

HB 2834-1
(LC 2190)
3/20/25 (CPA/ps)

Requested by Representative GAMBA

**PROPOSED AMENDMENTS TO
HOUSE BILL 2834**

1 In line 2 of the printed bill, after “military” insert “; creating new pro-
2 visions; and amending ORS 215.446”.

3 Delete lines 4 through 8 and insert:

4

5 **“IMPACTS OF ENERGY FACILITIES ON
6 MILITARY OPERATIONS AND READINESS**

7

8 **“SECTION 1. (1) As used in this section:**

9 **“(a) ‘Armed Forces of the United States’ includes the active and
10 reserve components of the Armed Forces of the United States and the
11 National Guard.**

12 **“(b) ‘Average electric generating capacity’ has the meaning given
13 that term in ORS 469.300.**

14 **“(c) ‘Energy facility’ means:**

15 **“(A) A transmission line or supporting infrastructure.**

16 **“(B) A solar photovoltaic power generation facility using more than
17 100 acres.**

18 **“(C) An electric power generating plant with an average electric
19 generating capacity of at least 35 megawatts that produces power from
20 wind energy at a single plant or within a single energy generation
21 area.**

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

3 “(e) ‘Transmission line’ means a linear utility facility used to
4 transmit or transfer electricity from a point of origin or generation
5 or between transfer stations.

6 “(2) A person may not construct or operate an energy facility that
7 has or will have an adverse impact on the mission, training or oper-
8 ations of a military installation or the Armed Forces of the United
9 States, including adverse impacts to military training routes, drop
10 zones, military radar, runway approaches or bombing ranges, as de-
11 termined by the United States Department of Defense or the Federal
12 Aviation Administration.

13

14 **“ENERGY FACILITY SITING COUNCIL**

15

16 “**SECTION 2.** Section 3 of this 2025 Act is added to and made a part
17 of ORS 469.300 to 469.563.

18 “**SECTION 3.** (1) The Energy Facility Siting Council may not:

19 “(a) Accept an application for a site certificate for an energy facility
20 described in subsection (2) of this section unless an applicant has ini-
21 tiated a formal review of the energy facility by the United States De-
22 partment of Defense under 32 C.F.R. 211.6.

23 “(b) Approve an application for a site certificate for an energy fa-
24 cility described in subsection (2) of this section unless an applicant
25 complies with the requirements under subsection (3) of this section.

26 “(2) The requirements under this section apply to applications for
27 a site certificate for an energy facility that is:

28 “(a) A high voltage transmission line as described under ORS 469.300
29 (12)(a)(C);

30 “(b) A solar photovoltaic power generation facility as described un-

1 der ORS 469.300 (12)(a)(D); or

2 “(c) An electric power generating plant as described under ORS
3 469.300 (12)(a)(J), that produces power from wind energy.

4 “(3) An applicant for a site certificate for an energy facility as de-
5 scribed in subsection (2) of this section shall obtain for the energy fa-
6 cility, and provide a copy to the council of:

7 “(a) A Determination of No Hazard to Air Navigation from the
8 Federal Aviation Administration under 14 C.F.R. part 77, subpart D;
9 and

10 “(b)(A) A determination from the United States Department of De-
11 fense Military Aviation and Installation Assurance Siting Clearing-
12 house established pursuant to 10 U.S.C. 183a that the energy facility
13 is compatible with the military's mission and that the construction
14 or operation of the energy facility will not:

15 “(i) Have an adverse impact on military operations; or

16 “(ii) Create an unacceptable risk to the national security of the
17 United States; and

18 “(B) If required by the United States Department of Defense, a
19 mitigation agreement that resolves any adverse impact.

20 “(4) A Mission Compatibility Certification Letter or other letter
21 from the United States Department of Defense may be used by an ap-
22 plicant to show that the applicant has obtained for an energy facility
23 a determination described under subsection (3)(b) of this section.

