

## **HOUSE COMMITTEE ON LAND USE**

**January 19, 2005 Hearing Room 50**

**1:30 PM Tapes 3 - 4**

**Corrected 10/14/05**

**MEMBERS PRESENT: Rep. Bill Garrard, Chair**

**Rep. Gordon Anderson, Vice-Chair**

**Rep. Mitch Greenlick**

**Rep. Robert Ackerman**

**Rep. Mary Nolan**

**Rep. Patti Smith**

**Rep. Mac Sumner**

**STAFF PRESENT: Sam Litke, Committee Administrator**

**Lindsay Luckey, Committee Assistant**

### **MEASURES/ISSUES HEARD & WITNESSES:**

**1000 Friends of Oregon – Informational Meeting**

**Oregon Cattlemen’s Association– Informational Meeting**

**Oregonians in Action– Informational Meeting**

**These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.**

<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
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**TAPE 3, A**

003	Chair Garrard	Calls the meeting to order at 1:37 PM. Opens an informational meeting.
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**1000 FRIENDS OF OREGON – INFORMATIONAL MEETING**

013	Bob Stacey	Executive Director, 1000 Friends of Oregon. Introduces Elon Hasson, Staff Lobbyist.
019	Stacey	Thanks the committee. Notes that remarks will be less structured and will focus more directly on questions from the Committee.
025	Stacey	References Oregon's Land Use Planning informational material distributed to public in Question/Answer format <b>(EXHIBIT A)</b> .
032	Stacey	Notes that Oregon's Land Use Planning program has been successful.
037	Stacey	Explains regional differences in land use planning <b>(EXHIBIT A, Page 1)</b> .
052	Stacey	Discusses farmland protection and importance of the issue, as farmland protection was one of the principle objectives of SB 100 (1973) and SB 101 (1973) and currently plays a role in the land use debate <b>(EXHIBIT A, Page 3)</b> .
074	Stacey	Discusses urban growth boundaries (UGBs) and housing costs as they relate to land use planning <b>(EXHIBIT A, Page 5)</b> .
090	Stacey	Describes benefits of the land use planning program in Oregon.
095	Stacey	Discusses the continued importance of agriculture in Oregon.

108	Stacey	Gives an example from the Port of Portland exemplifying the link between agriculture and the economy of Portland.
115	Stacey	Reiterates the importance of the UGB principle as it relates to maintaining productive agricultural lands near metropolitan areas.
135	Stacey	Discusses the rural land policies and their positive secondary effects.
145	Stacey	Talks about Oregon's "livability" and its importance to the economy as an employee recruiting tool among other things.
163	Stacey	Provides an anecdote demonstrating Oregon's competitive advantage.
178	Stacey	Stresses the importance of a land use plan that does not impede economic growth.
185	Stacey	Provides an example of maintenance of the Portland UGB during a time of large growth.
200	Stacey	Notes that while the price of housing went up, Portland is still the least expensive metro area of comparable size on the West coast.
216	Stacey	Reports on the relative cost of living in Portland as compared to other cities.
225	Stacey	Recounts the positive aspects of the Land Use Planning Program.
234	Stacey	Concedes that the land use system is not without problems. Elaborates.
244	Stacey	Urges the Committee to maintain the program "and not see [it] unhinged by application of the literal provisions of the measure just adopted by the people as opposed to"... "the goals behind the measure".
246	Rep. Anderson	Summarizes Stacey's earlier comment that his organization, "[doesn't] want to protect resources just to make things look pretty" and asks if this applies to forestry natural resources. Cites conversations with environmental community who are interested in protecting the "beauty of our old growth" forests. Wonders if what

Stacey is saying correlates with the “feeling” among environmentalists.

263	Stacey	Responds that he is a conservationist as well as in favor of economic development. Elaborates, citing 1000 Friends of Oregon support of the Land Conservation and Development Commission (LCDC) Goal 4, the Forest Lands Goal.
276	Rep. Anderson	Provides an example and suggests that other incentives factor into decisions about where businesses move.
296	Rep. Greenlick	Discusses discrepancies in east and west Oregon farmland and the criticism that laws concerning urbanization in Eastern Oregon don't make sense. Asks Stacey to comment.
316	Stacey	Responds that its an important question and is interrupted by a fire alarm.
321	Chair Garrard	Recesses meeting at 1:55 PM for fire drill and building evacuation.
321	Chair Garrard	Reopens the meeting at 2:14 PM. Invites Stacey to answer the question posed before the recess.
322	Stacey	Restates the question. Suggests that there are some differences in the laws.
354	Stacey	Continues, describing the varying scales of agriculture. Notes ranching and the types of land and amounts of land necessary for productivity, which in turn leave ranchers more vulnerable to land use impacts.
377	Stacey	Makes a recommendation for Committee while considering Measure 37.
393	Stacey	Discusses considering alternative management for land outside the categories of agricultural, forest and range.
406	Stacey	Urges Committee to consider the quantity of land protected and the quality of the protection while acknowledging the competing view and its effect on productive ranching and other agricultural pursuits. Thinks that the proposed 30 year review of land use policy will help to clarify issues.

