

SENATE COMMITTEE ON  
WATER & LAND USE

Hearing Room  
1:00 P.M. Tapes - 42

MEMBERS PRESENT:

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

MEMBER EXCUSED:

Sen. Rod Johnson, Chair

STAFF PRESENT:

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

MEASURES HEARD:

SB 501  
SB 488

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 , A

005 CHAIR KINTIGH: Calls the hearing to order. (1:08 p.m.)

PUBLIC HEARING ON SB 501

Witnesses: Martha Pagel, Director, Water Resources Department  
Jerry Schmidt, Oregon Ground Water Association

020 SEN. BRYANT: Describes bill; testifies in support.

027 MARTHA PAGEL, DIRECTOR, WATER RESOURCES DEPARTMENT: Testifies in support; submits written testimony, (EXHIBIT A).

052 JERRY SCHMIDT, OREGON GROUND WATER ASSOCIATION: Testifies in support.  
( Describes situations the bill will help; suggests adding tax lot and quarter quarter section or global positioning system, (GPS).

075 SEN. DWYER: GPS is a good idea; how long will it be before the assessors to the Water Resources Department will be able to reference GPS?

PAGEL: Some agencies are reporting in that form.

SEN. DWYER: Describes system.

WORK SESSION ON SB 501

110 MOTION: BRYANT MOVES TO AMEND SB 501 TO ADD IN LINE 18 AFTER NUMBER, "QUARTER QUARTER" - AFTER "OR" INSERT "OR GLOBAL POSITION SYSTEM".

128 VOTE: HEARING NO OBJECTION THE MOTION CARRIES.

130 MOTION: SEN. DWYER MOVES SB 501 AS AMENDED TO THE FLOOR WITH A DO PASS  
RECOMMENDATION CARRIER: SEN. BRYANT

PUBLIC HEARING ON SB 488

Witnesses: Don Schellenberg, Associate Director Of Governmental Affairs,  
Oregon Farm Bureau

John Rossner, Oregon Farm Bureau  
Jack Chapin, Farmer, Marion County & Member, Oregon Farm Bureau Federation  
Danielle Mathews  
Joanne Hathaway  
James Monroe  
Tamra Sacchi, Farmer, Marion County  
Richard Angstrom, Oregon Concrete & Aggregate Association  
Tom Wildish  
John Alltucker, Eugene Sand & Gravel  
Kacey Klosterman, Morris Brothers  
George Loeyng Estacada Rock Products  
Bob Traverso, Nw Paving Company

150 SEN. CEASE: There is a typing error on page three, line four;  
describes.

175 DON SCHELLENBERG, ASSOCIATE DIRECTOR OF GOVERNMENTAL AFFAIRS, OREGON  
FARM BUREAU: Introduces Folks with him.

195 JOHN ROSSNER, VICE-PRESIDENT, OREGON FARM BUREAU: Testifies in support;  
submits written testimony, (EXHIBIT C).

275 JACK CHAPIN, FARMER, MARION COUNTY & MEMBER, OREGON FARM BUREAU  
FEDERATION: Testifies in support; submits written testimony, (EXHIBIT D).

TAPE 41, SIDE A

045 SEN. BRYANT: By passing this people wouldn't be able to get permits?

SCHELLENBERG: Yes.  
( This legislation isn't directed at doing away with aggregate mining.

SEN. BRYANT: How many acres are currently zoned in aggregate reserve in  
the counties affected?

CHAPIN: The gravel people don't buy it, they lease it.  
( This doesn't stop operations where permits are issued.

100 SEN. BRYANT: But for people who bought land and planned to lease it for  
aggregate won't be able to.

( The permits are difficult to get and restrictions are extreme, but this  
bill would say that there would be no opportunity to get t he permit.

ROSSENER: There are other uses that affect the use of ones property.

130 SEN. BRYANT: Do we have accurate information on the people that would  
be affected and also, is another alternative to stiffen the reclamation  
process?

CHAPIN: It is physically impossible.

SCHELLENBERG: I don't have the figures you are referring to; we believe  
that is one major problem, we don't have inventory on the rock in the  
state.

SEN. DWYER: I share your concerns but am not sure that we should focus on  
this industry when many others also affect farm land.

