

**78th Oregon Legislative Assembly - 2016 Regular Session**  
**STAFF MEASURE SUMMARY**  
**Senate Committee On Environment and Natural Resources**

**MEASURE: SB 1517 A**  
**CARRIER: Sen. Johnson**

**Fiscal:** Has minimal fiscal impact  
**Revenue:** No Revenue Impact

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**Action Date:** 02/11/16  
**Action:** Do Pass With Amendments. (Printed A-Eng.)  
**Meeting Dates:** 02/03, 02/04, 02/11  
**Vote:**

Yeas: 3 - Edwards, Olsen, Whitsett  
Nays: 1 - Dembrow  
Exc: 1 - Prozanski

**Prepared By:** Beth Reiley, Committee Administrator

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**WHAT THE MEASURE DOES:**

Makes Legislative findings. Requires governing body of Tillamook County (Governing Body) to adopt a pilot program, subject to ORS 215.296, to establish creation, restoration or enhancements of wetlands in areas zoned for exclusive farm use (EFU). 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. Stipulates permit shall include 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. Stipulates 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; 4) for wetland where construction commenced prior to adoption of pilot program; and 5) if project only involves planting vegetation in wetland or riparian area. Requires Governing Body to file report containing certain information to interim committees of Legislative Assembly related to environment and natural resources each odd numbered year until September 15, 2025. Sunsets Act June 30, 2026.

**ISSUES DISCUSSED:**

- Importance of wetland's to maintain healthy ecosystem
- Examples of wetland construction that has altered drainage patterns in area
- Lack of county authority to review wetland projects and consider impacts

**EFFECT OF COMMITTEE AMENDMENT:**

Replaces measure.

**BACKGROUND:**

Land use laws allow a variety of farm or forest related uses on farm and forest land. Some uses that are allowed in an exclusive farm use (EFU) area are subject to ORS 215.296, which allows a local government to determine whether the proposed use forces a significant change in accepted farm or forest practices on surrounding lands and may attach conditions to an approval to assist in reducing the impact of the proposed use on the surrounding area. Under current law, the creation, restoration or enhancement of a wetland is an allowable use on EFU land and does not require a review by the county to consider the impact of the project on neighboring landowners.

Senate Bill 1517A would allow the governing body in Tillamook County (Governing Body) to adopt, by regulation or ordinance, a pilot program to establish the creation, restoration or enhancement of wetlands in areas that are

zoned for EFU subject to a conditional use process. The Act would require the pilot program to include a mechanism for parties, prior to approval or denial of permit, to enter into a collaborative process to settle disputes related to the application. In addition, Senate Bill 1517A would authorize the Governing Body to initiate a planning process to identify areas that are zoned for EFU and are suitable for wetland creation, restoration or enhancement; and areas that are zoned for EFU that are designated for use as priority area for the maintenance of agricultural use.