

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:** 02/03, 02/04**Vote:****Prepared By:** Beth Reiley, Committee Administrator**WHAT THE MEASURE DOES:**

What the measure does: Establishes that wetlands may be created, restored or enhanced in exclusive farm use zones if a local government finds 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. Changes authorization for general permit to remove up to 100 cubic yards of material from waters of this state for purposes of maintaining drainage and protecting agricultural land to allowing such activities without permit.

ISSUES DISCUSSED:**EFFECT OF COMMITTEE AMENDMENT:**

(Proposed -4 Amendment) Replaces measure. Makes Legislative findings. Requires governing body of Tillamook County (Governing Body) to adopt, by regulation or ordinance, a pilot program to establish creation, restoration or enhancements of wetlands in areas zoned for exclusive farm use. Requires pilot program to include mechanism for parties, prior to approval or denial of permit, to enter into collaborative process to settle disputes related to the application. Establishes what parties may enter into dispute resolution process. Stipulates permit shall include and standards that parties agreed to if they satisfy approval standards. Authorizes Governing Body to initiate planning process identifying areas that are zoned for EFU and are suitable for wetland creation, restoration or enhancement; and areas zoned for EFU that are designated for use as priority areas for maintenance of agricultural use. Stipulates planning process must include certain considerations. Act does not apply to creation, restoration or enhancement of wetlands that are for: 1) purposes related to mitigation banking; 2) reclamation of lands affected by surface mining; 3) wetlands created, restored or enhanced to meet conditions of certain permits; and for wetland where construction commenced prior to adoption of pilot program; and 4) if project only involves planting vegetation in wetland or riparian area. Requires Governing Body to file report containing certain information to the interim committees of Legislative Assembly related to environment and natural resources of each odd numbered year until September 15, 2015. Sunsets Act June 30, 2026.

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.