

## SENATE COMMITTEE ON WATER AND LAND USE

February 10, 2003  
3:00 pm

Hearing Room D  
Tapes 10 - 11

**MEMBERS PRESENT:**     **Sen. Ted Ferrioli, Chair**  
                                  **Sen. Charlie Ringo, Vice-Chair**  
                                  **Sen. Rick Metsger**

**MEMBER EXCUSED:**     **Sen. Jason Atkinson**

**STAFF PRESENT:**       **Judith Callens, Committee Administrator**  
                                  **Megan Jensen, Committee Assistant**

**MEASURE/ISSUES HEARD:**     **SB 251 – Public Hearing and Work Session**  
  **Informational Meeting**  
  **SB 12 (99) Landslides Report**

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These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 10, A</b>		
005	Chair Ferrioli	Calls the meeting to order at 3:05 p.m. and opens a public hearing on SB 251.
<b><u>SB 251 – PUBLIC HEARING</u></b>		
014	Judith Callens	Committee Administrator. Explains SB 251 and -1 amendments <b>(EXHIBIT A)</b> .
039	Chair Ferrioli	Closes public hearing and opens work session on SB 251 and -1 amendments.
<b><u>SB 251 – WORK SESSION</u></b>		
042	Sen. Ringo	<b>MOTION: Moves to ADOPT SB 251-1 amendments dated 1/29/03.</b>
045		<b>VOTE: 3-0</b> <b>EXCUSED: 1 - Sen. Atkinson</b> <b>Hearing no objection, declares the motion CARRIED.</b>
050	Chair Ferrioli Sen. Ringo	<b>MOTION: Moves SB 251 to the floor with a DO PASS AS AMENDED recommendation.</b>
060	Chair Ferrioli	<b>VOTE: 3-0</b> <b>EXCUSED: 1 - Sen. Atkinson</b> <b>Hearing no objection, declares the motion CARRIED.</b> <b>SEN. FERRIOLI will lead discussion on the floor.</b> Closes work session on SB 251 and opens information meeting on SB 12 (99).

**INFORMATIONAL MEETING**

**SB 12 (99) Landslides Report**

077	Vicki McConnell	Department of Geology and Mineral Industries (DOGAMI) Deputy Director. Submits written materials relating to SB 12 (99) <b>(EXHIBIT B)</b> .
083	Keith Mills	Department of Forestry (ODF). Discusses ODF's implementation of SB 12 (99) regarding rapidly moving landslides.
121	Ted Lorenson	ODF Assistant State Forester. Discusses a key principle of shared responsibility in SB 12 (99).
142	McConnell	Gives overview of potential landslide area mapping mandated by SB 12 (99).
185	McConnell	Continues overview of geologic mapping and discusses the controversy arising from the areas listed as susceptible to landslides.
228	Sen. Ringo	Asks for more information on the controversy surrounding SB 12 (99).
237	Lorenson	Responds.
289	Chair Ferrioli	Comments on the controversy over whether forest practices contribute to landslides and the controversy over notifying the public about landslide hazard areas.
343	Mills	Discusses the terms "hazard" and "risk" as used in landslide area identification.
396	Chair Ferrioli	Inquires whether areas deemed by DOGAMI to be at risk for landslides are a certainty.
404	Mills	Responds.
435	Chair Ferrioli	Asks whether levels of risk are reflected in DOGAMI maps.
436	Mills	Responds that the current maps do not show levels of risk.
<b>TAPE 11, A</b>		
025	McConnell	Comments that when creating the maps, DOGAMI was conservative and showed broad areas of landslide risk.
043	Lorenson	Offers to give a technical briefing of the science of studying rapidly moving landslides.
067	Chair Ferrioli	Comments that the land-based surveys produced better data than the aerial surveys.
080	Art Schlack	Association of Oregon Counties. Gives overview of the issues surrounding SB 12 (99): <ul style="list-style-type: none"><li>• Shared responsibility component</li><li>• Mapping component</li><li>• Land use implications</li></ul>
130	Schlack	Continues overview of SB 12 (99) issues.
183	Sen. Ringo	Asks if development transfer rights exist in Oregon.
186	Schlack	Responds that they do not exist in Oregon.
190	Sen. Ringo	Inquires why development transfer rights do not exist in Oregon.
191	Schlack	Responds.
204	Sen. Ringo	Asks about liability issues regarding a structure that is hit by a landslide.
206	Schlack	Responds.
215	Chair Ferrioli	Comments on development transfer rights and liability issues between forest operators, landowners, and permit issuing authorities.
265	Linda Ludwig	League of Oregon Cities. Discusses issues surrounding DOGAMI's identification of urban areas as potential landslide

		regions.
316	Sen. Metsger	Comments on the development transfer rights issue in rural areas.
347	Chair Ferrioli	States that another controversial issue surrounding SB 12 (99) is the associated costs cities and counties might have.
375	Schlack	Discusses the costs to government entities and landowners associated with SB 12 (99).
<b>TAPE 10, B</b>		
020	Lorna Walker	Raises concerns about SB 12 (99): <ul style="list-style-type: none"> <li>• Coordination of knowledge between different agencies involved in the geologic map making</li> <li>• Geologic faults, soil stability, and canopy cover as related to wind and water issues</li> <li>• Liability issues</li> </ul>
051	Chair Ferrioli	Suggests that DOGAMI and ODF can provide that information.
081	Walker	Asks if studies are done to periodically assess geological faults.
108	Chair Ferrioli	Recommends that DOGAMI address her concerns. Closes informational meeting and adjourns meeting at 4:10 p.m.

### **EXHIBIT SUMMARY**

**A – SB 251, 251-1 amendments dated 1/29/03, staff, 1p.**

**B – Informational meeting, DOGAMI, written testimony, Vicki McConnell, 4 pp.**