



**Testimony of Gary Schmidt, Public & Government Affairs Director, Clackamas County
SB 708
Senate Committee on Rural Communities and Economic Development
Tuesday, April 9, 2013**

Chair Roblan & Members of the Committee:

For the record, my name is Gary Schmidt, Director of Public & Government Affairs for Clackamas County. Accompanying me is Mike McCallister, Planning Manager for Clackamas County. Thank you for the opportunity to appear before you today on behalf of the Clackamas County Board of Commissioners to speak to SB 708, which would transfer land use authority from the City of Damascus to Clackamas County if the city fails to adopt a comprehensive plan by January 1, 2014.

The Clackamas County Board of Commissioners is neutral on Senate Bill 708. In the event the bill moves forward the County would like to see these two provisions addressed:

Cost: although an amendment to the bill calls for complete cost recovery of application fees, the County is still concerned with the consequential costs of potential appeals and legal actions resulting from planning decisions. Full cost-recovery needs to be addressed in this bill.

Indemnity: the County needs to be indemnified for any claim arising from the County's implementation of this bill. Involvement in land use permitting creates a liability risk for the County. While it is rare that local governments are successfully sued over land use permitting issues, the damages can be substantial. If the State of Oregon is going to mandate that the County become involved in permitting issues in a City, the County should be indemnified by either the State or the City itself.

Thank you for your consideration. We are happy to answer questions from committee members.