

HB 2109

Clarifying 2019 Legislation on Renewable Energy Facilities



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Background: HB 2329 (2019)

- **HB 2329 (2019)** exempted certain renewable energy facilities from Energy Facility Siting Council (EFSC) review, shifting review to local governments. Additional criteria relating to wildlife habitat, cultural and historic resources, and more.
- **New definition for “renewable energy facility”** did not identify the specific energy generation types. Result: any renewable energy project in any zone designation would be subject to the additional review criteria.
- **NOT intended by the 2019 Legislature.** Meant for only certain solar, wind, and geothermal projects in specified zones.

Effect of HB 2329 (2019)

- **Measure 56** (M 56) requires local governments to notify property owners when state or local zoning changes limit or prohibit previously allowed uses. DLCDC must reimburse local governments for mailed notices due to statutory changes.
- HB 2329 triggers M 56 because the additional criteria now subjects any renewable energy project to local review.
- M 56 reimbursements could cost up to **\$750,000**, and no funding has been appropriated for this purpose.

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- DLCD consulted the Speaker's Office about addressing HB 2329 in either 2020 special session. Due to higher priorities, this was deferred to 2021 Regular Session.
- The Governor's Office filed HB 2109 at DLCD's request.
- **HB 2109 limits the definition of “renewable energy facility”** to certain solar projects located on exclusive farm lands or geothermal and wind projects generating specific ranges of power as intended by the 2019 Legislature.

More Information & Questions

- Available on OLIS:
 - HB 2109 Factsheet
 - Letter to DLCD from Rep. Helm (Chief Sponsor of HB 2329)
- Questions?