

SENATE COMMITTEE ON
WATER AND LAND USE

Hearing Room B
Tapes -110

MEMBERS PRESENT:
Sen. Rod Johnson, Chair
Sen. Bob Kintigh, Vice-Chair
Sen. Neil Bryant

MEMBERS EXCUSED: Sen. Ron Cease
 Sen. Bill Dwyer

STAFF PRESENT:
Karen Quigley, Committee Counsel
Patricia Wehrli, Committee Assistant

MEASURES HEARD: SB 285 WORK SESSION
 SB 286 WORK SESSION
 SB 1113 WORK SESSION
 SB 379 PUBLIC HEARING
 SB 911 PUBLIC HEARING & WORK SESSION
 SB 991 PUBLIC HEARING & WORK SESSION
 SB 1049 PUBLIC HEARING & WORK SESSION

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

010 CHAIR JOHNSON: Convenes the hearing at 2:27 P.M.
 OPENS THE WORK SESSION ON SB 1113

SB 1113 - WORK SESSION

Witnesses: Betsy Johnson, Aeronautics Manager, Oregon Department of
Transportation Michael Van Hoomissen, Aviation Alliance
 Evan Boone, Oregon Pilot Organization
 Bob Rinde, Department of Land Conservation and Development (DLCD)

1995 KAREN QUIGLEY, Committee Counsel: Submits staff review dated April 13,
 (EXHIBIT_K).

 KAREN QUIGLEY, Committee Counsel: Submits proposed SB 1113-3 amendments
 (EXHIBIT_L).

034 BETSY JOHNSON, AERONAUTICS MANAGER, OREGON DEPARTMENT OF TRANSPORTATION:
 Testifies in support of SB 1113. Submits (EXHIBIT A).

121 MICHAEL VAN HOOMISSEN, AVIATION ALLIANCE: Testifies in support of SB
1113 and the SB 1113 amendments. Submits hand-engrossed proposed SB 1113-3
amendments (EXHIBIT B)

185 CHAIR JOHNSON: Questions section four of the -2 amendments. The intent
of the bill was not to preclude non-related activities at airports.

199 VAN HOOMISSEN: Suggests different language, but states purpose.

206 CHAIR JOHNSON: Explains his position against the proposed amendment.

217 VAN HOOMISSEN: Explains the reasoning for the language that he is
suggesting.

222 CHAIR JOHNSON: Asks for clarification.

225 VAN HOOMISSEN: "Appropriate non industrial aviation uses on the
airport, necessary for the economic viability of the airport."

237 CHAIR JOHNSON: So put the word "existing" in front of the word
"appropriate."

243 VAN HOOMISSEN: The Alliance is in support of this bill with the
exclusion of the subsection four.

279 EVAN BOONE, OREGON PILOT ORGANIZATION: Testifies in support of SB
1113.

350 CHAIR JOHNSON: Describes further proposed amendments to SB 1113.

388 BOB RINDE, DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT (DLCD):
Testifies in support of SB 1113.

TAPE 110 SIDE A

004 CHAIR JOHNSON: Asks for clarification in Section six paragraph one

007 RINDE: That would be section 4. Explains the language proposed.

MOTION: CHAIR JOHNSON moves to delete "6" and insert "8" on line five of
page one of the SB 1113-3 amendments. (See Exhibit L)

VOTE: Hearing no objections, the motion CARRIES. Sens. Cease and Dwyer
are EXCUSED.

MOTION: CHAIR JOHNSON moves to delete "essential" and insert "related" on
line 11 page one of the SB 113-3 amendments. (See Exhibit L)

VOTE: Hearing no objection, the motion CARRIES. Sens. Cease and Dwyer
are EXCUSED.

MOTION: CHAIR JOHNSON moves to delete "Airfields certified" and insert
"Airports registered" on line eighteen, page one of the SB 1113-3
amendments.

VOTE: Hearing no objections the motion CARRIES. Sens. Cease and Dwyer
are EXCUSED.

MOTION: CHAIR JOHNSON moves to delete "including privately" on line
nineteen of page one of the SB 1113-3 amendments.

VOTE: Hearing no objection the motion CARRIES. Sens. Cease and Dwyer are
EXCUSED.

MOTION: CHAIR JOHNSON moves to delete "owned residential airports and
other airfields" and after "that" insert "in 1994" of line 20 of page one
of SB 1113-3 amendments. (See Exhibit L)

VOTE: Hearing no objection, the motion CARRIES. Sens. Cease and Dwyer are
EXCUSED.

