

HOUSE AMENDMENTS TO A-ENGROSSED SENATE BILL 1517

By COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

February 25

- 1 On page 1 of the printed A-engrossed bill, line 2, after “projects” insert “; creating new pro-
2 visions; and amending ORS 196.820”.
- 3 In line 10, delete “for” and insert “that applies” and delete “of” and insert “for”.
- 4 On page 2, line 9, delete “215.213 (1)(o)” and insert “215.283 (1)(m)”.
- 5 In line 10, delete “shall” and insert “may” and delete “establishing” and insert “reviewing”.
- 6 In line 20, after “a” insert “project-specific”.
- 7 Delete line 23 and insert:
- 8 “(b) Any person whose use of the person’s property may be adversely affected by the proposed
9 use;”.
- 10 In line 26, after “submitted” insert “or that has expertise related to issues raised by the appli-
11 cation or by comments received by the governing body”.
- 12 Delete lines 27 through 29 and insert:
- 13 “(e) For the purpose of assisting in the project-specific collaborative process, any person with
14 technical expertise in:
- 15 “(A) Creating, restoring or enhancing wetlands in Tillamook County;
16 “(B) Creating, restoring or enhancing wetlands in areas with site characteristics similar to those
17 identified in the application for the use; or
18 “(C) The impacts of wetlands on agricultural operations.”
- 19 In line 30, after “a” insert “project-specific”.
- 20 In line 34, after “a” insert “project-specific”.
- 21 After line 37, insert:
- 22 “(6) The governing body shall discontinue a project-specific collaborative process requested un-
23 der subsection (3) of this section if, at any time during the process, the applicant requests that the
24 governing body resume processing the permit application under the procedures required by ORS
25 215.402 to 215.438.”
- 26 In line 38, delete “the pilot program required” and insert “a pilot program authorized”.
- 27 In line 39, delete “may” and insert “shall, subject to subsection (4) of this section,”.
- 28 Delete lines 44 and 45.
- 29 On page 3, delete line 1.
- 30 In line 2, delete “(3)” and insert “(2)” and delete “of Tillamook County” and delete “impacted”.
- 31 In line 5, delete “(4)” and insert “(3)”.
- 32 In line 12, delete “environmental”.
- 33 In line 15, delete “environmental”.
- 34 In line 23, delete “environmental”.
- 35 After line 24, insert:

1 “(4) The governing body is not required to initiate the planning process provided for in this
2 section if the governing body determines that adequate funding, which may include funding from any
3 combination of local, state, federal or other sources, is not reasonably available.

4 “(5) If a plan developed under this section is acknowledged pursuant to ORS 197.625, the gov-
5 erning body may, by ordinance, adopt a process for denying permits or streamlining the permitting
6 process for permit applications subject to the pilot program under section 4 of this 2016 Act. Ordi-
7 nances adopted under this section must provide for a process that is consistent with the priorities
8 identified in the plan.”

9 In line 25, delete “or” and insert “and”.

10 In line 30, after “wetlands” insert “are”.

11 In line 34, after “commenced” insert “, or required permits had been issued,”.

12 In line 36, delete “project” and insert “of the wetlands”.

13 In line 39, delete “the pilot program” and insert “a pilot program adopted under section 4 of this
14 2016 Act”.

15 After line 42, insert:

16 “(2) In developing a report required by this section, the governing body must consult with
17 stakeholders including, but not limited to, representatives of conservation interests and agricultural
18 interests, state and federal agencies and Indian tribes.”

19 In line 43, delete “(2)” and insert “(3)”.

20 On page 4, delete lines 1 through 4 and insert:

21 “(b) The number of permit applications received under the pilot program adopted under section
22 4 of this 2016 Act, the number of applicants that have requested entering into a project-specific
23 collaborative process to settle disputes concerning their applications and the disposition of applica-
24 tions received under the pilot program; and”.

25 In line 7, delete “(3)” and insert “(4)”.

26 In line 10, delete “June 30, 2026” and insert “January 2, 2027”.

27 After line 10, insert:

28 “**SECTION 9.** ORS 196.820 is amended to read:

29 “196.820. (1) Notwithstanding any provision of ORS 196.600 to 196.905 to the contrary, except
30 as provided in subsection (2) of this section, the Director of the Department of State Lands shall
31 not issue any permit to fill Smith Lake or Bybee Lake, located in Multnomah County, below the
32 contour line which lies 11 feet above mean sea level as determined by the 1947 adjusted United
33 States Coastal Geodetic Survey Datum.

34 “(2) [*Notwithstanding the provision of subsection (1) of this section,*] The Director of the Depart-
35 ment of State Lands may issue a permit to fill Smith Lake or Bybee Lake, located in Multnomah
36 County, if such fill is to enhance or maintain fish and wildlife habitat **or support recreational use**
37 **or public access** at or near Smith Lake or Bybee Lake. A fill shall be considered to be for the
38 purpose of enhancing or maintaining fish and wildlife habitat if the proposed fill is approved by the
39 State Department of Fish and Wildlife.”