

SENATE COMMITTEE ON WATER AND LAND USE

March 23, 1999 Hearing Room B

1:00 p.m. Tapes 43 - 45

MEMBERS PRESENT: Sen. Veral Tarno, Chair

Sen. Tony Corcoran, Vice-Chair

Sen. Gary George

Sen. Marylin Shannon

Sen. Thomas Wilde

STAFF PRESENT: Raymond J. Kelly, Administrator

Diana Bronson, Administrative Support

MEASURE/ISSUES HEARD: SB 409 Public Hearing

SB 615 Public Hearing

SB 489 Public Hearing

SB 628 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
TAPE 43, A		
003	Chair Tarno	Opens meeting at 1:06 p.m. and opens public hearing and possible work session on SB 409.
<u>SB 409 PUBLIC HEARING</u>		
007	Ray Kelly	Committee Administrator. Summarizes SB 409 with the ñ1 and ñ2 amendments.

032	Emily Schue	League of Women Voters. Presents (EXHIBIT A) . Testifies in support of SB 409. States the league agrees with the goal of SB 409 to increase public access to coastal shorelands.
063	Chair Tarno	Asks Schue if she is aware of the ñ2 amendments to SB 409.
065	Schue	Replies that she has heard the ñ2 amendments mentioned, but has not had time to review them.
067	Chair Tarno	Asks Kelly to provide Schue with amendments and asks state parks to address the concerns of the League of Women Voters. (EXHIBIT B) .
070	Nan Evans	Oregon Parks and Recreation Department. Presents (EXHIBIT C) . Testifies in support of SB 409, in that it would provide assurances to maintain public access.
104	Chair Tarno	Asks Evans to speak with Schue regarding amending SB 409. States the committee will need to bring this bill back, due to the fiscal and possible revenue issues.
118	Sen. George	Inquires as to the authority the Parks Department has in negotiating with land owners for beach access, tax incentives, and liability issues.
123	Evans	Replies that the Parks Department can go in and negotiate, but does not have tax incentive authority. Explains that the liability issues of the existing law gives landowners reduced liability if access to the beach is permitted.
145	Sen. George	Questions the rights of the department regarding easements, monies, and freedom from liability. Asks how much leeway the department has in negotiations for compensation.
159	Evans	States the department works with willing property owners to assign access and can acquire property from selling landowners, if the price is right.
179	Sen. Corcoran	Asks for the mechanics of exemption from liability.
184	Evans	Replies that that is the issue the Department of Revenue is determining. States it might be a tax exemption for that stretch of land over which the public access is being provided.
196	Sen. Corcoran	States that SB 409 looks like it will end up in the Revenue Committee.
200	Chair Tarno	Asks Evans to bring ideas to address SB 409.
211	Charles Stern	County Clerk, Yamhill County. States they were the group who proposed the ñ1

		amendments to SB 409.
260	Chair Tarno	Closes public hearing on SB 409 and states this issue is to be brought back when the proper amendments are drafted and the proposed revenue is known. Opens public hearing on SB 615.
<u>SB 615 PUBLIC HEARING</u>		
271	Chair Tarno	Asks Kelly to summarize SB 615.
273	Kelly	Summarizes SB 615.
281	Craig Greenleaf	Oregon Department of Transportation (ODOT). Presents (EXHIBIT D) . Testifies in opposition to SB 615, in that it weakens the coordination of land use, transportation planning, and could impede the ability of ODOT to deliver needed projects.
324	Greenleaf	Continues testimony in opposition to SB 615 and states the importance for medium sized communities to continue to plan for their growth by identifying adequate, safe, and efficient transportation facilities and services.
352	Chair Tarno	Describes the small cities in Coos County as being economically deprived. Asks why the small towns of 2000 or less need to comply with the same regulatory work as the large cities such as Salem.
378	Greenleaf	States he would need to study the economic vitality that is tied to the transportation issue.
402	Chair Tarno	Asks if we have the ability to increase the 2,500 population level up to a more realistic number, such as 6,000.
419	Greenleaf	Replies that it is a discussion worth pursuing. States ODOT has looked at jurisdictions voluntarily choosing to proceed with the transportation planning requirements and have found there are quite a number of jurisdictions that have made the choice to proceed, even though they are eligible for exemption under the requirements.
TAPE 44, A		
008	Sen. George	Inquires as to making the process more "friendly."
025	Greenleaf	Does not have numbers before him, but states ODOT works hard to provide improvement in the transportation system plan.

