

# Energy Facility Siting Council

Solar PV Facilities  
Rulemaking Advisory  
Committee Meeting #4

Salem  
March 6, 2019



Photo credit: Obsidian Renewables

# Agenda

**10:30**    **Introductions & overview**

**10:40**    **Updates from Feb. 22 Council meeting**

**10:45**    **Issues discussion**

This meeting will be focused on what constitutes a “solar photovoltaic power generation facility” as that term is used in the definition of “energy facility” under ORS 469.300(11).

**12:00**    **Lunch (provided for RAC members)**

**12:30**    **Continuation of issues discussion**

**2:00**    **Public comment**

**2:25**    **Wrap up and next steps**

# Overview of meeting

- All discussion is prospective, we are not proposing any changes at this time.
- We are seeking input, consensus is not required.
- Please identify yourself when providing comment for the record.
- An audio recording and notes will be made available after the meeting

# Updates from Feb. 22 Council meeting

## EFSC Rulemaking Project – Initial Scope:

1. Evaluate whether multiple non-EFSC jurisdictional solar PV facilities could aggregate in a way that the aggregate is functionally the size of an EFSC jurisdictional solar PV facility;
2. If it's determined that multiple non-EFSC jurisdictional solar PV facilities could functionally aggregate to the size of an EFSC jurisdictional solar PV facility, to develop new rules that identify objective criteria for determining the circumstances of when multiple non-EFSC jurisdictional solar PV facilities functionally aggregate to the size of an EFSC jurisdictional solar PV facility; and
3. Evaluate whether or not specific standards should be developed for the siting of solar PV facilities, and if so, to develop such standards.

# Updates from Feb. 22 Council meeting

**Question:** Can multiple non-jurisdictional solar PV facilities aggregate in a way that is functionally the size of an jurisdictional solar PV facility?

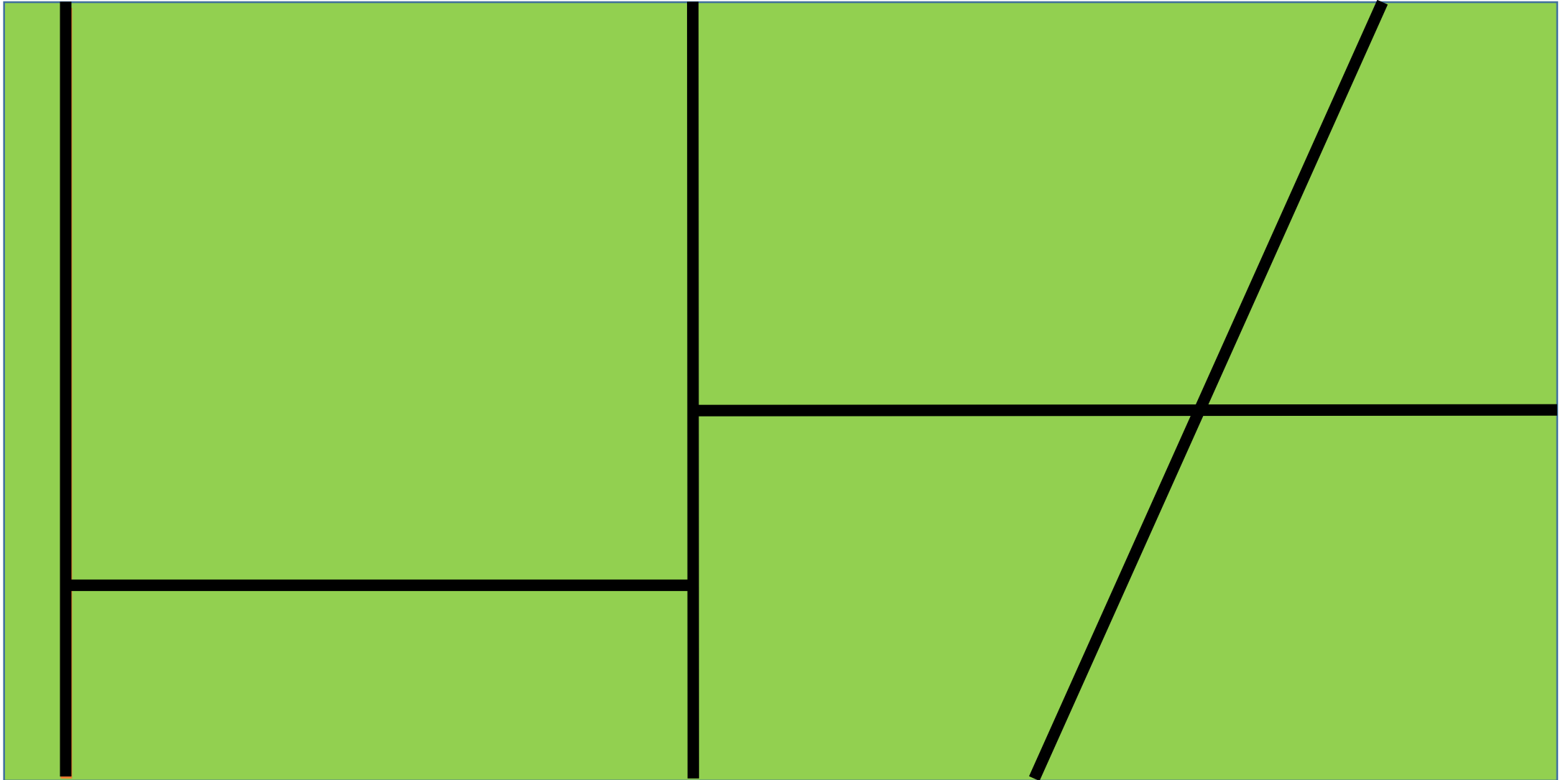
**Answer:** No, a “non-jurisdictional” solar PV facility can not be made subject to Council jurisdiction by rule; however, Council may clarify what constitutes a solar photovoltaic power generation facility if statute is not clear.

