

SB 1034 -3 STAFF MEASURE SUMMARY

Senate Committee On Rules

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Meeting Dates: 6/5

WHAT THE MEASURE DOES:

The measure modifies the criteria by which the Energy Facility Siting Council (EFSC) evaluates proposed energy facilities for compliance with statewide planning goals. The Act eliminates provisions that currently allow EFSC to approve a facility even if it does not meet the local government's land use plan and regulations, provided it aligns with broader statewide planning objectives.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-3 The amendment replaces the measure and establishes that a solar power generation facility or wind energy electric power generating plant can only be found in compliance with statewide planning goals if:

- the facility has complied with the applicable local ordinances that are in effect on the date the application is submitted; or
- the applicant has worked with the county government to mitigate any issues or concerns that the county has raised as part of the special advisory group.

BACKGROUND:

The Energy Facility Siting Council (EFSC), county governments, and the federal government may have siting authority over a proposed energy project, depending on a project's scope, size, and land ownership. EFSC has the authority to site large, proposed energy projects, as well as projects developers ask to be reviewed by EFSC. Generally, EFSC does not have authority over proposed projects that fall below certain size thresholds, as determined by the Oregon Legislature. Before a large energy facility is built in Oregon, a developer must apply for a site certificate from EFSC.

In order to determine land use compliance, EFSC will appoint a Special Advisory Group (SAG). The SAG is comprised of members of a governing body or local government located near the proposed facility. EFSC considers applicable substantive criteria identified by the SAG when determining whether the proposed facility complies with the statewide planning goals.