043	Sen. George	States that ODOT is not talking to the small communities about aiding them with capacity, but literally remaking the cities.
065	Chair Tarno	Asks, out of the 141 cities eligible for an exemption, how many have applied for, or been given, the exemption.
068	Greenleaf	States he can provide that number but does not have the information with him today.
070	Sen. Wilde	States that if ODOT uses the chart (EXHIBIT D), Sen. Wilde suggests the following cities be removed from the gray overlays, as they do not fit the criteria: Durham, Johnson City, King City, Maywood Park, and River Grove.
081	Chair Tarno	States Sen. Wilde has a good point.
087	Liz Frenkel	League of Women Voters, Benton County. Testifies in opposition to SB 615 based on the statement there is no statewide planning.
141	Chair Tarno	Asks if Frenkel thinks the exemption limits can be raised.
143	Frenkel	States it might, but when you apply it as a standard it may work in some cities and not be appropriate in other areas.
167	Chair Tarno	Asks for constructive ideas to help get this bill through.
182	Lynn Peterson	1000 Friends of Oregon. States that 1000 Friends is strongly in opposition to SB 615.
256	Chair Tarno	Asks if she thinks smaller cities might like to have the assistance from the state in planning.
258	Peterson	Replies yes she does.
262	Chair Tarno	Quick conversations between the chair and Peterson.
292	Sen. George	Asks if Peterson is suggesting that the cities and counties are not planning their own transportation systems.
333	Peterson	Replies he is not, but the communication needs to have a vision for the community.
379	Jon Chandler	Governmental Affairs for the Oregon Building Industry Association. States there are concerns regarding SB 615. States he has no changes to suggest, but would

		be willing to work on the amendments.
TAPE 43, B		
028	Bob Rindy	Oregon Department of Land Conservation and Development (DLCD). Presents (EXHIBIT E) . Testifies in opposition to SB 615 in that it would end coordinated transportation planning requirements for most cities.
053	Rindy	Continues testimony in opposition to SB 615.
099	Chair Tarno	Asks what Rindy thinks about the planning being optional.
099	Rindy	Replies that if it is optional, it will become difficult for local governments to receive funds. States that the planning that is done for transportation is minimal.
121	Chair Tarno	Asks Rindy to provide the chair with a list of the cities that have been exempted.
127	Sen. Corcoran	Asks for the kinds of problems involved with the "patchwork" exemptions given to certain cities.
139	Rindy	Replies the most obvious problems are the coordination of efforts to participate in the planning.
199	Phillip Fell	Testifies in support of SB 615. States most cities appreciate the usefulness of planning.
227	Chair Tarno	States he would like to get together for a task work group. Closes SB 615 and opens SB 489.
<u>SB 489 PUBLIC HEARING</u>		
236	Kelly	Summarizes SB 489 and the ñ1 amendments.
259	Rep. Terry Thompson	Suggests creating an independent review team to review and breakdown Goal 17 to get an understanding of the good and bad parts of that goal.
286	Sen. Corcoran	Asks if he can give ideas for conflicts regarding SB 489.
290	Rep. Thompson	States that there is a very small piece of land that does not fall under Goal 17.
304	Sen. George	Asks if he has seen the ñ1 amendments.

