



March 8, 2017

Representative Brian Clem, Chair
House Committee on Agriculture and Natural Resources
Oregon State Legislature
900 Court Street
Salem, OR 97301

RE: City of Milwaukie testimony in opposition to House Bill 2040

Dear Chair Clem and Committee Members,

On March 7, 2017, the Milwaukie City Council took a position opposing HB 2040 in recognition that the legislation will create additional regulatory obstacles to the orderly and efficient annexation of land within Milwaukie's Urban Growth Management Area (UGMA). The City of Milwaukie's comprehensive plan, as acknowledged by the Land Conservation and Development Commission, anticipates annexation of land between the City limits and I-205 to the east. This area is currently subject to the city's UGMA with Clackamas County. The City of Milwaukie and Clackamas County are currently negotiating amendments to the agreement that would help streamline the annexation process in the area consistent with the goals and policies in the city's comprehensive plan. HB 2040 blocks our efforts on this front.

HB 2040 makes it more difficult for cities or special districts to annex properties by placing additional requirements on jurisdictions using consent to annex agreements for the provision of extraterritorial services. The bill requires that the applicable comprehensive plan and an intergovernmental agreement specify that annexation consent is an authorized. This aspect of the bill, while sounding reasonable is in fact, a significant barrier for a city given that applicable city and county comprehensive plans and intergovernmental agreements tend to be silent on annexation consent and amending these documents is a lengthy, costly, and uncertain process. More significantly, the bill unilaterally prevents the use of annexation consent agreements for urban services such as policing, road and pedestrian improvements, and planning services regardless of what arrangements have been made between a city, county, or other service provider. This provision will essentially block the use consent agreements within the Milwaukie UGMA given that most the area is currently developed and provided with water and sewer service by special districts.

In conclusion, HB 2040 makes it harder for cities to fulfill their obligations under Statewide Planning Goal 14 by creating additional obstacles to annexation. We respectfully request that the committee not pass this bill out of the committee.

Sincerely,

Mark Gamba, Mayor