

HOUSE AMENDMENTS TO HOUSE BILL 3181

By COMMITTEE ON AGRICULTURE, LAND USE, NATURAL RESOURCES, AND
WATER

April 10

1 On page 1 of the printed bill, line 2, delete “prescribing an effective date” and insert “declaring
2 an emergency”.

3 Delete lines 4 through 28 and delete pages 2 and 3 and insert:
4

5 “FINDING OPPORTUNITIES AND 6 REDUCING CONFLICT IN ENERGY SITING 7

8 “SECTION 1. Siting process. (1) As used in this section, ‘ESEE impacts’ means economic,
9 social, environmental and energy impacts resulting from a permitted land use.

10 “(2) The State Department of Energy and the Department of Land Conservation and
11 Development shall establish the Finding Opportunities and Reducing Conflict in Energy Sit-
12 ing process. The purpose of the Finding Opportunities and Reducing Conflict in Energy Siting
13 process shall be to:

14 “(a) Identify, based on the criteria described under subsection (3) of this section, the
15 characteristics, sizes and locations of geographic areas in this state where:

16 “(A) Siting renewable energy or transmission development is best suited for meeting the
17 state’s clean energy goals; and

18 “(B) Encouraging and incentivizing renewable energy or transmission development is
19 most appropriate;

20 “(b) Identify factors that help minimize the geographic area needed for and impact of
21 transmission development; and

22 “(c) Identify regulatory or policy changes or resources to streamline or expedite the
23 process for siting renewable energy or transmission development while ensuring the process
24 takes into consideration:

25 “(A) Other land uses; and

26 “(B) Communities located adjacent to the geographic area under consideration for
27 renewable energy or transmission development.

28 “(3) In identifying the characteristics, sizes and locations of geographic areas in this
29 state under subsection (2)(a) of this section, the following criteria shall be used:

30 “(a) Site characteristics, resource potential, current and future transmission access and
31 locations for potential interconnection; and

32 “(b) Efforts to avoid, minimize or mitigate negative ESEE impacts and maximizing posi-
33 tive ESEE impacts on natural resources, forestry, habitat, agriculture, community needs and
34 historic, cultural or archeological resources.

35 “(4) The State Department of Energy and the Department of Land Conservation and

1 Development may enter into intergovernmental agreements under ORS chapter 190 with
2 other state agencies, tribal governments and counties, for the purposes of:

3 “(a) Supporting the State Department of Energy and the Department of Land Conserva-
4 tion and Development in carrying out the provisions of this section;

5 “(b) Furnishing information or technical assistance needed to carry out the Finding Op-
6 portunities and Reducing Conflict in Energy Siting process;

7 “(c) Participating in the Finding Opportunities and Reducing Conflict in Energy Siting
8 Advisory Committee established under section 2 of this 2023 Act;

9 “(d) Providing feedback on the membership and work of the Finding Opportunities and
10 Reducing Conflict in Energy Siting Advisory Committee established under section 2 of this
11 2023 Act;

12 “(e) Identifying opportunities to streamline permitting and review processes across and
13 between state agencies; and

14 “(f) With regard to tribal governments, consulting on:

15 “(A) How best to protect natural resources and historical, cultural or archeological re-
16 sources without revealing sensitive information; and

17 “(B) How to improve and support tribal governments with regard to renewable energy
18 and transmission development.

19 “SECTION 2. Advisory committee. (1) As used in this section:

20 “(a) ‘ESEE impacts’ means economic, social, environmental and energy impacts resulting
21 from a permitted land use.

22 “(b) ‘Public body’ has the meaning given that term in ORS 174.109.

23 “(c) ‘Transmission development corridor’ means an extended geographic area:

24 “(A) Through which a transmission line passes to connect areas of current or future
25 renewable energy generation with areas of current or future energy demand; and

26 “(B) That is selected in order to avoid, minimize or mitigate negative ESEE impacts and
27 maximize positive ESEE impacts.