305	Rep. Thompson	Replies that he does not have the ñ1 amendments. After review, Rep. Thompson states the ñ1 amendments improve the problem, but do not remove it.
378	Lori Ann Sheridan	Executive Director, Lincoln City Chamber of Commerce. Submits (EXHIBIT F) . Testifies in support of SB 489. States that the requirement of an economic, social, environmental, and energy (ESEE) analysis of Goal 17 resources actually brings this goal into compliance with the basis upon which it was created.
TAPE 44, B		
034	Sheridan	Continues testimony in support of SB 489. States that the ESEE process will address some of the problems with Goal 17.
053	Chair Tarno	Asks if Sheridan approves of the ñ1 amendments.
053	Sheridan	Replies the chamber approves the ñ1 amendments.
055	Chair Tarno	Asks if Sheridan is suggesting the committee pass SB 489 to the floor.
055	Sheridan	Replies she is..
064	Mike Collmeyer	1000 Friends of Oregon. Submits (EXHIBIT G) . Reads testimony in opposition to SB 489. States SB 489 is a burdensome process and reduces protection of the coastal shorelands.
108	Chair Tarno	Asks if he has seen the ñ 1 amendments.
109	Collmeyer	States he has seen the amendments and does not change his position.
142	Bob Rindy	Department of Land Conservation and Development (DLCD). States the testimony given has been greatly exaggerated. States the problem, as described by some members of the community who have testified, is that a very large portion of the city is adversely effected by Goal 17. States the DLCD went around the ESEE process in drafting the amendments to Goal 5 for wetlands and substituted safe harbor.
192	Rindy	Continues testimony in opposition to SB 489.
224	Chair Tarno	Asks if Rindy has seen the map the chair presents.
224	Rindy	States that he, personally, has not seen the map the chair is presenting. DLCD has strong disagreement with the assertion that all those areas are impacted by Goal 17.

247	Sen. Corcoran	Suggests that the best thing to do is bring in the city fathers that are making these decisions as the testimony has come to a "he said, she said" situation.
262	Chair Tarno	Questions Rindy as to the map not being a projection. Asks if DLCD does a different overlay.
263	Rindy	Reiterates he has not seen the map before, but has seen the six page response to the city and states the city has over-identified areas.
277	Chair Tarno	States appreciation and asks if Sheridan would like to respond.
279	Sheridan	States the map is the property that is in the Goal 17 planning area, as dictated in the Goal itself.
307	Chair Tarno	Asks where the city fathers are on this.
309	Sheridan	States they have a new city council this year. States that part of the committee are the "old members" and the old members have taken on a very personal interest in the draft they worked on for four years
340	Chair Tarno	States further dialogue is needed on this bill. States Lincoln County needs to be approached to get some information on this issue. Gives Sheridan two weeks to come back with information. Closes SB 489 and opens SB 628.
<u>SB 628 PUBLIC HEARING</u>		
365	Kelly	Summarizes SB 628.
385	Chair Tarno	States there will be amendments to SB 628.
393	Art Schlack	Association of Oregon Counties (AOC). Testifies in support of SB 628.
TAPE 45, A		
004	Dave Hunnicutt	Oregonians in Action (OIA). States amendments need to be made so that SB 440 does not come back.
015	Chair Tarno	States that the committee will bring SB 628 back with amendments. Asks if Mann and Leipper would like to testify now.
024	Jim Mann	Lane County Planning Department. States he represents the Lane County Board of Commissioners and the Association of Oregon Planning Directors. Testifies in support of SB 628.

050	Robert Leipper	Architect. Submits (EXHIBIT H) . Testifies in opposition to SB 628.
069	Chair Tarno	Adjourns at 3:12 p.m.
		Testimony from Kent Howe on SB 628 (EXHIBIT I) is submitted into the record.
		Testimony from Margaret G. Forsythe (EXHIBIT J) is submitted into the record.

Submitted By, Reviewed By,

Diana Bronson, Raymond J. Kelly,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 409, written testimony, Emily Schue, 1 p

B ñ SB 409, proposed amendment, LC staff, 1 p

C ñ SB 409, written testimony, Nan Evans, 1 p

D ñ SB 615, written testimony, Craig Greenleaf, 3 pp

E ñ SB 615, written testimony, Bob Rindy, 1 p

F ñ SB 489, written testimony, Lori Ann Sheridan, 3 pp

G ñ SB 489, written testimony, Gary Collmeyer, 2 pp

H ñ SB 628, written testimony, Robert Leipper, 2 pp

I ñ SB 628, written testimony, Kent Howe, 2 pp

J ñ SB 489, written testimony, Margaret Forsythe, 1 p