



# HB 2329

## Renewable Energy Siting

Rikki Seguin – Policy Director, Renewable Northwest  
February 28, 2019

# Renewable Northwest

- Regional, renewable energy advocacy organization (Oregon, Washington, Montana, and Idaho)
- Mission to promote environmentally responsible renewable energy development
- Members consist of renewable energy developers, energy companies, environmental non-profits, consumer advocates

# Renewable Siting Overview

- **The Legislature granted authority to the counties to review and approve all land uses, with few exceptions**
  - Prisons and certain energy projects are reserved for State-level review
- **Energy projects that meet threshold criteria established by the Legislature (“energy facilities”) go to the Energy Facility Siting Council (EFSC) instead of local jurisdictions**
- **Renewable-specific thresholds include:**
  - for wind: **105 MW**
  - for solar:
    - **100+ acres** of high value farmland (approx. 16-20 MW)
    - **100+ acres** of lower-grade arable farmland (approx. 16-20 MW)
    - **320+ acres** of lower-grade non-arable farmland (approx. 50-55 MW)

# EFSC

- **EFSC created in 1975 at same time as ODOE**
  - Very different energy landscape in 1975
- **Seven volunteer members on EFSC**
  - Appointed by the Governor
  - Serve on the Council for up to two, four-year terms
- **EFSC review processes require full cost recovery**
- **Proposed facilities must meet EFSC Siting Standards in order to receive site certificate, including:**
  - Structural, Soil Protection, Land Use, Protected Area, Retirement and Financial Assurance, Fish and Wildlife, Threatened and Endangered Species, Scenic Resources, Cultural and Archaeological Resources, Recreation, Public Services, Waste Minimization

# HB 2329

- **Allows most renewable energy projects to select local or state review**
  - For high-value farmland, requires EFSC review for projects on greater than 200 acres
  - Washington State allows choice between state and local review for renewable energy projects
- **Forthcoming amendment to ensure counties consider EFSC Standards, many of which are already embedded in local energy zoning ordinances**
  - Some counties already require more stringent review

# HB 2329

- **Does not eliminate EFSC**
  - EFSC still reviews and approves all energy facilities subject to EFSC jurisdiction
  - EFSC still reviews and approves renewable energy facilities that select state review
  - EFSC still reviews and approves solar >200 acres on high-value farmland
- **Still requires:**
  - Compliance with directly applicable state law
  - Coordination and consultation with interested stakeholders and agencies

# Renewable Energy Drivers

- **State Renewable Portfolio Standard**
  - 50% Renewable Energy by 2040
  - Coal out of Oregon rates by 2030
  - 8% Community Renewable Capacity Mandate
- **Climate Action Program**
- **Increased Customer Demand**
  - City of Portland and Multnomah County both adopted “100% Renewable by 2050” resolutions
  - Oregon businesses demanding clean energy (ex. Facebook and Apple data centers)

# Why Change EFSC Jurisdiction?

- **The original purpose and need for EFSC is no longer relevant for most renewable energy development**
  - Solar and wind technology is not new and counties regularly review permit applications
  - Developers and counties coordinate directly with state agencies and stakeholders
- **The EFSC review timeline does not keep Oregon competitive**
  - EFSC review versus local review can add 12+ months to a permitting timeline
  - The marketplace demands faster development of renewable energy projects
  - Faster review does not mean less strenuous review
- **Cost of project review**
  - Local review for renewable projects cost, on average, \$50K- \$80K
  - EFSC review for renewable projects cost, on average, over \$1million
- **More direct and impactful participation at the local level for public stakeholders**
  - To date, counties have sited all but one solar project in Oregon
  - ODOE Siting Staff does not necessarily have more expertise or experience than local staff



# Discussions about EFSC

- **Joint Interim Committee of Department of Energy Oversight** (Jan-Dec 2016)
  - Significant discussion and testimony on EFSC
- **EFSC Rulemaking: Division 27 Site Certificate Amendment Rules** (Aug 2012 – Oct 2017)
  - Re-write of the process for obtaining an amendment
  - Lawsuit filed by conservation organizations
- **Sen. Olsen EFSC Legislative Workgroup** (Nov 2017 – Sept 2018)
  - Ways to improve public participation; decrease inefficiencies
  - Review of “energy facility” definition
- **EFSC Rulemaking: Solar PV Rulemaking** (Aug 2018 – Present)
  - Determine whether multiple non-EFSC jurisdictional solar PV facilities could aggregate in a manner that is functionally equivalent to an EFSC jurisdictional solar PV facility
  - Determine whether solar specific standards are needed, if so, develop them

# County Review

- Oregon counties are very experienced reviewing and approving renewable energy projects
- Oregon counties review and approve facilities larger and more complicated than renewable energy projects
- Oregon county review processes require thorough review
- For counties without the staffing/budget to review renewable energy projects:
  - Hire outside consultants, paid by developer through filing and application fees assessed by county
  - EFSC process already consults with reviewing agencies

# Summary

## HB 2329:

- **addresses an important barrier** to renewable energy development in Oregon;
- **allows EFSC as an option**; and
- Requires thorough review of **standards** when siting renewable energy projects.