

March 31, 2025

Testimony in opposition to HB 3928
House Committee on Housing and Homelessness

Dear Chair , Members, and staff:

While there is no question that as a State Oregon needs to address issues of shelter and housing supply. However, this proposal is not in any way helpful toward that goal. There is ample evidence from pre-SB 100 development and speculation enabled by Measure 37 of problems from this sort of development.

Others, for example James Johnson, have submitted thoughtful and comprehensive discussions of the problems and impacts. I heartily agree but want to focus specifically on issues of water and sewer in development where public services are not available. I am aware of at least 3 high density rural residential developments in Yamhill County where owners of these lots either can not find water and/or site a functional drain field within the allowed area. Expanding lot sizes is costly for the buyer and the impacted farm and forest lands.

Parable of Fischers Mill

Built in 1970, before SB 100 took effect, a development of 26 homes on a rural parcel between Redland and Springwater Road in Clackamas County. Served by a collective septic and sand filter onsite treatment system. The system is sited approximately ¼ mile from a bend in Clear Creek, a tributary of the Clackamas River, source of drinking water for urban areas.

After some years, the system was no longer performing adequately. The developer was either unavailable or unwilling to act. No public systems had been built in the area offering connections. The Clackamas County Board of Commissioners agreed to take over the system. Depending on who is telling the story they were persuaded by graft, cronyism, public relations, concern for environmental and public health, or some combination. Repair and maintenance were assigned to what was then known as the Department of Utilities within the Roads Division. The homeowners were charged for some of the costs.

Growth and the Clean Water Act come along. New Special District treatment facilities were built in Milwaukie and Oregon City. Subsequent Commissioners have had other priorities. One board would want every rate to be based on actual cost of service. Another would be concerned that rates were equalized across all districts. Rates and revenue fluctuated.

I came to work for Water Environment Services in 2000. WES ran and maintained Fischers Mill as well as the other larger service districts within the UBG. Among the capital planning discussions underway at the time was the need to make a significant capital investment because the original system did not meet current clean water standards. DEQ had identified it as a threat to drinking water. Extensive technical work, engineering and construction were required. There was no way that the 26 homeowners could fund the work. This put the matter into the complex system of public finance.

50+ years on now the costs from this inappropriately planned and executed development are being underwritten by the public. Developers and public officials come and go but once these things get built, they do not ever go away.

Please do not approve HB 3928 allowing development and increased residential density outside of the reach of urban infrastructure – including public sanitary sewer and water services. *Caveat emptor* is cold comfort for someone who has run out of funds drilling dry holes.

It is said that prevention is the best medicine, and I ask you to take such action here by not advancing HB 3928.

Respectfully Submitted,

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