

HB 3179 -2 STAFF MEASURE SUMMARY

House Committee On Agriculture, Land Use, Natural Resources, and Water

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Meeting Dates: 3/16

WHAT THE MEASURE DOES:

Requires the Oregon Department of Energy to study permitting requirements for renewable energy facilities and to develop recommendations to improve permitting process. Directs the department to submit a report to an energy related interim committee of the legislature by September 15, 2024. Sunsets January 2, 2025.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 Replaces the measure. Changes the maximum acreage of a solar photovoltaic power generation facility in the context of county planning, zoning, and housing codes, court orders for enforcement, public availability of federal regulations and code provisions, certain waste management statutes, and associated civil penalties to 320 acres when located on high-value farmland, 2,560 acres when located on land that is predominately cultivated or, if not cultivated, is predominately composed of certain soils and 3,840 acres when located on any other land. Requires a county to consider all public testimony and any recommendation from any state agency through public testimony and to adopt evidence-based findings when issuing a renewable energy facility siting permit. Allows counties to approve certain mitigation plans, to accept a fee in lieu of mitigation, to approve or implement mitigation banking, or to approve any other mitigation that the county finds to meet siting standards. Requires that an applicant for a land use permit to establish a renewable energy facility must consult with the Oregon Department of Fish and Wildlife regarding direct, significant, and adverse impact to fish and wildlife populations and to develop a mitigation plan. Requires the Oregon Department of Transportation and the county court or board of county commissioners to not discriminate against or favor a renewable energy facility in reviewing or granting siting permits for such facilities to be built on the right of way of certain infrastructures. Requires the Energy Facility Siting Council (council) to either approve or reject an application for a cite certificate for a solar photovoltaic power generation within 120 days after filing. Prohibits the council from exercising jurisdiction over a facility that is sited wholly on federal land and is subject to or will be reviewed by a federal agency. Caps the total amount of notice, request, or application fees related to a solar photovoltaic power generation facility site certificate at \$250,000.

BACKGROUND:

Solar technology is a renewable energy source that harnesses radiant light and heat from the sun to generate electricity. Solar photovoltaic cells, which convert the energy of sunlight photons into electric current, are the most common type of this technology. In 2020 2.89 percent of Oregon’s energy was generated via solar technology. Before a large energy facility is built in Oregon a developer must apply for a site certificate from Oregon’s Energy Facility Siting Council.

House Bill 3179 would require the Oregon Department of Energy to study permitting requirements for renewable energy facilities, develop recommendations to improve permitting process and to submit a report to an energy related interim committee of the legislature by September 15, 2024.