

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3180**

In line 3 of the printed bill, after “facilities” insert “creating new provisions; and amending ORS 215.446 and 469.300”.

Delete lines 5 through 10 and insert:

**“SECTION 1.** ORS 215.446 is amended to read:

“215.446. (1) As used in this section:

“(a) ‘Average electric generating capacity’ has the meaning given that term in ORS 469.300.

“(b) ‘Energy generation area’ has the meaning given that term in ORS 469.300.

“(c) ‘Renewable energy facility’ means:

“(A) A solar photovoltaic power generation facility using:

“(i) More than 100 acres but not more than [160] **240** acres located on high-value farmland as defined in ORS 195.300;

“(ii) More than 100 acres but not more than [1,280] **2,560** acres located on land that is predominantly cultivated or that, if not cultivated, is predominantly composed of soils that are in capability classes I to IV, as specified by the National Cooperative Soil Survey operated by the Natural Resources Conservation Service of the United States Department of Agriculture; or

“(iii) More than 320 acres but not more than [1,920] **3,840** acres located on any other land.

\* \* \*

**“(7) A county shall not be required to adopt an exception under ORS 197.732 to a statewide land use planning goal relating to agricultural land in order to authorize the establishment of a solar photovoltaic power generation facility allowed under this section if:**

**(a) The facility will be sited in Eastern Oregon as defined in ORS 321.700(5) on land that is, as measured from the center of the facility to the center of the right of way of a transmission line:**

**(A) Within five miles of one or more transmission lines with a capacity of at least 115,000 volts and less than 230,000 volts; or**

**(B) Within ten miles of one or more transmission lines with a capacity of at least 230,000 volts; and**

**(b) The acreage of the proposed facility, when added to solar photovoltaic power generation facilities constructed or that have obtained land use approvals and building permits after the Effective Date of the 2023 Act, shall not exceed 5% of the County’s lands zoned for Exclusive Farm Use; and**

**(c) If the facility is a photovoltaic power generation facility pursuant to subsections (1)(c)(A)(i) or (ii) of this section, in addition to subsections (a) and (b) the facility must be sited:**

**(A) In Wasco, Sherman, Gilliam, Morrow, or Umatilla county on land that includes a majority of soils classified as NRCS non-irrigated soil class III through VIII and at least 80% of the proposed facility site boundary is at an elevation greater than 1000 feet; or**

**(B) On land that is not currently irrigated, does not have water rights, and is land within:**

- “(i) A moratorium on the issuance of new water permits;**
- “(ii) A critical ground water area under ORS 537.730; or**
- “(iii) A restrictively classified groundwater limited area or a serious water management problem area by the Water Resources Commission.**

**“SECTION 2.** ORS 469.300 is amended to read:

\* \* \*

“(11)(a) ‘Energy facility’ means any of the following:

\* \* \*

“(D) A solar photovoltaic power generation facility using more than:

“(i) [160] **240** acres located on high-value farmland as defined in ORS 195.300;

“(ii) [1,280] **2,560** acres located on land that is predominantly cultivated or that, if not cultivated, is predominantly composed of soils that are in capability classes I to IV, as specified by the National Cooperative Soil Survey operated by the Natural Resources Conservation Service of the United States Department of Agriculture; or

“(iii) [1,920] **3,840** acres located on any other land.

\* \* \*

**“SECTION 3.** Section 4 of this 2023 Act is added to and made a part of ORS 469.300 to 469.563.

**“SECTION 4.** Notwithstanding ORS 469.504 (2), the Energy Facility Siting Council shall not require an exception to a statewide land use planning goal relating to agricultural uses under ORS 197.732 for a solar photovoltaic power generation facility that is:

“(1) Described under ORS 469.300(11)(a)(D);

“(2) Sited on land zoned for exclusive farm use; and

“(3) At the time of submission of the notice of intent under ORS 469.330, is sited on land that meets the criteria in ORS 215.446(7)(a) and (b), and meets the criteria in ORS 215.446(7)(c)(A) or (B) for facilities that qualify as solar photovoltaic power generation facility under ORS 469.300(11)(D)(i) or (ii).

**“SECTION 5.** Sections 3 and 4 of this 2023 Act apply to applications to develop a facility submitted before, on or after the Effective Date of this 2023 Act for which an Energy Facility Siting Council final order has not been rendered before the effective date of this 2023 Act.