# Purpose of Meeting

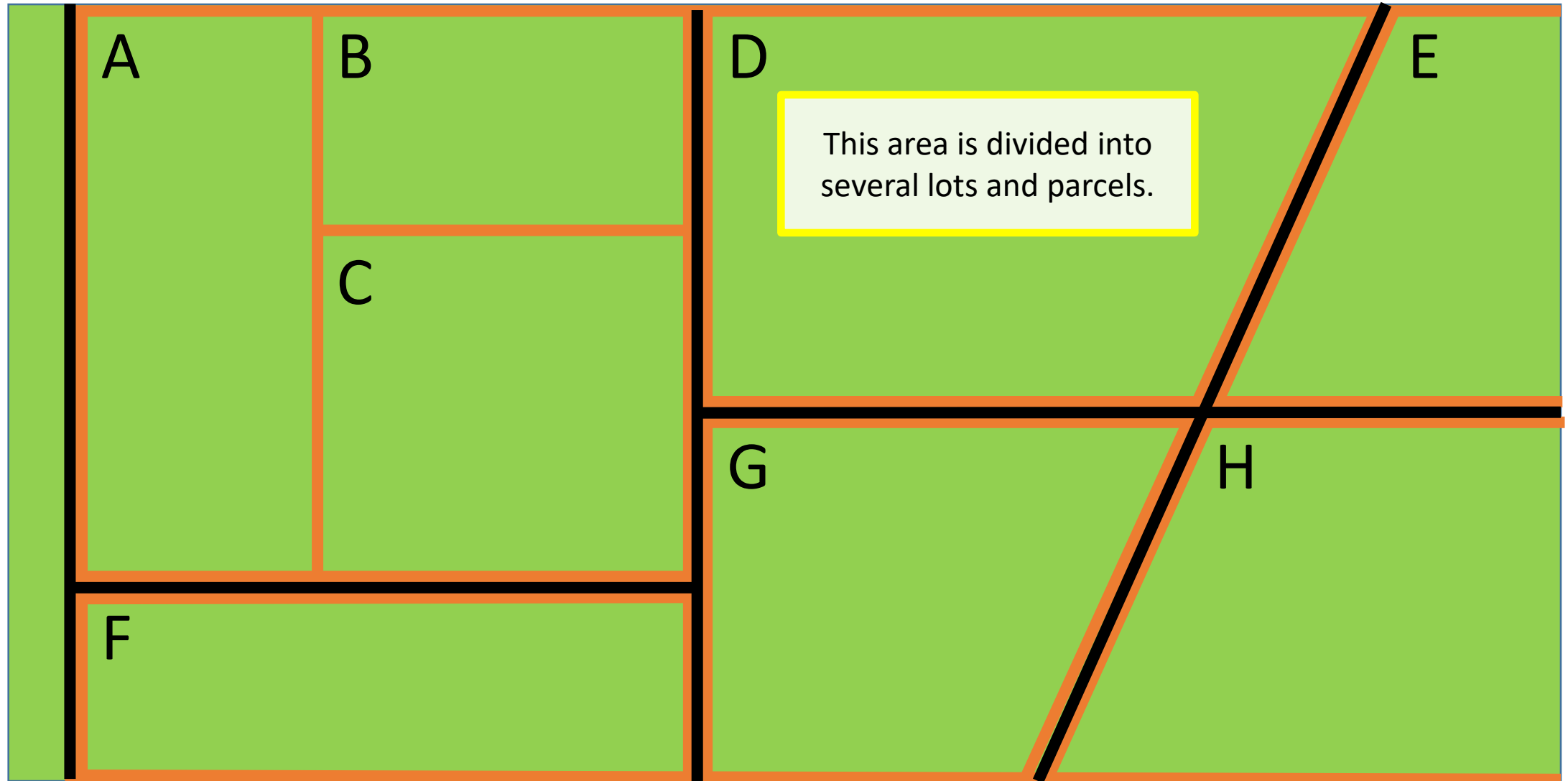
Two primary questions:

- What factors could be analyzed when determining what constitutes a “solar photovoltaic power generation facility” as that term is used in the definition of “energy facility” under ORS 469.300(11)?
- Would administrative rules, such as a definition of “solar photovoltaic power generation facility,” improve the clarity, consistency, and predictability of solar facility permitting jurisdiction?

