

My in-person testimony in writing for the record, as requested by the Chair.

Good afternoon, Chair Sollman, Vice Chair Brock Smith, and members of the committee. My name is John Shafer, I am a Umatilla County Commissioner and the President of the Association of Oregon Counties. I am here today to submit testimony in strong support of SB 1034.

As you know by now, all three of the Umatilla County Commissioners are here today in support of SB 1034. I will be testifying as the President of the Association of Oregon Counties. Local control is one of our guiding principles at AOC. It is something that effects each and every one of our members.

Under Oregon law, counties play a critical role in the review process for proposed energy facilities. The governing body of a county, known as the Special Advisory Group (SAG), is responsible for providing EFSC with the local government's land use regulations and comprehensive plan requirements, which must comply with statewide planning goals. The SAG is also tasked with reviewing and providing input to EFSC on other issues of concern related to Council standards.

If LCDC has approved a county's comprehensive plan, saying it meets the land use requirements, why does EFSC have the ability to supersede the state's land use agency?

SB 1034 is essential to restoring local control over land use decisions in Oregon. It ensures that local government's land use plans and regulations are respected and applied in the siting of energy facilities. By preventing EFSC from approving projects that do not meet local standards, this bill protects local communities and maintains the balance of power between state and local authorities in the energy facility siting process. Support for SB 1034 is crucial for upholding Oregon's land use principles and ensuring that energy projects align with both state and local priorities.

EFSC Does Not Have Super Siting Authority: Recent EFSC decisions have effectively turned the energy facility siting program into a Super Siting program, allowing the state to override local land use standards. This practice has raised significant concerns, especially in Eastern Oregon, where many renewable energy projects are located. SB 1034 ensures that EFSC is held accountable and complies with the original intent of Oregon law, which states that when a local government identifies applicable land use standards, EFSC and shall apply them. This Bill does not put setbacks in place, but rather makes EFSC respect and honor any that the local governments put in place. This Bill does NOT increase the cost for the EFSC permitting process either.

State Planning Goal 3 directs counties to put ordinances into place to protect farm land. Umatilla County did exactly that back in 2011. EFSC ignored this ordinance in 2023 when EFSC approved the site certificate for Nolin Hills. One of my many concerns is: what other county ordinances are able to be easily disregarded?

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I am respectfully asking for your support of SB 1034. Thank you.