28 “(2) The Finding Opportunities and Reducing Conflict in Energy Siting Advisory Com-
29 mittee is established for the purpose of supporting the Finding Opportunities and Reducing
30 Conflict in Energy Siting process established under section 1 of this 2023 Act.

31 “(3) The State Department of Energy and the Department of Land Conservation and
32 Development shall appoint the members of the advisory committee. In appointing members
33 to the advisory committee, the departments shall solicit and consider recommendations for
34 membership from:

35 “(a) Public bodies;

36 “(b) Tribal governments;

37 “(c) Federal and state agencies;

38 “(d) Energy, community and conservation advocates; and

39 “(e) Individuals who have expertise in the energy or natural resources industries, in-
40 cluding renewable energy developers, utilities and agricultural producer associations.

41 “(4) The membership of the advisory committee shall consists of, at a minimum:

42 “(a) A representative from any state agency, tribal government or county that is a party
43 to an intergovernmental agreement entered into under section 1 (4) of this 2023 Act;

44 “(b) At least one member who represents public bodies;

45 “(c) At least one member who represents small-scale renewable energy developers;

- 1 “(d) At least one member who represents large-scale renewable energy developers;
- 2 “(e) At least one member who has expertise in community renewable energy develop-
3 ment;
- 4 “(f) At least one member who has expertise in renewable energy siting, policy or plan-
5 ning;
- 6 “(g) At least one member who has expertise in transmission siting;
- 7 “(h) At least one member who represents electric utilities, as defined in ORS 757.600;
- 8 “(i) At least one member who represents the labor interests of the clean energy or
9 renewable energy workforce;
- 10 “(j) At least one member who represents environmental justice communities, as defined
11 in ORS 469A.400, that are experiencing ESEE impacts from renewable energy or transmission
12 development;
- 13 “(k) At least one member who represents owners of irrigated or dryland farmland or
14 rangeland;
- 15 “(L) At least one member who has expertise in habitat conservation, preservation and
16 restoration;
- 17 “(m) At least one member who has expertise in land and water use; and
- 18 “(n) At least one member who has expertise in rural economic development.
- 19 “(5) The advisory committee shall:
- 20 “(a) Engage with and seek feedback from:
- 21 “(A) Regional energy planning entities;
- 22 “(B) The Energy Facility Siting Council;
- 23 “(C) The Environmental Justice Task Force, established under ORS 182.538;
- 24 “(D) The Land Conservation and Development Commission; and
- 25 “(E) Relevant federal agencies, including the United States Department of Defense, the
26 Bureau of Land Management and the Bonneville Power Administration;
- 27 “(b) Review any renewable energy siting assessment tool used by the State Department
28 of Energy and identify missing or outdated data sets that should be added or updated;
- 29 “(c) Review estimates of potential renewable energy generation for geographic areas in
30 this state and the land areas needed to meet state energy policies;
- 31 “(d) Review potential ESEE impacts from distributed energy resources;
- 32 “(e) Review studies and data regarding state energy trends;
- 33 “(f) Identify factors that help minimize the area needed for and impact of transmission
34 development, including:
- 35 “(A) Criteria for designating a geographic area a transmission development corridor;
- 36 “(B) Reconductoring and upgrading existing transmission lines;
- 37 “(C) Siting in existing rights of way; and
- 38 “(D) Working with communities to avoid, minimize or mitigate negative ESEE impacts;
- 39 “(g) Review a county’s comprehensive plan and inventory adopted under section 7 of this
40 2023 Act and:
- 41 “(A) Identify themes and principles that are similar to themes and principles of other
42 counties’ comprehensive plans and inventories;
- 43 “(B) Identify and consider cumulative impacts; and
- 44 “(C) Provide feedback and make recommendations to the county regarding the county’s
45 comprehensive plan and inventory;

