



May 2, 2023

Chair Sollman, Vice-Chair Findley, members of the Senate Committee on Energy and Environment. For the record my name is Branden Pursinger, and I am the Legislative Affairs Manager for Natural Resource related issues with the Association of Oregon Counties.

The Association of Oregon Counties is in Support of HB 3179A – a bill to give additional local authority to the siting of renewable energy systems.

In 2019 the Legislature gave counties the authority to site energy projects at the county level instead of having to go through the state’s Energy Facility Siting Council (EFSC), through HB 2329. Since that time, counties have had success in permitting these larger projects and are ready to continue this program through larger applications.

Because of our success in this local energy siting process, it makes sense to increase the size of projects counties have the ability / authority to approve. HB 3179 increases the size of projects that counties can approve while keeping in place all the existing requirements regarding land-use and wildlife.

HB 3179A increases the acre sizes for projects from the current 160 acres when located on high-value farmland to 240 acres; an increase from 1,280 acres to 2,560 acres when located on land that is predominately cultivated or if not, land that is composed of specific types of soils; and an increase from 1,920 acres to 3,840 acres on any other land.

Projects going through the county instead of EFSC are often preferable to the developers as the state process is often more costly. The cost for siting a project through EFSC varies based on the complexity of the project and the responsibility of the developers. However, it was testified to by staff with the Department of Energy’s Energy Facility Siting Council during the April 27<sup>th</sup> Senate Committee on Energy and Environment that their permit process is “around \$250,000.” It is possible that the amount could increase, depending on the type of project, size, etc. As a comparison, the current fee schedule in one Southern Oregon County has an application fee for a Solar Project of \$5,000 (base fee) with an additional \$100 per acre. So, for a 100-acre project (non-irrigated) the cost to the developer would be \$15,000. The current statute only allows a county to site up to 1,920-acre projects, so the amount for a 1920-acre (non-irrigated) project is \$197,000. Another county has a base fee of \$1000 as well as an additional amount if the cost of review exceeds that base fee amount. Additional charges for both counties apply if there is a Land Use Goal Exception that needs to be examined and potentially granted.

County Planning Departments also do not take as long as EFSC. ORS 469.370(9)(d) states EFSC must either approve or reject an application within 12 months after the application is deemed complete. ORS 215.427 establishes a 150-day period for a county to make a final decision upon a completed application. Counties rarely take that full 5-month period. The longest review for a solar facility in one



jurisdiction was 3.5 months to get a final decision. The average is around 2 months. Additional time would most likely be needed if there were Land Use Goal exceptions – usually an additional month or so.

The reason counties can process these projects faster is due to many factors, the first is proximity to the project. They do not need to travel from Salem to conduct a site visit. They can resolve site-specific issues in a timely manner. An applicant is typically more responsive to the County Planning Department when requests for additional information is needed to process the requests; and finally, the county process provides a greater opportunity for local participation and public input in the energy siting decision-making process.

If a county decides they do not feel comfortable deciding on a project, or they simply do not want this increased authority, statute still provides the option to have the project application go through the state's EFSC system.

The Association of Oregon Counties ask for your support on HB 3179A.

Branden Pursinger  
Legislative Affairs Manager - Natural Resources  
Association of Oregon Counties