects in 1975. When EFSC was created, energy projects being proposed were utility-owned nuclear, coal, and natural gas plants. It was understood that these large projects often impacted more than one county and required a degree of expertise that was beyond the experience of Oregon's counties at the time. This is not the landscape today. Today, most projects seeking approval from EFSC are renewable energy projects, particularly solar and wind projects. Solar and wind projects are well understood, and counties regularly permit projects within their jurisdiction through a public land use review process. Renewable energy projects are, by and large, developed by independent power producers in a highly competitive environment. Each large wind and solar project in Oregon compete with similar projects in Washington, Utah, Nevada, Idaho and Montana.
2. The EFSC process is unreasonably expensive for a solar farm. For example, with my project, EFSC's own fees are well over \$500,000 for a site certificate, and another \$1 million in aggregate annual fees over the life of the project. In comparison, in my experience, counties' fees for a solar project are about \$50,000 or less.

3. The EFSC process is unreasonably long for a solar farm (possibly 2-3 years or more). Counties, by comparison, are about 5-7 months, sometimes less. It takes far longer to obtain EFSC approval of a renewable energy project to supply a data center than it does to permit, design, and build the data center itself, with a data center being a facility reviewed by counties.
4. Counties, especially sunny-side counties, have considerably more experience siting solar projects than EFSC does. Counties understand the interests and needs of their area better than EFSC staff in Salem. The County land use approval process receives and responds to input from neighbors and citizens.
5. A solar farm that occupies more acres is not more difficult to permit than one that occupies 320 acres or less.
6. Annual ongoing fees. EFSC charges an annual fee for the life of the project to maintain its site certificate. We are told to expect the fee will be huge, \$35,000 or more each year.
7. Counties are responsible for all land use permitting in the state except for prisons and larger energy projects. Counties have a long and excellent track record of permitting and approving wind farms and solar farms within their jurisdictions. There is no urgent public need for state involvement. County review always includes coordination and input from Oregon Fish and Wildlife (sensitive species and habitat impacts), Oregon Department of State Lands (wetlands and waters), and the State Historic Preservation Office (cultural review, particularly with emphasis on Native American evaluation), among other agencies and interested parties.
8. Oregon seems close to passing legislation confirming its commitments to renewable energy and a safe and sustainable climate. Yet we also have an EFSC review process that makes new large renewable energy projects slow and expensive, particularly when compared to other nearby states.

Thank you for your time and attention.

*Daniel Brown*