

SB 1517-A11
(LC 199)
2/24/16 (MAM/ps)

Requested by HOUSE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 1517**

1 On page 1 of the printed A-engrossed bill, line 2, after “projects” insert
2 “; creating new provisions; and amending ORS 196.820”.

3 In line 10, delete “for” and insert “that applies” and delete “of” and insert
4 “for”.

5 On page 2, line 9, delete “215.213 (1)(o)” and insert “215.283 (1)(m)”.

6 In line 10, delete “shall” and insert “may” and delete “establishing” and
7 insert “reviewing”.

8 In line 20, after “a” insert “project-specific”.

9 Delete line 23 and insert:

10 “(b) Any person whose use of the person’s property may be adversely af-
11 fected by the proposed use;”.

12 In line 26, after “submitted” insert “or that has expertise related to issues
13 raised by the application or by comments received by the governing body”.

14 Delete lines 27 through 29 and insert:

15 “(e) For the purpose of assisting in the project-specific collaborative pro-
16 cess, any person with technical expertise in:

17 “(A) Creating, restoring or enhancing wetlands in Tillamook County;

18 “(B) Creating, restoring or enhancing wetlands in areas with site char-
19 acteristics similar to those identified in the application for the use; or

20 “(C) The impacts of wetlands on agricultural operations.”.

21 In line 30, after “a” insert “project-specific”.

1 In line 34, after “a” insert “project-specific”.

2 After line 37, insert:

3 “(6) The governing body shall discontinue a project-specific collaborative
4 process requested under subsection (3) of this section if, at any time during
5 the process, the applicant requests that the governing body resume process-
6 ing the permit application under the procedures required by ORS 215.402 to
7 215.438.”.

8 In line 38, delete “the pilot program required” and insert “a pilot program
9 authorized”.

10 In line 39, delete “may” and insert “shall, subject to subsection (4) of this
11 section,”.

12 Delete lines 44 and 45.

13 On page 3, delete line 1.

14 In line 2, delete “(3)” and insert “(2)” and delete “of Tillamook County”
15 and delete “impacted”.

16 In line 5, delete “(4)” and insert “(3)”.

17 In line 12, delete “environmental”.

18 In line 15, delete “environmental”.

19 In line 23, delete “environmental”.

20 After line 24, insert:

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

25 “(5) If a plan developed under this section is acknowledged pursuant to
26 ORS 197.625, the governing body may, by ordinance, adopt a process for de-
27 nying permits or streamlining the permitting process for permit applications
28 subject to the pilot program under section 4 of this 2016 Act. Ordinances
29 adopted under this section must provide for a process that is consistent with
30 the priorities identified in the plan.”.

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

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

3 In line 34, after “commenced” insert “, or required permits had been is-
4 sued,”.

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

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

8 After line 42, insert:

9 “(2) In developing a report required by this section, the governing body
10 must consult with stakeholders including, but not limited to, representatives
11 of conservation interests and agricultural interests, state and federal agen-
12 cies and Indian tribes.”.

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

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

15 “(b) The number of permit applications received under the pilot program
16 adopted under section 4 of this 2016 Act, the number of applicants that have
17 requested entering into a project-specific collaborative process to settle dis-
18 putes concerning their applications and the disposition of applications re-
19 ceived under the pilot program; and”.

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

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

22 After line 10, insert:

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

24 “196.820. (1) Notwithstanding any provision of ORS 196.600 to 196.905 to
25 the contrary, except as provided in subsection (2) of this section, the Director
26 of the Department of State Lands shall not issue any permit to fill Smith
27 Lake or Bybee Lake, located in Multnomah County, below the contour line
28 which lies 11 feet above mean sea level as determined by the 1947 adjusted
29 United States Coastal Geodetic Survey Datum.

30 “(2) [*Notwithstanding the provision of subsection (1) of this section,*] The

1 Director of the Department of State Lands may issue a permit to fill Smith
2 Lake or Bybee Lake, located in Multnomah County, if such fill is to enhance
3 or maintain fish and wildlife habitat **or support recreational use or public**
4 **access** at or near Smith Lake or Bybee Lake. A fill shall be considered to
5 be for the purpose of enhancing or maintaining fish and wildlife habitat if
6 the proposed fill is approved by the State Department of Fish and
7 Wildlife.”.

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