



85 GUSTAFSON: No it would not.

87 SEN. CEASE: This only deals with land that's under the common school funds?

88 CHAIR JOHNSON: Correct.

89 SEN. KINTIGH: Where does your authority end and the land board's begin?

94 GUSTAFSON: The Division of State Lands is the administrator of lands, we do not sell lands, with out having them reviewing.

95 SEN. KINTIGH: No matter how small of a tract it was?

96 GUSTAFSON: Yes, we would have to have their approval to proceed.

101 SEN. KINTIGH: How much reviewing do they do?

102 GUSTAFSON: I believe they take it very seriously.

105 SEN. CEASE: Explains his view points of the Amendments. Would there be a problem if those isolated sections would remain in the Bill?

120 GUSTAFSON: My sense is that this bill would assist us with the protection if it was written as before. It would be preferable if it was removed.

128 SEN. CEASE: If we leave that section in and remove those stated in the amendment this would be a strong Bill.

137 CHAIR JOHNSON: I don't have any problem with taking out five and six.

146 SEN. CEASE: Could the board remove something that was larger then a fragment of an isolated section?

152 GUSTAFSON: State statues are written so that the division has the specific authority to do land sales and exchanges under the umbrella of the land board. This is how we want to keep it.

155 MOTION: SEN. CEASE: Moves that SB 147, AS AMENDED, Be sent to the Floor with a DO PASS recommendation.

167 CHAIR JOHNSON: Explains motion.

171 VOTE: In a roll call vote, SEN. CEASE, KINTIGH and CHAIR JOHNSON VOTE AYE, SEN. DWYER VOTES NO. SEN. BRYANT IS EXCUSED.

197 WORK SESSION ON SB 681  
Witnesses:  
ROBERT HALL, PORTLAND GENERAL ELECTRIC  
MARTHA PAGEL, WATER RESOURCES DEPARTMENT  
DOUG MYERS, WATER WATCH

213 ROBERT HALL, PORTLAND GENERAL ELECTRIC: Testifies in favor of SB 167. Uses an example of how this bill will be productive. (See Exhibit A)

281 SEN. DWYER: Why are we exempting you from complying with 537.401-.450?

301 HALL: I don't think your exempting us from the provisions. What your doing is letting the site certificate that is issued by the Energy Facility Siting Council govern these provisions.

302 SEN. DWYER: Reads line 22. Why are you exempt from this?

310 HALL: Line 27 explains that clearly.

316 SEN. DWYER: Who do you give this information to?

323 HALL: To the Commission.

324 SEN. CEASE: What does this do?

344 MARTHA PAGEL DIRECTOR, WATER RESOURCES DEPARTMENT: Bring the period of water line up to date with the development. You can maintain the time periods with section 2 of this Bill.

370 SEN. CEASE: Does this have any effect on the authority of the siting counsel?

375 HALL: No.

381 PAGEL: Explains the partial perfection process.

414 SEN. CEASE: What is the argument that utilities should be allowed the same provisions as irrigation districts and municipalities?

432 PAGEL: The current provisions are included because those types of water work developments tend to take more time to produce.

TAPE 52, SIDE A

10 SEN. CEASE: Section two, you have no problem with it?

11 PAGEL: That is correct.

13 SEN. BRYANT: Does this get to the purpose of the bill? Do you lose your water rights if you don't have it done at the proper time? Is that a fair assessment of what is needed to be done?

25 HALL: Yes it is.

26 SEN. CEASE: Why is that?

29 HALL: When the consistency of partially constructing something goes to the judgment than you should be allowed to partially perfect it.

40 SEN. CEASE: I have a problem with the transfer of the property under these provisions.

50 HALL: You couldn't perfect it the way it was being used.

54 SEN. CEASE: Under current law you have to have it all perfected before you have the right to transfer?

60 PAGEL: Yes, that's true.

61 SEN. DWYER: What if WOOPS had been in Oregon instead of Washington?

67 HALL: Explains the siting committee process in certain situations.

77 SEN. DWYER: This is addressing a problem that we don't have?

81 HALL: We haven't yet, but this is a problem that will arise and we will need to address it when it does.

95 SEN. CEASE: Questions if this privilege should be extended to other issues. I don't have a problem with section two at all. But the rest effects issues that we don't have problems with, we can always come back and address it then if it does arise.

