



June 5, 2025

To: Senator Kayse Jama, Chair, Senate Rules Committee
Senator Daniel Bonham, Vice Chair, Senate Rules Committee
Members of the Senate Rules Committee
From: Diane Brandt, Policy and Legislative Affairs Director, Renewable Northwest

Re: Opposition to SB 1034 changing EFSC goal compliance determination

Chair Jama, Vice Chair Bonham, 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 and the -3 amendment 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 and the -3 amendment as it would unnecessarily disrupt the existing permitting process at EFSC and jeopardize Oregon’s reliable and clean energy future.** EFSC has a thorough process that includes coordination with local jurisdictions. Changing Oregon statute to require EFSC to deny goal compliance on permits if local land regulations are not met would delay and complicate the addition of needed energy resources and infrastructure to Oregon’s electricity system.

Current Energy Facility Siting Council Review is Thorough, Includes Local Considerations

EFSC currently coordinates with local jurisdictions through a process that balances state-level energy goals with local land-use planning requirements. Before EFSC can approve an application, a Special Advisory Group (“SAG”), including members of the local governing body, are tasked with multiple responsibilities in the review process. The SAG responsibilities include providing EFSC with the local land-use regulations and any other input for consideration in the Council standards.¹

Inclusion of local input in the EFSC process starts with local government notification when a proposed energy facility located in its jurisdiction submits an application. The Oregon

¹ <https://www.oregon.gov/energy/facilities-safety/facilities/Documents/Fact-Sheets/EFSC-Public-Guide.pdf>

Department of Energy (“ODOE”), which staffs EFSC, consults with local authorities to assess land use concerns for these applications. 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.

Importantly, if a project does not comply with local land use laws but is found in compliance with state land use laws, *EFSC has the ability to approve a project if it provides a broader public benefit. SB 1034 would remove this important ability for EFSC to determine what benefits the state.*

EFSC Centralized Review Allows for Resolution of Differing Jurisdictions

EFSC is also able to arbitrate conflicting layers of local requirements. EFSC offers a consolidated review of local government requirements, often from multiple jurisdictions - a “single-stop” review of local requirements. This approach centralizes the land use decision-making process at the state level. Counties and cities may have different zoning laws, land use priorities, political considerations, or varying degrees of updated Comprehensive Plans making this centralized EFSC review essential to arbitrate these differences. This bill would remove this ability for EFSC to resolve these conflicts and adds to the potential difficulties and uncertainties in Oregon’s siting and permitting process for renewable energy projects.²

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 and the -3 amendment. 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, legal conflicts between jurisdictions, 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 and the -3 amendment would remove EFSC’s ability to make balanced decisions that*

² 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.

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 and the -3 amendment.

Thank you for your consideration,

Diane Brandt
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Renewable Northwest