

SENATE COMMITTEE ON
WATER & LAND USE

Hearing Room
Tapes - 97

MEMBERS PRESENT:

Sen. Rod Johnson, Chair
Sen. Bob Kintigh, Vice-Chair
Sen. Neil Bryant
Sen. Ron Cease
Sen. Bill Dwyer

STAFF PRESENT:

Karen Quigley, Committee Counsel
Kimberly Shadley, Committee Assistant
John Leuthauser, Senate Floor Staff

MEASURES HEARD:

SB 488
SB 1113
SB 1114
SB 683
SB 963
SB 1084
SB 1033
SB 588
SB 600

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 JOHNSON: Calls the hearing to order. (1:21 p.m.)

WORK SESSION ON SB 588

050 MOTION: CHAIR JOHNSON MOVES RECONSIDERATION OF SB 588.

VOTE: HEARING NO OBJECTION THE MOTION CARRIES.

060 MOTION: CHAIR JOHNSON MOVES THAT THE SUBSEQUENT REFERRAL TO WAYS AND
MEANS BE RESCINDED.

SEN. CEASE: Refers to letter from City of Gresham, Exhibit A.

SEN. DWYER: Speaks in support.

VOTE: HEARING NO OBJECTION THE MOTION CARRIES.

MOTION: SEN. DWYER MOVES SB 588 AS AMENDED TO THE FLOOR WITH A DO PASS
RECOMMENDATION.

085 VOTE: ROLL CALL CARRIES UNANIMOUSLY. CARRIER: DWYER

WORK SESSION ON SB 600

CHAIR JOHNSON: Describes amendments, (-2) and (-3), Exhibit B.

135 SEN. DWYER: Describes logic behind the change he suggested, contained
in the (-3) amendments.

VICE-CHAIR KINTIGH: Federal tax credits have a limit; I'm not sure about
the five years.

MOTION: CHAIR JOHNSON MOVES THAT THE (-2) AMENDMENTS BE AMENDED BY THE
(-3) AMENDMENTS.

177 VOTE: HEARING NO OBJECTION THE MOTION CARRIES.

SEN. DWYER: We haven't talked about the mechanism to compensate; gives background on the bill.
(Describes intent.

235 CHAIR JOHNSON: Until the courts take care of regulatory takings, this bill takes it from 90% to 10%.
(The bill provides there won't be double payment.
(Continues describing amendments.

SEN. BRYANT: Ways and Means needs to make sure the tax credit system doesn't foul up our bond rating; staff should send a note asking that question.

297 MOTION: CHAIR JOHNSON MOVES ADOPTION OF (-2) AMENDMENTS AS AMENDED.

VOTE: HEARING NO OBJECTION THE MOTION CARRIES.

MOTION: CHAIR JOHNSON MOVES SB 600 AS AMENDED TO THE COMMITTEE ON WAYS AND MEANS.

VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES. MEMBERS VOTING NO: CEASE

PUBLIC HEARING ON SB 683

Witnesses: DICK BENNER, DEPARTMENT OF LAND CONSERVATION DEPARTMENT, (DLCD)
BLAIR BATSON, STAFF ATTORNEY, 1000 FRIENDS OF OREGON
LINCOLN CANNON
DON SCHELLENBERG, OREGON FARM BUREAU

306 CHAIR JOHNSON: Speaks in support.

345 DICK BENNER, DEPARTMENT OF LAND CONSERVATION DEPARTMENT, (DLCD):
Testifies in opposition.
(Gives background on HB 3661, (1993).
(There is no way to look at how this fits into the forest land base if you
do this on a case by case basis.

TAPE 97, SIDE A

040 BENNER: Describes situation the Department could take care of through rules.

CHAIR JOHNSON: Please type up your points; I'm not an expert on this and I want to share this with my county commissioners.

BENNER: I'll get them to you by mid day tomorrow.

060 BLAIR BATSON, STAFF ATTORNEY, 1000 FRIENDS OF OREGON: Testifies in opposition.

080 LINCOLN CANNON: Testifies in opposition.
(We would support 5 acre parcels for existing dwellings.

110 DON SCHELLENBERG, OREGON FARM BUREAU: Testifies in opposition.
(This issue is real, there is a need for an accessory dwelling.

PUBLIC HEARING ON SB 1084

Witnesses: DICK BENNER, DEPARTMENT OF LAND CONSERVATION DEPARTMENT (DLCD)

CHAIR JOHNSON: Describes his frustration with periodic review.
(Refers to (-1) amendments, Exhibit C.

190 DICK BENNER, DEPARTMENT OF LAND CONSERVATION DEPARTMENT, (DLCD): Much of the criticism you've heard derives from the program that existed through 1993.
(In 1991 you overhauled the periodic review system; HB 2150; describes

changes made.

