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League of Oregon Cities
Local Government
Center
1201 Court St. NE
Salem, OR 97301
P.O. Box 828
Salem, OR 97308
(503) 588-6550 or
1-800-452-0338
Fax (503) 399-4883

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May 31, 1996

John F. Larson
Pacific Energy Systems, Inc.
1600 SW Fourth Avenue, Suite 770
Portland, Oregon 97201

Transmitted by Fax

Dear Mr. Larson:

This letter is in response to your request for position papers on energy facility siting. We understand that the Energy Facility Siting Task Force is developing recommendations for presentation to the Governor and the 1997 Legislature addressing appropriate public interest in the siting of energy facilities.

The League of Oregon Cities participated in discussions of energy facility siting proposals in the 1993 and 1995 legislative sessions, and we also worked with other parties in development of rules. Our major focus was in the area of land use, and that is where our interests in energy facility siting remain today.

When we participated in 1993 and 1995 discussions, we based our position on the fact that in the 20 years since the siting statute had been written, city and county comprehensive land use plans had been acknowledged. We strongly urged that those local plans be used for decision making in siting proposed energy facilities and that they be the basis for showing and finding compliance with state goals.

Bill proponents and other parties involved agreed with us, and much time was spent in crafting and amending statutory language. The land use process for siting energy facilities is described, specifying that proposed energy facilities comply with statewide planning goals by receiving local land use approval, or determination by the Energy Facility Siting Council that the proposed facility complies with applicable substantive criteria from the affected local government's acknowledged comprehensive plan and land use regulations and LCDC requirements. Requirements for taking exceptions to goals; treatment of linear facilities which go through multiple zones and jurisdictions; and resolution of land use conflicts were addressed. The League, at this time, asks that the Task Force retain this approach and language in its recommendations.

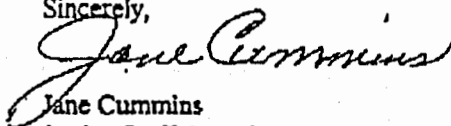
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In the event that change to the land use approval process is considered, the League urges the Task Force to support the following:

- ▶ Local government involvement throughout the energy facility siting process,
- ▶ Required public hearings in the affected jurisdiction,
- ▶ Requirements that proposed energy facilities meet all applicable local government land use regulations,
- ▶ Specification that local land use decisions will not be overturned or changed by the "super siter" (the Energy Facility Siting Council),
- ▶ Clarification that the "super siter" (the Energy Facility Siting Council) does not preempt jurisdictions over matters not included in and governed by a site certification,
- ▶ Specification in the site certificate for a date by which construction of the energy facility must commence,
- ▶ Technical assistance and information from state agencies for local government regarding the siting process, and
- ▶ Reimbursement for expenses of special studies or participation in proceedings when local fees do not cover costs.

We would welcome the opportunity to discuss land use issues with the task force if a "fresh look" encompasses changes to statutory language agreed upon in 1993 and 1995.

Sincerely,



Jane Cummins
Senior Staff Associate