

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

January 17, 2001
8:00 a. m.

Hearing Room E
Tapes 2 – 3

MEMBERS PRESENT: **Rep. Betsy Close, Chair**
 Rep. Laurie Monnes-Anderson, Vice-Chair
 Rep. Susan Morgan, Vice-Chair
 Rep. Mark Hass
 Rep. Bob Jenson
 Rep. Deborah Kafoury
 Rep. Al King
 Rep. Jeff Kruse
 Rep. Jan Lee

STAFF PRESENT: **Megan Palau, Committee Administrator**
 Shannon Relaford, Committee Assistant

ISSUES HEARD: **Informational Meeting**
 Department of Environmental Quality
 Department of Land Conservation & Development

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.

| TAPE/# | Speaker | Comments |
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| TAPE 2, A | | |
| 002 | Chair Close | Calls the committee to order at 8:00 a.m. |
| 005 | Stephanie Hallock | Stephanie Hallock, Director of Department of Environmental Quality (DEQ) presents an overview of the agency, (EXHIBIT A). |
| 160 | Chair Close | Questions if there is an actual equation used when fitting variables into an equation. |
| 162 | Hallock | Responds yes, there is extensive modeling that goes on. States are allowed to set their water quality standards. |
| 170 | Rep Jensen | Questions where the standards come from. |
| 173 | Hallock | Responds the process works through the tri annual review. |
| 197 | Rep Kruse | Questions procedure for proportioning Total Maximum Daily Load (TMDL) to point and nonpoint. |
| 200 | Hallock | Responds very difficult question, what they try to do is combine load allocation numbers and also management practices. |
| 234 | Rep Kruse | Questions if monitoring percentages is getting a more accurate picture. |
| 270 | Hallock | Responds there is a lot of monitoring that goes on and she offers to get back to the committee if they'd like it. |
| 295 | Rep. Kruse | States it would be nice if there were a certainty that agriculture and forestry folks are doing Best Management Practices to where |

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| | | they're minimizing impacts. |
| 310 | Hallock | Continues with over-view. |
| 369 | Chair Close | Questions decentralization and quantity of employees and where they're located. |
| 370 | Hallock | Responds in the entire department there's about 750. Half are in Portland metro area, other half are in regional office throughout the state. |
| TAPE 3, A | | |
| 007 | Hallock | Continues explanation of staff and offices. |
| 060 | Rep. Kruse | Questions direction of decentralization and specializing staff to the degree there is no longer one stop shopping. |
| 087 | Hallock | Responds that's a good observation, they've made a trade off, they tried to move some of the accountability away from Portland, so the decision making authority is now somewhere in the region, but may not be right in that office. |
| 100 | Rep. Kruse | States there are levels to, some decisions that become really technical, but for someone in Roseburg to have to wait for someone in Medford to make a decision, we need to be able to make a more immediate response. |
| 142 | Rep. Kruse | Questions merging of point and non-point definitions, if it is still on tract. |
| 160 | Hallock | Responds she will be going to Seattle to discuss it with EPA. |
| 162 | Rep. Jensen | Remarks on the agency does really fine work in spite of being a regulatory agency, he was particularly happy with the clean up along the Umatilla river from the railroad car turn over. The agency responded quickly and very well. Questions DEQ's delegation to Department of Agriculture through a MOU, and that the statutes have not kept up with EPA position, and the users get blindsided with significant fines from the federal agency. |
| 170 | Hallock | Explains CAFOs are combined animal feeding operations. A regulatory function of Dept. of Agriculture for feed lots. EPA has delegated authority to DEQ where there are discharges to waters. The authority came to DEQ from EPA, DEQ wrote a MOU with Agriculture. |
| 179 | Rep. Jensen | Restates the line of authority. States his concern for burning at the agricultural experiment stations. Administrative Rules were to be adopted to rectify the issue. |
| 181 | Hallock | Apologizes for no one getting back to him, and rules were recently adopted to solve that problem. |
| 189 | Chair Close | Questions percentage of budget is from fines and fees. |
| 196 | Hallock | Responds none of the budget comes from fines. All fines go into the general fund. Fees are 64% of entire budget. |
| 220 | Chair Close | Asks for Hallock opinion on percentages. |
| 221 | Hallock | States her opinion is she doesn't like the system for a number of reasons, one is: fee payers are maxed out, secondly one might ask the question of a regulatory agency the majority of funding coming from those you regulate, thirdly, we never kept track of how much time is spent negotiating fee schedules, etc. |
| 239 | Chair Close | Requests a tour of DEQ's lab. |
| 268 | Richard P. Benner | Director, Department of Land Conservation and Development (DLCD). Presents overview, (EXHIBIT B) . |
| 422 | Rep. Kruse | Questions when did the Commission become a Department. |
| 425 | Benner | Responds Senate Bill 100 established both. |

