

HB 2109 STAFF MEASURE SUMMARY

Senate Committee On Energy and Environment

Prepared By: Beth Reiley, LPRO Analyst

Meeting Dates: 4/20, 4/27

WHAT THE MEASURE DOES:

Modifies definition of “renewable energy facility” for purposes of county permitting process to include solar photovoltaic power generation facilities using: 1) more than 100 acres but not more than 160 acres located on high-value farmland; 2) more than 100 acres but not more than 1,280 acres located on land that is predominantly cultivated or that, if not cultivated, is predominantly composed of certain classes of soils; or 3) more than 320 acres but not more than 1,920 acres located on any other land; and includes electric power generating plants with an average electric generating capacity of at least 35 megawatts but less than 50 megawatts if the power is produced from geothermal or wind energy at a single plant or within a single energy generation area. Declares emergency, effective on passage.

- Ayes, 51; Nays, 4--Boshart Davis, Drazan, Hayden, Post; Absent, 1--Breese-Iverson; Excused, 3--Morgan, Stark, Zika
- Fiscal: No fiscal impact
- Revenue: No revenue impact

ISSUES DISCUSSED:

- Measure 56 implications
- Legislative intent of House Bill 2329 (2019)
- County role in permitting process

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Before a large energy facility is built in Oregon, the developer must apply for a site certificate from the Energy Facility Siting Council (EFSC). The types of energy facilities currently requiring a site certificate include large electric power plants using thermal power; solar photovoltaic power generation facilities on more than 100 acres of high-value farmland or arable lands, or 320 acres on any other land; transmission lines over a certain voltage and length, or which cross multiple cities or counties; certain surface facilities associated with underground natural gas storage facilities; large liquid fuel pipelines and liquefied natural gas storage facilities; large intrastate natural gas pipelines; synthetic fuel plants that produce gas, liquid, or solid fuel capable of being burned to produce large quantities of heat; plants that convert biomass to gas, liquid, or solid fuel products if any one of such products reaches a daily Btu threshold; small generating plants within certain locations that produce accumulated effects similar to a single large generating plant; and radioactive waste disposal sites and nuclear installations. Other energy facilities, including certain renewable energy generation facilities, are reviewed and sited by counties. House Bill 2329 (2019) modified the definition of an energy facility subject to the EFSC site certificate requirements. The Act exempted solar photovoltaic power generation facilities from requirements if they use: (1) 160 acres or less of high-value farmland; (2) less than 1,280 acres of arable lands; or (3) less than 1,920 acres of any other land. The Act would allow the developer of a project not subject to EFSC approval to elect to obtain a site certificate through EFSC. HB 2329 established criteria for siting certain renewable energy facilities outside the EFSC process, including habitat mitigation conditions.

HB 2109 STAFF MEASURE SUMMARY

House Bill 2109 would modify the definition of “renewable energy facility” to include solar photovoltaic power generation facilities of a certain size and electric power generating plants if the power is produced from geothermal or wind energy for purposes of county permitting process for certain energy facilities.