

**HB 3126 A STAFF MEASURE SUMMARY**  
**House Special Committee On Wildfire Recovery**

**Carrier:** Rep. Marsh

**Action Date:** 05/28/21

**Action:** Do pass with amendments. (Printed A-Eng.)

**Vote:** 9-0-1-0

**Yeas:** 9 - Cate, Clem, Gomberg, Grayber, Lewis, Marsh, Meek, Morgan, Post

**Exc:** 1 - Evans

**Fiscal:** No fiscal impact

**Revenue:** No revenue impact

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**Meeting Dates:** 5/21, 5/28

**WHAT THE MEASURE DOES:**

Allows a landowner to petition the county board to annex their land into a special district if the land is surrounded by the district and the water supply has become inadequate or contaminated, as determined by the local health department, as a result of conditions caused by a wildfire that is the subject of a state of emergency declared by the Governor. Requires the petition to include statutorily required information and signatures, in addition to stating the conditions that caused the water supply to become inadequate or contaminated. Requires the county board to immediately approve the landowner petition if the board determines that the conditions for the petition are met and the district has a sufficient water supply. Providing the petition is approved, requires the county board to enter an order describing the boundaries of the land and declaring the land annexed into the district, and requires the district to provide water to the annexed land. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Fire damage to wells at Whispering Pines Mobile Home Park and ongoing problems with access to safe drinking water
- Local jurisdiction support for park annexation into the Charlotte Ann Water District
- Medford Water Commission interpretation of "declaration of danger to public health" requirement
- Alternative pathway to meet public health declaration requirement and restore water service expediently
- The role of the House Special Committee on Wildfire Recovery to identify regulatory barriers to recovery as they arise, and the change to the committee's deadlines under House Chamber Rules to support that role

**EFFECT OF AMENDMENT:**

Replaces the measure.

**BACKGROUND:**

The Whispering Pines Mobile Home Park is located in Jackson County, just outside of the urban growth boundary for the City of Phoenix. The park was established in the 1970s and contains 63 homes for fixed income senior residents. In September 2020, the Almeda Fire destroyed a significant portion of the park, including 46 homes and two of the three wells that supplied drinking water to park residents. The 17 homes that remain are currently accessing water through an expensive trucked service, and the park owners would prefer to annex the park into the Charlotte Ann Water District that surrounds their property.

There are two current pathways for annexation of land into a water district. The first pathway is landowner petition to the county board under ORS 198.857. This option requires the support of the water district board and other relevant agencies in addition to the county board. It was reported in the House Special Committee on Wildfire Recovery that the Whispering Pines Mobile Home Park pursued this pathway to annexation and had the support of most of the required parties, but that the process stalled due to an interpretation question regarding

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the appropriate way to determine that the well damage constituted a "danger to public health." The second pathway to annexation is through an Oregon Health Authority (OHA) health hazard annexation process under ORS 431.705 - 431.760. The process requires: adoption of a county court or local public health authority resolution requesting OHA initiate annexation proceedings; an OHA finding of "danger to public health" within the affected area; a study and plans to be commissioned and developed; an Environmental Quality Commission review; and a contested hearing conducted by an administrative law judge.

House Bill 3126 A would allow a landowner to petition the county board to annex their land into a special district if the land is surrounded by the district and the water supply has become inadequate or contaminated, as determined by the local health department, as a result of conditions caused by a wildfire. The measure would also require the county board to immediately approve the landowner petition if the board determines that the conditions for the petition are met and the district has a sufficient water supply.