MOTION: CHAIR JOHNSON moves to delete "in 1994", change "support" to
"supported" and after "supported" insert "airport." of line 21 of page one
of the SB 1113-3 amendments. (See Exhibit L)

VOTE: Hearing no objection, the motion CARRIES. Sens. Cease and Dwyer are
excused.

MOTION: CHAIR JOHNSON moves to delete "not more than two" and insert "two
or less" one line two 2 of page two. (See Exhibit L)

VOTE: Hearing no objection, the motion CARRIES. Sens. Cease and Dwyer are
excused.

MOTION: CHAIR JOHNSON moves to insert the new language labeled "(3) (a)
(b) and (4) (ten lines in SB 1113-3 sub section E.) (See Exhibit L)

VOTE: Hearing no objection, the motion CARRIES. Sens. Cease and Dwyer are
EXCUSED.

MOTION: CHAIR JOHNSON moves to delete "(3)" and insert 5 on line 3 page
two. (See Exhibit L)

VOTE: Hearing no objection the motion CARRIES. Sens. Cease and Dwyer are
EXCUSED.

MOTION: CHAIR JOHNSON moves to delete "as part of" and insert "not later
than" on line five page two. (See Exhibit L)

VOTE: Hearing no objection the motion CARRIES. Sens. Cease and Bryant are
EXCUSED.

MOTION: CHAIR JOHNSON moves to delete "adoption of the amendments
described in" of line six of page two. (See Exhibit L)

VOTE: Hearing no objection, the motion CARRIES. Sens. Cease and Dwyer are
EXCUSED.

MOTION: CHAIR JOHNSON moves to delete the context of line seven of page two and insert "effective date of this 1995 Act." (See Exhibit L)

VOTE: Hearing no objection, the motion CARRIES. Sens. Cease and Dwyer are EXCUSED.

MOTION: CHAIR JOHNSON moves to add "June 30, 1996" after the word "before" on line eight of page two. (See Exhibit L)

VOTE: Hearing no objection, the motion CARRIES. Sens. Cease and Dwyer are EXCUSED.

MOTION: CHAIR JOHNSON moves insert "minimum" after the word "Commission" on page two line ten. (See Exhibit L)

VOTE: Hearing no objection, the motion CARRIES. Sens. Cease and Dwyer are EXCUSED.

MOTION: CHAIR JOHNSON moves to delete everything on line ten after the period. Delete line eleven, and delete "1995 Act" on line twelve, on line thirteen, delete "rules implementing the provisions of" and on line fourteen, delete "this section" and insert "the rules submitted the Department" after the word "than" insert "180" On line 20 after "aeronautic" insert "recreational" on line 30, after "before" insert "June 30, 1996"

VOTE: Hearing no objection, the motion CARRIES. Sens. Cease and Dwyer are EXCUSED.

MOTION: CHAIR JOHNSON moves that on page three, line four, delete "include" and insert "be limited to." INSERT THE NEW LANGUAGE OF "(2)", REMEMBER THE OLD "(2)" TO "(3)" ON LINE four after "adopt" insert "the rules submitted under", on line five insert "subsection (1) of this section" and delete "rules" , on line six after "than" insert "180". (See Exhibit L)

VOTE: Hearing no objection, the motion CARRIES. Sens. Cease and Dwyer are EXCUSED.

MOTION: CHAIR JOHNSON moves to insert the new "(2)" language between lines 4 and 5 on line five of page four, renumber "(2)" to "(3)", in line nine after "regarding" delete "privately owned", on line 10 after the period insert "Thereafter, local governments may" on line 10 through 12 insert the underlined language. On line seventeen , after "aircraft" delete the rest of the line . Delete line eighteen. On line nineteen delete the phrase "or privately owned" and on line 20, after "for" delete "not more than two" and insert "two or less". (See Exhibit L)

VOTE: Hearing no objection, the motion CARRIES. Sens. Cease and Dwyer are EXCUSED.

MOTION: SEN. KINTIGH moves to adopt the proposed amendments.

VOTE: Hearing no objection the motion CARRIES.

MOTION: SEN. KINTIGH moves that SB 1113 as amended to be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote the motion CARRIES. all members present vote AYE. Sens. Dwyer and Cease are EXCUSED.

