



American Planning Association
Oregon Chapter

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Making Great Communities Happen

MEASURE: HB 4090
 EXHIBIT: 6
 2012 SPECIAL SESSION H AG & NAT RES.
 DATE: 2/9/2012 PAGES: 2
 SUBMITTED BY: Jeannine Rustad

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February 9, 2012

House Agriculture and Natural Resources Committee
 State Capitol
 900 Court Street NE
 Salem, OR 97301

AT-LARGE DIRECTORS

Damian Syrnyk, AICP
 David Reesor
 Lisa Gardner, AICP
 Tom Schauer, AICP

RE: HB 4090

Dear Brian Clem, Co-Chair, Sal Esquivel, Co-Chair, and members of the committee:

PLANNING

COMMISSIONER REPS
 City: Cliff Walkey
 County: David Sykes

The Oregon Chapter of the American Planning Association (OAPA) is committed to stable, coherent, policy-driven and future-oriented comprehensive planning to ensure that communities are good places to live and work, offer a wide range of opportunities for our citizens, and preserve resources and opportunities for future generations. Its 954 members include public and private professional planners, planning commissioners and other public officials, and those interested in the practice of planning.

PROFESSIONAL DEVELOPMENT OFFICER

Jay Moorhead, AICP

OAPA supports land use statutes that can be implemented and are consistent with the overall Oregon land use program and implementing administrative rules. We do not believe that HB 4090 meets these requirements. Many concerns have been raised by the League of Oregon Cities and its member cities. We share those concerns. Particularly, HB 4090 could:

EDUCATION & OUTREACH

Angela Lazarean

LEGISLATIVE & POLICY AFFAIRS

Jeannine Rustad, Chair

STUDENT REPS

University of Oregon
 Hannah Oliver
Portland State University
 Holly Howell & Jacob Nitchals

- Interfere with a ability of a city to plan for a deliver services in an efficient and economical manner;
- Create inequities in service delivery by allowing property owners to barter between special districts, and utilities and municipalities;
- Circumvent coordination efforts and agreements between cities, counties and service providers for service delivery and governance; and
- Contradict Goal 11, which provides for the orderly, efficient and economical provision of urban services.

STAFF

Executive Director
 Patricia A. Zepp
Legislative Liaison
 Stephen Kafoury

With respect to the amendments set forth in HB 4090-3, we have the following concerns:

- The amendment (Section 6) limits a city's right to determine service provision in its own boundary. (The amendment requires that a city provide the service after removing a portion of a district from city limits. Current law does not require cities to provide those services directly unless the existing urban services agreement so provides).

- With approximately 950 special districts and 244 cities there are many individual circumstances that would have unintended consequences from the amendment.
- Changing the voting requirements to meet the proponents of HB 4090 objectives would have negative outcomes in other specific circumstances. (The current standard requires the entire special district to vote to provide services, unless it is subject to a complete exemption; it also requires the entire city to vote to have the district provide services. The election is successful if both votes are affirmative. We believe this is the fairest voting construct to maintain).

HB 4090 will lead to inefficiencies, poor governance, inequities and the loss of *local decision* making concerning development impacts on existing infrastructure, the community and its citizens. In discussing this bill with OAPA's Legislative and Policy Affairs Committee, it is foreseeable that this bill could adversely affect every city in Oregon.

Thank you for your consideration of our comments.

Sincerely,



Jeannine Rustad, J.D.
Chair, Legislative and Policy Affairs Committee

cc: OAPA Board