

Submitter: Cindy Timmons
On Behalf Of: Umatilla County Commissioners
Committee: Senate Committee On Energy and Environment
Measure, Appointment or Topic: SB1034

Good Afternoon Chair Sollman, Vice Chair Brock Smith, and Committee Members. I am Umatilla County Commissioner Cindy Timmons here to testify in support of SB 1034.

Under state law, the Energy Facility Siting Council is appointed to approve a site certificate for proposed large energy facilities Oregon, including wind energy facilities. As part of that process, the council is required to designate as a special advisory group, the governing body of any local government. The role of the special advisory group is to recommend to EFSC the applicable substantive criteria for the permitting of the project from the local governments acknowledged comprehensive plan and land use regulations that are required by the statewide planning goals. The language "required by the statewide planning goals" has been interpreted and implemented to largely restrict what criteria the council will use in siting the facility. Rather than rely on the local government adopted regulations, the council has analyzed the regulations to determine if the regulations are required by the statewide planning goals. EFSC is not the entity to make this type of determination. This is a role for Land Conservation and Development Commission.

The way the process has occurred for siting these large energy facilities ignores the local regulations and makes the role of the local advisory committee meaningless. The local government is the entity that adopts its own comprehensive plan and regulations to implement the statewide planning goals, and has the knowledge to adapt these goals to fit local needs and address the input from its citizens and planning commissions. These regulations are reviewed by the state and must conform to the statewide planning goals. To allow EFSC the ability to use its discretion whether or not the local laws are required by the goals should be changed. Senate Bill 1034 has been drafted to remove that unnecessary determination. If a local governing body provides local input on the criteria for the siting of the facility, the Council should not second guess if the regulation is required or not.

Umatilla County has experienced this situation first hand. Umatilla County has a number of wind energy facilities. Most of these were sited by the County. As one of the first counties in Oregon to have wind energy facilities, we have had long experience with these facilities. The County adopted local regulations for approving the siting of wind energy facilities. These regulations went through an extensive local review process, with input from citizens, developers, facility owners and neighbors to these facilities. These regulations were all found to be in compliance with statewide planning goals. When a proposed facility applied for a site certificate with EFSC, Umatilla County submitted these approved regulations as the applicable substantive criteria. EFSC made the decision that these regulations were not required by the

statewide planning goals, so chose to ignore them and the local advisory committee. EFSC should not have the ability to ignore locally adopted regulations. The proposed amendments under Senate Bill 1034 as written to correct this situation.