179 CHAIR JOHNSON: CLOSSES THE WORK SESSION ON SB 1113
OPENS THE PUBLIC HEARING ON SB 1049.

SB 1048 - PUBLIC HEARING

Witness: George Read, Community Development Director for Deschutes County

249 GEORGE READ, COMMUNITY DEVELOPMENT DIRECTOR FOR DESCHUTES COUNTY:
Testifies in support of SB 1049. Submits (EXHIBIT C)

247 CHAIR JOHNSON: CLOSSES THE PUBLIC HEARING ON SB 1049
OPENS THE WORK SESSION ON SB 1049

SB 1049 - WORK SESSION

MOTION: CHAIR JOHNSON moves to change the words on line 11 and 13 days" to "45 days."

from "14

VOTE: Hearing no objection, the motion CARRIES. Sens. Cease and Dwyer are

EXCUSED.

MOTION: CHAIR JOHNSON moves to send SB 1049 to the Floor with a recommendation.

DO PASS

VOTE: In a roll call vote the motion CARRIES. All members present vote AYE. Sens. Dwyer and Cease are EXCUSED.

292 CHAIR JOHNSON: CLOSSES THE WORK SESSION ON SB 1049
OPENS THE PUBLIC HEARING ON SB 991

SB 991 - PUBLIC HEARING

Witnesses: Blair Batson, 1000 Friends of Oregon
Marilyn Dell
Bob Rinde, Department of Land Conservation and Development (DLCD)

KAREN QUIGLEY, Committee Counsel: Submits proposed SB 991-1 amendments (EXHIBIT V).

BLAIR BATSON, Staff Attorney, 1000 Friends of Oregon: Submits prepared testimony in opposition to SB 991 (EXHIBIT W).

312 MARILYN DELL: Testifies in support of SB 991. Submits (EXHIBIT D)

346 BOB RINDE, Department of Land Conservation and Development (DLCD): Testifies in opposition of SB 991.

TAPE 109 SIDE B

010 CHAIR JOHNSON: Proposes amendments.

014 RINDE: Explains his intent and testifies in opposition to the proposed amendments.

019 CHAIR JOHNSON: Explains that there is a caucus meeting and Sen. Kintigh and Bryant will be leaving for that, but he would be staying to hear testimony.

CLOSSES THE PUBLIC HEARING ON SB 991
OPENS THE PUBLIC HEARING ON SB 911

SB 911 - PUBLIC HEARING

Witnesses: Ken Beirly, Wetlands Team Program
Gary Gustafson, Division of State Lands
Richard Owens, Land Owner, District 19
Mae Yih, Oregon State Senator, District 19

KAREN QUIGLEY, Committee Counsel: Submits proposed SB 911-2 amendments (EXHIBIT M).

GARY GUSTAFSON, Director, Division of State Lands: Submits prepared testimony in support of the proposed SB 911-1 amendments (EXHIBIT O).

037 MAE YIH, OREGON STATE SENATOR DISTRICT 19: Testifies in support of SB 911. Submits (EXHIBIT E). Submits proposed SB 911-1 amendments (EXHIBIT_P).

075 RICHARD OWENS: Testifies in support of SB 911.

132 CHAIR JOHNSON: Questions the history of the use of the lands.

140 OWENS: Explains and continues his testimony.
--SB 911 protects the nesting island of the Great Basin Geese that we have recently developed.

172 CHAIR JOHNSON: Questions the SB 911-2 amendments. The plat restrictions for local ordinances, questions what they mean.

183 OWENS: When we purchased the land we knew we had to put the land in "Non-Farm" zoning. As a result a larger investment....
--LCDC has no objections to these amendments. Fish and Wild Life have no objections.

216 KEN BIERLY, WETLANDS PROGRAM TEAM LEADER: Testifies in support of SB 911-2 amendments.

222 SEN. YIH: Explains the support of the other state agencies.

237 CHAIR JOHNSON: CLOSSES THE PUBLIC HEARING ON SB 911.

244 CHAIR JOHNSON: OPENS THE WORK SESSION ON SB 285

SB 285 - WORK SESSION

KAREN QUIGLEY, Committee Counsel: Submits proposed SB 285-1 amendments (EXHIBIT Q).

CHAIR JOHNSON: CLOSSES THE WORK SESSION ON SB 285
OPENS THE WORK SESSION ON SB 286

SB 286 - WORK SESSION

Witness: Roy Burns

KAREN QUIGLEY, Committee Counsel: Submits revenue impact statement and proposed SB 286-1 amendments (EXHIBIT R).

