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| STATE GOVERNMENT SITING | <p>Predominantly State Siting</p> <p>Typically predicated on project size, above which the state has absolute authority to site projects.</p> <ul style="list-style-type: none"> • State authority (CT, MD, VT, WV): All projects, no matter their specific design, are sited at the state level. • Contingent state authority: Certain projects, by virtue of their design characteristics or state policy, fall under state siting jurisdiction. In some states with contingent authority, nearly all projects are sited at the local level (CA, FL, IA, MA, MI, NM, NY, OH, OR, RI, SC, WA) or at the state level (MN, NV, NH, NJ, ND, SD, WI, WY). |
| | <p>State / Local Siting Hybrid</p> <p>State law provides state and/or local siting upon discretion or actions of the developer, state government, or local government.</p> <ul style="list-style-type: none"> • State and local permitting authority (AR, IA, KY, LA, ME, MS, NC, ND, OH, RI, SD, TN, VA, WA, WY): State permitting is an option or required, and local governments also have some authority over siting and permitting. • Local government assumption of primary authority (MN, WI): Local governments may elect to retain primary permitting authority for certain projects. • Opt-in and opt-out state authority (CA, MI, MN, NE, NH, NY, OR, WA): Developers have the option to permit their project at the state or local level, each with distinct permitting requirements. • Backstop state authority (CO, MI, MS): Developers are required to first try to permit projects at the local level before seeking a state siting permit. • State authority upon request of a local government (MA, MI, MN, NH): Local governments may request that the state conduct the siting review. |
| LOCAL GOVERNMENT SITING STATE GUARDRAILS | <p>State Guardrails on Local Siting</p> <p>Local governments retain principal authority to site clean energy projects, subject to restrictions enacted by the state legislature.</p> <ul style="list-style-type: none"> • Reasonableness review (AZ, MA, NJ, NM, NV, NY, SC, SD, WI): The state prohibits local government restrictions on clean energy siting that are deemed unreasonable or not in service of some legitimate public good like health and safety. • State standards (IL, MI, ND, OK, TN, VT, WI, WY): The state provides explicit, substantive, and uniform siting standards as either a “ceiling” or a “floor,” directing local governments to set their own more permissive or more restrictive standards, accordingly. • Compliance-based local authority (MI): Local siting authority is predicated on compliance with state standards. • Exclusionary and inclusionary zoning (CT, FL, IL, MN, NJ, ND, OR, RI): States require local governments to allow projects to be eligible in certain zoned areas or exclude projects from certain zones. • Fair share thresholds (MI, NJ): States prohibit local governments from unduly restricting clean energy until they reach a prescribed threshold. |
| | <p>Predominantly Local Siting</p> <p>State law grants exclusive siting authority to localities.</p> <ul style="list-style-type: none"> • Local authority (AZ, CO, DE, GA, ID, IN for W, KS, MO, MT, NE, PA, UT, VA): Local governments make all permitting decisions. • Contingent local authority: Certain projects in a state, by virtue of their design characteristics, are subject to local government authority. In most states with contingent local control, the local government is the typical siting jurisdiction (CA, FL, IA, MA, MI, NY, NM, OH, OR, RI, SC, WA); in others, the state holds siting jurisdiction (MN, NH, NV, NJ, ND, SD, WI). |
| | <p>Minimal Siting Regulations</p> <p>Landowners have nearly complete control over projects built on their land, by virtue of the state lacking siting authority and local governments that either do not have the authority (AL, OK, TX) or have not created a siting regime (e.g., un-zoned counties in KS).</p> |

Note: Depending on state policy, the type of local governments granted siting authority may include townships, municipalities, and/or counties.