



American Planning Association
Oregon Chapter

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Making Great Communities Happen

March 17, 2015

RE: Testimony from the Oregon Chapter of the American Planning Association on HB 2894

Representative Brian Clem Chair, Committee on Rural Communities, Land use and Water

RE: HB 2894

Chair Clem and Committee Members:

The Oregon Chapter of the American Planning Association opposes House Bill 2894. As written, the bill would create a new and separate process for land partition and subdivision review for properties located within an irrigation district. Oregon's Statewide Planning Program provides a process for coordination, which requires incorporating comments of all federal, state, local agencies and special districts. This coordination with other units of local governments includes irrigation districts organized under ORS 545. No other federal or state agency or unit of local government has special veto power that this bill would provide to irrigation districts

Existing law, ORS 92.090(6), guarantees irrigation districts are provided notice and an opportunity to comment on local land use decisions. Additionally, ORS 197.180, State Agency Coordination, requires cities and counties to provide notice and an opportunity to participate if the land is located within an irrigation district. As such, districts are provided ample opportunity to participate in the land use process.

Districts have, in some instances, sought to use the land use process to meet objectives of the district that are beyond the scope of the land use review, for example to install underground irrigation systems. This runs the risk of takings claims under federal law. Districts have other means to carry out objectives that are not germane to the land use decision. The land use partition and subdivision process is not the appropriate venue to help irrigation districts meet objectives that are not directly related to the land use decision at hand.

Thank you for your consideration.

Sincerely,

Jason Franklin, President
Oregon Chapter of the American Planning Association