



American Planning Association
Oregon Chapter

Making Great Communities Happen

PO Box 28454 Portland, OR 97228

PHONE: (503) 626-8197

oapa@oregonapa.org • <http://www.oregonapa.org>

February 3, 2016

Senate Committee on Environment and Natural Resources
Senator Chris Edwards, Chair
900 Court Street NE
Salem, Oregon 97301

RE: SB 1517 regarding regulations of wetlands in exclusive farm use (EFU) zones

Chair Edwards and Members of the Senate Committee:

The Oregon Chapter of the American Planning Association (OAPA) is an independent, statewide, not-for-profit educational organization with 850 members that provides leadership in the development of vital communities by advocating excellence in community planning, promoting education and citizen empowerment, and providing the tools and support necessary to meet the challenges of growth and change.

Thank you for the opportunity to comment on SB 1517. The Oregon Chapter of the American Planning Association opposes this draft legislation. This is an ambitious bill that would make significant changes that may be better served after further discussion with all affected parties.

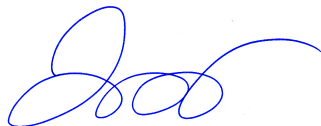
This bill changes the review criteria for wetland restoration projects on exclusive farm use (EFU) land. Currently restoration projects are an outright use on EFU, regardless of the impact on surrounding properties. This bill attempts to address the cumulative impacts of wetlands restoration on EFU land by requiring wetlands restoration projects to not force a significant change in accepted farm or forest practices on surrounding land, increase the costs on surrounding land, or alter the stability of the agricultural land use pattern in an area. OAPA understands that farmers across the state are concerned about the cumulative impacts of non-EFU activities, even when those impacts are caused by wetlands restoration or improvement projects. This is an important policy debate that is not adequately addressed in this legislation and may not be appropriate for legislation during a short session. If there is a conflict and a fix is needed, that fix should be identified and developed in close coordination with all stakeholders, especially the regulatory agencies that are directly involved in the process. Agencies and organizations such as the American Planning Association, the Oregon Association of County Planning Directors, the Oregon Department of State Lands (DSL), and the Army Corps of Engineers should be engaged in the identification of the problem and crafting of a solution.

In addition, bill represents a significant change in policy by allowing a property owner to double the amount of material from waters of the state without a permit, from 50 cy (cubic yards) to 100 cy. The bill would establish a land use review for wetland restoration on EFU lands. Some counties within the State have established a process for this while others have not. This bill would require that all counties establish the process outlined in this bill. This has the potential to impact not only the smaller rural counties that have limited staff capacity and resources to take on additional requirements, but it can also impact nonprofit organizations that conduct restoration projects by adding additional process and cost to their projects that may not be necessary. Again, more discussion is needed among all the affected parties to come to an agreement about what best practices for maintenance of drainage on EFU land, what types of permits are appropriate to protect wetland resources.

Rather than altering the status of wetlands in land use law and creating an additional layer of process, we should examine the existing processes within the Department of State Lands and determine whether changes can be made to address the concerns raised by the proponents of SB 1517. Alternatively, if the 2016 session does not provide adequate time to review and craft a proposal to amend the DSL process, we respectfully ask that the Legislature request and fund an Oregon Solutions / Consensus project to convene the appropriate parties and produce a proposal for the 2017 session.

Thank you again for your attention on this issue and for the opportunity to comment on this legislation.

Sincerely,



Jeannine Rustad, President
Oregon Chapter of the American Planning Association