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February 25, 2019

Chairman Michael Dembrow
Senate Environment and Natural Resources Committee
900 Court Street
Salem, OR 97301

Chairman Dembrow and Members of the Committee:

The preservation of the agricultural lands within the State of Oregon has contributed to the vitality of our agricultural industry and the quality of life for our residents. At times the statutes regarding partitions of agricultural properties can also create restrictions on the provision of necessary public services. SB408 seeks to address those restrictions while preserving valuable agricultural land.

Sunrise Water Authority serves over 21 square miles, including the most rapidly growing city in Oregon, Happy Valley, the community of Damascus and unincorporated portions of Clackamas County. Properties served by Sunrise include both city and county zoning, from urban to EFU. The topography of the area is challenging, with customers situated from approximately 125 feet to 1100 feet in elevation. Water is delivered via a series of reservoirs situated at various locations and elevations to assure adequate water pressure and volume across the service area.

The capital improvement plan for Sunrise, developed in compliance with Oregon Administrative Rule, dictates the construction of additional reservoir capacity to meet demands as growth pushes to the east inside the UGB. A future reservoir site was identified immediately adjacent to an existing reservoir that is undersized and experiencing declining structural integrity. Due to operational requirements, the existing reservoir can't be taken out of service during construction of a new reservoir. No additional access would need to be secured or built, proximity to existing pumps, valves and mains integral to effective system operation was ideal, and construction could be accomplished in a cost effective manner for citizens. In short, the targeted site met every technical and engineering constraint required for efficient delivery of necessary public services.

In 2007, after consultation with the former City of Damascus, Sunrise Water Authority completed an agreement with a willing property owner reserving the right to partition a future reservoir site from a property zoned EFU at the time of the transaction. The City of Damascus assured Sunrise that the soon-

to-be adopted comprehensive plan would rezone the 20 acres of EFU property to permit a partition of the minimal size necessary for use as a reservoir site.

The disincorporation of the City of Damascus and subsequent reversion of the property to Clackamas County's jurisdiction creates a road block to securing the site. ORS 215.785 precludes the needed partition based on the current EFU zoning of the property, as the partition would result in a parcel smaller than 80 acres. SB 408 amends statute to permit a partition for necessary public facilities under strictly defined rules and conditions that are protective of existing agricultural lands, but also recognizes the highest and best use for minute portions of EFU land may be permitting the timely and orderly provision of necessary public services where technical, economic, and engineering constraints dictate that it is appropriate.

Thank you, Chairman Dembrow, and the Committee for the opportunity to provide comment on SB408.

Regards,

A handwritten signature in cursive script that reads "Kim Anderson".

Kim Anderson
Government Relations Manager
Sunrise Water Authority