

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass with Amendments to the B-Eng. Measure (Printed C-Eng.)

Vote: 5 - 0 - 0

Yeas: Atkinson, Burdick, Ferrioli, Metsger, Devlin

Nays: -

Exc.: -

Prepared By: Erin Seiler, Administrator

Meeting Dates: 6/15

WHAT THE MEASURE DOES: Requires utility provider to consult with owners of high-value farmland prior to installing a transmission line in order to minimize the impact on farming operations. Defines high-value farmland and transmission line. Defines consult. Establishes consultation responsibilities of record owner of high-value farmland and utility provider. Defines methodology and timeline for satisfying consultation requirements.

ISSUES DISCUSSED:

- Importance of defining “consult” with record owner of farmland
- Clarifying methodology and timeline to satisfy consultation requirement to prevent legal action of parties
- Ensuring a timely and fair process for land owner and utility provider

EFFECT OF COMMITTEE AMENDMENT: Replaces the measure.

BACKGROUND: ORS 215.275 permits a utility facility to site on land designated as exclusive farm use (EFU) under specific conditions. For a utility facility to be sited on EFU land, it must be necessary for public service. To demonstrate that a utility facility is necessary, it must be shown that reasonable alternatives have been considered and that the facility must be sited in an EFU zone due to one or more of the following factors: technical and engineering feasibility; the proposed facility is locationally-dependent; availability of existing rights of way; public health and safety; and requirements of state or federal agencies. Costs may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service.

It is common for utility providers to site facilities on rural lands to meet their urban customers’ power needs because of lower land costs and fewer land owners. Currently, an owner of a utility facility is not required to consult with owners of high-value farmland prior to installing a transmission line, yet siting facilities on agricultural land may interfere with use of the property by the landowner and impede accepted farm practices. The owner of a utility facility is responsible for the restoration of any agricultural land and any necessary improvements on land damaged or disturbed by the siting, maintenance, repair or reconstruction of the facility. It is the responsibility of the governing body of the county to determine the conditions an applicant must satisfy in order to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmlands.

House Bill 3153-C would require that the utility provider consult with owners of high-value farmland prior to installing a transmission line.