



March 19, 2015

**To:** Chair Brian Clem, Vice-Chair Ken Helm, Vice-Chair Bill Post, and Members of the House Rural Communities, Land Use and Water Committee

**RE:** Testimony in Support of HB 2894 -2, District Review of Plats

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Dear Chair Clem, Vice-Chair Post, Vice-Chair Helm, and Members of the Committee:

The Oregon Water Resources Congress (OWRC) is testifying in support of HB 2894, with the -2 amendment. **HB 2894 -2 will reinstate plat review by irrigation districts and help prevent unintended consequences to district facilities and the farmers they serve. It will ensure that there is a consistent process for districts to provide information to cities and counties so that development can occur without impacting the delivery of water resources.**

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.

### **Background & Need**

Oregon irrigation districts and other agricultural water suppliers are seeking a consistent process for providing information to cities and counties during the plat process so that property development near district facilities can occur without unintended negative consequences. These unintended consequences can arise from the placement of structures in or adjacent to district infrastructure and lead to serious safety and other liability issues for the district as well as for the owner of the developed property. HB 2894 -2 would address these issues by partially reinstating a plat review process and clarifying how districts can provide information that cities and counties may use to prevent problems that can arise when development occurs near district facilities.

The concept of district review of plats is not new. In fact, districts used to have the authority under ORS 92.110 to review and approve plats until 1993 when the entire statutory section was removed with little legislative history as to why. Since the repeal of this important tool, districts around the state have faced challenges from development occurring in or near district facilities that could have been prevented if there had been greater communication and coordination with the districts. 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.

Currently, a number of cities and counties do provide districts with some sort of notice or process to review and sign off on plats. However, these processes vary across the state and some districts have limited or no ability to provide information until the development process is finalized. If the development occurs without the ability for the district to provide information about where facilities are located or recommended conditions it can lead to costly and time consuming litigation and insurance claims when there are problems.

HB 2894 -2 will provide a consistent process for districts to cooperatively engage with cities and counties, and ensure that the plat is in compliance with the district's applicable policies and standards related to the siting of development in or adjacent to district facilities. Once this bill is passed, the districts' board approved policies related to development can be included in the appropriate city or county plat signing packet that is given to developers to encourage communication between the developer and district early on in the development process.

### **-2 Amendment**

The -2 amendment provides greater clarity about how the districts will respond to plat applications and that their review is not intended to create a new approval process or otherwise subvert existing city or county authority. The original bill language was essentially an insertion of the previous statutory language (ORS 91.110) which caused some confusion amongst various stakeholders. The -2 amendments makes it clear that districts do not have veto authority over plats and narrows what information is provided by districts and how it can be used. The new language is based in part from conversations with various stakeholders and modeled after statutory language used in Washington State.

The amendment also specifies that the information provided by districts may or may not be used as permit conditions by the relevant city or county during the plat process. The information about potential development impacts is based on polices adopted by the district board of directors and related to aspects of structural integrity and mitigating district facilities or operations.

In summation, the HB 2894 -2 provides a consistent method for districts to convey important information to cities and counties that will help prevent unintended consequences and increase collaboration around development occurring in and around irrigation districts.

**We respectfully request that you support HB 2894 -2 and help prevent unintended consequences to irrigated agriculture and the owners of property nearby.**

Sincerely,  
April Snell  
Executive Director