

HOUSE COMMITTEE ON LAND USE

March 21, 2005 Hearing Room 50

1:30 P.M. Tape 43

MEMBERS PRESENT: Rep. Bill Garrard, Chair

Rep. Gordon Anderson, Vice-Chair

Rep. Mitch Greenlick, Vice-Chair

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:

HB 2618 – Public Hearing

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.

TAPE/# Speaker Comments

TAPE 43, A

002 Chair Garrard Calls the meeting to order at 1:34 p.m. and opens a public hearing on HB 2618.

HB 2618 – PUBLIC HEARING

014 Ross Day Director of Legal Affairs, Oregonians in Action. Discusses the intent of HB 2618 to consider factors beyond the farm income test for determining eligibility for farm dwellings. Comments it will remove the impetus for many Measure 37 claims.

048 Rep. Ackerman Asks if the test HB 2618 proposes is a substitute for the existing income test or a supplement.

055 Day Responds that it falls somewhere in between. Elaborates on the theoretical determination of the income test.

067 Rep. Ackerman Relays his concern about leaving a clear record of legislative intent for future interpretation. States his reading of HB 2618 is that the test is not exclusive and is supplementary.

078 Day Agrees that it would supplement and states the intention of HB 2618 to give incentive for the commission to revisit the farm income test.

083 Rep. Greenlick Refers to Day's earlier statement about an inability to farm due to lack of farm dwellings.

085 Day Corrects his intention to say that there are some who want to farm but are unable to build a dwelling on their property.

094 Rep. Greenlick Reads a paragraph from the written testimony of Mike McCarthy from the public hearing on HB 2618 held on March 14, 2005 which cites reasons for the farm income test and asks Day for comment.

104 Day Discusses the determination of the income test and asserts that the provisions of HB 2618 would be more objective.

130 Lane Shetterly Director, Department of Land Conservation and Development (DLCD). States the DLCD's opposition to HB 2618 as written. Asserts that it would expand the rights created by Measure 37 (2004). Encourages waiting for a resolution on Measure 37 issues and promotes SB 82 which would initiate a 30-year land use planning program review.

180	Shetterly	Adds that an updated report is being compiled on Measure 37 and offers to present it to the committee.
190	Elon Hasson	1000 Friends of Oregon. Submits written testimony on behalf of Carrie MacLaren in opposition to HB 2618 (EXHIBIT A) . Reinforces support for SB 82. Elaborates on 4 major concerns on HB 2618 enumerated on Page 1 of (EXHIBIT A) .
241	Stephen Kafoury	Oregon Chapter of the American Planners Association (OACPA). Encourages the committee not to pass the bill without having a better understanding of its implications. Frames concept of the bill in larger context of Measure 37 and discusses work group on Senate side.
275	Chair Garrard	Closes the public hearing on HB 2618.
280	Chair Garrard	Discusses intention of the committee to begin grouping Measure 37 legislation and forming a subcommittee to specifically deal with Measure 37.
296	Chair Garrard	Reports that the committee will not hear SB 348 because Multnomah County Commission approved the property in question.
311	Rep. Greenlick	Comments on Multnomah County's unique stance on partition of property.
330	Chair Garrard	Adjourns the meeting at 1:57 p.m.

EXHIBIT SUMMARY

A. HB 2618, written testimony of Carrie MacLaren, Elon Hasson, 4 ppA