

SENATE COMMITTEE ON WATER AND LAND USE

January 19, 1999 Hearing Room B

1:00 P.M. Tapes 4 - 5

MEMBERS PRESENT: Sen. Veral Tarno, Chair

Sen. Tony Corcoran, Vice-Chair

Sen. Gary George

Sen. Marylin Shannon

Sen. Thomas Wilde

MEMBER EXCUSED:

STAFF PRESENT: Ray Kelly, Administrator

Diana Bronson, Administrative Support

MEASURE/ISSUES HEARD: Informational hearing:

Department of Land Conservation and Development

Division of State Lands

Oregon Farm Bureau

1000 Friends of Oregon

Oregon Natural Resources Council

Oregon Cattlemen's Association

Lone Star Northwest

League of Oregon Cities

Association of Oregon Counties

Oregonians for Food and Shelter

TAPE 4, A

005 Chair Tarno Opens meeting at 1:03 p.m.

INFORMATIONAL HEARING

014 Bob Rindy Department of Land Conservation and Development (DLCD). Presents **(EXHIBIT A)**. States the department has a modest legislative agenda for this session. Discusses SB 329.

050 Chair Tarno Asks who is participating in the problem solving programs.

050 Rindy States Deschutes County, landowners, and a variety of other state agencies are participating.

065 Chair Tarno Asks if Jackson County is involved in the LaPine project.

066 Rindy States the Jackson County portion takes in the Applegate area.

084 Chair Tarno Questions the exhibit presented to the committee. Asks if SB 329 will allow any kind of flexibility to the goals that are currently in place.

087 Rindy Explains that the statute does not need to conform to the goals, but there is wording to the effect of the "spirit" of the goals but not to the "letter."

101 Rindy Explains that SB 330 is to provide some measure of protection to assure citizens of an opportunity to recover legal costs in the event they are a target of a Strategic Lawsuits Against Public Participation (SLAPP) suit.

120 Sen. George Asks if SB 330 would cover someone who knowingly gives a false statement.

122 Rindy States it is his understanding that it would not cover false statements, however, their participation, that does not violate other laws, would receive this immunity.

127 Sen. Corcoran Questions if there is an available recourse to be used in that kind of circumstance.

136 Rindy Affirms there are means available.

171 Chair Tarno Asks if there is a down side to SB 331 on a local level.

172 Rindy States he has not heard of any.

Describes SB 332, requiring the commission to consider and adopt rules to review and recertify agency rules and programs affecting land use.

- 213 Rindy States that SB 333 authorizes LCDC to establish a process so that landowners, who believe that the soil conservation service maps for their properties are wrong, would have an option to have those maps changed.
- 267 Rindy States SB 334 modifies criteria for template dwellings in forest zones.
- 310 Chair Asks if soil classification would be a consideration in SB 334.
- 312 Rindy Replies that it may be with the poorer soils.
- 338 Paul Cleary Director of the Division of State Lands. Presents **(EXHIBIT B)**. States that HB 2157 specifies that the abandonment waiting period for dividend reinvestment plans begins when mail to the owner is returned as undeliverable and ends when there has been no communication with the owner for two years.
- 376 Cleary States that HB 2159 is a bill to eliminate duplicative regulation of treasure trove by the Division of State Lands. Continues with HB 2160 regarding easements and rights-of-way across state-owned land and HB 2161, which would increase fees for removal-fill permits by 30%.
- 435 Cleary Presents **(EXHIBIT C)**. Describes map and the proposed fiber optic cables running offshore and onshore along the I-5 corridor.

TAPE 5, A

- 037 Chair Tarno Questions the number of cables coming into our state from the ocean and what is the anticipated amount in the future.
- 039 Cleary Describes various cables.
- 086 Sen. Wilde Asks if the Division of State Lands (DSL) has the power to have discretionary fees.
- 094 Cleary States the DSL would establish fees by category of activity.
- 095 Sen. Wilde Asks what the DSL means by discretionary.
- 097 Cleary Defines discretionary.
- 107 Chair Tarno Asks if Cleary thinks this bill will come to Senate Water and Land Use Committee or Revenue Committee.