433 Rep. Monnes- Questions who wrote comprehensive plans, was it each county.
Anderson
438 Benner Responds every city and county has a plan, each plan ultimately
is written by elected officials.

TAPE 2, B

001 Chair Close Asks the year ORS. 197 was enacted.
004 Benner Responds 1973. Continues with over view.
083 Chair Close Questions what is the cost for filing with LUBA.
086 Benner Responds he believes it is currently \$325.00.
244 Chair Close Questions if individuals need counsel to file with LUBA.
246 Benner Responds, no counsel is required. Continues with over view.
397 Chair Close Asks Benner to address the \$80,000 income limit test.
404 Benner Responds, a report has been completed on the \$80,000 test, it's
available on the web. The \$80,000 test applies to only high
value farm land (4.5 million acres are other lands). The test was
supposed to insure that new farm dwellings were actually being
approved for farmers.
450 Chair Close Questions if 90% of the private lands in Oregon are zoned EFU
or forestry.
452 Benner Responds that sounds close.
453 Chair Close Questions if that is based on soil samples.
454 Benner Responds it is derived from the federal agency's soil
classification system.
456 Chair Close Asks if he would agree that it makes it very difficult if 90% of
the land is off limits for home building. That really limits where
people can build.
457 Benner Responds by correcting the misconception that this land is off
limits to home building. Volunteers to come in and talk about
just that subject.

TAPE 3, B

035 Chair Close Requests a one-page sheet of the most asked questions about
land use that they could have for their constituents that would
help them through the difficult process.
050 Rep. Hass Asks if the goal of the "\$80,00 income test was to slow down
hobby farming and preserve farm land, and how did you get to
\$80,000.
061 Benner Responds yes that was the goal and in 1984 a task force was
formed and recommended the \$80,000 test.
116 Rep. Monnes- Asks for total acreage in Oregon affected, how many total acres
Anderson are there in Oregon.
119 Rep. Kruse Comments on transportation and growth management and access
management issues, and what kind of over sight does DLCD
have over the process, and can they over ride a decision.
141 Benner Responds they do not have any authority over access issues.
159 Rep. Kruse Comments on agencies changing accesses to properties.
Remarks on class 1 and class 8 soils, and urban growth
boundaries, and incorporations.
190 Benner Responds to question regarding the last time a town was
incorporated in Oregon, two were turned down in the November
election.
244 Rep. Kruse Comments on incorporation and the fear that comes with it.
256 Rep. Lee Comments on the complexity of the process of incorporation in
Clackamas County.

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| 276 | Rep. Jenson | Requests LDCD to address other valued lands and to create a guideline for each one. |
| 287 | Benner | Responds LCDC is establishing a rural lands data base, he can show what's in the data base to date. |
| 320 | Chair Close | Adjourns the meeting at 9:53. |

Submitted By,

Reviewed By,

SHANNON RELAFORD,
Administrative Support

MEGAN PALAU,
Administrator

EXHIBIT SUMMARY

A – Oregon Department of Environmental Quality Testimony

B - The Oregon Statewide Land Use Planning Program