# Scenarios

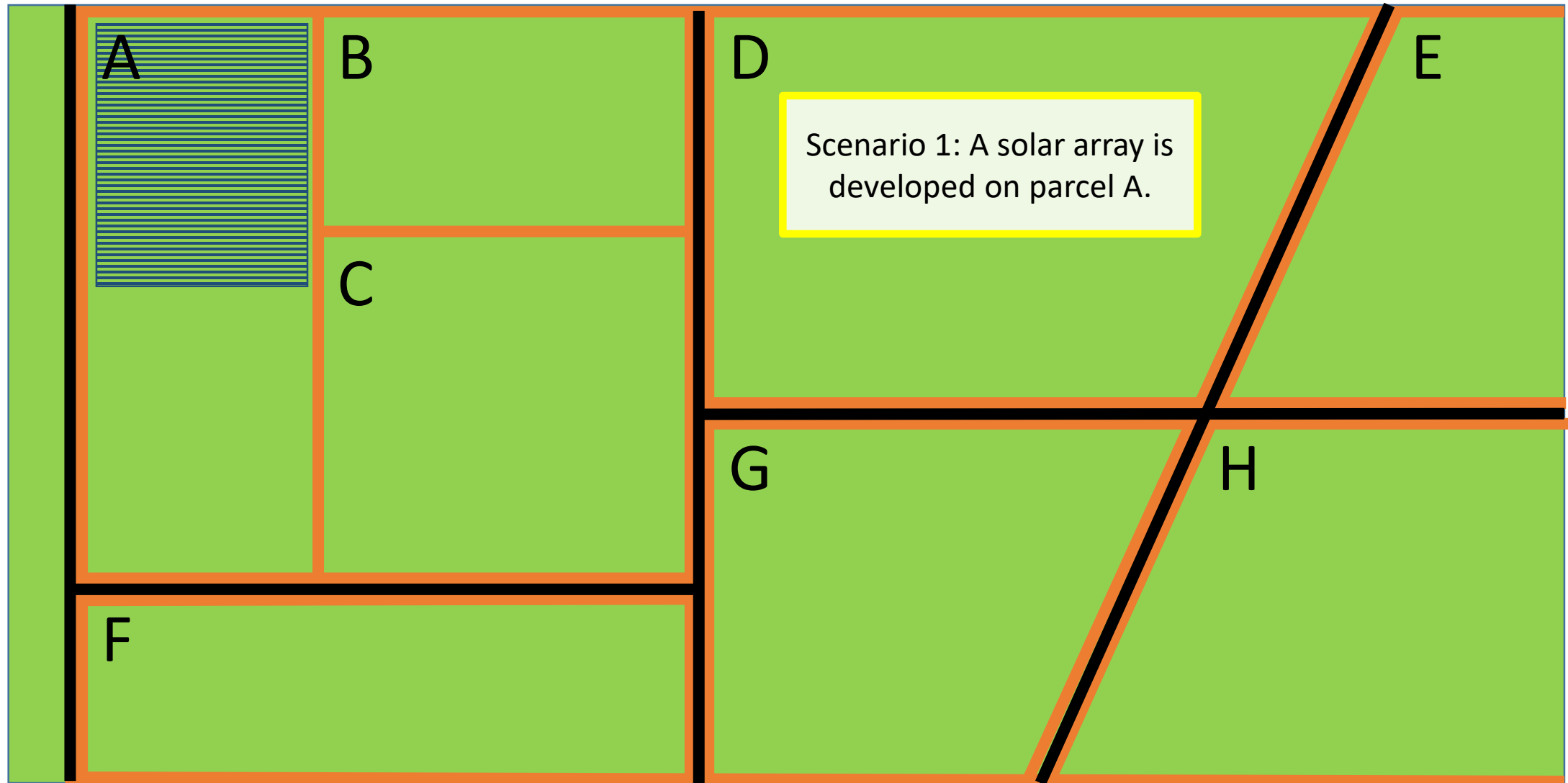


# Scenarios

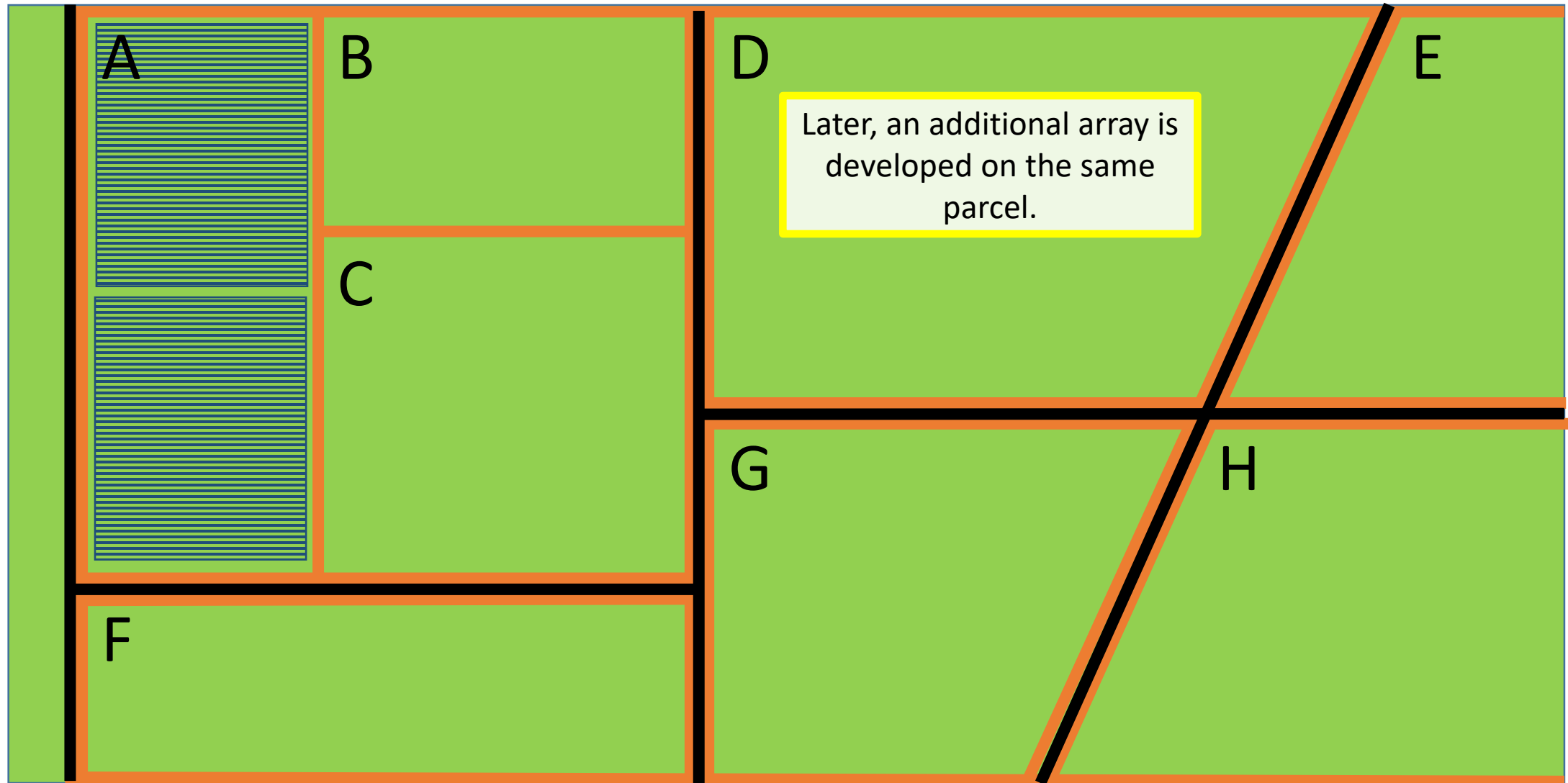




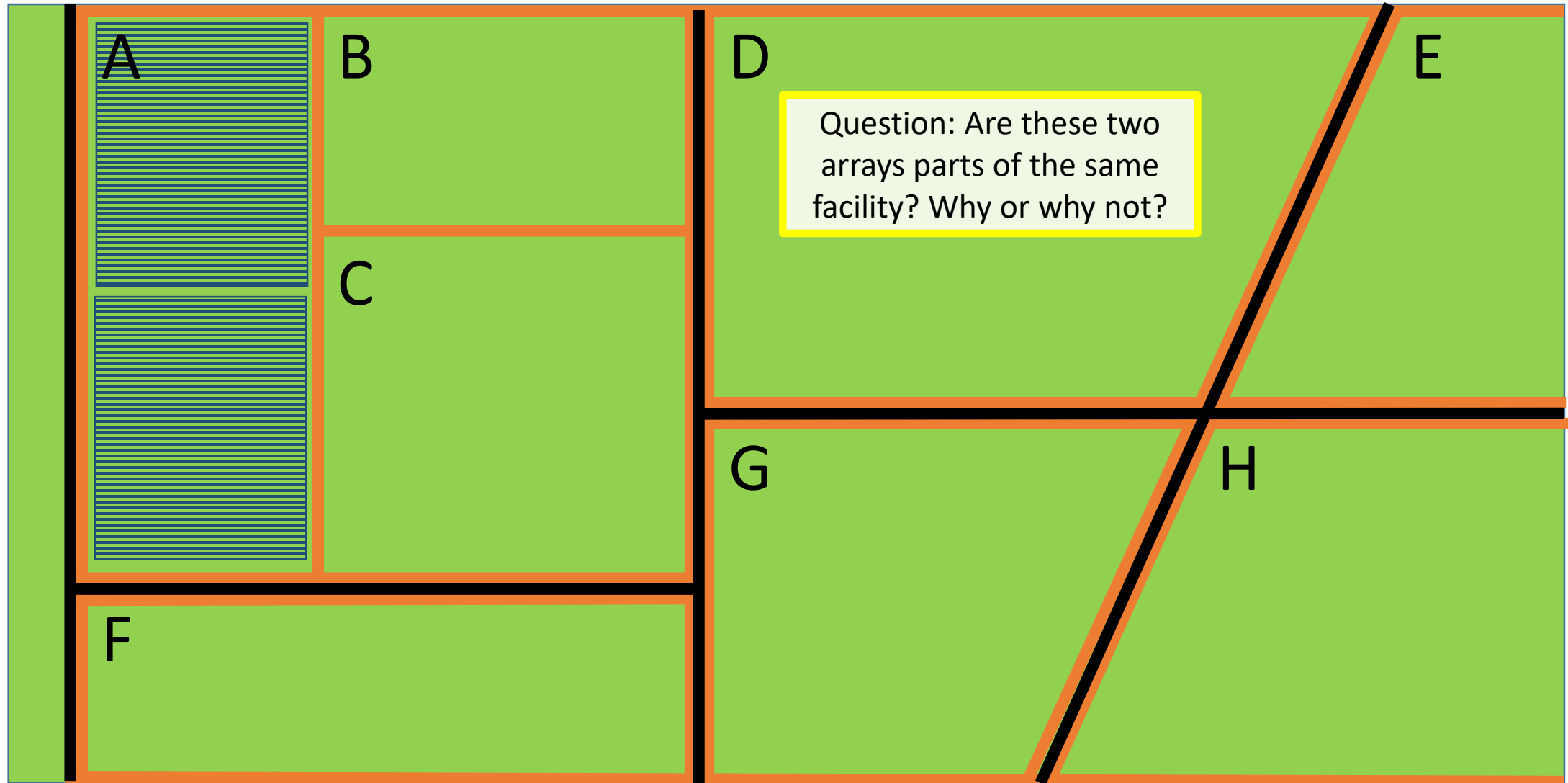
# Scenario 1



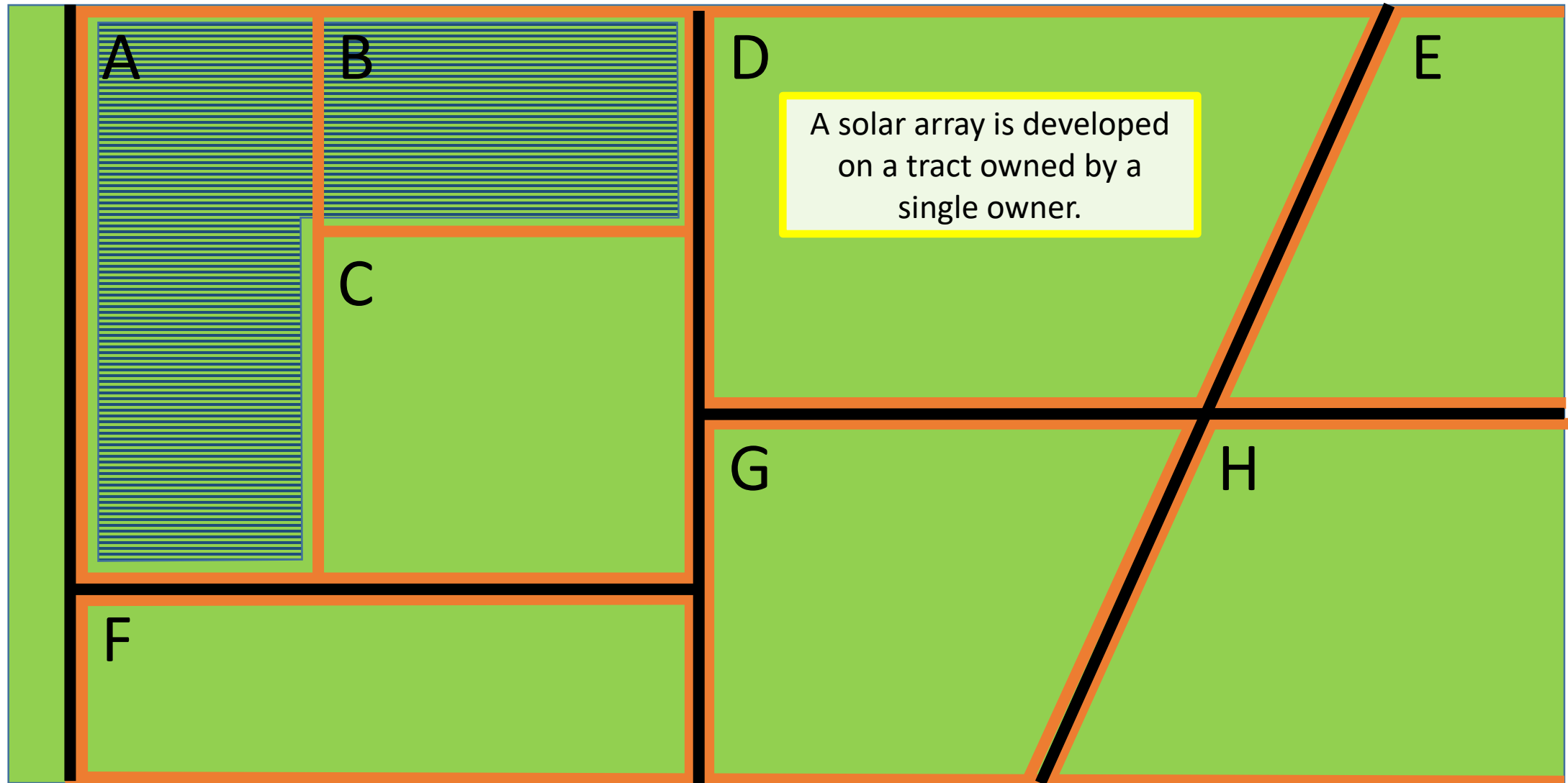
# Scenario 1



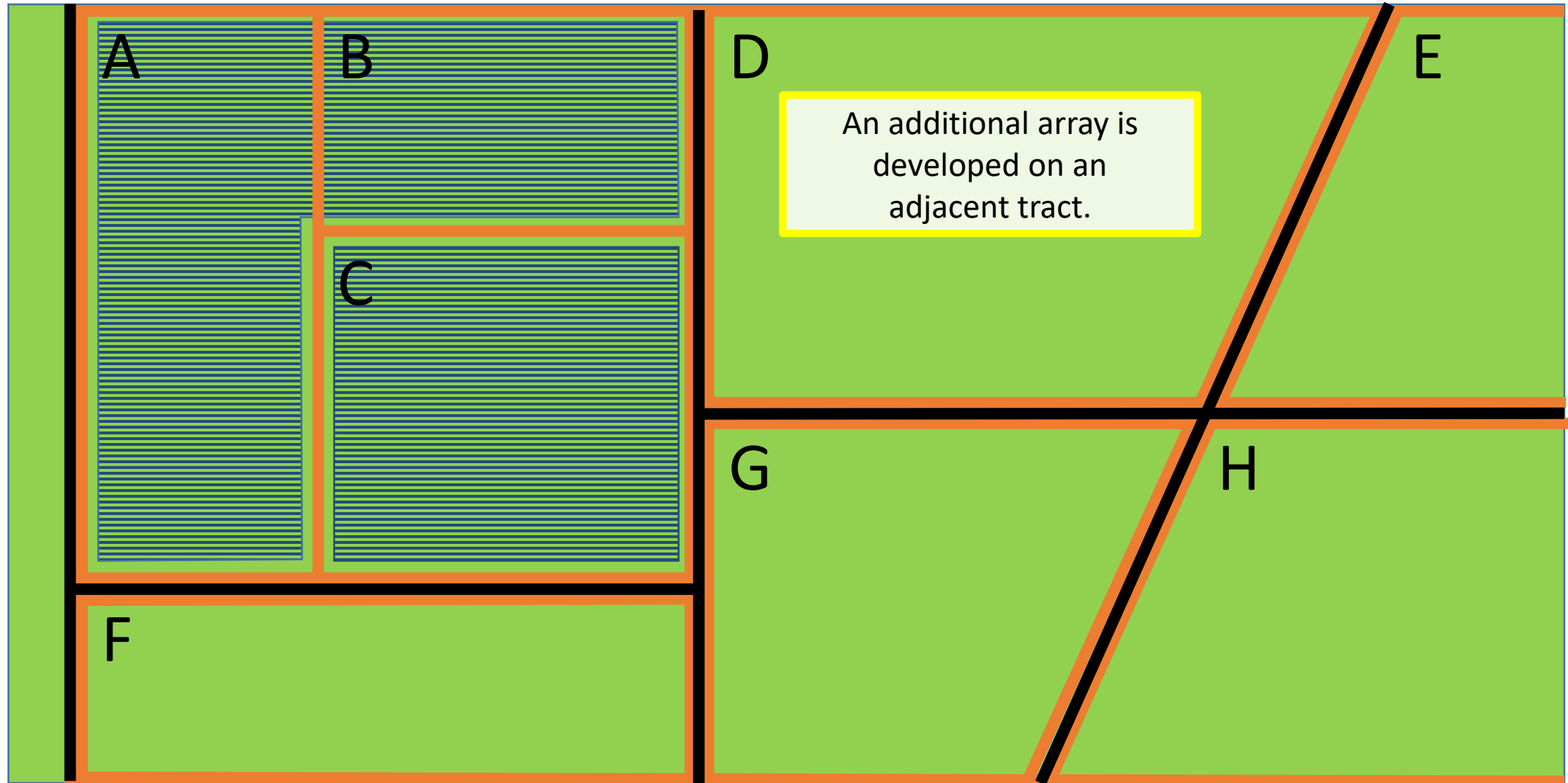
# Scenario 1



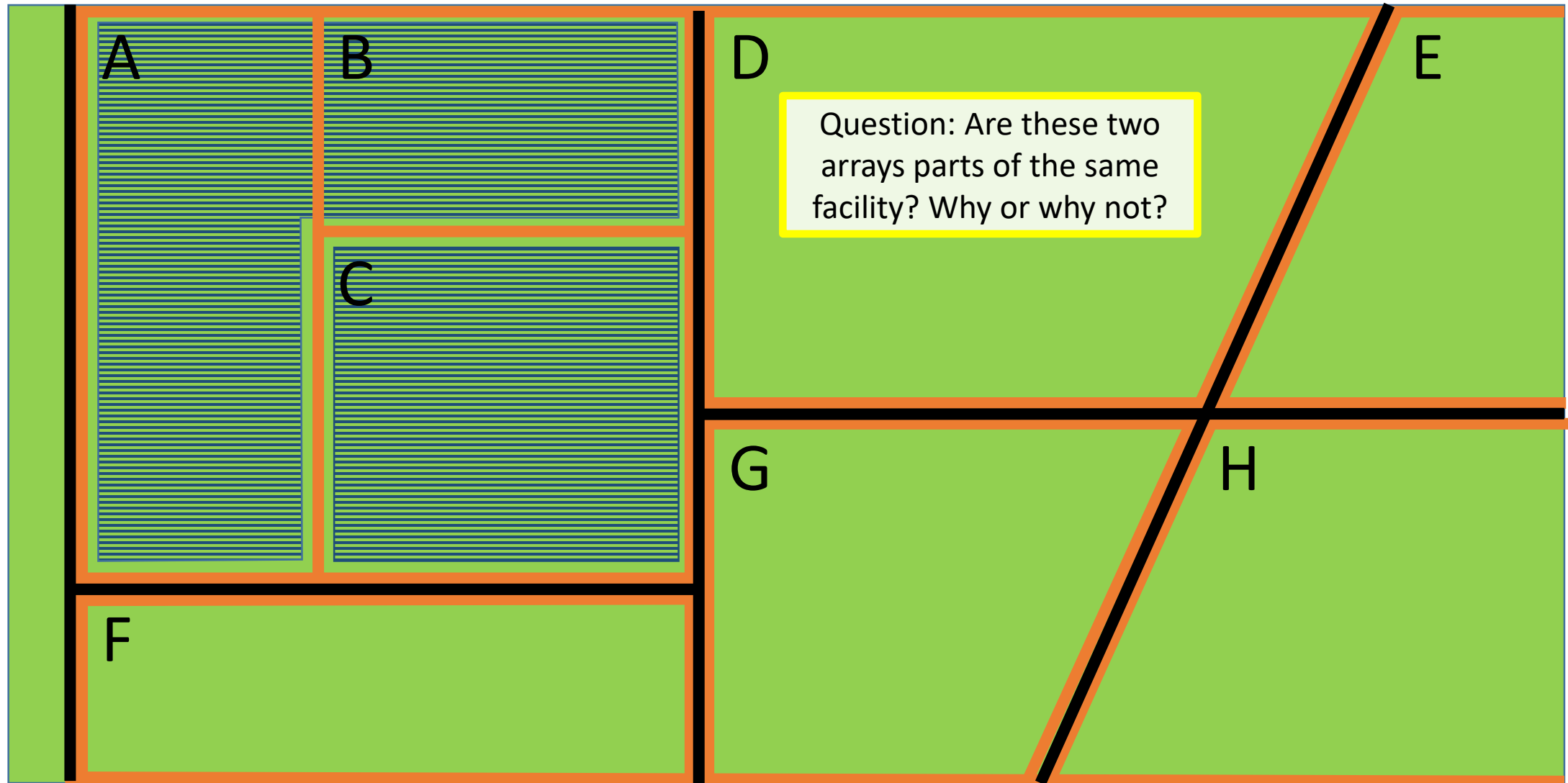
# Scenario 2



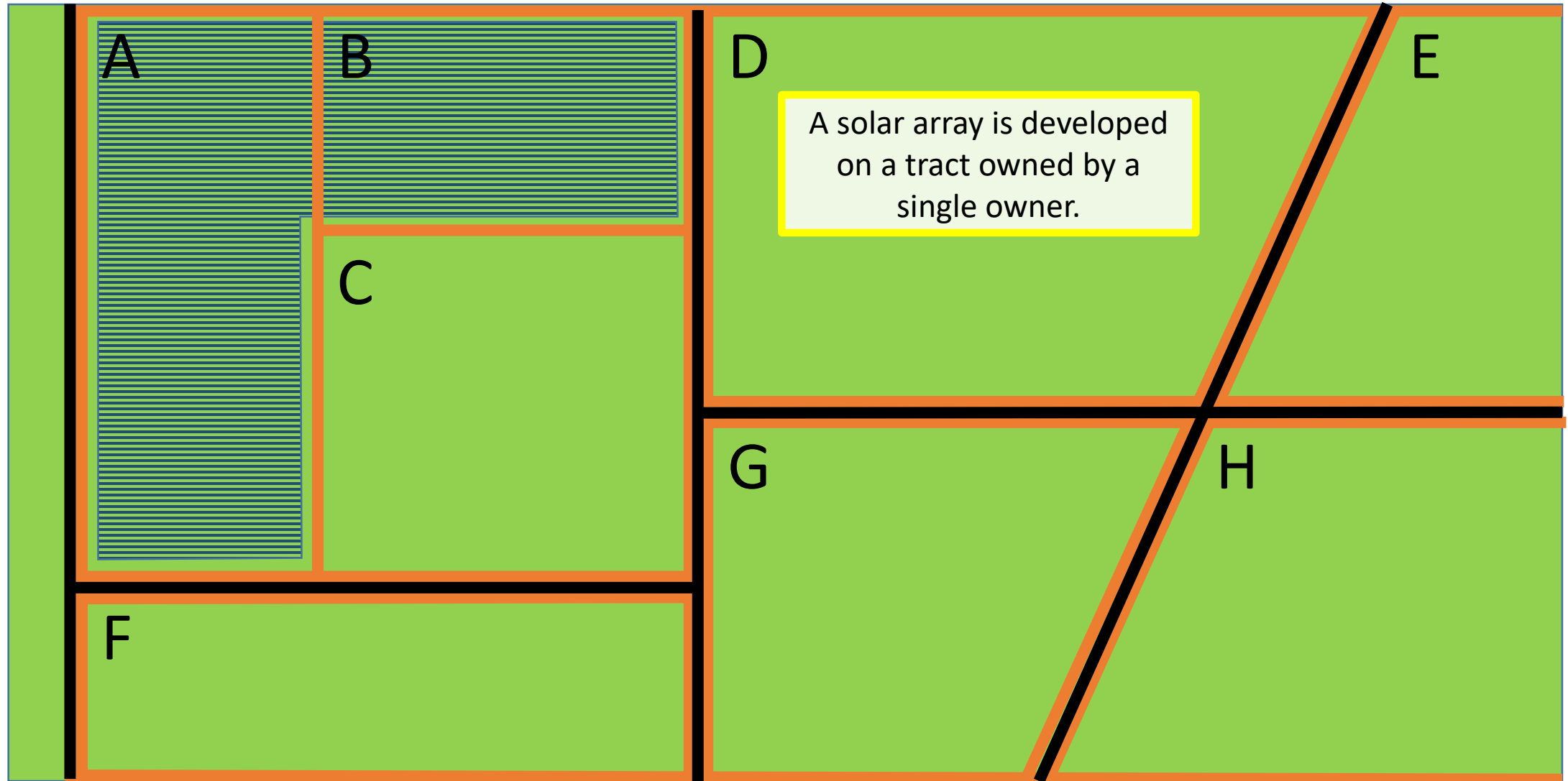
# Scenario 2



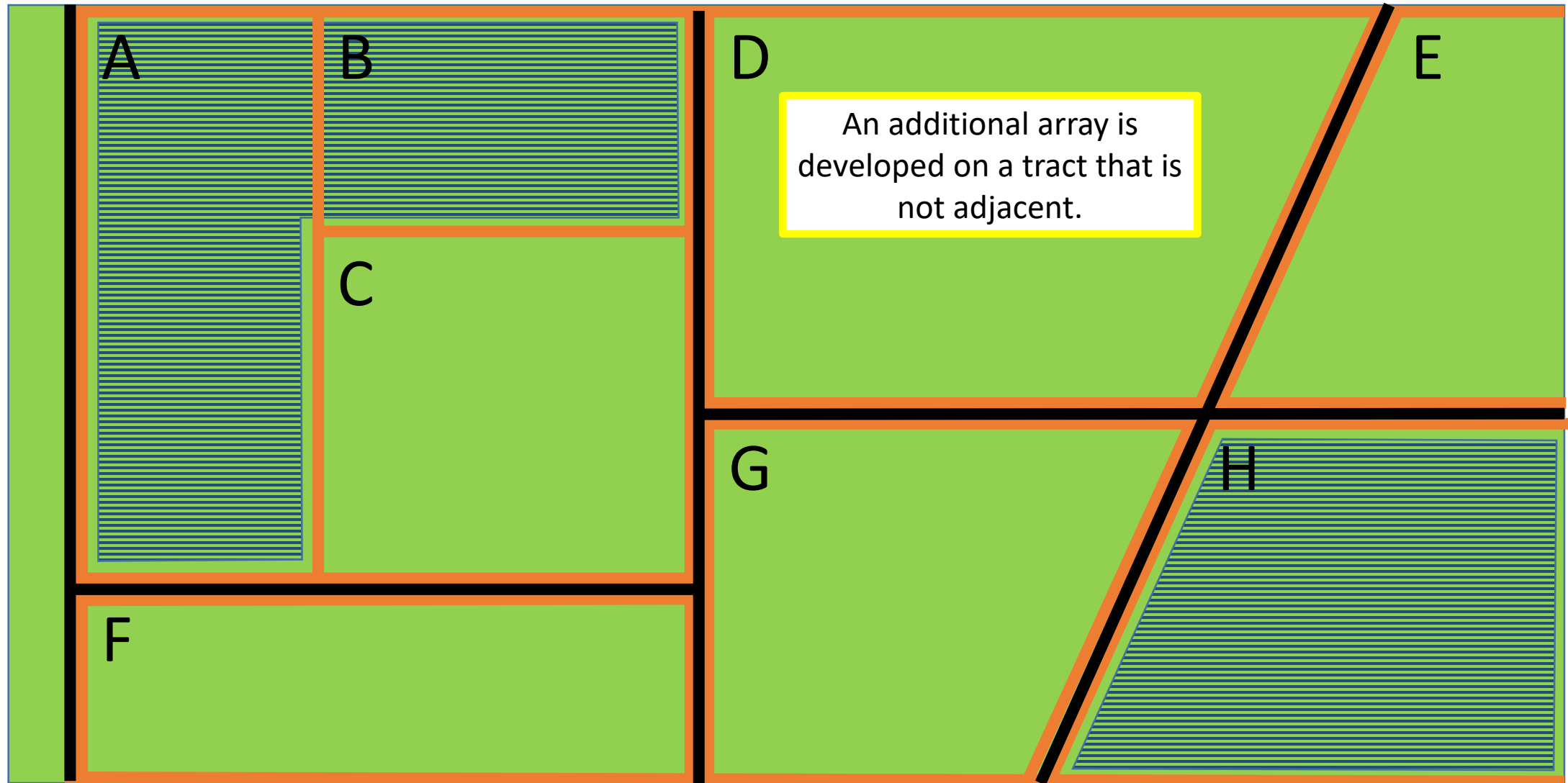
# Scenario 2



# Scenario 3

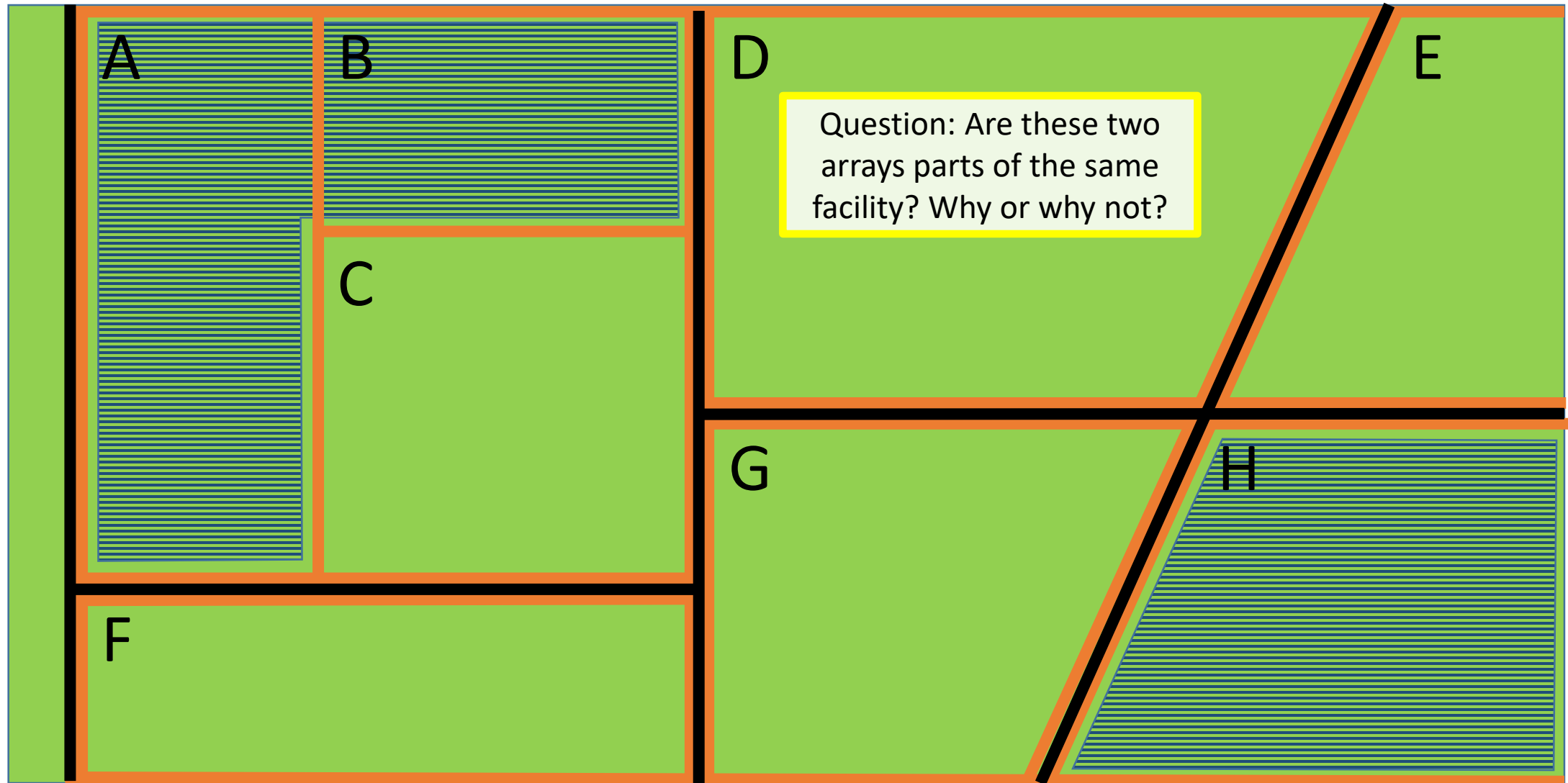


# Scenario 3





# Scenario 3



# “15 Questions” for determining when energy projects are separate projects.

- What company is the legal owner of the proposed project? Is that company related to the owner of the nearby wind energy project? For example, are the companies related through a parent corporation?
