

**SENATE COMMITTEE ON WATER AND LAND USE**

**February 2, 1999 Hearing Room B**

**1:00 p.m. Tapes 14 - 16**

**MEMBERS PRESENT: Sen. Veral Tarno, Chair**

**Sen. Tony Corcoran, Vice-Chair**

**Sen. Gary George**

**Sen. Marylin Shannon**

**Sen. Thomas Wilde**

**MEMBER EXCUSED: Sen. George**

**Sen. Shannon**

**STAFF PRESENT: Ray Kelly, Administrator**

**Diana Bronson, Administrative Support**

**MEASURE/ISSUES HEARD: SB 91 Public Hearing**

**SB 92 Public Hearing**

**SB 86 Public Hearing**

**SB 440 Public Hearing**

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
<b>TAPE 14, A</b>		
005	Chair Tarno	Opens meeting at 1:05 p.m.

**SB 91 PUBLIC HEARING**

010	Scott Ashcom	Oregon Nurserymen's Association (ONA). Outlines what legislation OANA hopes the committee will pass.
051	Sen. Corcoran	States he would not mind seeing the amendments as proposed to SB 91, specifically with regard to pending permits.
068	Ashcom	Responds that in emergency situations, there is existing authority which is different than permit application.
085	Sen. Corcoran	Emphasizes to Ashcom that when he writes the amendments to SB 91, he advises all agencies involved.
105	Ashcom	Responds that he is willing to work with any agency directors to make certain they will support a publicly beneficial amendment.
115	Cheryl Pelligrini	General Council, Department of Justice (DOJ). States that her office gives legal advice to many of the state's professional and occupational licensing boards. Relates the DOJ is neither testifying in support nor opposition to SB 91, but is merely present to give their perspective.
165	Pelligrini	Continues reading testimony.
220	Chair Tarno	Closes public hearing on SB 91 and opens hearing on SB 440.

**SB 440 PUBLIC HEARING**

223	Dave Hunnicutt	Oregonians in Action. States that he was asked to rewrite SB 440 omitting Sections 8 and 12.
270	Chair Tarno	Apologizes for the delay. Asks Hunnicutt to check the amendments to see if they are correct.
290	Hunnicutt	States he believes the amendments are the ones entered.
294	Sen. Wilde	States he does not want Sections 8 or 12 deleted. Wishes to vote no.
300	Chair Tarno	Asks if sections 8 and 12 are removed, are the other interested parties satisfied with the bill.
306	Hunnicutt	Explains to the committee the conditions in SB 440.

346	Chair Tarno	States the committee will not go into a work session today.
349	Phillip Fell	League of Oregon Cities (LOC). Expresses agreement with Hunnicutt and SB 440, as amended, without Sections 8 and 12.
360	Chair Tarno	Closes public hearing on SB 440 and opens public hearing on SB 92 and SB 86.
<b><u>SB 92 AND SB 86 PUBLIC HEARING</u></b>		
365	Ray Kelly	Committee Administrator. Reads description of SB 92.
369	Chair Tarno	States the committee will take public testimony on SB 92, but there will be no work session.
405	Wallace Roy Parmelee	(Presents <b>(EXHIBIT A)</b> ). Describes the impositions, financial loss, and stress placed on him by the City of Waldport, the Oregon Department of Transportation (ODOT), and LCDC.
<b>TAPE 15, A</b>		
040	Parmelee	Continues testimony in support of SB 92 and SB 86.
060	Chair Tarno	Asks if Parmelee's land is landlocked and if ODOT has offered an alternative access.
063	Parmelee	States the weigh station was to be temporary, but now it has become permanent.
105	Sen. Wilde	Comments that it is unfortunate Senator George was not present, as he would have enjoyed this witness. States he will take the presentation into account if a transportation package comes to the Revenue Committee.
110	Sen. Corcoran	Cautions committee to listen to both sides before making a judgment.
123	Brian Scott	Livable Oregon. States he has been working with Livable Oregon for 15 years to promote local investment, downtown revitalization and gives testimony in opposition to SB 92 and SB 86.
162	Scott	Continues with testimony.
204	Chair Tarno	Asks what he would do with a small community that cannot grow because of a no growth attitude.

