

SENATE COMMITTEE ON
WATER & LAND USE

Hearing Room
Tapes - 40

MEMBERS PRESENT:

Sen. Neil Bryant
Sen. Ron Cease
Sen. Bill Dwyer

MEMBER EXCUSED:

Sen. Rod Johnson, Chair
Sen. Bob Kintigh

STAFF PRESENT:

Karen Quigley, Committee Counsel
Kimberly Shadley, Committee Assistant
Mitch Hack, Senate Floor Staff

MEASURES HEARD:

SB 234
SB 285
SB 286
SB 521

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE , SIDE A

005 CHAIR BRYANT: Calls the hearing to order. (1:08 p.m.)
(Announces members excused; we are operating as a subcommittee.

PUBLIC HEARING ON SB 285 AND 286

Witnesses: Steve Carmichael, Director, Youth Services, Lane County
Bill Van Vactor, Lane County Administrator
Lynn Ashcroft, Colonel, Oregon National Guard
Dick Benner, Department Of Land Conservation And Development, DLCD
Philip Lemman, Intergovernmental Relations, City Of Eugene

013 STEVE CARMICHAEL, DIRECTOR, YOUTH SERVICES, LANE COUNTY: Introduces himself.

014 BILL VAN VACTOR, LANE COUNTY ADMINISTRATOR: Introduces himself.

019 CARMICHAEL: I'm going to talk about a project called the Juvenile Justice Center in Lane County, sometimes referred to as the Youth Campus, that is the reason that we have proposed SB 285 & 286.
(Describes land near Oregon State University.
(We badly need a new facility, we have 36 beds and daily we release kids

that shouldn't be released.

(We want to build a new juvenile detention facility; shows land on map.

(We are looking at a public/private partnership; the key piece of land is owned by the State of Oregon; we want to acquire the national guard building.

060 CHAIR BRYANT: Sen. Cease is here and we are now a full committee.

CARMICHAEL: Continues describing program.

090 VAN VACTOR: Submits written testimony, (EXHIBIT A).

(The particular site is just outside of the urban growth boundary.

115 SEN. CEASE: I checked with LCDC and they say this could be done through the exceptions process.

VAN VACTOR: It is difficult to obtain an exception for Goals 3 & 4.

(We are looking for an additional funding source; refers to written testimony, Exhibit A.

180 CHAIR BRYANT: What capacity?

CARMICHAEL: 68 beds as opposed to 36.

SEN. DWYER: The Commission on Children and Families is working to get the community involved.

(Speaks in support of SB 285 and 286.

SEN. CEASE: The amendment to statute would only effect marginal lands counties?

VAN VACTOR: Yes, that is our intent.

232 LYNN ASHCROFT, COLONIAL, OREGON NATIONAL GUARD: Testifies in support of SB 285.

(The bill does have an impact on the National Guard.

(The current proposal would interpose the condition that approval from the county.

(The proposal would only allow flexibility to counties in siting national guard facilities; in most cases urban areas or areas within the urban growth boundaries are the most desirable.

(We would ask that the language include National Guard Armories and National Guard Support Facilities as well as Armed Force Reserve Centers.

286 CHAIR BRYANT: Is Armed Force Reserve Center defined?

ASHCROFT: Not in the Oregon Revised Statutes; it connotes the funding for the facility and the use of the facility.

(We could provide a definition.

CHAIR BRYANT: Please do that.

312 DICK BENNER, DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT, DLCD: In statute you will note that the list of uses has gotten quite long and our general reaction to adding to the list is "does that really need to be added as a use of the exclusive farm use zone".

(Lane County could authorize this through the exceptions process.

(Exceptions aren't impossible, I can produce for you a list of those approved by local governments.

(Our recommendation is to counsel Lane County to use that process and we would work with them.

380 SEN. CEASE: Is this to apply only to marginal counties?

BENNER: Yes.

CHAIR BRYANT: If they apply for an exception and it is appealed, what is the time frame?

BENNER: There are statutory limits on the time LUBA can take.
(The recourse is through the Court of Appeals.

CHAIR BRYANT: We have a letter from Philip Lemman, Intergovernmental Relations, (EXHIBIT B).

445 PHILIP LEMMAN, INTERGOVERNMENTAL RELATIONS, CITY OF EUGENE: Submits written testimony in opposition to SB 285.

(We are interested and supportive of the Youth Campus concept, but don't want to amend the land use laws to make that happen.

SEN. CEASE: Explain the difficulty and expense of providing urban services.

LEMMAN: The area is surrounded on three sides by hills with I-5 providing the fourth boundary.

(The sewage system creates the problem.

TAPE 40, SIDE A

PUBLIC HEARING ON SB 234

Witnesses: Bob Meinen, Director, Oregon Parks and Recreation Department
Gary Gustafson, Director, Division Of State Lands
Dick Angstrom, Oregon Concrete And Aggregate Producers Association:

047 BOB MEINEN, DIRECTOR, OREGON PARKS AND RECREATION DEPARTMENT: Submits written testimony in support of SB 234, (EXHIBIT E).

(We could do this with existing staff.

SEN. CEASE: What would be the effective date of the transfer?

