



February 25, 2019

Senator Michael Dembrow, Chair  
Senate Committee on Environment & Natural Resources  
900 Court Street NE  
Salem, Oregon 97301

Dear Chair Dembrow and Members of the Senate Committee on Environment & Natural Resources:

The Oregon Municipal Electric Utilities Association (OMEU) appreciates the opportunity to submit testimony in support of SB 408, allowing counties to approve the division of land zoned for exclusive farm use for purposes of siting utility facilities necessary for public service. OMEU is made up of eleven municipally-owned and operated electric utilities.

Under current land use statutes, counties may authorize the creation of smaller parcels through the land division process on exclusive farm use land for specific recreational uses, commercial uses, power generators, transmission lines, museums, resorts, private schools, dog kennels, and even solid waste disposal sites, all of which are conditional uses in the farm zone. Ironically, the current statute does not include utility facilities necessary for public service as an acceptable basis for smaller land divisions, even though counties must allow that use if it meets applicable statutory standards. Thus, while utility facilities can be built under existing law, counties cannot divide the land for these facilities. Accordingly, landowners own the land and the infrastructure is owned by the utilities. This arrangement can lead to long-term leases with landowners, who in most cases, would prefer to sell the land necessary for the project to avoid potential liability or inaccurate tax assessments.

OMEU finds that SB 408 provides a better approach to meeting statewide land use planning goals and infrastructure needs. Additionally, the proposed amendment prevents future action from undermining the intent of this legislation. OMEU urges your support of SB 408 and the proposed amendment. The legislation presents a narrowly-tailored solution to address a gap in the current law.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Joly". The signature is fluid and cursive, with the first name being more prominent.

Jennifer Joly, Director

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