1 “(h) Review existing mitigation processes and make recommendations to:
2 “(A) Establish practices and adopt regulations to mitigation impacts by renewable energy
3 or transmission development on agricultural land;
4 “(B) Establish and support best practices to mitigation impacts by renewable energy or
5 transmission development on fish and wildlife habitat in accordance with the policies de-
6 scribed under ORS 496.012 and 506.109;
7 “(C) Support certainty around the siting process for renewable energy and transmission
8 development; and
9 “(D) Identify characteristics and considerations of regional and local habitats that may
10 require specific mitigation practices;
11 “(i) Identify:
12 “(A) Regulatory barriers to renewable energy and transmission development that may
13 impede achieving state energy policies;
14 “(B) How to streamline, align or expedite processes to overcome the regulatory barriers;
15 and
16 “(C) How any changes to those processes may help avoid, minimize or mitigate negative
17 ESEE impacts and maximize positive ESEE impacts; and
18 “(j) Recommend technical assistance resources to support county siting processes and
19 the engagement of public bodies, tribal governments and communities in the siting process
20 for renewable energy and transmission development.
21 “(6) A majority of the members of the advisory committee constitutes a quorum for the
22 transaction of business.
23 “(7) Official action by the advisory committee requires the approval of a majority of the
24 members of the advisory committee.
25 “(8) The advisory committee may adopt rules necessary for the operation of the advisory
26 committee and form subcommittees.
27 “(9) The advisory committee shall meet at a time and place determined by the advisory
28 committee and, for each meeting, provide opportunity for public comment. The advisory
29 committee shall also meet at least four times a year in different parts of this state where
30 there is considered, planned or ongoing renewable energy and transmission development.
31 “(10) The State Department of Energy and the Department of Land Conservation and
32 Development may direct the advisory committee to work with or use the work of a state
33 agency, organization or other committees when the work is similar to the advisory
34 committee’s work.
35 “(11) The State Department of Energy and the Department of Land Conservation and
36 Development shall contract with a third party or parties to provide support to the advisory
37 committee, including support related to:
38 “(a) Facilitating and coordinating meetings;
39 “(b) Developing and coordinating processes; and
40 “(c) Furnishing data, maps and technical assistance.
41 “(12) A member of the advisory committee is entitled to compensation and expenses as
42 provided in ORS 292.495.
43 “SECTION 3. State Department of Energy report. (1) The State Department of Energy
44 and the Department of Land Conservation and Development shall contract with a third party
45 to prepare a report on the work and recommendations of the Finding Opportunities and Re-

1 **ducing Conflict in Energy Siting Advisory Committee established under section 2 of this 2023**
2 **Act.**

3 **“(2) The report may include recommendations for legislation.**

4 **“(3) The State Department of Energy and the Department of Land Conservation and**
5 **Development shall submit the report in the manner provided by ORS 192.245, to the appro-**
6 **priate interim committees of the Legislative Assembly no later than December 31, 2024.**

7 **“SECTION 4. Section 3 of this 2023 Act is repealed on January 2, 2025.**

8 **“SECTION 5. Renewable energy siting assessment tool. The State Department of Energy**
9 **shall maintain a renewable energy siting assessment tool and periodically update the tool**
10 **with information from:**

11 **“(1) Inventories and mapping resources made available by federal agencies;**

12 **“(2) Regional, state and local data and mapping projects; and**

13 **“(3) Sources of data identified by the Finding Opportunities and Reducing Conflict in**
14 **Energy Siting Advisory Committee established under section 2 of this 2023 Act.**

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16 **“COUNTY MAPPED INVENTORY FOR ENERGY SITING**

17
18 **“SECTION 6. Section 7 of this 2023 Act is added to and made a part of ORS chapter 197.**

19 **“SECTION 7. Mapped inventory for siting; county. (1) On or before January 1, 2026, each**
20 **county in eastern Oregon, as defined in ORS 321.700, may:**