MEINEN: 90 days from Sine Die.

((In response to Sen. Cease) A budget note would allocate \$20,000.

131 GARY GUSTAFSON, DIRECTOR, DIVISION OF STATE LANDS: Testifies in support of SB 234; submits written testimony, (EXHIBIT F).

153 DICK ANGSTROM, MANAGING DIRECTOR, OREGON CONCRETE AND AGGREGATE PRODUCERS ASSOCIATION: Dealing with Bob Meinen has been the kind of relationship you would like all businesses to have with agencies; he works with people and is straight forward.

PUBLIC HEARING ON SB 285 and 286

Witnesses: Rep. Wooten, House District 41

167 REP. WOOTEN, HOUSE DISTRICT 41: Testifies in support of SB 285.

(I am an advocate of strong land use laws.

(I implore you to move this bill as it is the component relative to the federal government.

(SB 286 is necessary to create the land swap.

292 SEN. DWYER: What relationship will exist between the community college and the national guard for training purposes.

REP. WOOTEN: This site is located at the intersection of I-5 and East 30th Avenue; it is a commercialized intersection and wouldn't necessarily anticipate further development of the Lane Community College Basin.

(Most importantly is that it is essentially compelling for us to move quickly to try to respond to an epidemic of dysfunctional kids and families in Lane County.

PUBLIC HEARING ON SB 234

Witnesses: Dick Angstrom, Managing Director, Oregon Concrete And Aggregate Producers Association

Gary Gustafson, Director, Division of State Lands

Bob Meinen, Director, Oregon Parks And Recreation Department

CHAIR BRYANT: We are operating as a subcommittee.

358 DICK ANGSTROM, MANAGING DIRECTOR, OREGON CONCRETE AND AGGREGATE PRODUCERS ASSOCIATION: Testifies in support of SB 234.

(We are faced with, down the road, are two permit systems for every dredge or fill activity.

(Our first concern is that if we do take this portion of the program and give it to State Parks, will it hurt our opportunity to ask the Division of

State Lands to assume the federal program.

(The second question has to do with SB 333 where the legislature will look at and approve fee increases.

(In spite of that is it good policy to let SB 333 be the sole indicators of how agency fees increase in the future; we prefer to have a cap in the statute itself.

(With so few permittees, this program could use some general fund help.

471 GARY GUSTAFSON, DIVISION OF STATE LANDS: The Department of Forestry regulates fills dealing with forest activities for forest practices and we have everything else.

(Our ability to assume the 404 program is dependent upon a number of things.

TAPE 39, SIDE B

038 BOB MEINEN, DIRECTOR, OREGON PARKS AND RECREATION DEPARTMENT: ((We would cooperate; I think that SB 333 is a strong bill; State Parks isn't exempted in any format from that bill for these types of fees.

(We would like to take time to establish cost figures, work with the industry and the individuals we could bring in the actual costs and a recommendation on fee structures.

GUSTAFSON: We charge no fee for these activities as it fits the emergency erosion, flood repair and rip rap provision for individual property owners.

PUBLIC HEARING ON SB 521

Witnesses: Charles Williamson, Grey Hound Breeders Association
Terry Washburn, Oregon Grey Hound Breeders Association
Kristi Crombie, Oregon Greyhound Breeders Association

CHAIR BRYANT: We will operate as a subcommittee.

085 CHARLES WILLIAMSON, GREY HOUND BREEDERS ASSOCIATION: Testifies in support of SB 521.
(Submits written testimony, (EXHIBIT H)
(The Multnomah Grey Hound Park supports this bill and Brad Higbee of the Oregon Racing Commission also supports this bill.

130 TERRY WASHB URN, OREGON GREY HOUND BREEDERS ASSOCIATION: The business today is very difficult.
(Submits written testimony in support, (EXHIBIT I).

160 KRISTI CROMBIE, OREGON GREYHOUND BREEDERS ASSOCIATION: Testifies in support of SB 521, submits written testimony, (EXHIBIT J).

CHAIR BRYANT: The Greyhound farming will have to meet the same agricultural tests?

WILLIAMSON: Yes.

210 CHAIR BRYANT: We are adjourned. (2:20 p.m.)

Submitted by, Reviewed by,

Kimberly Shadley Karen Quigley
Committee Assistant Committee Counsel

EXHIBIT SUMMARY:

A - SB 285 & 286: Written testimony in support submitted by Van Vactor, pp

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B - SB 285: Written testimony in opposition by Lemman, pp 2

C - SB 285: Preliminary staff measure summary submitted by staff, pp 1

D - SB 286: Possible revenue impact statement and preliminary staff measure summary submitted by staff, pp 2

E - SB 234: Written testimony in support submitted by Meinen, pp 5

F - SB 234: Written testimony in support submitted by Gustafson, pp 1

G - SB 234: Preliminary Staff Measure Summary submitted by staff, pp 1

H - SB 521: Written testimony in support submitted by Williamson, pp 6

I - SB 521: Written testimony in support submitted by WashB urn, pp 6

J - SB 521: Written testimony in support submitted by Crombie, pp 2

K - SB 521: Possible revenue impact statement, preliminary staff measure summary and informative material submitted by staff, pp 3