

PRELIMINARY STAFF MEASURE SUMMARY

Senate Committee On Environment and Natural Resources

Fiscal: May have fiscal impact, but no statement yet issued

Revenue: May have revenue impact, but no statement yet issued

Action Date:

Action:

Meeting Dates:

Prepared By: Beth Reiley, Committee Administrator

WHAT THE MEASURE DOES:

Establishes that in order for wetlands to be created, restored or enhanced in exclusive farm use zones a local government must find that the use will not: 1) force significant change in the accepted farm or forest practices on surrounding land; 2) significantly increase the cost of accepted farm or forest practices on surrounding land; or 3) alter the stability of the agricultural land use pattern or cause significant change to farming practices alone, or in combination with other wetlands, that have been restored in the area. Defines operator, timber owner or landowner for purposes of liability limits associated with certain fish and wildlife habitat improvement projects. Allows for removal of up to 100 cubic yards of material from waters of this state without permit for purposes of maintaining drainage and protecting agricultural land.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

Oregon protects agricultural and forest lands under laws at Oregon Revised Statutes Chapters 197 and 215, and through Statewide Land Use Planning Goals 3 and 4. Counties are required to inventory farm and forest lands in their comprehensive plans and zone these lands for exclusive farm use (EFU) or forest use, and must protect these lands from incompatible development by restricting conflicting land uses and land divisions. Land use laws allow a variety of farm or forest related uses on farm and forest land. Under current law the creation, restoration or enhancement of a wetland is an allowable use on EFU land. Senate Bill 1517 would require that certain findings are made by a local governing body prior to a wetland being created, restored or enhanced.

Oregon's Removal-Fill Law (ORS 196.795-990) require that people who plan to remove or fill material in waters of the state obtain a permit from the Department of State Lands. The purpose of the law, enacted in 1967, is to protect public navigation, fishery and recreational uses of the waters. Senate Bill 1517 would allow for the removal of up to 100 cubic yards of material without a permit if the purpose was to maintain a drainage and protecting agricultural land.