



1000 Friends of Oregon
340 SE 6th Ave, Portland, OR 97214
www.friends.org
503-497-1000

March 26, 2025

House Committee on Climate, Energy and Environment
Oregon State Capitol
900 Court Street NE
Salem, Oregon 97301

Re: Vote "Yes" on HB 3422

Chair Lively, and members of the committee:

1000 Friends of Oregon is a nonprofit, membership organization that works with Oregonians to support livable urban and rural communities, protect family farms, forests and natural areas, and provide transportation and housing choices. 1000 Friends recognizes and supports the long-term state goal to address a changing climate and growing energy needs with many tools, including renewable energy development. We are actively engaged in and support the ongoing efforts of the Land Conservation and Development Commission (LCDC) to address the state's needs for renewable energy while recognizing the need to protect Oregon's agricultural and forest lands.

1000 Friends supports SB 3422. We believe that there are many opportunities to site energy facilities that do not compromise valuable agricultural and forest lands. It is important to recognize that agriculture and forest activities are not only land dependent, but they also soil dependent.

Under current law, counties and the Energy Facility Siting Council (EFSC) share jurisdiction for energy facility siting. Counties have jurisdiction over two types of solar facilities: smaller projects using what is commonly called the "conditional use" process and medium size projects using the exceptions process. EFSC has jurisdiction over larger projects. While facilities over a certain size are required to apply with EFSC, developers may voluntarily choose to use the EFSC process for projects of any size.¹

HB 3422 would reestablish the review criteria used by EFSC for siting energy facilities to make it identical to that used by local governments. HB 3422 would not preclude any proposed energy

¹ *Oregon Farm and Forest Land Use Report 2022-2023*, Oregon Department of Land Conservation and Development, pages 56-57.

Since our founding in 1974, we have worked with Oregonians to enhance our quality of life by building livable urban and rural communities, protecting family farms and forests, and conserving natural areas.

facility from being reviewed and if found to be consistent with review criteria, approved by EFSC.

Counties currently apply the following review criteria when reviewing a proposed exception:

(4) The Council (EFSC) may find goal compliance for a proposed facility that does not otherwise comply with one or more statewide planning goals by taking an exception to the applicable goal. Notwithstanding the requirements of ORS 197.732, the statewide planning goal pertaining to the exception process or any rules of the Land Conservation and Development Commission pertaining to the exception process, the Council may take an exception to a goal if the Council finds:

(a) The land subject to the exception is physically developed to the extent that the land is no longer available for uses allowed by the applicable goal;

(b) The land subject to the exception is irrevocably committed as described by the rules of the Land Conservation and Development Commission to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or

(c) The following standards are met:

(A) Reasons justify why the state policy embodied in the applicable goal should not apply;

(B) Areas that do not require a new exception cannot reasonably accommodate the proposed facility;

(C) The significant environmental, economic, social and energy consequences anticipated as a result of the proposed facility have been identified and adverse impacts will be mitigated in accordance with rules of the Council applicable to the siting of the proposed facility; and

(D) The proposed facility is compatible with other adjacent uses or will be made compatible through measures designed to reduce adverse impacts.

All of the listed review criteria also apply to EFSC review of proposed energy projects, except the bolded subsection (c)(B). In other words, counties, but not EFSC, conduct an alternatives analysis to ensure an area that does not require an exception cannot reasonably accommodate the proposed facility.

It is important to note that if an alternative site cannot reasonably accommodate a proposed facility, an exception may be authorized to site the facility on resource lands.

According to the Oregon Department of Land Conservation and Development, between 2011 and 2024, twenty-two (22) solar projects were permitted by Oregon counties using the exceptions process, including the alternatives analysis described above – meaning they were sited on resource land. Nine (9) of the twenty-two (22) involved high-value farmland, 9 involved arable farmland and 4 involving nonarable farmland. The total area encompassed in these 22 projects is 5,009 acres. During the same time period, the EFSC approved 12 solar projects on resource lands through the exceptions process.²

It is important to note that under current law, energy developers are allowed to choose where to submit a proposed project: to a county or to EFSC. Many choose to seek approval from EFSC instead of the applicable local government. As of August 2024, EFSC has approved 51,889 acres of solar development.³

Under current law and under HB 3422, solar facilities may be sited on farmland and on other resource lands: however, the bill would ensure that EFSC, like counties, would first evaluate alternatives to see if reasonable sites are available that are not resource lands. If other lands are found to not be available, HB 3422, like the current process used by all 36 Oregon counties would not preclude the siting of energy facilities on lands zoned for exclusive farm use.

1000 Friends of Oregon ask that you approve HB 3422.

Sincerely,

A handwritten signature in black ink that reads "James Johnson". The signature is written in a cursive style with a large, stylized initial "J".

Jim Johnson
Working Lands Policy Director

² *Oregon Farm and Forest Land Use Report 2022-2023*, Oregon Department of Land Conservation and Development, page 58

³ Oregon Department of Energy, August 20, 2024