

**HOUSE COMMITTEE ON
ENVIRONMENT AND LAND USE**

March 27, 2003 Hearing Room HR E
8:30 AM Tapes 43 - 44

MEMBERS PRESENT: **Rep. Bill Garrard, Chair**
 Rep. Dennis Richardson, Vice-Chair
 Rep. Cliff Zauner, Vice-Chair
 Rep. Robert Ackerman
 Rep. Dan Doyle
 Rep. Mitch Greenlick
 Rep. Diane Rosenbaum

STAFF PRESENT: **Ray Kelly, Committee Administrator**
 David Peffley, Committee Assistant

MEASURES HEARD: **HB 2909 – Public Hearing**
 HB 3016 – Public Hearing
 HB 3302 – Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 43, A		
004	Chair Garrard	Calls the meeting to order at 8:41 and opens a public hearing on HB 2909.
<u>HB 2909 - PUBLIC HEARING</u>		
010	Chair Garrard	Delays the hearing on HB 2909 in order to give the proponents more time. Closes the public hearing on HB 2909 and opens a public hearing on HB 3016.
<u>HB 3016 – PUBLIC HEARING</u>		
023	Ross Day	Oregonians In Action (OIA). Testifies in favor of HB 3016 and notes that it will not lead to incidences of urban sprawl.
055	Rep. Zauner	Asks if DEQ would still have oversight authority.
058	Day	Affirms that is correct.
065	Rep. Richardson	Discusses technological advances in septic systems.
076	Chair Garrard	Cites Klamath Falls as an example and asks how this concept would work with a sewer system.
085	Day	Replies that it might work, but that DEQ approval would still be required.
090	Chair Garrard	Asks if there is a minimum amount of sewers needed to form a district.
093	Day	States that he doesn't know.
097	Rep. Greenlick	Questions Day's assertion that this applies only in existing dwellings.
101	Day	Clarifies that it applies only to any lawfully-cited dwellings and

		thus does not change current citing requirements.
113	Rep. Greenlick	Asks for a clarification on the economic effect of sewer systems.
121	Day	Disagrees with a broad interpretation of the measure. States that the bill is not meant to crop sewer systems unless it's practical.
137	Chair Garrard	Addresses the costs of installing sewer systems in rural areas.
155	Day	Agrees with the Chair in his cost assessment.
157	Rep. Ackerman	Asks about municipalities' authority to extend sewer boundaries outside of their city boundaries.
168	Day	Agrees with Rep. Ackerman that such authority is intended.
175	Rep. Ackerman	Rephrases the question about the possibility of a municipality extending services beyond it's boundaries.
186	Day	Acknowledges that possibility.
188	Rep. Ackerman	Clarifies the onus of responsibility for bearing the costs.
189	Day	Agrees.
190	Rep. Ackerman	Asks whether an unincorporated community would have the same rights.
196	Day	Defines unincorporated community and notes that it is recognized.
202	Rep. Ackerman	States uncertainty of such a community being able to impose regulations.
206	Day	States that he will get back with the committee with an answer.
208	Rep. Ackerman	States that the authority for a community to extend its sewer system is already provided for in the statute.
225	Chair Garrard	Agrees with Rep. Ackerman's reading of the bill.
229	Rep. Ackerman	Addresses improvement districts and the appeals process.
237	Bob Rindy	LCDC. Addresses Goal 11 as it relates to HB 3016. Discusses the nature of urban growth boundaries and what they mean if sewer systems are built outside those boundaries.
380	Chair Garrard	Addresses Rindy's point regarding future maintenance as it relates to the Klamath basin.
390	Rindy	Concludes testimony and notes that Section 2 is already law.
404	Rep. Richardson	Asks Rindy to address failed septic systems and their contribution to pollution problems.
418	Rindy	States that he doesn't have extensive knowledge in this area, but refers to Goal 11.
437	Rep. Richardson	States concern about the potential failure of a sewer system. Asks about maintenance agreements which might help solve this problem.
TAPE 44, A		
004	Rindy	Replies that he's not sure, but thinks that they happen.
012	Chair Garrard	Mentions that they would like to hear DEQ's input into this issue.
016	Rep. Zauner	Asks if Rindy has faith that DEQ will do this job correctly.
022	Rindy	Replies that he thinks that DEQ is presently looking into the problem although he's not an expert on DEQ's regulations..
036	Carrie MacLaren	1000 Friends of Oregon. States concerns about HB 3016. Gives basic premiss about the intentions of land use planning. Offers support for a separation of rural and urban lands and discusses how proper planning saves money on infrastructure costs.
104	Chair Garrard	Asks if Ross Day will work out some of these problems and amend the bill. Closes the public hearing on HB 3016 and opens a public hearing on HB 3302.