21 **“(a) Adopt as part of the county’s comprehensive plan, a mapped inventory of areas best**
22 **sited for siting renewable energy facilities or transmission development corridors, as de-**
23 **fined in section 2 of this 2023 Act; and**

24 **“(b) Adopt amendments to the county’s comprehensive plan or land use regulations, in-**
25 **cluding overlay zones, to allow for expedited review of renewable energy facilities or trans-**
26 **mission development corridors on inventoried lands.**

27 **“(2) In conducting an inventory under this section, counties:**

28 **“(a) May utilize processes and formats consistent with a resource inventory for a state-**
29 **wide land use planning goal related to natural resources, scenic and historic areas and open**
30 **spaces;**

31 **“(b) Shall consider the quality and quantity of available land, conflicting uses and an**
32 **analysis of ESEE impacts, as defined in section 2 of this 2023 Act;**

33 **“(c) Shall create opportunities for public comment and engagement with landowners,**
34 **renewable energy developers, local state agency staff and relevant agriculture, conservation**
35 **and community associations and advocates;**

36 **“(d) May work regionally with other counties to identify common criteria and perform**
37 **mapping; and**

38 **“(e) Contract with a third party to perform or assist with mapping or inventorying.**

39 **“SECTION 8. Section 7 of this 2023 Act is amended to read:**

40 **“Sec. 7. (1) [On or before January 1, 2026,] Each county in eastern Oregon, as defined in ORS**
41 **321.700, may:**

42 **“(a) Adopt as part of the county’s comprehensive plan, a mapped inventory of areas best suited**
43 **for siting renewable energy facilities or transmission development corridors, as defined in section 2**
44 **of this 2023 Act; and**

45 **“(b) Adopt amendments to the county’s comprehensive plan or land use regulations, including**

1 overlay zones, to allow for expedited review of renewable energy facilities or transmission develop-
2 ment corridors on inventoried lands.

3 “(2) In conducting an inventory under this section, counties:

4 “(a) May utilize processes and formats consistent with a resource inventory for a statewide land
5 use planning goal related to natural resources, scenic and historic areas and open spaces;

6 “(b) Shall consider the quality and quantity of available land, conflicting uses and an analysis
7 of ESEE impacts, as defined in section 2 of this 2023 Act;

8 “(c) Shall create opportunities for public comment and engagement with landowners, renewable
9 energy developers, local state agency staff and relevant agriculture, conservation and community
10 associations and advocates;

11 “(d) May work regionally with other counties to identify common criteria and perform mapping;
12 and

13 “(e) Contract with a third party to perform or assist with mapping or inventorying.

14 **“SECTION 9. The amendments to section 7 of this 2023 Act by section 8 of this 2023 Act
15 become operative on January 2, 2026.**

16 **“SECTION 10. Grant program; county and tribal governments. The Department of Land
17 Conservation and Development shall provide financial assistance to county and tribal gov-
18 ernments to:**

19 **“(1) Participate in the Finding Opportunities and Reducing Conflict in Energy Siting Ad-
20 visory Committee established under section 2 of this 2023 Act;**

21 **“(2) Update resource inventories or other local data sets that may impact renewable en-
22 ergy or transmission development;**

23 **“(3) Obtain technical assistance associated with engaging in renewable energy or trans-
24 mission development;**

25 **“(4) Meet staffing or contracting needs associated with reviewing renewable energy or
26 transmission development permit applications;**

27 **“(5) Develop priority plans for county projects that could be completed through funds or
28 fees derived from renewable energy or transmission development;**

29 **“(6) Develop mitigation plans or processes, including creating or contributing to miti-
30 gation banks, associated with renewable energy or transmission development;**

31 **“(7) Facilitate local collaborative processes around renewable energy and transmission
32 development;**

33 **“(8) Identify and plan for community and workforce needs associated with renewable
34 energy and transmission development including education, training and workforce housing;**

