

A-Engrossed House Bill 2375

Ordered by the House April 4
Including House Amendments dated April 4

Sponsored by Representative LEVY B; Representatives OSBORNE, SCHARF, SMITH G (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Makes a person who builds or updates a wind power facility apply to the FAA or FCC to put in a system to reduce lighting. (Flesch Readability Score: 63.3).

[Digest: Makes a person who builds or updates a wind power facility apply to the FAA to put in a system to reduce lighting. (Flesch Readability Score: 62.1).]

Requires a person who is developing or repowering a wind energy facility to apply to the Federal Aviation Administration **and, if applicable, the Federal Communications Commission, for approval for the installation and use of [a] light-mitigating technology [system] systems** and, if approved, install the [system] **systems** within 24 months **or as soon as reasonably practicable thereafter.**

Prohibits a county or city from allowing or permitting a wind energy facility if the person seeking to develop or repower the wind energy facility does not apply for approval for the installation and use of light-mitigating technology systems.

A BILL FOR AN ACT

Relating to wind energy facilities.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section:

(a) **"Hub height"** means the distance from the ground to the middle of a wind-powered turbine's rotor.

(b) **"Light-mitigating technology system"** means a system approved by the Federal Aviation Administration that is capable of reducing the impact of obstruction lighting while maintaining conspicuity sufficient to assist aircraft in identifying and avoiding collision with a structure or facility.

(c) **"Maintenance"** means activities to keep a wind energy facility in an efficient operating condition and that do not add to the value or extend the expected economic life or increase the nameplate capacity or energy output of the facility.

(d) **"Person"** means a developer, owner or operator.

(e) **"Repower"** means to replace all or substantially all of a wind energy facility for the purpose of extending the life of the facility, and the replacement is not part of routine maintenance.

(f) **"Wind energy facility"** means an electric power generating facility that is made up of five or more wind-powered turbines and one or more of the wind-powered turbines:

(A) **Are required under Federal Aviation Administration regulations to have obstruction lights; or**

(B) **Have an obstruction light and a hub height that is 75 or more feet above the ground**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

level.

(2) A wind energy facility may not commence operations or, following repowering, recommence operations unless the person developing or repowering the wind energy facility meets the requirements in subsection (3) of this section.

(3)(a) A person developing or repowering a wind energy facility who receives from the Federal Aviation Administration a determination of no hazard to air navigation with regard to the wind energy facility shall apply to the administration and, if applicable, the Federal Communications Commission, for approval for the installation and use of light-mitigating technology systems for the wind energy facility's wind-powered turbines.

(b) If the administration issues a determination that the installation and use of a light-mitigation technology system is not a hazard to air navigation and, as applicable, the commission issues its approval, the person shall install and use light-mitigating technology systems on approved wind-powered turbines. The person shall install and begin using the light-mitigating technology systems:

(A) Within 24 months from the date the administration issues its determination;

(B) If applicable, within 24 months from the later of:

(i) The date the administration issues its determination; or

(ii) The date the commission issues its approval; or

(C) As soon as reasonably practicable after the date specified in subparagraph (A) or (B) of this paragraph if installation is delayed due to reasons outside of the person's control.

(c) A person is not required to install or use a light-mitigating technology system on a wind-powered turbine if:

(A) The administration issues a determination that the installation or use of the light-mitigation technology system is a hazard to air navigation;

(B) The administration does not issue a determination within 12 months from the date the person submits the application to the administration;

(C) If applicable, the commission does not issue its approval for the installation and use of the light-mitigating technology system; or

(D) If applicable, the commission does not issue its approval within 12 months from the date the person submits the application to the commission.

(4) Nothing in this section shall require a person to carry out light mitigation in a manner that conflicts with an applicable federal law or regulation.

SECTION 2. The governing body of a county or city or its designee may not allow or permit a wind energy facility, as defined in section 1 of this 2025 Act, unless the person seeking to develop or repower the wind energy facility provides proof that the person is in compliance with the requirements in section 1 (3)(a) of this 2025 Act.

SECTION 3. Sections 1 and 2 of this 2025 Act apply to any wind energy facility, as defined in section 1 of this 2025 Act, for which a person applies, on or after January 1, 2028, to the Federal Aviation Administration for a determination of hazard or no hazard to air navigation with regard to the wind energy facility.