125	Ray Kelly	Summarizes HB 3302.
132	Don Schellenberg	Oregon Farm Bureau (OFB). Submits (EXHIBIT A) and testifies in favor of HB 3302. Notes that the decision of the energy facilities council has left much work to be done and that OFB would like to work on amending the bill.
191	Dave Vanasche	Washington County Farm Bureau. Submits (EXHIBIT B) and testifies with support for HB 3302 as it would condemn certain farm land and would place too many restrictions on farmers.
222	Rep. Greenlick	States that his constituents are greatly concerned with this legislation and offers to help work out any amendments which might improve this legislation.
232	Schellenberg	Notes areas of concern for the work group to address while considering amendments to the bill.
244	Chair	States that he might want to put this hearing off until amendments are forthcoming.
250	Rep. Ackerman	States that it might be better to hear opposition to see if they have amendment ideas as well.
255	Vanasche	Notes that this deal also deals with utilities inside of urban growth boundaries.
298	Mike Grainey	Director, Oregon Office of Energy (OOE). Speaks in opposition to HB 3302. States that he would like to see amendments to see if consensus can be met.
335	David Stewart Smith	Administrator, Energy Resources Division, OOE. Addresses the Siting Council and his participation under a task force four years ago to come together with what eventually became HB 2865. States belief that HB 2865 balanced needs and doesn't see the need to override it.
408	Tom Gallagher	Pacific Gas and Electric (PGE). Addresses the original statute which came out just after SB 100 as it relates to utilities and EFU. Cites LUBA case and interpretation of language regarding the EFU zone and highlights three ways to address this problem.
<u>TAPE 43, B</u>		
008	Gallagher	Continues testimony and states that the problem is that both sides of these interests can not both be met.
046	Roger Martin	Williams Co./Consumers Central Electric Coop. States that this bill is well-intentioned, but ill-conceived and thus speaks in opposition to HB 3302. Asserts that this bill might compromise safety and public health.
101	Shawn Miller	PacifiCorp. Opposes HB 3302 in that the current law addresses this issue adequately. States belief that current legislation balances the interests of utilities and their customers.
122	Rep. Greenlick	Asks if PacifiCorp cites other facilities besides linear facilities.
125	Miller	Replies that they mostly run transmission lines.
127	Rep. Greenlick	Restates the previous question.
131	Martin	Addresses substations and the distribution of utilities.
155	Flicker	Executive Director, Oregon Rural Electric Cooperative Association. Submits (EXHIBIT C) and testifies against HB 3302 in that it could cost significant problems for small utilities.
188	Willie Tiffany	League of Oregon Cities. Opposes HB 3302 as it could cause problems for water lines.
212	Amanda Rich	Special Districts Association of Oregon. Submits (EXHIBIT D) and states concerns which they hope will be addressed in a work group.
261	Gary Bauer	Northwest Natural. States opposition to HB 3302. Cites ORS

		215.275 and states its effect as it relates to utility citing. Explains Northwest Natural's project and the reasons for which it is necessary.
316	Charlie Stinson	General Manager, Northwest Natural. Addresses the siting rules and the reason for the project.
400	Margaret Kirkpatrick	Gives historical background for the need and the technical aspects for this project.
TAPE 44, B		
002	Kirkpatrick	Concludes testimony.
009	Rep. Ackerman	Asks about the makeup of the commission which addressed the issue in 1999.
012	Kirkpatrick	Gives the main participants and their level of contribution.
025	Rep. Ackerman	Asks if environmental interests were represented.
028	Kirkpatrick	Cites 1000 Friends as participants.
032	Carrie MacLaren	Addresses 1000 Friends' participation in the aforementioned commission. Notes 1000 Friends' positions relating to utility siting.
The following prepared testimony is submitted for the record without public testimony for HB 3302.		
	Robin Freeman	Submits written testimony (EXHIBIT E).
090	Chair Garrard	States that he's going to see if OFB can respond to some of the concerns heard today. Closes the public hearing on HB 3302 and adjourns the meeting at 10:19 AM.

EXHIBIT SUMMARY

- A – HB 3302, written testimony, Don Schellenberg, 2 pp.**
- B – HB 3302, written testimony, Dave Vanasche, 7 pp.**
- C – HB 3302, written testimony, Sandy Flicker, 3 pp.**
- D – HB 3302, written testimony, Amanda, Rich, 2 pp.**
- E – HB 3302, written testimony, Robin Freeman, 1 p.**