

**Date:** February 17, 2021  
**To:** House Committee on Energy and Environment  
**Re:** Support for House Bill 2109  
**From:** Mallorie Roberts, Legislative Affairs Manager

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Chair Marsh, Vice-Chairs Helm and Brock Smith,

On behalf of the Association of Oregon Counties (AOC), representing Oregon's 36 county governments, I offer the following comments in support of House Bill 2109.

AOC appreciates the Department of Land Conservation and Development (DLCD) working with the legislature and stakeholders to bring HB 2109, which makes a technical fix to HB 2329 (2019) in order to avoid the unintended and unbudgeted consequence of triggering Measure 56 notices.

HB 2329 (2019) created a new exemption from the Energy Facility Siting Council (EFSC) review for larger solar photovoltaic, geothermal, and wind energy projects on land zoned for exclusive farm use, instead allowing for local review of projects under those specific parameters. HB 2329 (2019) included a new statutory definition of renewable energy facilities (ORS 215.446) which inadvertently included all types of energy generation in all zones. As drafted, HB 2329 unintentionally triggers Measure 56 notice provisions by applying new review criteria on all renewable energy facilities subject to local review located in any rural land zoning category.

Measure 56 requires DLCD to notify counties of any new or amended statute that "that limit[s] or prohibit[s] otherwise permissible land uses" and requires the local government to notify affected landowners. DLCD is then required to reimburse local governments for the costs of notification, which has been estimated to cost DLCD up to \$750,000 due to this unintended error in HB 2329.

By tailoring the definition, HB 2109 would avoid pulling in and applying HB 2329's new local permit requirements to other, unintended renewable energy facilities and avoid unintended and unanticipated costs.

Thank you for the opportunity to provide written testimony. We urge the committee's support of HB 2109.