111 DOUG MYERS, WATERWATCH: Testifies in support of SB 681.

112 CHAIR JOHNSON: Closes Public Hearing on SB 681.  
Public Hearing on SB 568.  
Witnesses:  
Jon Chandler, General Counsel Home Builders Association Of Metro Portland

136 JON CHANDLER, GENERAL COUNSEL HOME BUILDERS ASSOCIATION OF METRO PORTLAND: Testifies in support of SB 568. (See Exhibit B)

177 SEN. CEASE: In the case of Portland, we have 10% that are appealed.

178 SEN. DWYER: What percentage of the five percent was successful? If they were all successful then I rest my case.

189 SEN. CEASE: If you look at the bottom of them you'll see how significant this is. The cost is cheaper. (See Exhibit B)  
--Describes the two issues of merit in SB 568. In my district the fee of 100 dollars is a little high, but to force upon the neighB orhoods to pay the entire cost of the appeal is too high.

214 CHAIR JOHNSON: First, the amount of the fee that will allow the language be here, but the fee could be the cost of the appeal, not to exceed 500 dollars. Secondly, where to delete the neighB orhood organizations from having to pay that five hundred dollars. Thirdly, should we exempt the LCDC from having to pay that five hundred dollars. Based on the recognition that the appellant has to pay the fee, even when the cost exceeds the five hundred level then we let the city pick up the rest.

256 SEN. DWYER: Questions if the cost of the appeal is less then the five hundred, would the fine charged to the applicant be less as well.

260 CHAIR JOHNSON: Yes.

263 SEN. CEASE: This provision would apply to all local governments, would

it not? If you would exclude local neigHB orhoods from the bill that were in association to the local units, does it specifically state that the neigHB orhood association have an exemption of the fee?

276 CHANDLER: Yes it would.

277 CHAIR JOHNSON: This gives local control back to the neigHB orhood association.  
--Discusses his proposed Amendments.

357 MOTION: CHAIR JOHNSON: Moves to amend line 31 through line 35.

VOTE: In a roll call vote SEN. KINTIGH, BRYANT and CHAIR

JOHNSON vote

AYE. SEN. CEASE AND SEN. DWYER VOTE NO.

CHAIR JOHNSON: MOTION CARRIES.

362 MOTION: CHAIR JOHNSON: Moves to makes further amendments to line 16  
of SB 568.

VOTE: In a roll call vote, SEN. KINTIGH, BRYANT and CHAIR

JOHNSON vote

AYE. SEN. CEASE and SEN. DWYER vote NO.

CHAIR JOHNSON: MOTION CARRIES.

TAPE 51 SIDE B

04 SEN. DWYER: I think its irresponsible of us to move this Bill to the floor with out all of the information to show if this bill is necessary. I will have to vote no and turn notice in a minority report.

14 SEN. CEASE: I also will have to vote no and go along with Sen. Dwyer on that minority report.

17 CHAIR JOHNSON: Clarifies his opinion on SB 568.

22 SEN. CEASE: The fee needs to be higher. I'm not convinced that there is a real problem. For the record we are agreeable to a larger fee.

32 SEN. BRYANT: I would encourage my colleagues to reconsider on the minority report.

37 SEN. DWYER: I don't think that any one that knows what we were doing and the impact it will have in their own areas. I don't think anyone in the Senate will disagree with the minority report. The minority report will simply leave that paragraph in there that allows neigHB orhood associations to be exempt from having to pay the fees.

MOTION: SEN. BRYANT: Moves that SB 568 be sent the Floor with a DO PASS recommendation.

VOTE: In a roll call vote SEN. KINTIGH, BRYANT and CHAIR

JOHNSON vote AYE.

SEN. CEASE and DWYER vote NO.

CHAIR JOHNSON: The motion CARRIES. CHAIR JOHNSON will lead the discussion on the Floor.

54 CHAIR JOHNSON: CLOSSES THE PUBLIC WORK SESSION ON SB 568.  
OPENS THE PUBLIC HEARING ON SB 571.  
CLOSSES THE PUBLIC HEARING ON SB 571.  
OPENS WORK SESSION ON SB 681.

Witnesses:

Robert Hall, Portland General Electric  
Martha Pagel, Water Resources Department  
Doug Myers, Water Resources Department

64 ROBERT HALL, of PORTLAND GENERAL ELECTRIC: Explains the amendments proposed.

77 SEN. CEASE: Is that agreeable to you Martha Pagel?

78 MARTHA PAGEL, WATER RESOURCES DEPARTMENT: Yes.

80 CHAIR JOHNSON: Explains the Amendments.

MOTION: CHAIR JOHNSON: Moves SB 681 be moved to the Floor with a DO PASS recommendation.

as AMENDED

VOTE: CHAIR JOHNSON: Hearing no objection the motion

CARRIES.

