

May 21, 2025

**ORAL TESTIMONY NOT ALLOWED TO PROVIDE DUE TO TIME BEING CALLED**

Chair Bowman, Vice Chairs Drazen, Pham, Members of the Committee,

Wendie Kellington, on behalf of Lane County Garbage and Recycling Association.

HB 3971 is not just bad policy—its premises are false, deeply misleading and it is a dangerous departure from Oregon’s land use program and environmental values.

This bill was written for a land speculator - Lane County - that unwisely purchased land on the cheap in Goshen for the facility that HB 3971 would supersite, knowing full well the zone expressly prohibited it, that the site is an EPA-designated floodplain they’d have to fill, that the site is composed of 21 acres of wetlands and they’d have to fill 11 of. Now, having made a knowingly risky investment, the County wants the legislature to rewrite the rules to supersite that expressly prohibited facility. That’s not planning. That’s cheating.

Were told the bill is just about “timing” about avoiding “years and years of litigation”. That is false. Every land speculator, including Lane County, knows that if you want to avoid “years and years” of litigation and get your “timing” right, you seek approval of a use **in a zone that allows the use and where you don’t have to fill an EPA designated floodplain** that every other community in Oregon is making significant sacrifices to protect and where you do not **have to fill 11 acres of wetlands**.

We’re told this bill is needed as an emergency because there’s no zone for the facility. Were told that that the facility is 21<sup>st</sup> century technology not fitting into 20<sup>th</sup> century rules. That is also false. Lane County has four zones that allow the facility and more like 7 or 8 that allow the use. Ask them. They will have to tell you that is true. The County even pursued a zone change on the property—then dropped it. The County induced the people of the state of Oregon to give the project \$32 mm in public money bonds, **representing that the project was allowed on the site with a zone change**. The public gave the project \$32 mm **on that County representation**. **But now** they tell you there **is no zone that allows the facility**? And they now tell you that it can only exist if you supersite it? You decide how it is that they told the State of Oregon one thing to get the people of this state to part with \$32 million in public money and tell **you the exact opposite** to get supersiting. Moreover, the county features 15 existing transfer stations, many or all of which could be modified to add the facility. What about that instead of this supersiting bill? The elusive truth here is that County in fact has many zones that allow the use, but while perhaps inconvenient, this speculator, Lane County, simply needs to site its proposed facility where it is allowed, not on cheap environmentally sensitive land that forbids the facility, just assuming the legislature will supersite it.

Please understand that HB 3917 **requires approval** of a highly controversial waste facility that only the narrowest possible majority of the BOC wants. It is not “local control, it’s a local

bludgeon against citizens, Oregon's land use program and against environmental laws. **HB 3917's dash 1 public hearing opportunity is a fraud** because any state agency and any member of the community who participates in such a hearing **is always required by HB 3971 to lose** because the bill **requires the project be approved, regardless** of what the people say, regardless of land use laws, regardless of environmental laws and then **requires a court to always 100% award attorney fees against the people who participated when it is approved.** Who participates in a hearing where you are guaranteed to lose and are guaranteed to have attorney fees assessed against you? No one.

The bill runs roughshod over the Goshen GREAT Plan, developed with 1000 Friends of Oregon, DLCD, the community, and the County itself, that envisions high-density, high-wage employers—*who will put in required sewer infrastructure*—and specifically prohibits waste-related uses. But this bill forces a prohibited land use onto that community, without any sewer infrastructure, stormwater, or the basic services those other uses would have to provide.

The County and the bill's supporters say don't worry about the community of Goshen, don't worry about destroying 11 acres of sensitive Goshen wetlands, don't worry about exacerbating Goshen's serious flooding problem by filling an EPA designated floodplain, and don't worry that the demand demands to put a gas manufacturing plant with enormous risk of explosion, on property just 400 feet from a school for disadvantaged youth and near homes, and that the area already hosts more than its share of undesirable land uses to include a landfill, and major electrical infrastructure. Don't worry because in every sense, HB 3971 is an environmental justice anathema by design.

HB 3971 sends a dangerous message: that if a development is illegal, just come to Salem for a legislative bailout. That cynical view of Oregon's land use program is appalling and should be soundly rejected. Please reject HB 3971.

Thank you.

Wendie Kellington