24 “(5) The council shall waive for an applicant the requirements un-
25 der subsection (3) of this section if the applicant initiated a formal
26 review of an energy facility by the United States Department of De-
27 fense under 32 C.F.R. 211.6, and, within 180 days from the date the
28 applicant initiated the formal review, the United States Department
29 of Defense has not issued a notice of presumed risk to national secu-
30 rity for the energy facility.

1 “(6) If a dispute arises between an applicant and the United States
2 Department of Defense regarding the requirements under this section,
3 the United States Department of Defense may notify the Governor or
4 the Governor’s designee and the Governor or the Governor’s designee
5 shall facilitate a dispute resolution.

“COUNTY PERMITTING

“SECTION 4. 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 9.300.

“(c) ‘Renewable energy facility’ means:

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

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

“(ii) More than 100 acres but not more than 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 3,840 acres located on any other land.

“(B) An electric power generating plant with an average electric generating capacity of at least 35 megawatts but less than 50 megawatts if the power is produced from geothermal or wind energy at a single plant or within a single energy generation area.

“(2) An application for a land use permit to establish a renewable energy

1 facility must be made under ORS 215.416. An applicant must demonstrate to
2 the satisfaction of the county that the renewable energy facility meets the
3 standards under subsection (3) of this section.

4 “(3) In order to issue a permit, the county shall require that the applicant:

5 “(a)(A) Consult with the State Department of Fish and Wildlife, prior to
6 submitting a final application to the county, regarding fish and wildlife
7 habitat impacts and any mitigation plan that is necessary;

8 “(B) Conduct a habitat assessment of the proposed development site;

9 “(C) Develop a mitigation plan to address significant fish and wildlife
10 habitat impacts consistent with the administrative rules adopted by the State
11 Fish and Wildlife Commission for the purposes of implementing ORS 496.012;
12 and

13 “(D) Follow administrative rules adopted by the State Fish and Wildlife
14 Commission and rules adopted by the Land Conservation and Development
15 Commission to implement the Oregon Sage-Grouse Action Plan and Execu-
16 tive Order 15-18.

17 “(b) Demonstrate that the construction and operation of the renewable
18 energy facility, taking into account mitigation, will not result in significant
19 adverse impacts to historic, cultural and archaeological resources that are:

20 “(A) Listed on the National Register of Historic Places under the Na-
21 tional Historic Preservation Act (P.L. 89-665, 54 U.S.C. 300101 et seq.);

22 “(B) Inventoried in a local comprehensive plan; or

23 “(C) Evaluated as a significant or important archaeological object or
24 archaeological site, as those terms are defined in ORS 358.905.

25 “(c) Demonstrate that the site for a renewable energy facility, taking into
26 account mitigation, can be restored adequately to a useful, nonhazardous
27 condition following permanent cessation of construction or operation of the
28 facility and that the applicant has a reasonable likelihood of obtaining fi-
29 nancial assurances in a form and amount satisfactory to the county to secure
30 restoration of the site to a useful, nonhazardous condition.

1 “(d) Meet the general and specific standards for a renewable energy fa-
2 cility adopted by the Energy Facility Siting Council under ORS 469.470 (2)
3 and 469.501 that the county determines are applicable.

4 “(e) Provide the financial assurances described in paragraph (c) of this
5 subsection in the form and at the time specified by the county.

6 “(f) For a renewable energy facility that is a solar photovoltaic power
7 generation facility using the number of acres described in subsection (4) of
8 this section, provide a decommissioning plan to accomplish the restoration
9 of the site to a useful, nonhazardous condition as described in paragraph (c)
10 of this subsection. A decommissioning plan provided under this paragraph
11 must include bonding or other security as the financial assurances described
12 in paragraph (c) of this subsection.