280 ROY BURNS: Testifies in support of SB 286.

293 CHAIR JOHNSON: CLOSSES THE WORK SESSION ON SB 286
OPENS THE PUBLIC HEARING ON SB 379

SB 379 - PUBLIC HEARING

Witnesses: John Beaulieu, Deputy State Geologist, Department of Geology and Mineral Industries, (DOGAMI)
Clyde V. Brummell, Oregon Homeowner's Association (Portland)
James W. Charland, Oregon Department of Geology and Mineral Industries
Peggy A. Collins, Building Codes Division
James W. Good, Coastal Resources Specialist
Phyllis Cottingham, Member of Coastal Natural Hazards Policy Working Group
James B. Kennedy, Ph.D., AICP
Cheri Unger, League of Women Voters of Oregon

JAMES W. GOOD, Coastal Resources Specialist, Oregon State University
Extension Sea Grant Program & Coordinator, Oregon Coastal Natural Hazards Policy Working Group: Submits prepared testimony in support of SB 379 (EXHIBIT F).

PEGGY A. COLLINS, Manager, Code Development & Compliance Building Division: Submits prepared testimony on SB 379 (EXHIBIT I). Codes

JAMES B. KENNEDY, Ph.D., AICP: Submits prepared testimony in support of the concept of SB 379 (EXHIBIT J).

CHERI UNGER, President, League of Women Voters of Oregon: Submits prepared testimony in support of SB 379 (EXHIBIT N).

KAREN QUIGLEY, Committee Counsel: Submits proposed SB 379-1 and SB 379-2 amendments (EXHIBIT S).

CLYDE V. BRUMMELL, President, Oregon Homeowner's Association (Portland): Submits prepared testimony in support of SB 379 (EXHIBIT T).

JAMES W. CHARLAND, Oregon Department of Geology and Mineral Industries: Submits prepared testimony on SB 379 (EXHIBIT U).

309 JOHN BEAULIEU, Deputy State Geologist, Department of Geology and Mineral Industries (DOGAMI): Testifies in support of SB 379. Submits prepared testimony (EXHIBIT G).

330 PHYLLIS COTTINGHAM, Member Of Coastal Natural Hazards Policy Working Group: Testifies in support of SB 379. Submits prepared testimony (EXHIBIT H).

TAPE 110 SIDE B

027 CHAIR JOHNSON: CLOSSES PUBLIC HEARING ON SB 379
--Adjourns the meeting at 4:00 P.M.

Submitted by, Reviewed by,

Patricia Wehrli Karen Quigley
Committee Assistant Committee Counsel

EXHIBIT SUMMARY

A - Prepared Testimony on SB 1113 -- Betsy Johnson -- 14 Pages

B - Hand-engrossed Proposed SB 1113-3 Amendments -- Mike Van Hoomissen -- 5 Pages

C - Prepared Testimony on SB 1049 -- George Read -- 8 Pages

D - Prepared Testimony on SB 991 -- Marilyn Dell -- 2 Pages

E - Prepared Testimony on SB 991 -- Sen. Mae Yih -- 20 Pages

F - Prepared Testimony on SB 379 -- James W. Good -- 2 Pages

G - Prepared Testimony on SB 379 -- John Beaulieu -- 3 Pages

H - Prepared Testimony on SB 379 -- Phyllis Cottingham -- 2 Pages

I - Prepared Testimony on SB 379 -- Peggy Collins -- 2 Pages

J - Prepared Testimony on SB 379 -- James B. Kennedy -- 2 Pages

K - Staff Review dated April 13, 1995 -- Karen Quigley -- 7 Pages

L - Proposed SB 1113-3 Amendments -- Karen Quigley -- 5 Pages

M - Proposed SB 911-2 Amendments -- Karen Quigley -- 1 Page

N - Prepared Testimony on SB 379 -- Cheri Unger -- 1 Page

O - Prepared Testimony on SB 911 -- Gary Gustafson -- 1 Page

P - Proposed SB 911-1 Amendments -- Sen. Mae Yih -- 1 Page

Q - Proposed SB 285-1 Amendments -- Karen Quigley -- 1 Page

R - Revenue Impact Statement and Proposed SB 286-1 Amendments -- Karen Quigley -- 2 Pages

S - Proposed SB 379-1 and SB 379-2 Amendments -- Karen Quigley -- 2 Pages

T - Prepared Testimony on SB 379 -- Clyde V. Brummell -- 1 Page

U - Prepared Testimony on SB 379 -- James W. Charland -- 56 Pages

V - Proposed SB 991 Amendments -- Karen Quigley -- 1 Page

W - Prepared Testimony on SB 991 -- Blair Batson -- 3 Pages