(I believe that if you pass a law that ends periodic review for all but large cities, we would lose 2.3 to 2.5 million dollars in grant money that is directed to coastal cities.

480 BENNER: Describes old vs. new periodic review.

TAPE 96, SIDE B

090 CHAIR JOHNSON: Recess.
(Calls the hearing back to order.

PUBLIC HEARING ON SB 963

Witnesses: MARTHA PAGEL, DIRECTOR, WATER RESOURCES DEPARTMENT

095 VICE CHAIR KINTIGH: Describes intent.

110 MARTHA PAGEL, DIRECTOR, WATER RESOURCES DEPARTMENT: The statutes don't clearly exempt that type of use, but it isn't something we wish to issue water rights for.

(We would recommend using "collection of precipitation water which collects in or is discharged from a man made impervious surface".

(There are some house keeping changes in the bill; describes.

187 CHAIR JOHNSON: Would you approve "artificial" rather than "manmade"?

PAGEL: Yes.

WORK SESSION ON SB 963

223 MOTION: CHAIR JOHNSON MOVES THAT LINE 16 BE AMENDED TO ADD THE WORD "PRECIPITATION" BEFORE THE WORD "WATER", TO ADD THE WORD "ARTIFICIAL" BEFORE THE WORD "IMPERVIOUS" AND ON LINE 17 TO DELETE "A2".

VOTE: HEARING NO OBJECTION THE MOTION CARRIES.

232 MOTION: CHAIR JOHNSON MOVES SB 963 TO THE FLOOR, AS AMENDED, WITH A DO PASS RECOMMENDATION.

VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES. CARRIER: KINTIGH

PUBLIC HEARING ON SB 1084

WITNESSES: KEVIN HANWAY, SPECIAL DISTRICTS ASSOCIATION
ANTHONY BOUTARD, STAFF FORESTER, 1000 FRIENDS OF OREGON
ART SCHLACK, ASSOCIATION OF OREGON COUNTIES
RICHARD ANGSTROM, OREGON CONCRETE AND AGGREGATE PRODUCERS ASSOCIATION,
(OCAPA)

243 KEVIN HANWAY, SPECIAL DISTRICTS ASSOCIATION: Testifies in opposition.

285 ANTHONY BOUTARD, STAFF FORESTER, 1000 FRIENDS OF OREGON: Testifies in opposition; submits written testimony, Exhibit D.

370 SEN. CEASE: It isn't an onerous requirement, once every ten years.
(This requires that the local government once every ten years update their

file or at least say that nothing has changed.

TAPE 97, SIDE B

065 ART SCHLACK, ASSOCIATION OF OREGON COUNTIES: Testifies in opposition.
(If you did this I would hope that you would limit this to inside the urban growth boundary.

CHAIR JOHNSON: Asks Benner to put his notes in writing.

127 RICHARD ANGSTROM, OREGON CONCRETE & AGGREGATE PRODUCERS ASSOCIATION:
Testifies in opposition.

WORK SESSION ON SB 488

195 SEN. DWYER: I'm not going to support this bill.

WORK SESSION ON SB 1113

Witnesses: Keith Barthalamew, 1000 Friends of Oregon

Richard Angstrom, Oregon Concrete and Aggregate Producers Association

272 KEITH BARTHALAMEW, 1000 FRIENDS OF OREGON: We have concerns about the effect the bill may have on authorizing current illegal uses.
(Refers to written testimony submitted April 4, 1995.

320 RICHARD ANGSTROM, OREGON CONCRETE AND AGGREGATE PRODUCERS ASSOCIATION:
Testifies in opposition.
(LCDC should develop rules to accomplish this goal.

WORK SESSION ON SB 1114

CHAIR JOHNSON: There was a publication from the Sierra Club saying I cut off testimony on this bill and that isn't true. Thursday we stayed until 7:00 p.m.

410 SEN. DWYER: If we could have a couple of days to review these amendments it would be very helpful.

CHAIR JOHNSON: We are adjourned.

Submitted by, Reviewed by,

Kimberly Shadley	Karen Quigley
Committee Assistant	Committee Counsel

EXHIBIT SUMMARY:

A - SB 588: Informative material submitted for the record, pp
B - SB 600: (-2) & (-3) amendments submitted by staff,, pp
C - SB 1084: (-1) amendments submitted by staff, pp
D - SB 1084: Written testimony submitted by Boutard, pp
E - SB 1113: Written testimony submitted by OWCAP, pp 3
F - SB 600: Written testimony submitted by Gerrard, pp 1
G - SB 683: Written testimony submitted by Schellenberg, pp 1
H - SB 1033: (-3) amendments submitted by Staff, pp 5