



March 31, 2025

To: Senator Janeen Sollman, Chair, Senate Energy and Environment Committee
Senator David Brock Smith, Vice Chair, Senate Energy and Environment Committee
Members of the Senate Energy and Environment Committee
From: Emily Griffith, Oregon Policy Manager, Renewable Northwest

Re: Opposition to SB 1034 changing EFSC goal compliance determination

Chair Sollman, Vice Chair Brock Smith, and Members of the Committee;

Renewable Northwest ("RNW") is a regional, non-profit renewable energy advocacy organization based in Oregon, dedicated to decarbonizing the electricity grid by accelerating the use of renewable electricity resources. Our membership includes renewable energy developers, battery developers and manufacturers, environmental organizations, and consumer advocates.

Thank you for the opportunity to comment on SB 1034 which proposes to require the Energy Facility Siting Council ("EFSC") to find that an energy facility is in compliance with statewide planning goals *only* in the event that the project meets local land use regulations. **Renewable Northwest opposes SB 1034 as it would make permitting at EFSC even more difficult, in both timelines and costs, than it currently is.** EFSC has a thorough process that includes coordination with local jurisdictions. Changing Oregon statute to require EFSC to deny goal compliance if local land regulations are not met could lead to unintended implications impacting renewable energy development.

Current Energy Facility Siting Council Review is Thorough

EFSC coordinates currently with local jurisdictions through a process that balances state-level energy goals with local land use planning requirements. Before EFSC can approve an application, the applicant must obtain a Land Use Compatibility Statement ("LUCS") from the local government. The LUCS confirms whether the proposed facility complies with local comprehensive plans and land use regulations.

Local governments are notified when an energy facility application is submitted. The Oregon Department of Energy ("ODOE"), which staffs EFSC, consults with local authorities to assess land use concerns. EFSC holds public meetings and hearings where local governments and communities provide testimony about land use concerns. Local governments have opportunities to submit official comments, and their input is considered in EFSC's final decision.

If a project does not comply with local land use laws, *EFSC has the ability to approve a project if it meets state land use goals and provides a broader public benefit*. This provides projects with a potential pathway should it be found in conflict with local zoning but to be in benefit for the state. After EFSC approval, developers follow local permitting and regulatory processes for aspects of the project that fall under local jurisdiction (i.e., road use agreements, building permits). Local governments and EFSC coordinate on the enforcement and compliance monitoring.

EFSC Centralized Review Allows for Resolution of Differing Jurisdictions

EFSC's consolidated approach helps to prevent unnecessary delays from multiple jurisdictions and avoids jurisdictional conflicts between different local governments by centralizing the land use decision-making process at the state level - this allows for a comprehensive, "single-stop" review of local requirements. Counties and cities may have different zoning laws, land use priorities, or political considerations, making a central review by EFSC to arbitrate these competing interests. This bill would remove this ability for EFSC to resolve these conflicts and adds to the potential difficulties in the siting and permitting process renewable energy projects already face in Oregon.¹

Some local governments may have rules and plans in operation that do not account for modern energy infrastructure needs - this is understandable given the daunting task of updating Comprehensive Plans. Given this variance in rules and zoning laws, should EFSC's arbiter ability in these situations be removed, this opens potential for delays not only from developers navigating multiple jurisdiction approvals, but also creating openings for legal disputes over these inconsistencies.

Increases Barriers to Meeting Oregon's Energy Needs and Policies

Oregon has ambitious goals for carbon reduction and renewable energy expansion, and the EFSC process is designed to ensure energy facilities align with those broader state energy goals (HB 2021) while providing a robust, centralized, standards-based permitting review process. Adding a strict local compliance requirement could limit the state's ability to prioritize projects that benefit the entire state even though it may not fully align with local rules. If local governments have veto power over energy facility siting, it could further hinder renewable energy development - the added layer of uncertainty for a project to site could disincentivize development in Oregon, already a difficult state for siting and permitting. This has implications for Oregon meeting its energy mandates and policies, and associated economic development.

Renewable Northwest is opposed to SB 1034. EFSC is a balancing mechanism that exists to allow projects that serve state interests even if they don't always strictly comply with local land use laws. While the intent of requiring strict compliance with local land use regulations may be to give communities more control, it could have unintended consequences, including delays,

¹ While there are many "approved" projects at EFSC, there are also many "terminated" projects in the list that EFSC maintains. Given the expense and time commitment of completing a site certificate application process, projects that might be heading towards a "denial" prudently withdraw applications or let them expire rather than complete the costly, time-intensive process.

legal conflicts, and additional barriers to renewable energy development. Balancing local concerns with state energy goals is critical, and EFSC's current process already incorporates local input while maintaining a statewide view. *SB 1034 would remove EFSC's ability to make balanced decisions that consider the needs of the state along with local considerations - this is a vital core function of the EFSC process and should be maintained. As such, we are opposed to SB 1034.*

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Emily Griffith". The signature is fluid and cursive, with a large initial "E" and "G".

Emily Griffith
Oregon Policy Manager
Renewable Northwest