

HB 2520 A STAFF MEASURE SUMMARY
House Committee On Energy and Environment

Action Date: 04/12/21

Action: Do pass with amendments and be referred to Ways and Means. (Printed A-Eng.)

Vote: 7-0-0-0

Yeas: 7 - Helm, Marsh, Moore-Green, Owens, Pham, Smith DB, Speaker Kotek

Fiscal: Fiscal impact issued

Revenue: Revenue impact issued

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Meeting Dates: 3/29, 4/12

WHAT THE MEASURE DOES:

Requires Land Conservation and Development Commission (LCDC), on or before July 1, 2022, to adopt rules identifying reasons sufficient for a county to justify an exception for facilities generating electricity from renewable energy sources that are otherwise not allowed under the applicable statewide planning goal or goals. Requires rules to balance the value of in-state renewable energy generation to provide community benefits, to diversify energy sources of this state, and to address climate change with the continued protections for important resource uses such as agriculture and forestry, natural resources, cultural and historic resources, and open space. Requires LCDC, in adopting rules, to: 1) evaluate different criteria in areas with fewer potential resources or with cultural or community conflicts; 2) evaluate alternative ways to mitigate potential conflicts that cannot be resolved through avoidance or minimization; 3) consider information from the Oregon Department of Energy (ODOE) and any other relevant information from other sources regarding the type of lands suitable for renewable energy projects; 4) empanel a broad and inclusive rule advisory committee that ensures adequate stakeholder representation; 5) consult with the State Department of Agriculture, ODOE, the State Department of Fish and Wildlife, the State Forestry Department, the Public Utility Commission, the State Parks and Recreation Department and the federally recognized Indian tribes in Oregon. Sunsets rule adoption requirement on January 2, 2023. Appropriates \$300,000 to LCDC from the General Fund for the biennium beginning July 1, 2021 to adopt rules identifying reasons sufficient for a county to justify an exception for facilities generating electricity from renewable energy sources. Declares emergency, effective July 1, 2021.

ISSUES DISCUSSED:

- Balancing land uses in the state while also considering impacts on disadvantaged populations
- Sources of population data
- Need for local government funding to meet goals
- Inclusive equity language

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

In 1973, the Legislative Assembly enacted Senate Bill 100 that established the Land Conservation and Development Commission (LCDC) that was charged with adopting state land use goals, and the Department of Land Conservation and Development (DLCD), that was charged with assisting LCDC and local governments in the implementation of those goals and with coordinating state agencies in land use matters. In addition, SB 100 directed local governments to adopt and implement comprehensive plans and revise them periodically in accordance with statewide goals and the needs and desires of the public. After extensive review and public input, LCDC initially adopted 14 statewide land use planning goals in 1974 and added five additional goals over the next

This summary has not been adopted or officially endorsed by action of the committee.

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three years. Most of the goals are accompanied by “guidelines” that suggest how they should be applied, though these guidelines are not mandatory. Administrative rules have been adopted to help interpret and implement many of the statewide goals. The 19 statewide goals are: Goal 1 – Citizen involvement; Goal 2 - Land use planning; Goal 3 - Agricultural lands; Goal 4 - Forest lands; Goal 5 - Natural resources, scenic and historic areas, and open spaces; Goal 6 - Air, water, and land resources quality; Goal 7 - Areas subject to natural hazards; Goal 8 - Recreational needs; Goal 9 - Economic development; Goal 10 - Housing; Goal 11 - Public facilities and services; Goal 12 - Transportation; Goal 13 - Energy conservation; Goal 14 - Urbanization; Goal 15 - Willamette River Greenway; Goal 16 - Estuarine resources; Goal 17 - Coastal shorelines; Goal 18 - Beaches and dunes; and Goal 19 - Ocean resources.

House Bill 2520 A would require LCDC to adopt rules identifying reasons for a county to justify an exception for facilities generating electricity from renewable energy sources that are otherwise not allowed under the applicable statewide planning goal or goals. The measure would appropriate \$300,000 to LCDC to adopt rules for the 2021-2023 biennium.