- How close are the two projects geographically?
- Is any part of the site of the proposed project included within the site of another wind project?
- Would the proposed project share any transmission infrastructure with the nearby wind project?
- Would the proposed project share any related or supporting facilities with the nearby wind energy project?
- Would the proposed project be operated from a separate control room? Would the control equipment for the proposed project be located in the same building as the control equipment for the nearby wind energy project?
- Would power output dispatching decisions for the proposed project be made independent of such decisions for the nearby wind energy project? Would these decisions be made by separate personnel?
- Would operational decisions (such as maintenance, routine inspections, fire protection agreements with local authorities, weed control, etc.) for the proposed project be made independent of such operational decision for the nearby wind energy project? Would separate personnel be responsible for making those decisions?

# “15 Questions” for determining when energy projects are separate projects.

- Would the proposed project have separate operations or maintenance staff or would operations and maintenance staff be shared with the nearby wind energy project?
- Would the power output from the proposed project be sold into the same market as the power output from the nearby wind energy project? In what way would the markets differ?
- Would the marketing of the power output from the proposed project be done independent of marketing for the nearby wind energy project?
- Would contracts for the sale of the power output from the proposed project be separate from the contracts for sale of power output from the nearby wind energy project? Would there be any aggregated sales of power output from the proposed project with power output from the nearby project?
- Would the financing for the proposed project be separate from the financing for the nearby project?
- Would contracts for transmission of the output from the proposed project be separate from contracts for transmission of the output from the nearby wind energy project?
- What other information would support a conclusion that the proposed project would be a separate wind energy project and not an expansion of a nearby wind energy project? In what other ways would the projects be operated or otherwise treated as separate projects?