## TAPE 4, A

008	Chair Garrard	Wants to clarify the position of 1000 Friends of Oregon and their openness to discussion of land designation and land planning requirement problems between east and west Oregon.
014	Stacey	Responds affirmatively, noting the impact of land use law changes and openness to discussions and creative solutions.
022	Stacey	Gives an example from Klamath County and land designated “non-resource”.
026	Chair Garrard	Responds with an example concerning “non-resource” land.
032	Rep. Ackerman	Expresses concern with lack of attention to anticipated population growth and its effect on land use planning. References ( <b>EXHIBIT A, Page 2</b> ) and questions statistics provided on growth rates. Discusses his concern with compliance with the goal (DLCD) of affordable housing and its relationship to land use planning.
049	Stacey	Refers Ackerman to ( <b>EXHIBIT A, Page 5</b> ). Acknowledges outdated statistics. Discusses difference between percentages and absolute growth.
058	Stacey	Explains the success of UGBs in the Portland area as well as their process compared to other cities in Oregon.
075	Rep. Anderson	Notes 1000 Friends of Oregon’s view that Measure 37 is flawed. Requests an outlining of the actions taken by 1000 Friends of Oregon and similar organizations to counter Measure 37.
081	Stacey	Discusses actions in last 2 sessions (2003 and 2001). Notes his predecessor’s work on substitute legislations for Measure 7 (2000 General Election).
111	Chair Garrard	Discusses the Interim Committee’s findings and asks for an opinion on the elimination of 3rd parties from the appeals process.
124	Stacey	Explains that the current appeals process fairly protects neighbors and applicants because of the relation to local decision making authorities.

153	Rep. Greenlick	Makes a distinction between 3rd parties effected by a decision and outside groups, such as 1000 Friends of Oregon, participating in the appeals process.
169	Stacey	Clarifies his position that groups should have the right to appear citing 2 reasons: <ul style="list-style-type: none"> <li>• Land use laws are based on the participation not upon degree of injury and the importance of the local decision-making process.</li> <li>• Through a decision in the 1981 Legislative Assembly, "citizen appeals would be the principal means through which the statewide planning goals would be enforced."</li> </ul>
206	Chair Garrard	Thanks Stacey and invites Ross Day and Glen Stonebrink to testify.

### **OREGON CATTLEMEN'S ASSOCIATIONS – INFORMATIONAL MEETING**

225	Glen Stonebrink	Executive Director, Oregon Cattlemen's Association. Submits prepared statement <b>(EXHIBIT B)</b> .
247	Stonebrink	Makes historical references to the role of private property rights and the connection in the Constitution between "pursuit of happiness" and property. References 5th and 14th Amendments to the Constitution.
268	Stonebrink	Discusses the phrase "overwhelming public need" in relation to compensation for taking away private property rights.
282	Stonebrink	References US Constitution (Art. 1, Sec. 8). Discusses protections against government purchasing private land.
307	Stonebrink	Submits that current land use laws violate US and Oregon Constitutions. References <b>(EXHIBIT B, Page 4)</b> .
315	Stonebrink	Reads Article 1, Section 20: Equality of privileges and immunities of citizens.
326	Stonebrink	Gives an example of unfair treatment.
341	Stonebrink	Makes a distinction between what is explicitly expressed in the Constitution and what is not. Stating that specifics about how land is to be used is not a part of the Constitution.

371	Stonebrink	Expresses disagreement with some farmers.
391	Stonebrink	Gives example of failure in land use planning

**TAPE 3, B**

003	Stonebrink	Discusses the possibility of giving land use planning jurisdiction to smaller regions throughout the state. Expresses intention to introduce a bill that would put every city and county in charge of their own land use planning.
026	Stonebrink	In response to an earlier question “What kinds of land needs to be protected” he responds that property rights need to be protected.
036	Stonebrink	Gives a personal account of problems in dealing with selling and maintaining his farmland. Draws a visual diagram.
055	Rep. Greenlick	Asks who in “the state” was involved and how they got involved in this particular issue.
058	Stonebrink	Responds.
075	Stonebrink	Continues example.
088	Stonebrink	Explains that fears of developments in many farmlands are unwarranted because of the amount of land owned by Oregon.

