



Oregon

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May 13, 2011

RULEMAKING NOTICE

TO: The Honorable Peter Courtney, President of the Senate
The Honorable Bruce Hanna, Co-speaker of the House
The Honorable Arnie Roblan, Co-speaker of the House

FROM: Michael Morrissey, Policy Analyst

SUBJECT: Notice of Proposed Amendments to Rules Regarding the Siting of Irrigation Reservoirs

The Land Conservation and Development Commission (LCDC) is considering amendments to administrative rules at OAR 660-033-0130 and -0120 Table 1, regarding the siting of irrigation reservoirs on land planned and zoned for exclusive farm use. Dropping groundwater levels around the state are likely to lead to an increased need for irrigation reservoirs. Oregon Board of Agriculture members have requested that LCDC clarify the process for approving such facilities.

The proposed rule amendments are intended to recognize irrigation reservoirs as an essential type of farm infrastructure to be permitted as a utility facility necessary for public service under ORS 215.213(1)(c) and 215.283(1)(c). The rule amendments attempt to create a clear process for review that is not overly burdensome, yet that provides an opportunity for county review. The proposed rule amendments also restrict certain uses around irrigation reservoirs that could potentially conflict with the irrigation function of these facilities. These uses include commercial recreational uses, destination resorts, other public utilities and commercial power generating facilities that might be attracted to the reservoir.

LCDC will hold a public hearing to consider the proposed rule amendments and to receive public testimony at its June 22-23, 2011 meeting at the department address above in the basement hearing room. The meeting will begin at 8:30 a.m. and other agenda items may precede the rule hearing. LCDC will consider a staff recommendation and public testimony and may adopt the proposed rules. The rules would be effective upon filing with the Secretary of State.

The Notice of Proposed Rulemaking and fiscal statement as well as the proposed rule amendments are attached and are posted on DLCD's website at <http://www.lcd.state.or.us/LCD/rulemaking.shtml>. The agenda for LCDC's June 22-23 meeting will be posted on DLCD's website at least 10 days prior to the meeting at <http://www.lcd.state.or.us/>. Interested persons may provide oral or written testimony at the hearing or may send written comments in advance to the Chair of the Land Conservation and Development Commission, care of Casaria Tuttle, at the department's address above, or email comments to casaria.r.tuttle@state.or.us. Fax comments to 503-378-5518. For additional information, please contact Katherine Daniels, Farm and Forest Lands Specialist, at 503-373-0050 ext. 329 or katherine.daniels@state.or.us.

This notice is also being provided to the chairs of "interim or session committees with authority over the subject matter of the rule," as required by ORS 183.335(15)(b):

Sen. Dingfelder

Sen. Beyer

Rep. Clem

Rep. Schaufler

Rep. Krieger

Rep. Cannon

Rep. Bentz

Rep. Sheehan

Rep. Kennemer

Rep. Johnson