



Oregon

Tina Kotek, Governor



550 Capitol St. NE

Salem, OR 97301

Phone: 503-378-4040

Toll Free: 1-800-221-8035

FAX: 503-373-7806

www.oregon.gov/energy

MEMORANDUM

To: Chair Helm and Members of the Agriculture, Land Use, Natural Resources, and Water Committee

From: Todd Cornett, Assistant Director for Siting

Date: March 28, 2023

Re: ODOE Comments on HB 3180

The Oregon Department of Energy has no position on HB 3180, but wanted to share background information that may be helpful to legislators and staff. In addition to this memo, we are also sharing three fact sheets that may be of interest.

The State of Oregon's energy facility siting process is a consolidated review that incorporates most state and local government statutes, rules, standards, ordinances, permits, and other approvals into the authority of the seven-member, Governor-appointed and Senate-confirmed Energy Facility Siting Council (EFSC or Council). This consolidated review eliminates the need to seek multiple approvals through multiple processes that may have incompatible or contradictory approvals, conditions, review timelines, or appeal timelines.

The Oregon Department of Energy, staff to EFSC, works with all participants in the siting process, including but not limited to: applicants, certificate holders, state agencies, local governments, tribal governments, members of the public, and diverse interest groups. ODOE works to ensure the review process is as timely, efficient, transparent, and inclusive as possible while remaining consistent with statutory policy to protect public health and safety, and remaining in compliance with energy policy as well as air, water, solid waste, land use, and other environmental protection policies of this state.

EFSC currently has 3.7 GW of active solar energy projects that are operational, in construction, approved but not yet constructed, or under review. The Department has submitted a fact sheet that provides details and the statuses of these projects, including two projects that were approved within the six-month expedited review time frame after completeness. If those 3.7 GW are combined with all known county jurisdictional solar energy projects that are operational, in construction, or approved, it is equal to 4.8 GW. These numbers equate to 46 percent of the forecasted state solar needs by 2050, as identified by the

[Oregon Clean Energy Pathways study](#),¹ one of the many scenarios examined by the Department of Energy in the [“Charting a Course” Policy Brief](#) in the *2022 Biennial Energy Report*. The Department has submitted a fact sheet related to this model and existing active state and county renewable energy projects. The solar projects would cumulatively occupy 57,816 acres, or approximately 90 square miles, mostly in Exclusive Farm Use zoned lands.

HB 3180-2

The -2 version of HB 3180 proposes two primary changes, one of which involves increasing the size of county jurisdictional solar projects.

During the 2019 legislative session, HB 2329 substantially increased county jurisdiction over solar facilities. The -2 Amendment proposes to again significantly increase that jurisdiction. These thresholds are outlined in the following table:

	Pre HB 2329 County Thresholds and Current CUP Process Only	Current County Thresholds and Current CUP and HB 2329 Process	HB 3180-2 Amendment Proposed County Thresholds (CUP and HB 2329 Process)
Solar on High Value Farmland	<=100 Acres	>100 acres to <=160 Acres	>100 acres to <=240 Acres
Solar on predominantly cultivated land	<=100 Acres	>100 Acres to <=1,280 Acres (2 square miles)	>100 Acres to <=2,560 Acres (4 square miles)
Solar on other land	<=320 Acres	>320 Acres to <=1,920 Acres (3 square miles)	>320 Acres to <=3,840 Acres (6 square miles)

Since HB 2329 has gone into effect, ODOE has been notified of eight projects going through the county process. Three were approved and have either been constructed or are eligible to begin construction. Two were appealed with no outcome yet. One was denied by the county. One elected not to move forward and withdrew its application. The last one has not yet received a final county decision. In addition to this memo, the Department has submitted a fact sheet that provides more details on the eight projects that have gone through HB 2329 review.

ODOE is unaware of any analysis of the efficacy of the change in county jurisdictional thresholds from HB 2329. During testimony related to the bill, the stated purpose of changing the thresholds was to expedite renewable energy generation development. Prior to considering a doubling of those thresholds again, an analysis could be conducted to determine if the change in jurisdictional thresholds did, in fact, result in expedited renewable energy generation development and what, if any, were the impacts to counties and other groups interested in the siting process of large-scale solar projects.

¹ Evolved Energy Research. (2021). Oregon Clean Energy Pathways—Final Report (p. 39). [https://uploadssl.webflow.com/5d8aa5c4ff027473b00c1516/6328d0cb1553b714a2f95f11_Oregon%20Clean%20Energy%20Pathways%20Analysis%20Final%20Report%20\(2021-06-15\).pdf](https://uploadssl.webflow.com/5d8aa5c4ff027473b00c1516/6328d0cb1553b714a2f95f11_Oregon%20Clean%20Energy%20Pathways%20Analysis%20Final%20Report%20(2021-06-15).pdf)