**OREGONIANS IN ACTION – INFORMATIONAL MEETING**

095	Ross Day	Director of Legal Affairs, Oregonians in Action. Describes his presentation through PowerPoint which will be an overview of the Oregon system of land use, dispel some myths about it, and discuss areas of concern for the group.
108	Day	Begins background of the Oregon Land Use System. Discusses SB 100 (1973).
	Day	Discusses fundamental premise of land use system and how it is maintained through Urban Growth Boundaries (UGB).

126	Day	Cites instances of “overly restricted farm and forest land outside of UGBs.”
150	Day	Discusses intention of SB 100 to be locally controlled and implemented.
161	Rep. Greenlick	Remarks on testimony heard during the interim about land outside of UGB zoned as industrial commercial.
167	Day	Discusses the limited circumstances in which there are rural industrial, rural commercial or rural residential zones. But states that most land outside UGBs is designated farm, forest or open space.
176	Day	Notes the 19 Statewide Land Use Planning Goals and states that Goals 3, 4 and 5 cause most of the frustration with the land use system.
183	Day	Begins discussion of Goal 3: Agricultural Lands Goal.
196	Day	Gives an example of prohibitive land use restrictions from Crook County.
221	Day	Gives another example.
224	Day	Begins discussion of Goal 4: Forest Lands Goal.
231	Day	Gives an example of prohibitive land use restrictions from Jackson County.
256	Day	Explains Goal 5: Natural Resources, Scenic and Historic Areas and Open Spaces Goal
263	Day	Gives an example of the impacts of Goal 5. Cites an example from Metro in Aug 2004.
290	Day	Uses Goal 5 as an example of why land use system needs change.
310	Day	Submits and explains “6 biggest myths about the Oregon Land Use Planning System”



Myth 1) “Oregon’s Land Use Planning system is a nationally acclaimed model”

Notes that no other state has adopted a statewide, centralized Land Use Planning system in 32 years of its existence.

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| 328 | Day | 2) “Without Oregon’s Land Use Planning system, Oregon would be “one big subdivision””                                       |
|     |     | Notes that majority of land unavailable for development and urges a doubling of land allowed to be developed from 2 to 4 %. |
| 346 | Day | 3) “Oregon Land Use System preserves Livability”  |
|     |     | Counters that Portland has gone from being one of the most affordable cities to one of the least affordable.                |
| 371 | Day | 4) “Oregon’s Land Use system is good for the economy.”  |
|     |     | Discusses the problem of length of permitting.  |
| 391 | Day | 5) “Oregon’s Land Use planning is popular with Oregonians”  |
|     |     | Notes statistics on discontent in dealing with the land use planning system.  |
| 412 | Day | 6) “Oregon’s Land Use System benefits the public at no cost to anyone.”   |
|     |     | Asserts that Oregon’s property owners pay.  |

#### **TAPE 4, B**

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| 012 | Day | Gives several anecdotes of limited property use.                            |
| 046 | Day | Discusses Measure 7 (2000 General Election).                                |
| 053 | Day | Gives a list of issues he’d like the Committee to address                   |
| 057 | Day | 1) A review of the definitions of farm and forest land under Goals 3 and 4. |
| 061 | Day | 2) Speeding up the Land Use Planning system.                                |

064	Day	3) Development on resource zoned lands.
080	Day	Urges the recognition that any real reforms will result in development of resource lands.
083	Day	4) Return local control to local governments.
090	Day	Reiterates that “development does not mean gutting Oregon’s land use system.”
101	Day	Concluding remarks.
112	Stonebrink	References <b>(EXHIBIT B, Page 3)</b> the Administrative Procedures Act.
130	Stonebrink	Makes a final request that LCDC create a public list of key legislation and rules and implementation date for state.
155	Chair Garrard	Makes concluding remarks and adjourns meeting at 3:23 pm.

## **EXHIBIT SUMMARY**

- A. 1000 Friends of Oregon Informational Packet, Bob Stacey, 6 pp.**
- B. Oregon Cattlemen’s Association Prepared Statement, Glen Stonebrink, 4 pp.**