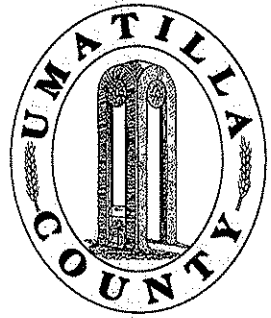


# Umatilla County

Board of County Commissioners

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## Commissioners

**Dennis D. Doherty**  
541-278-6202

**W. Lawrence Givens**  
541-278-6203

**William J. Elfering**  
541-278-6201

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Executive Assistant  
Connie Caplinger  
541-278-6293

Executive Secretary  
Laura Headley  
541-278-6204

County Counsel  
Douglas Olsen  
541-278-6208

Budget Officer  
Bob Heffner  
541-278-6209

April 11, 2013

Chair Bailey  
House Committee on Energy and Environment

RE: House Bill 2704

Honorable Representative Bailey:

Thank you for allowing me the opportunity to speak in support of HB 2704. I offer the following comments.

- HB 2704 was requested by Umatilla County; the result of a LUBA decision that altered and constrained substantially the way local governments permit transmission lines. Umatilla County had denied an application, after the developer refused to consider one of three opportunities to co-locate. Our intent was to limit the number of lines crossing productive farm land and sensitive watershed area. LUBA tied our hands and limited our ability to require the appropriate analysis.

- The bill applies to "gen-tie" lines, those lines that are constructed for the purpose of connecting an energy facility to the electrical grid. The gen tie lines are referred to as "associated transmission lines" in the bill. The same as the definition in ORS 469.300.

- The purpose of the bill is to create incentive to locate gen tie lines on lands that are not productive farm lands, what the bill refers to as non-arable lands. The bill will help foster more sensible siting of transmission lines and slow the proliferation of transmission lines being constructed across high value farm land.

- The bill has a clear path for lines not located on productive farm lands and, where a line (or a portion of the line) must be located on productive farm lands, there are clear and objective standards for doing so.

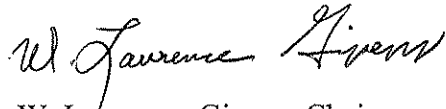
- Representative Smith assembled a diverse group of stakeholders, who developed a consensus on the specifics.

- The stakeholder group intended to make clear that for lines located wholly on non-productive farm lands, the application would not be a "land use decision" and thereby limit the ability to appeal. Legislative Counsel removed that language, but it is our hope that the intent is clear in the bill.

- The term "arable land" in HB 2704 is intended to match that term as found in OAR 660-033-130(38) which means lands that are cultivated or suitable for cultivation. I understand that there is other pending legislation, HB 2820 that would change that definition to be more restrictive. In eastern Oregon, especially Southeast Oregon, some range land is located on class IV soils. So it is important to keep the existing definition of "arable land" so that local government can interpret accordingly.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "W. Lawrence Givens". The signature is written in dark ink and is positioned above the printed name.

W. Lawrence Givens, Chair  
Umatilla County Board of Commissioners