35 **“(9) Develop and implement processes that can support and expedite processing of permit
36 applications under ORS 215.446 and 215.447, including consolidating processes and resources
37 with other counties; and**

38 **“(10) Update the local government’s comprehensive plan:**

39 **“(a) In response to recommendations made by the Finding Opportunities and Reducing
40 Conflict in Energy Siting Advisory Committee established under section 2 of this 2023 Act;**

41 **“(b) As required or allowed under section 7 of this 2023 Act; or**

42 **“(c) To implement changes that facilitate the siting of renewable energy facilities in ways
43 that are efficient or that preserve or mitigate losses of habitat, agricultural land or historic,
44 cultural and archeological resources.**

45 **“SECTION 11. Section 10 of this 2023 Act is repealed on January 2, 2026.**

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**“PROGRAM TO SUPPORT PARTICIPATION
IN ENERGY FACILITY SITING PROCESSES**

4 **“SECTION 12.** (1) The State Department of Energy shall provide financial and technical
5 assistance to assist public bodies, tribal governments and community organizations to:

6 **“(a) Participate in the review process of an application submitted under ORS 469.300 to**
7 **469.619;**

8 **“(b) Engage in the Energy Facility Siting Council rulemaking process; and**

9 **“(c) Participate in the Finding Opportunities and Reducing Conflict in Energy Siting Ad-**
10 **visory Committee established under section 2 of this 2023 Act.**

11 **“(2) The department shall disburse financial assistance under this section on an ongoing**
12 **basis in the form of grants.**

13 **“(3) The department shall:**

14 **“(a) Prescribe the form and manner in which an applicant may apply for a grant;**

15 **“(b) Establish the procedures for reviewing and approving an application;**

16 **“(c) Establish the costs and activities that may be covered by a grant award;**

17 **“(d) Establish the terms and conditions for grants awards; and**

18 **“(e) Establish procedures for verifying how grant award moneys are used.**

19 **“(4)(a) To receive a grant award, an applicant whose application is approved shall enter**
20 **into a grant award agreement with the department.**

21 **“(b) The Energy Facility Siting Council may review and require that additional terms or**
22 **conditions be added to the grant award agreement.**

23 **“(5) Moneys collected through assessments imposed on energy resource suppliers under**
24 **ORS 469.421 (8) may not be expended to provide financial or technical assistance under this**
25 **section.**

26 **“(6) The department may adopt rules to carry out this section.**

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“APPROPRIATIONS

30 **“SECTION 13.** In addition to and not in lieu of any other appropriation, there is appro-
31 priated to the State Department of Energy, for the biennium beginning July 1, 2023, out of
32 the General Fund, the amount of \$_____, which may be expended for the purpose of car-
33 rying out the provisions of sections 1 to 3 and 5 of this 2023 Act.

34 **“SECTION 14.** In addition to and not in lieu of any other appropriation, there is appro-
35 priated to the State Department of Energy, for the biennium beginning July 1, 2023, out of
36 the General Fund, the amount of \$500,000, to provide financial assistance under section 12
37 of this 2023 Act.

38 **“SECTION 15.** In addition to and not in lieu of any other appropriation, there is appro-
39 priated to the Department of Land Conservation and Development, for the biennium begin-
40 ning July 1, 2023, out of the General Fund, the amount of \$_____, which may be expended
41 for the purpose of carrying out the provisions of sections 1 to 3 of this 2023 Act.

42 **“SECTION 16.** In addition to and not in lieu of any other appropriation, there is appro-
43 priated to the Department of Land Conservation and Development, for the biennium begin-
44 ning July 1, 2023, out of the General Fund, the amount of \$2,000,000, to provide financial
45 assistance to county and tribal governments under section 10 of this 2023 Act.

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“UNIT AND SECTION CAPTIONS

“SECTION 17. The unit and section captions used in this 2023 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2023 Act.

“DECLARING EMERGENCY

“SECTION 18. This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect on its passage.”.
