

SENATE COMMITTEE ON WATER AND LAND USE

February 17, 2003
3:00 p.m.

Hearing Room D
Tapes 14 - 15

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

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

MEASURE/ISSUES HEARD: Introduction of LC 2513 Work Session
HB 2257 Public Hearing and Work Session
SB 378 Public Hearing
SB 311 Public Hearing and Work Session

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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
Tape 14, A		
005	Chair Ferrioli	Calls meeting to order at 3:10 pm and opens work session on the introduction of LC 2513
<u>INTRODUCTION OF LC 2513 - WORK SESSION</u>		
010	Judith Callens	Committee Administrator. Explains LC 2513 (EXHIBIT A).
012	Sen. Metsger	MOTION: Moves LC 2513 BE INTRODUCED as a committee bill.
		VOTE: 4-0
019	Chair Ferrioli	Hearing no objection, declares the motion CARRIED. Closes work session on the introduction of LC 2513 and opens public hearing on HB 2257.
<u>HB 2257 - PUBLIC HEARING</u>		
023	Callens	Gives overview of HB 2257.
032	Mike Carrier	Parks and Recreation Department Director. Gives testimony in support of HB 2257 (EXHIBIT B). Explains that statutory authority is needed to continue waiving or reducing application fees for ocean shore improvement permits applied for by state, federal, local or tribal governments.
040	Chair Ferrioli	Closes public hearing and opens work session on HB 2257.
<u>HB 2257 - WORK SESSION</u>		
050	Sen. Ringo	MOTION: Moves HB 2257 to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.
		VOTE: 4-0
055		
060	Chair Ferrioli	Hearing no objection, declares the motion CARRIED. SEN. FERRIOLI will lead discussion on the floor. Closes public hearing on HB 2257 and opens public hearing on SB 378.
<u>SB 378 - PUBLIC HEARING</u>		
091	Randy Tucker	1000 Friends of Oregon. Provides testimony in support of SB 378 (EXHIBIT C) and states that the bill supports public

140	Jim Just	participation in all phases of land use planning. Friends of Linn County. Testifies that SB 378 ensures that appeals fees on planning decisions are reasonable and will encourage public involvement in land planning programs (EXHIBIT D) .
181	Sen. Metsger	Inquires about limits on expenses incurred by the appellate.
201	Just	Replies that the term “expense” refers to the expense for preparing a transcript.
232	Sen. Metsger	Suggests that the term is not well-defined in the bill and asks for clarification.
240	Just	Responds that he has no objection to clarifying the term by inserting the “transcript” in front of “expense.”
258	Rep. Phil Barnhart	House District 11. Provides testimony in support of SB 378. Comments that SB 378 needs an amendment to address the issue of expenses.
274	Chair Ferrioli	States that the fiscal impact statement on SB 378 is not ready.
278	Barnhart	Suggests an amendment might be in order.
300	Sen. Atkinson	Asks about third party liability.
315	Tucker	Responds that there is no third party liability.
339	Sen. Atkinson	Expresses concern that a landowner could lose an appeal and then be penalized with additional fees.
351	Tucker	Elaborates on the third party liability issue.
374	Chair Ferrioli	Comments that this is an issue between citizens and jurisdiction.
370	Tucker	Confirms that there is no third party liability for the applicant.
TAPE 15, A		
005	Merilyn Reeves	Friends of Yamhill County. Testifies in support of SB 378 and provides an example of land planning policies and the appeals process in McMinnville (EXHIBIT E)
071	Les Helgeson	Oregon Shores Conservation Coalition. Submits testimony in support of SB 378 (EXHIBIT F) . States that the bill will help protect natural resources and public access to shorelines.
105	Peggy Lynch	Benton County. Provides testimony in support of SB 378 and asserts that high fees inhibit citizens from participating in the land planning process.
132	Chair Ferrioli	Inquires if the permit is free if an applicant prevails after appealing.
138	Lynch	Believes that there is a cost associated with processing the application.
145	Chair Ferrioli	Comments that Legislative Fiscal requested the bill be held until the disclosure of the fiscal impact.
153	Lynch	Asks if Legislative Fiscal assesses fiscal impact to local governments as well as state governments.
155	Chair Ferrioli	Responds that if the state creates a cost transfer to local government, the state should cover that cost.
155	Kevin Matthews	Southeast Neighbors. Clarifies that the underlying intent is that only the appeal fee should be refunded.
162	Donna Matthews	Lane County resident. Provides testimony in support of SB 378.
200	K. Matthews	Provides an example of land use planning applications in Eugene.
275	Ferrioli	Asks if the city is failing to abide by the state statute that provides a fee waiver to neighborhood or community organizations.
280	K. Matthews	Affirms.
283	Chair Ferrioli	Reiterates that if there is a fee maximum, the city’s fee schedule should meet state law.

297	D. Matthews	Explains and expresses concern about the issue of fee recovery.
316	Chair Ferrioli	Comments that SB 378 does not address the issue of recovery of fees.
360	Art Schlack	Association of Oregon Counties. Expresses concern about the fiscal impact of SB 378 to local governments.
391	Chair Ferrioli	Closes public hearing on SB 378 and opens public hearing SB 311.

TAPE 14, B

SB 311 - PUBLIC HEARING

023	Jeanette Holman	Division of State Lands Assistant Director (DSL). Provides testimony in support of SB 311 (EXHIBIT G). States that the bill will clarify DSL's name and will allow the agency to make more formal arrangements for volunteer participation.
075	Ron Steffens	Friends of South Slough. Testifies that SB 311 will provide a framework for partnerships between DSL and volunteer support groups (EXHIBIT H).
095	Rich Hamel	Friends of South Slough. Provides testimony in support of SB 311.
108	Chair Ferrioli	Closes public hearing and opens work session on SB 311.

SB 311 - WORK SESSION

140	Sen. Metsger	MOTION: Moves SB 311 to the floor with a DO PASS recommendation.
145		VOTE: 3-0
		EXCUSED: 1 - Sen. Ringo
150	Chair Ferrioli	Hearing no objection, declares the motion CARRIED. SEN. FERRIOLI will lead discussion on the floor.
		Closes work session on SB 311 and adjourns meeting at 4:18 p.m.

EXHIBIT SUMMARY

- A – LC 2513 draft dated 2/7/03, staff, 3 pp.**
- B – HB 2257, written testimony, Mike Carrier, 1 p.**
- C – SB 378, written testimony, Randy Tucker, 1 pp.**
- D – SB 378, written testimony, Jim Just, 4 pp.**
- E – SB 378, written testimony, Marilyn Reeves, 4 pp.**
- F – SB 378, written testimony, Les Helgeson, 1 p.**
- G – SB 311, written testimony, Jeanette Holman, 3 p.**
- H – SB 311, written testimony, Ron Steffens, 2 pp.**