13 **“(g) For a renewable energy facility that produces power from solar
14 or wind energy, obtain:**

15 **“(A) A Determination of No Hazard to Air Navigation from the
16 Federal Aviation Administration under 14 C.F.R. part 77, subpart D;
17 and**

18 **“(B)(i) A determination from the United States Department of De-
19 fense Military Aviation and Installation Assurance Siting Clearing-
20 house established pursuant to 10 U.S.C. 183a that the renewable energy
21 facility is compatible with the military’s mission and that the con-
22 struction or operation of the renewable energy facility will not:**

23 **“(I) Have an adverse impact on military operations; or**

24 **“(II) Create an unacceptable risk to the national security of the
25 United States; and**

26 **“(ii) If required by the United States Department of Defense, a
27 mitigation agreement that resolves any adverse impact.**

28 “(4) The requirements in subsection (3)(f) of this section apply to a solar
29 photovoltaic power generation facility using:

30 “(a) More than 160 acres but not more than 240 acres located on high-

1 value farmland as defined in ORS 195.300;

2 “(b) More than 1,280 acres but not more than 2,560 acres located on land
3 that is predominantly cultivated or that, if not cultivated, is predominantly
4 composed of soils that are in capability classes I to IV, as specified by the
5 National Cooperative Soil Survey operated by the Natural Resources Con-
6 servation Service of the United States Department of Agriculture; or

7 “(c) More than 1,920 acres but not more than 3,840 acres located on any
8 other land.

9 **“(5) If a dispute arises between the county and the applicant or**
10 **United States Department of Defense regarding the requirements un-**
11 **der subsection (3)(g) of this section, the United States Department of**
12 **Defense may notify the Governor or the Governor’s designee and the**
13 **Governor or the Governor’s designee shall facilitate a dispute resol-**
14 **ution.**

15 “[(5)] **(6)** Upon receipt of a reasonable cost estimate from the state agency
16 or tribe, the applicant and county may jointly enter into a cost reimbursement
17 agreement administered by the county with:

18 “(a) The State Department of Fish and Wildlife to receive comments under
19 subsection (3)(a) of this section.

20 “(b) The State Historic Preservation Officer or any affected federally re-
21 cognized Indian tribe to receive comments under subsection (3)(b) of this
22 section.

23 “(c) The State Department of Energy to receive comments under sub-
24 section (3)(c) and (d) of this section as well as comments regarding other
25 matters as the county may require.

26 “[(6)] **(7)** A county that receives an application for a permit under this
27 section shall, upon receipt of the application, provide notice to persons listed
28 in subsection [(7)] **(8)** of this section. The notice must include, at a minimum:

29 “(a) A description of the proposed renewable energy facility;

30 “(b) A description of the lots or parcels subject to the permit application;

1 “(c) The dates, times and locations where public comments or public tes-
2 timony on the permit application can be submitted; and

3 “(d) The contact information for the governing body of the county and the
4 applicant.

5 “[(7)] **(8)** The notice required under subsection [(6)] **(7)** of this section
6 must be delivered to:

7 "(a) The State Department of Fish and Wildlife;

8 "(b) The State Department of Energy;

9 "(c) The State Historic Preservation Officer;

10 "(d) The Oregon Department of Aviation;

11 "(e) The United States Department of Defense; and

12 “(f) Federally recognized Indian tribes that may be affected by the appli-
13 cation.

“APPLICABILITY DATES

17 **“SECTION 5. (1) Section 3 of this 2025 Act applies to energy facili-**
18 **ties approved on or after the effective date of this 2025 Act.**

19 **“(2) The amendments to ORS 215.446 by section 4 of this 2025 Act**
20 **apply to renewable energy facilities approved on or after the effective**
21 **date of this 2025 Act.**

“CAPTIONS

25 **“SECTION 6.** The unit captions used in this 2025 Act are provided
26 only for the convenience of the reader and do not become part of the
27 statutory law of this state or express any legislative intent in the
28 enactment of this 2025 Act.”.