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Friday, March 26, 2021

Testimony in Support of HB2520

Good Afternoon Chair Marsh and Members of the Committee. For the record, my name is Amy Berg Pickett.

I am testifying in support of HB2520. I am a utility scale solar developer and have firsthand experience siting, zoning, and permitting solar proposals within 6 counties in Oregon in the years 2014-2019. These efforts assisted with the combined investment of about 500 million dollars in operational projects in Oregon. The company that brought these projects to Oregon has since pulled away from the state.

As an Oregonian, I do appreciate the Oregon Land use system for conserving resources and maintaining open space. However, I can also attest to the challenges that the system creates for the successful siting of utility scale solar projects in Oregon. I participated on the DLCD Stakeholder RAC for Goal 3 in 2019 that resulted in a prohibition of projects on class 1 & 2, prime and unique soils. The consequence of the rulemaking is a near halt on projects that can be sited in PGE territory. This is important because PGE serves the largest population areas in Oregon, and projects must be sited near substations and infrastructure in the rural areas near the population centers. The result of the Goal 3 rulemaking is that landowners in the region have lost the opportunity to diversify their income by hosting projects on their land, and the Oregon Community Solar Program may have very low to no participation in PGE territory going forward. Nonprofits simply cannot take on the financial risk necessary to attempt the land use goal exception process required to site near infrastructure in PGE territory and participate in the Oregon Community Solar Program.

I have heard stakeholders, planning directors, and decisions makers say that a goal exception can always be taken or applied for. In theory that is true, but in practice it is not a viable path. At best, goal exceptions are expensive and time consuming due the legal technicalities of applying. The subjective nature of the goal exception process means that you are ultimately gambling with valuable development capital. I worked for two years to bring an exciting 10-megawatt project in Klamath County that would have been a full utility scale solar project selling energy to Pacific Power, paired with onsite farming of native grasses and forbs for seed production. This project was proposed on class 3-4 soils with irrigation difficulties, but it required a Goal 3 exception due to the size limitation of 12 acres on land in an irrigation district. Ultimately, after several hearings and extensive community engagement, I was not able to get a decision that was approved or appealable. While the administrative rules protecting farmland are very clear, there are no equivalent administrative rules that provide guidance or standards for siting renewables in Oregon.

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Currently I am working on development of large-scale PV projects in nearby states ID, MT, WY, and WA. I wish I could focus some of my time in promoting economic development in counties here in my home state of Oregon, but I have to advise my clients of the high risk of development capital due to the obstacles created by Oregon's land use system. Adjacent states are much more attractive for renewable energy investment due to a shorter timeframe for permitting and less risk of projects being caught in lengthy land use processes and appeals. Oregon is viewed as a difficult state for developing projects, and as a result, many renewable energy companies and developers avoid this market despite our state's large supply of affordable, high-quality land for solar projects.

Thank you for your time today.

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Directory:

Template: C:\Users\amybe\AppData\Roaming\Microsoft\Templates\Normal.dotm

Title:

Subject:

Author: Amy Berg Pickett

Keywords:

Comments:

Creation Date: 3/29/2021 10:35:00 AM

Change Number: 4

Last Saved On: 3/29/2021 2:47:00 PM

Last Saved By: Amy Berg Pickett

Total Editing Time: 9 Minutes

Last Printed On: 3/29/2021 2:47:00 PM

As of Last Complete Printing

Number of Pages: 2

Number of Words: 605

Number of Characters: 3,076