



May 10, 2017

To: Chair Ken Helm, Vice-chair Karin Power, Vice-chair Mark Johnson, and Members of House Energy and Environment Committee

RE: Testimony in Support of SB 865 A

Dear Chair Helm, Vice-Chair Power, Vice-chair Johnson, and Members of the Committee:

SB 865 A 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 A 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

The Oregon Water Resources Congress (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 A is critical legislation for OWRC members that will 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 passage of SB 865 A will reduce delays to development, insurance claims, and protracted legal battles that have unnecessarily occurred due to the lack of a consistent plat review process. The A-engrossed version of SB 865 is based on feedback received from various stakeholders and clarifies the manner and timing in which districts can provide information so that adverse impacts can be addressed by cities or counties much earlier in the land use process.

Key Provisions of SB 865 A

SB 865 A provides that the proposed notice to and comment by irrigation districts and other agricultural water suppliers occurs in the tentative plan stage of the plat review process, a much earlier point in the development process than the un-amended version of SB 865. This change was 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.

Additionally, the A- engrossed version includes 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.

Tentative Plan Notice & Comment

Currently, several cities and counties do provide districts with some sort of notice or process to review and sign off on plats. However, these procedures vary across the state and some districts have limited or no ability to provide information until the development process is finalized. Oregon irrigation districts and other agricultural water suppliers are seeking a consistent process for providing information to cities and counties during the tentative plan review process so that property development near district facilities can occur without unintended negative consequences. In some circumstances, districts have not been provided notice of development near district infrastructure or the information provided by districts when they engage in the land use process is summarily ignored, which is why SB 865 A is needed.

SB 865 A is purposefully non-prescriptive about where in the tentative plan process the notice to and opportunity to comment by districts takes place, other than clarifying that it must happen prior to a decision by the city or county on whether or not to approve the tentative plan. The flexibility is built into the bill to accommodate those cities and counties who are already communicating and collaborating with districts in this manner.

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. SB 865 A 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 A.

Sincerely,
April Snell
Executive Director