

TESTIMONY
OF
Brian Latta
City Administrator
City of Harrisburg, OR
On House Bill 2436-1

Before the House Committee on Agriculture and Land Use
March 19, 2019

Chair Clem and members of the Committee, thank you for giving me the opportunity to provide my testimony to this important bill. I am Brian Latta, City Administrator for the City of Harrisburg. I am here to talk to you about the creation of a partial assumption program for the Federal Clean Water Act, section 404 permit.

You have received testimony from others already this afternoon describing what partial assumption is, and the process to get there. I would like to talk about how the existing permitting processes have and continue to affect my community, and others throughout Oregon, and how partial assumption would have tremendous positive impacts on housing affordability, economic development, and wetland and waterway protections.

1. First let me address the existing permitting processes, and provide an example of how the dual agency permitting processes resulted in the death of a housing project. When a development activity is proposed to impact a wetland, the developer will submit a joint removal-fill permit application to the Department of State Lands and the Army Corps of Engineers. The DSL is bound by statutory review deadlines on the permit, while the Army Corps of Engineers has no such deadlines. This often times will result in the DSL issuing a permit several months before the Army Corps of Engineers. However, work cannot proceed until both agencies have issued their permits.

In 2003, a 58-lot residential subdivision in Harrisburg was submitted for land use approval. The subject site appeared to have wetlands on the property, and the DSL and Army Corps were involved from the beginning. The 58-lot subdivision was approved by the city in 2005, subject to obtaining a joint removal fill permit from DSL and the Corps. This is where things went sideways. The applicant submitted a joint

removal fill permit, and after nearly 1 and ½ years were instructed the number of lots in the 58-lot subdivision needed to be reduced. The applicant obliged and received a second subdivision approval from the City for a 33 lot subdivision in 2008. Again, the applicant was referred to DSL and the Corps for a joint removal-fill permit. This permit was not filed due to the downturn in the economy. The subdivision approval has now expired and the land continues to sit vacant due in part to wetland permitting and mitigation costs.

In an era where the state of Oregon is struggling to find solutions to the housing crisis, it is frustrating to know there are pieces of property such as this that are not being developed, because of the presence of wetlands.

2. Partial assumption will have positive impacts on housing and economic development. A great benefit from partial assumption is certainty in permitting timeframes. As noted earlier, the Corps is not bound by any review timeframes, which can result in exorbitant delays to housing and other projects. Partial Assumption would allow permittees to know how much time to build into their construction schedules making the process more efficient and cost-effective. Partial Assumption would also enable state-created programs and tools such as the Advanced Aquatic Resource Plans to be used as the economic development incentives they are meant to be.
3. Lastly, partial assumption does not mean wetlands and waterways are subject to greater risks of degradation and development than exists under the current permitting processes. Partial assumption simply eliminates redundancy and government inefficiency. Every wetland and waterway that is subject to the permitting processes today would be subject to permitting after partial assumption occurs.

In closing...

Thank you for the opportunity to provide testimony today. I am happy to take any questions you may have. Thank you.