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HB 2520 – Testimony to House Energy and Environment Committee

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Dear Chair Marsh and Members of the Committee:

My name is Damien Hall, and I am a partner at the law firm Ball Janik LLP. My firm represents owners, operators, and developers of utility scale renewable energy projects throughout the state, including many of the solar farms that have been certified under Oregon Community Solar Program.

This testimony is in support of HB 2520, which provides the needed direction and process for DLCD to the first considered and cogent renewable energy land use policy for the State of Oregon. No such land use policy exists, and the current ad hoc approach is a barrier to bringing renewable energy online to meet Oregon's clean energy objectives.

Oregon is a leader in renewable energy policy and actively considering pushing that policy even further toward 100% clean energy. But the state's renewable energy policy and land use system are disconnected and working at cross-purposes. Without the land use policy foothold provided by HB 2520, renewable energy projects face levels of uncertainty and risk that hinder investment and slow progress meeting Oregon's renewable energy policy and demand.

You have heard in other testimony that the land use system is currently adequate to account for the state's renewable energy needs; that unfortunately is not the case. The Oregon land use system is logical, it identifies policy objectives in Statewide Planning Goals which are in-turn implemented by local governments. DLCD and local governments cannot simply go beyond the current Goals. Here are some facts about how the current Goals address renewable energy.

- The energy goal (Goal 13) was written in 1973, by then Mayor of Portland Neil Goldschmidt, in a letter to DLCD concerned about the making sure Oregonians have sufficient fossil fuels to meet their energy needs, given the rise of OPEC and long lines at gas stations.
- The energy goal has never been amended or implemented by administrative rule, and DLCD has not required local governments to implement Goal 13 in local land use rules.
- In the last few years, the Oregon appellate courts have made ruled that the Statewide Planning Goal do not include renewable energy as a policy objective, not even under the Goal 13 energy goal.

In short, the land use system's approach to energy is stuck in the 1970's, focused on fossil fuels, and completely disconnected from the state's renewable energy objectives. Absent direction from the legislature, DLCD will not address this failure in the land use system. That's not their job. Absent HB 2520, DLCD will continue to enforce the rules on the books, including regularly appealing renewable energy projects. This is why a mapping exercise is insufficient to create renewable energy land use policy. A good map is a tool that provides the facts; a map does not provide the renewable energy land use policy that is absent from Oregon's land use system.

HB 2520 provides the direction and process to create a considered, cogent land use policy for renewable energy in both urban and rural areas across the state. HB 2520 does not prioritize renewable energy over other land uses, it simply directs DLCD to go forth, convene all stakeholders, and start the process of fixing the disconnect between Oregon's progressive priorities, land use and renewable energy.

Sincerely,



Damien R. Hall