

Statement in SUPPORT of SB 258 and SB 114

TO: Senate Committee on Environment and Natural Resources

FROM: Michael Selvaggio, Resident of West Linn

Date: March 29, 2017

Passed in the 2016 legislative session, SB 1573 required Metro-area cities to annex certain land under certain circumstances, even if the City Charter in question requires a vote of the electorate. Senate Bills 258 and 114 would repeal that requirement.

As a resident of West Linn living near the Stafford area, I am generally concerned about the effects of annexation and — even without annexation — the overburdening of already-strained infrastructure. To that end, our city has wisely limited West Linn's comprehensive plan to (mostly) the existing city limits and recognized that expansion is not a practical consideration given those limitations. As such, the passage of SB 1573 in 2016 did not immediately affect West Linn, but was rightly ill-received for several reasons. I urge your support for Senate Bill 258 and/or Senate Bill 114 as a corrective measure.

Each point of concern about SB 1573 (2016) is a consideration favoring passage of SB 258/114:

- **The current policy (SB 1573) establishes a precedent of unwarranted state preemption.** Although it may be within the State Legislature's purview to dictate the terms of annexation to cities, the power to preempt local control should be balanced against the interest of local control. In outlining annexation procedures, ORS Chapter 222 had long deferred to City Charters that require consent from a city's electorate. Additionally, Oregon courts have long held that while the legal criteria surrounding annexations are a matter of statewide concern, questions of the processes used are best left to local consideration. Senate Bill 258/114 respects that longstanding precedent.
- **There is no urgency leading to such a drastic change.** Much of the testimony urging the passage of SB 1573 in 2016 focused on the supply of buildable land. This is a significant consideration, especially in my home of Clackamas County. However, a recent Metro Urban Growth Report indicates a large amount of buildable land already within city boundaries. While additional work clearly needs to be undertaken to ensure that the supply keeps pace with economic demand, there is no "emergency" at this point justifying a legislative dismantling of city charters.
- **The current policy (SB 1573) exposes residents to increased costs and demands on infrastructure.** Currently, the process outlined by SB 1573 (2016) does not require a public hearing before annexation occurs. Despite the included consideration of a city's comprehensive plan, that process does not allow for sufficient examination into the increased demands of transportation infrastructure, water and sewer services, schools, emergency services, or other potential costs. Senate Bill 258/114 will help ensure that these concerns are taken into account and provided for in a citywide conversation.

In sum, while Senate Bill 1573 (2016) was a well-intentioned measure aimed at addressing a specific concern, it is a drastic overreach. The State already has sufficient legal mechanisms in place (such as land use planning goals) to ensure coordination and uniformity of criteria. The process of city expansion should be a local discussion, where citizens are able to make a measured consideration of the costs and benefits involved in an accountable and transparent manner.

Please vote **YES** on Senate Bill 258/114.