



## TUALATIN VALLEY IRRIGATION DISTRICT

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February 29, 2023

To: Co-Chair Janeen Sollman, Co-Chair Janelle Bynum, Co-Vice Chair Tim Knopp, Co-Vice Chair Kim Wallan, and Members of the Joint Committee on Semiconductors

RE: Testimony on SB 4, Relating to economic development, declaring an emergency

Dear Co-Chair Sollman, Co-Chair Bynam, Co-Vice Chair Knopp, Co-Vice Chair Wallan, and Members of the Joint Committee on Semiconductors,

This testimonial letter is a follow-up from Tualatin Valley Irrigation District (TVID). In addition to concerns the district outlined in testimony submitted on February 27, 2023, TVID would also request that the Committee acknowledge Senate Bill 865 and the resulting statutory change under ORS 92.103 to 92.104. This statute requires county and city governing bodies to submit notice of tentative plans for a proposed subdivision or partition located within irrigation district boundaries. The statute is attached for your convenience.

Generally, all pipeline easements/right-of-ways are in the name of the United States Bureau of Reclamation. Easement contracts and drawings can be made available upon request.

TVID requests all county and city governing bodies to submit notice of tentative plans for a proposed plat of a proposed subdivision or partition located within irrigation district boundaries. Please reference the enclosed map for lands located within irrigation district boundaries.

Please advise the Oregon Business Development Department to acknowledge ORS 92.103 and to make businesses applying for financial assistance under Creating Helpful Incentives to Produce Semiconductors for America Act of 2022 clearly aware of and adhere to this statute.

Thank you again for the opportunity to voice our concerns regarding SB 4.

Sincerely,

Bobby Nuvolini  
District Manager  
Tualatin Valley Irrigation District

## District Plat Review Statute

**92.103 Notice to district of tentative plan.** (1) Prior to approving a tentative plan for a proposed plat of a proposed subdivision or partition that is subject to review under ORS 92.044, and that is located in whole or in part within the boundaries, an easement or a right of way of an irrigation district, drainage district, water control district or water improvement district, a city or a county shall submit notice of the tentative plan to the district.

(2) Within 15 days of receiving notice under subsection (1) of this section, the district may submit to the city or the county a statement containing any information or recommended conditions for approval of the tentative plan for the proposed plat relating to:

- (a) The structural integrity of irrigation facilities;
- (b) District water supply;
- (c) Public safety;
- (d) Potential liabilities of the district; or
- (e) Other potential exposures to the district.

(3) The district shall base the information and recommended conditions of approval included in the statement described in subsection (2) of this section on rules and regulations adopted by the district.

(4) The city or the county may include the conditions for approval described in subsection (2) of this section in the final decision approving the tentative plan of the proposed plat. [2017 c.357 §2]

**Note:** 92.103 was added to and made a part of ORS chapter 92 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

**92.104 District to report boundary locations.** (1) For the purposes of providing cities and counties with the necessary information to fulfill the requirements of ORS 92.103, each irrigation district, drainage district, water control district and water improvement district shall submit a report detailing the locations of the district boundaries, district facilities and any easements and rights of way held by the district to each city and county in which any part of the district is located.

(2) An irrigation district, drainage district, water control district or water improvement district that submits a report to a city or a county under subsection (1) of this section shall give notice to the city or the county within 90 days of any change to the location of a district boundary, district facility or any easement or right of way held by the district. [2017 c.357 §4]

**Note:** 92.104 was added to and made a part of ORS chapter 92 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

[https://www.oregonlegislature.gov/bills\\_laws/ors/ors092.html](https://www.oregonlegislature.gov/bills_laws/ors/ors092.html)