# OAR 660-033-0130(38)(f)

(f) “\* \* \* For purposes of applying the acreage standards [Goal 3 exception standards] of this section, a photovoltaic solar power generation facility includes all existing and proposed facilities on a **single tract**, as well as any existing and proposed facilities determined to be under **common ownership** on lands with fewer than **1320 feet of separation** from the tract on which the new facility is proposed to be sited. Projects connected to the same parent company or individuals shall be considered to be in common ownership, regardless of the operating business structure. \* \* \*” (Emphasis added.)

# OAR 860-088-0070(2)

“(2) “Co-location” means two or more projects that exhibit characteristics of a single development, such as **common ownership structure, an umbrella sale arrangement, revenue-sharing arrangements, or common debt or equity financing**. Projects are not considered co located solely because the same person provides tax equity financing for the projects. Co location of projects is not permitted within a five-mile radius unless:

(a) The aggregate nameplate capacity of the co-located projects is three megawatts or less; or

(b) The co-located projects are all sited within a single municipality or urban area as defined in the Program Implementation Manual.”

# Discussion

- What factors could be analyzed when determining what constitutes a “solar photovoltaic power generation facility” as that term is used in the definition of “energy facility” under ORS 469.300(11)?
- Would administrative rules, such as a definition of “solar photovoltaic power generation facility,” improve the clarity, consistency, and predictability of solar facility permitting jurisdiction?

# Public comment

# Wrap up & Next Steps