

WATER RESOURCES COMMISSION

WORK SESSION

SALEM

MARCH 29, 1990

MINUTES

Commission members present:

Bill Blosser
Lorna Stickel
Dierdre Malarkey
Cliff Bentz
Jim Howland
Mike Jewett

Commission members absent:

Hadley Akins

Water Resources staff:

Bill Young
Jan Shaw
Rick Bastasch
Roberta Jortner
Becky Kreag
Fred Lissner
Steve Sanders
Tom Kline

Others:

Denise McPhail
Scott Ashcom
Ed Weber
Tom O'Connor
Jim Knight
Susan Brody
Craig Greenleaf

The staff reports presented at this meeting, which contain the Director's recommendations mentioned in these minutes, are on file in the Office of the Director of the Water Resources Department, 3850 Portland Road, NE, Salem, Oregon. Written information submitted at this meeting is hereby made a part of this record and is on file at the above address. Audiocassette recording tapes of the meeting are also on file in the Water Resources Department office.

Chairman Blosser announced that the Commission would hold an executive session at the end of the work session, pursuant to ORS 192.600(1)(f), ORS 192.502(8), and ORS 40.225. The purpose of the work session was to discuss a letter protected by attorney-client privilege.

It was MOVED by Didi Malarkey and seconded by Mike Jewett to hold the executive session. The motion passed unanimously.

WORK SESSION AND REQUEST FOR AUTHORIZATION TO CONDUCT A PUBLIC HEARING ON THE WATER RESOURCES DEPARTMENT STATE AGENCY COORDINATION PROGRAM

Oregon's land use planning statutes (ORS 197.180) require state agencies to comply with the statewide planning goals and be compatible with local comprehensive land use plans when taking action affecting land use. Agencies assure compliance and compatibility through State Agency Coordination (SAC) Programs. SAC Programs are to agencies what comprehensive plans are to counties and cities – ways to achieve compliance with the goals. Just as the Land Conservation and Development Commission (LCDC) acknowledged local plans, LCDC is responsible for approving ("certifying") SAC Programs.

SAC Programs consist of four main elements: (1) Descriptions of programs and activities which have been identified as affecting land use; (2) Rules and procedures to assure agency actions comply with the statewide planning goals and are compatible with local comprehensive land use plans; (3) Procedures for coordination with the Department of Land Conservation and Development (DLCD), special districts, and other state and federal agencies; and, (4) A program for cooperating with, and providing technical assistance for local governments.

SAC Program rules and procedures must be adopted and approved in final form by state agencies before submittal to LCDC. The Water Resources Department's SAC Program is scheduled for LCDC review this fall. This requires the Program to be submitted this summer to DLCD for staff review. To meet this deadline, it is important that the public review process begin soon.

Staff began work on the SAC Program in April 1989. Throughout development of this SAC Program, staff met frequently with affected or interested parties, including the Commission, WRD program managers, local government and special district representatives, other state agency staff and the Attorney General's Office. Staff reported to the Commission on SAC Program development on April 17, September 29, and November 16, 1989. WRD program managers were asked to complete a questionnaire on land use topics last spring. Staff reported to the Agency Management Group on three occasions.

Proposed compatibility rules and procedures were discussed extensively with affected program managers. Last July, a survey on water and land use was sent to each city and county in the state. Local government officials attended workshops in the state. Local government officials attended workshops last November and in January to discuss the SAC Program. Staff met with the Department's Assistant Attorney General to discuss SAC Program issues and concepts in July, October, and February. Finally, there was continuous coordination with DLCD staff, culminating in a recent meeting between the Directors of DLCD and WRD.

Director's Recommendation

The staff recommended that the Commission authorize the Department to conduct a rulemaking hearing on the proposed SAC Program rules and rule amendments. Staff also requested Commission approval for public review of the procedures and information contained in the draft Land Use Planning Procedures Guide. The Commission was asked to designate a member(s) to participate and /or direct staff to conduct the hearing. Staff

recommended the hearing be scheduled for Wednesday, May 2, at the Water Resources Department in Salem.

Susan Brody, Director, DLCD, commended the Department's efforts to date and said they would work closely with the Department after rule adoption to gain approval from the LCDC.

After lengthy discussion and a number of amendments, it was MOVED by Lorna Stickel and seconded by Cliff Bentz to go to hearing on this matter with the three attachments which were amended by the Commission. The motion passed unanimously.

Lorna Stickel agreed to act as hearings officer at the May 2 hearing.

There being no further business, the work session was adjourned, and the executive session was convened.

Respectfully submitted,

Jan Shaw
Commission Assistant

JS:dkh

1101D