226	Scott	Agrees that the state is not growing in a uniform manner and should be targeting economic and community development efforts in rural and distressed areas.
243	Sen. Wilde	States that frontage roads are a common occurrence throughout the United States and feels it is a very efficient way of keeping access problems under control.
268	Richard Guergen	Small business owner in Coos Bay. Presents <b>(EXHIBIT C)</b> . Gives testimony as to the access problems he incurred because of ODOT.
338	Craig Greenleaf	Deputy Director, (ODOT). Presents <b>(EXHIBIT D)</b> . Expresses concerns for the interstate facilities and other sections of the state highway system.
374	Chair Tarno	Comments that there are folks who own private property who are being impacted by the rules and policies that ODOT has adopted and ODOT must look at those rules and see if there is a way to alleviate the losses.
392	Sen. Corcoran	States he would like to hear ODOT's version of the policies that prevailed with the properties of Guergen and Parmelee.
419	Greenleaf	States he will speak on those testimonies at a later date. States he would like to let the committee know what kind of work ODOT is doing.
448	Kathy Thole	States concerns that the access around the casinos is fabulous while everything around it is suppose to die. States SB 92 is about the only hope she has found, to date, to help the situation.
<b>TAPE 14, B</b>		
037	Thole	Continues with testimony in support of SB 92.
065	Lynn Peterson	1000 Friends. Presents <b>(EXHIBIT E)</b> . Reads testimony in opposition to SB 86 and SB 92.
112	Peterson	Continues to read testimony.
161	Jeff Watkins	Sierra Club, Oregon Chapter. Reiterates their opposition to SB 92 and SB 86.
224	Anna Morrison	Business owner, Florence, OR. Presents <b>(EXHIBIT F)</b> in support of SB 92 and SB 86.
286	Sen. Corcoran	Asks if ODOT explained to her why they would not grant access onto Highway 101.

292	Morrison	Responds that ODOT gave a descriptive plan for Highway 101 and that her business was not included. States ODOT may think it knows what is in the best interest of landowners, but feels ODOT is out of touch.
344	Sen. Corcoran	Asks if witness is disputing ODOT's analysis of safety.
348	Morrison	States she is, because she is looking at the loss of private property and does not feel the Highway 101 situation is as big as ODOT is making people think it is. Disagrees with witness from 1000 Friends on Iowa testimony.
369	Chair Tarno	Describes ODOT's philosophy of "keeping traffic moving for the sake of commerce" and in that process maintaining a higher rate of speed.
397	Morrison	Responds in agreement that speed limits need to be reduced.
<b>TAPE 15, B</b>		
014	Bruce Meithof	City Manager, City of Coquille. Describes reasons for supporting SB 86.
068	Meithof	Continues with testimony.
122	James K. Morse	Small business owner, Sherwood. Presents <b>(EXHIBIT G)</b> . Describes difficulties dealing with ODOT in attempting to get access for several businesses he and his brother tried to open.
178	Morse	Continues his testimony regarding complying with ODOT's rules and regulations and still being denied certain access rights. States he and his brother are in favor of SB 86.
206	Jim Dulcich	Attorney for James Morse. Interjects that the City of Sherwood has approved this project.
226	Sen. Wilde	Asks Dulcich if there was a fraudulent deed.
237	Dulcich	States he does not think it was fraudulent.
266	Sen. Corcoran	Asks Morse's reaction to statute regarding no access on a state highway.
274	Morse	States he did not know that he had no access rights.
269	Sen. Corcoran	States it seems the transaction is between the buyer and seller. Seems the seller is the issue, not ODOT. Asks what was there when witness purchased the land.

281	Morse	States it was farm land.
299	Sen. Corcoran	Asks if the land was purchased after 1951.
306	Sen. Wilde	States it does give a definition of fraud.
325	Del Phelps	States he is in support of SB 86 and SB 92.
351	Sen. Corcoran	Asks if Phelps is a landowner and if his land was purchased after 1951.
365	Phelps	Responds in the affirmative, but states it was an ODOT issue when the road was widened.
403	Dale Saari	Florence, OR. Presents <b>(EXHIBITS H)</b> in support of SB 86.
450	Saari	Reads letters regarding civil rights in support of SB 86.
<b>TAPE 16, A</b>		
005	Saari	Continues reading letters.
043	Nikki Whitty	Coos County Commissioner. Supports SB 86.
055	Pete DeMain	States he appreciates the people he represents and if there is a chance to get what they need for survival, he is in favor of SB 86.
068	Chair Tarno	Adjourns meeting at 3:05p.m.

Submitted by, Reviewed by,

Diana Bronson, Raymond J. Kelly,  
Administrative Support Administrator

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**EXHIBIT SUMMARY**

**A -SB 91, Written testimony, Scott Ashcom, 2 pp**

**B -SB 92, Written testimony, Wallace R. Parmelee, 14 pp**

**C -SB 92, Written testimony, Richard Guergen, 9 pp**

**D -SB 92, Written testimony, Craig Greenleaf, 2 pp**

**E -SB 86 and 92, Written testimony, Lynn Peterson, 4 pp**

**F -SB 86 and 92, Written testimony, Anna Morrison, 1 p**

**G -SB 86, Written testimony, James K. Morse, 13 pp**

**H -SB 86, Written testimony, Dale A. Saari, 3 pp**