110	Cleary	States he is not sure since he is new on this issue.
110	Chair Tarno	Requests a chart.
111	Cleary	States he has asked the State of California for the full map. Continues to describe HB 2161.
152	Sen. George	Asks about being a small percentage over and above the permit fees.
153	Cleary	States they may want to examine something like that further.
169	Chair Tarno	Asks if there is any connection between HB 2161 and SB 11.
170	Cleary	States HB 2161 involves Division of State Lands' authority under the removal-fill statutes. States the fee authority for parks is in their 390 statute and their fees are quite a bit different.
191	Don Schellenberg	Associate Director of Governmental Affairs for the Oregon Farm Bureau. Presents (EXHIBIT D). States their land use agenda is not drastic this session. Describes agenda.
235	Sen. George	Asks if the Bureau would defend.
237	Schellenberg	Comments on the individual citizen's right to appeal. States the local government would on appeal to LUBA (Land Use Board of Appeals).
258	Schellenberg	States he does not know if their bill addresses the question of standing directly but the sense of it would be that the citizen would have standing. Describes the removal of the requirement that certain cities have a 20 year buildable supply of land.
288	Sen. Corcoran	Asks about buildable supply.
290	Schellenberg	States that currently the government is allowed to build more densely, rather than add land.
362	Schellenberg	Continues with testimony regarding right of ways. Utility facilities are being in exclusive farm use zones (EFU).
397	Sen. George	Questions if the Farm Bureau is open to options, other than farming on their own farm land, such as raising dogs.
412	Schellenberg	States they do support the broadest use of lands, either for dogs or farm animals. States composting or commercial activities are allowed, but not on high value farm land.

TAPE 4, B

012 Sen. Wilde Excuses himself from sitting in on any testimony from 1000 Friends.

023 Robert Liberty 1000 Friends of Oregon. Presents **(EXHIBIT E)**. Describes the nine issues on their agenda for the legislative session.

045 Chair Tarno Asks if there should be standardized charges throughout the state or whether local jurisdictions should be allowed to set fees.

047 Liberty States he is inclined to not standardize fees because the levels of services are different. Continues to describe maps, one from 1964 and another prepared by Douglas County Planning Department in 1988.

099 Liberty Shows metro urban growth boundary.

189 Liberty States that Oregon made a mistake in 1916, by saying that all gas tax money needs be used only for roads, highways, and things built within the right of way. States different communities have different needs and that transportation solutions should be funded generally.

211 Chair Tarno Asks if 1000 Friends has developed a maximum density level standard.

226 Liberty Replies that 1000 Friends has not thought about maximum density.

277 Glen Stonebrink Oregon Cattlemen's Association. Describes issues of the Cattlemen's Association.

344 Stonebrink Describes an old law in the Constitution called "Saving Existing Rights." States that the federal government needs to be stopped from restricting more activities on lands within the boundaries of the state.

408 Phillip Fell League of Oregon Cities. Presents **(EXHIBIT F)**. States that a lot of the land use issues are primarily infrastructure issues.

470 Sen. George Questions the witness as to whether the costs incurred in building homes comes from the restrictions placed on the land.

480 Fell Agrees that it is part of the problem, but how much has been very difficult to determine.

TAPE 5, B

059 Fell Describes why cities and rural areas should work together to address the individual issues needed to clean up the water in the rivers.

084	Richard Angstrom	Oregon Concrete Aggregate Producers Association (OCAPA). States they provide the construction materials for both roads and housing developments.
201	Sen. Shannon	Asks if witness is aware of the amendment the mining company asked the committee to put in that was submitted without objection.
202	Angstrom	States he is aware of the amendment. States that OCAPA has an objection to SB 88.
243	Terry Witt	Oregonians for Food and Shelter. Describes their one area of concern is the right to farm in forest lands, using pesticides and fertilizers.
263	Art Schlack	Association of Oregon Counties (AOC). Introduces Mike Probst from Polk County. Presents (EXHIBIT G) . Describes the comprehensive land use plan the AOC would like adopted.
305	Schlack	Continues to describe the contents of (EXHIBIT G) regarding the interest of counties in land use planning.
330	Mike Probst	Polk County Commissioner and Vice Chair of the Public Lands and Natural Resource Committee for Associated Oregon Counties. States that Oregon should be in control of its streams and not the federal government.
383	Probst	States that the county forest trust lands were turned over to the state for the better good of Oregonians.
395	Chair Tarno	States that cities and counties are behind in updating their comprehensive plans and asks if it is because the state is not doing its share to help the cities and counties.
409	Probst	Answers that sometimes the state does too much to help.
424	Chair Tarno	Asks if there are enough funds to comply with the comprehensive plan.
424	Probst	States "No, there are not enough funds to comply with all the state mandates that come through."
442	Sen. Corcoran	Asks if the AOC is proposing a new tax to cover the costs.
455	Sen. George	Asks if the AOC will be support the idea to improve the highway system.
462	Probst	Answers, yes, that in Polk County they have the most dangerous part of the state highway system
492	Chair Tarno	Closing comments and adjourns at 3:00 P.M.

Submitted By, Reviewed By,

Diana Bronson, Raymond J. Kelly,
Administrative Support Administrator

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EXHIBIT SUMMARY

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A ñ Written testimony, Bob Rindy, 2 pp

B ñ Written testimony, Paul Cleary, 11 pp

C ñ Map, Paul Cleary, oversized

D ñ Written testimony, Don Schellenberg, 5 pp

E ñ Public letter, Robert Liberty, 2 pp

F ñ Pamphlet, Phillip Fell, 2 pp

G ñ Written testimony, Art Schlack, 4 pp