VOTE: In a roll call vote, all members present and vote AYE.

CHAIR JOHNSON: Motion CARRIES. SEN. KINTIGH will lead  
the Floor.

the discussion on

103 CHAIR JOHNSON: CLOSSES THE WORK SESSION ON SB 681.  
OPENS PUBLIC HEARING ON SB 571.

Witnesses:

Art Schlack, Land Use Specialist For The Association Of Oregon Counties  
Richard Benner, Dept. Of Land Conservation And Development  
Richard Angstrom, Manager Of Oregon Concrete And Agate Association  
Marion Millard, Concerned Citizen  
Charles Swindells, Staff Attorney For 1000 Friends Of Oregon

110 ART SCHLACK, LAND USE SPECIALIST FOR THE ASSOCIATION OF OREGON COUNTIES:

Testifies in support of SB 571.

-- "These are applications that are filed based on the implementation  
process reached by the local government."

194 SEN. BRYANT: Questions how many appeals by the department are there  
in this area, on a consistent basis?

200 SCHLACK: I don't have the total numbers.

216 SEN. BRYANT: The last time this bill was up, I asked Mr. Benner  
some questions about some Crook County decisions that would be eliminated  
by this bill. He made reference to the Clark decision, what I'm looking  
for is some assistance on the Clark decision.

230 SCHLACK: Its been a long time since I've reviewed the Clark decision.

By this action we would be maintaining the creditability of the action.  
--There are amendments to the plan that the department would maintain the  
ability to appeal.

266 SEN. DWYER: Does it require conditional use?

267 SCHLACK: All other parties have the right to appeal.

283 RICHARD BENNER, DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT:  
Testifies in opposition of SB 571.

315 CHAIR JOHNSON: Does it really matter if we delete this bill or not?

320 BENNER: No, that would not be my argument.

396 CHAIR JOHNSON: Shouldn't we allow the county the ability to make a  
limited amount of mistakes as long as no abuse is noted?

411 BENNER: Because of the case load in LUBA and land use decision, we  
don't have the capabilities to look at all of those decisions. It is  
unusual for it to not get worked out at the local level. Then we have to  
make a decision on how it should be handled.

TAPE 52 SIDE B

47 BENNER: If this bill passes we would loose the ability to appeal the  
LUBA denial decisions.

61 CHAIR JOHNSON: Before the actual appeal, does the threat of an appeal  
have weight in the decision of the actual number of the appeals filed?

71 BENNER: We know that there is approximately 3,000. We end up  
participating in about 20% of those. Meaning that we see a need to write a  
letter or a call to the local government. An even smaller percent go to  
LUBA.

111 RICHARD ANGSTROM, MANAGER OF OREGON CONCRETE AND AGATE ASSOCIATION:  
Testifies in opposition to SB 571.

159 CHAIR JOHNSON: So they didn't appeal?

163 ANGSTROM: LCDC has the ability of an appeal as well as an enforcement  
order we feel that lever helps keep local government in line. That of  
course does not included gross failures. Just little things that we all  
know happens at the local level.

165 CHAIR JOHNSON: What is the threat of an appeal do to the individual?

166     ANGSTROM:     It is a very important tool.

199     MARION MILLARD, CONCERNED CITIZEN:     Testifies in support of SB 571:

240     CHARLES SWINDELLS, STAFF ATTORNEY FOR 1000 FRIENDS OF OREGON:  
Testifies in opposition of SB 571.

360     CHAIR JOHNSON:     How often does 1000 friends represent people in these  
specific appeals?

369     SWINDELLS:     A mental estimate would be 30-40 % of the time.

387     CHAIR JOHNSON:     How does someone seek your committee out?

TAPE 54 SIDE A

04     SWINDELLS:     We no longer have the time and ability to help out  
individuals citizens in their land use problems.

34     CHAIR JOHNSON:     Adjourns Meeting 3:10 p.m.

Submitted by,     Reviewed by,

Patricia Wehrli Karen Quigley  
Committee Assistant     Committee Counsel

EXHIBIT SUMMARY:

A -     Testimony on SB 681 - Robert Hall - 2 pages  
B -     Testimony on SB 568 - Jon Chandler - 1 page  
C-     Testimony on SB 571 - Arthur J. Schlack - 2 pages  
D -     Testimony on SB 571 - Marion Millard - 1 page  
E -     Testimony on SB 571 - Charles Swindells - 4 pages  
F -     Testimony on SB 571 - Elmer Werth - 1 page