195 SEN. CEASE: I introduced this at the request of the Farm Bureau.  
( I think that people have a right to pursue and discuss this; the  
aggregate isn't the only issue that has taken away from farm land, but you  
have a classic example of conflicts that will continue to come to this body  
and hopefully we will be able to aid people.

245 DANIELLE MATHEWS: Testifies in support; submits written testimony,  
(EXHIBIT E).

275 JOANNE HATHAWAY: Testifies in support.

330 SEN. DWYER: Aggregate does have a place and I'm not sure that this bill  
is the answer.

( Who is selling this land to aggregate companies?

HATHAWAY: Sometimes it is farmers wanting to retire.

395 JAMES MONROE: Testifies in support; submits written testimony, (EXHIBIT  
F).

TAPE 41, SIDE B

039 TAMRA SACCHI, FARMER, MARION COUNTY: Testifies in support of SB 488;  
refers to report, (EXHIBIT G).

070 CHAIR KINTIGH: Do you have any idea of the total acreage this bill  
would effect?

SACCHI: That is something we can get for you.

119 RICHARD ANGSTROM, MANAGER, OREGON CONCRETE AND AGGREGATE ASSOCIATION:  
Introduces following witness.

125 TOM WILDISH: Testifies in opposition to SB 488.

190 SEN. DWYER: How much of the aggregate sources the industry owns within  
the confines of this bill; I don't know how much aggregate might be  
available; it is hard to act without information.

WILDISH Lane county took an inventory a few years ago and as I remember  
there was about a twenty year supply.

222 JOHN ALLTUCKER, EUGENE SAND AND GRAVEL: Testifies in opposition; gives  
history.

320 SEN. BRYANT: Is it possible to rate aggregate deposits similarly to  
what we've done with farm land?

ALLTUCKER: Generally; you have to run test holes.

400 SEN. BRYANT: With the area in aggregate reserve now, how long will it  
last with our current growth?

ALLTUCKER: In Lane County it is twenty years.

433 K.C. KLOSTERMAN, MORRIS BROTHERS: Testifies in opposition to SB 488.

In regards to inventory, typically the burden of proof is on the applicant  
and it is expensive to get that information.

TAPE 42, SIDE B

040 KLOSTERMAN: This is being dealt with in LUBA; this isn't the proper  
venue for making these decisions.

060 KLOSTERMAN: Sen. Cease said this bill was narrow compared to SB 489,  
(1993), but it's not, it's the same bill.

( We have reclaimed for farm land successfully, wild life habitats, parks,  
industrial and residential.

SEN. BRYANT: If the pit is open for ten years, what do you do with it?

KLOSTERMAN: The permits require you to retain enough top soil for  
reclamation.

160 CHAIR KINTIGH: In Eugene there is a pit about 90 feet deep; is that only useful as a lake after that?

KLOSTERMAN: When they are that deep, yes, but lakes aren't useless.

SEN. DWYER: I've seen some of the Morris Brothers projects and they are good for wildlife and recreation.

230 GEORGE LOEYNG, ESTACADA ROCK PRODUCTS: Testifies in opposition of SB 488; we reclaim 100%.

265 BOB TRAVERSO, NW PAVING COMPANY. Testifies in opposition.

CHAIR KINTIGH: We are adjourned.

Submitted by,

Reviewed by,

Kimberly Shadley  
Committee Assistant

Karen Quigley  
Committee Counsel

EXHIBIT SUMMARY:

- A - SB 501: Written testimony in support submitted by Pagel, pp 1
- B - SB 501: Preliminary Staff Measure Summary & revenue and fiscal impacts submitted by staff, pp 3
- C - SB 488: Written testimony in support submitted by Rossner, pp 2
- D - SB 488: Written testimony in support submitted by Chapin, pp 3
- E - SB 488: Written testimony in support submitted by Mathews, pp 1
- F - SB 488: Written testimony in support submitted by Monroe, pp 3
- G - SB 488: Written testimony in support submitted by Sacchi, pp 4
- H - SB 488: Written testimony submitted for the record by staff, pp 12
- I - SB 488: Preliminary staff Measure Summary submitted by staff, pp 1