



April 12, 2017

To: Chair Michael Dembrow, Vice-chair Alan Olsen, and Members of Senate Environment and Natural Resources Committee

RE: Testimony in Support of SB 865 -3 Amendments

Dear Chair Dembrow, Vice-Chair Olsen, and Members of the Committee:

SB 865 with the -3 amendments will ensure that there is a consistent process for districts to provide information to cities and counties prior to the approval of a tentative plan of a proposed subdivision or plat so that development can occur without unintended consequences or unnecessary delays. **SB 865 -3 will help increase coordination between public entities, reduce delays to development, and prevent adverse impacts to irrigated agriculture and Oregon's water resources.**

Background & Need

OWRC is a nonprofit association representing irrigation districts, water control districts, improvement districts, drainage districts and other government entities delivering agricultural water supplies. The water stewards we represent operate complex water management systems, including water supply reservoirs, canals, pipelines, and hydropower production, and deliver water to roughly 1/3 of all irrigated land in Oregon. OWRC has been promoting the protection and use of water rights and the wise stewardship of water resources on behalf of agricultural water suppliers for over 100 years.

SB 865 is intended to increase cooperation between public entities and reduce inadvertent consequences that can arise when urban development occurs in and around traditional agricultural land. The subject of plat review has been highlighted in previous legislative sessions, and without resolution, the adverse impacts from the underlying issues have only increased. The -3 amendments to SB 865 is based on feedback received from various stakeholders and clarifies the manner and timing in which districts can provide information.

-3 Amendments to SB 865 Tentative Plan Notice & Comment

The -3 amendments to SB 865 will move the proposed notice and comment by irrigation districts and other agricultural water suppliers into the tentative plan stage of the plat review process, a much earlier point in the development process than originally proposed by SB 865. This change is a result of stakeholder feedback and provides ample notice and time for developers to plan around any conditions that a governing body may require of them to address potential impacts to district infrastructure. The -3 amendments also shortens the timeframe for districts to provide information from 30 days to 15 days.

Additionally, the -3 amendment adds the provision that districts will provide the local governing bodies a report that details their district boundaries; facilities; easements and any rights of way held by the district that are located within a city or county. This report will supply the cities and counties with the necessary information they need to fulfill the new notice requirements under this legislation.

As Oregon continues to grow, increased development in and around agricultural water delivery infrastructure will only continue. Urban growth boundaries are being extended in areas where there is significant infrastructure, including canals. Districts around the state have faced challenges from development occurring in or near district facilities and infrastructure that could have been prevented if there had been greater communication and coordination between the districts, cities and counties. The placement of structures or materials in or near district canals and other infrastructure has led to serious problems including canal breaches, flooding of property, impacts to water quality, increased risk to public safety, and numerous insurance claims.

If the development continues to occur without the ability for the districts to provide information about where facilities are located or recommend conditions, it can lead to costly and time consuming litigation for all parties involved and insurance claims when there are problems. The -3 amendments to SB 865 will address these issues by partially reinstating a plat review process, ensuring that districts receive notice and have a specific avenue for providing information that governing bodies may use to prevent problems that can arise when development occurs near district facilities

Ensuring that districts have an opportunity to provide recommended actions prior to tentative plan approval of a proposed subdivision or plat will **help prevent unintended consequences to district facilities and the farmers they serve while ensuring that planned development can occur without costly delays.**

We respectfully request that you support SB 865 with the -3 amendments to SB 865.

Sincerely,
April Snell
Executive Director