

**HOUSE COMMITTEE ON LAND USE**

**March 23, 2005 Hearing Room 50**

**1:30 P.M. Tapes 44 - 45**

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

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

**Rep. Mitch Greenlick, Vice-Chair**

**Rep. Robert Ackerman**

**Rep. Mary Nolan**

**Rep. Mac Sumner**

**MEMBER EXCUSED: Rep. Patti Smith**

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

**Lindsay Luckey, Committee Assistant**

**MEASURES/ISSUES HEARD:**

**HB 2668 – Public Hearing and Work Session**

**HB 2755 - Public Hearing**

**HB 2643 - 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.**

<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 44, A</b>		
002	Chair Garrard	Calls the meeting to order at 1:35 p.m. and opens a public hearing on HB 2668.
<b><u>HB 2668 – PUBLIC HEARING</u></b>		
010	Sam Litke	Committee Administrator. Introduces the provisions of HB 2668.
015	Phil Stenbeck	Senior long range planner, Douglas County Planning Department. Submits written testimony in support of HB 2668 ( <b>EXHIBIT A</b> ). Relays that the Douglas County Board of Commissioners is the requestor. Reports that HB 2668 would expand ORS 368.351 to include interior plat lines in subdivisions and partitions. Urges support of HB 2668.
065	Rep. Anderson	Summarizes that the effect of the bill will be to simplify the process of citing businesses and states his support of the concept.
070	Chuck Pearson	County surveyor, Oregon Association of County Engineers and Surveyors. Notes supports for the concept of HB 2668 but lists several concerns including: <ul style="list-style-type: none"> <li>• exclusion of cities</li> <li>• no requirement for public notice after a certain point</li> <li>• lack of definition</li> <li>• no provision to vacate easements along lot lines.</li> </ul> Expresses willingness to work on amendments to HB 2668.
102	Chair Garrard	Asks if his proposed changes are wordsmithing or philosophical.
106	Pearson	Responds that the changes are minor and would not require a complete redrafting. Recommends the addition of other sections to address his concerns.
112	Rep. Ackerman	Cites Stenbeck’s written testimony ( <b>EXHIBIT A</b> ) and asks about the support of “the amendments proposed in HB 2668”. Asks if there are amendments in progress that the committee has not seen.

121	Stenbeck	Discusses the effect of HB 2668.
129	Rep. Ackerman	Asks if by using the word “amendment” he is referring to amendments to the statute or new amendments.
131	Stenbeck	Clarifies he is referring to the changes made by HB 2668.
134	Rep. Ackerman	Asks if it is Stenbeck’s testimony that HB 2668 would eliminate the process for a lot line adjustment in a subdivision to subdivision replat.
138	Stenbeck	Responds that in the scenario given in <b>(EXHIBIT A)</b> a landowner could use the proposed process to expedite their needs. Continues that it does not replace or eliminate the replat, the lot line adjustment or the vacation processes.
140	Chair Garrard	Asks if Stenbeck thinks Pearson’s suggestions are needed.
148	Stenbeck	Comments that HB 2668 comes from a county’s point of view and expresses their hesitation in suggesting “ways of doing land use” within city jurisdictions.
160	Chair Garrard	Asks if HB 2668 will effect cities at this point.
165	Stenbeck	Answers that they will not at this point.
169	Rep. Anderson	Asks how they will deal with the easement problem.
172	Stenbeck	Responds that HB 2668 is strictly focused on boundary lines and may or may not have easements.
183	Rep. Greenlick	Welcomes constituents who are sitting in on the meeting.
190	Chair Garrard	Closes the public hearing on HB 2668 and opens a work session on HB 2668.

### **HB 2668 – WORK SESSION**

192	Rep. Greenlick	<b>MOTION: Moves HB 2668 to the floor with a DO PASS recommendation.</b>
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**VOTE: 6-0-1**

**AYE: In a roll call vote, all members present vote Aye.**

**EXCUSED: 1 - P. Smith**

**Chair Garrard The motion CARRIES.**

197 Chair Garrard Closes the work session on HB 2668 and opens a public hearing on HB 2755.

**HB 2755 – PUBLIC HEARING**

200 Sam Litke Committee Administrator. Introduces the provisions of HB 2755 and -1 Amendments (**EXHIBIT B**).

251 Rep. Greenlick As a sponsor of HB 2755, defers to Tom Gallagher.

258 Tom Gallagher Professional Land Surveyors. Introduces panel and reports support of -1 Amendments (**EXHIBIT B**). Mentions a concern raised about a potential Measure 37 (2004) issue and the possibility of -2 Amendments.

279 Chuck Pearson County surveyor, Oregon Association of County Engineers and Surveyors. Submits and summarizes written testimony in support of HB 2755 (**EXHIBIT C**).

311 Dan Linscheid Oregon Association of County Engineers and Surveyors and Professional Land Surveyors of Oregon. Submits written testimony in support of HB 2755 (**EXHIBIT D**).

330 Art Schlack Association of Oregon Counties. Discusses concern with the removal of a provision on Page 4 of HB 2755 (6) requiring that parcels larger than 10 acres be shown on a plat. Discusses the significance of the term “lawfully created parcels” in relation to Measure 37.

364 Chair Garrard Asks how long it will take to rework the amendments.

368 Gallagher Responds they can provide them by next week

370 Chair Garrard Confirms that a week from today will be sufficient.

371 Chair Garrard Closes the public hearing on HB 2755 and opens a public hearing on HB 2643.

### **HB 2643 – PUBLIC HEARING**

389 Sam Litke Committee Administrator. Introduces the provisions of HB 2643.

### **TAPE 45, A**

023 Dave Hunnicutt Oregonians in Action. Speaks in support of HB 2643. Cites the miszoning of rural lands as a continually prevalent issue. Discusses adherence to Land Conservation and Development Commission's (LCDC) Goals 3 and 4 and their impacts on eastern Oregon land. Discusses efforts on the Senate side and requests time to come back with a more comprehensive solution.

092 Chair Garrard Responds that if the Senate is not ready within a reasonable amount of time he would like to move forward on the secondary lands issue and asks Hunnicutt if he approves.

103 Hunnicutt Responds affirmatively and reiterates necessity of addressing the issue now.

112 Lane Shetterly Director, Department of Land Conservation and Development (DLCD). Reiterates Hunnicutt's testimony of the comprehensive discussion around Measure 37 on the Senate side. States DLCD's opposition to HB 2643 as a stand alone bill and submits an informational report from Ron Eber on secondary lands (**EXHIBIT E**). Encourages delaying proceeding with HB 2643 until cumulative impacts are known.

155 Rep. Ackerman Asks the Chair if the committee should wait to act on HB 2643.

159 Chair Garrard Expresses disappointment in Shetterly's recommendation to delay and asserts that the issue of secondary lands need to be dealt with. Asks if the committee would be open to delay for the time being.

180 Don Schellenberg Oregon Farm Bureau. Submits and reads from written testimony recommending a critical review of LCDC Goal 3 (**EXHIBIT F**).

220 Art Schlack Association of Oregon Counties (AOC). Relays consensus among counties that some lands are miszoned and focuses on difficulties

associated with correcting the issue. Raises concern that HB 2643 mandates counties to do work within a specific time period creating a substantial financial burden. Asserts this is an unfunded mandate under Measure 30 (1996).

- 245 Jim Welsh Oregon State Grange. Submits and reads from written testimony in support of HB 2643 (**EXHIBIT G**).
- 250 Chair Garrard Asks that the remainder of speakers signed up agree to speak at the next meeting.

**The following prepared testimony is submitted for the record without public testimony:**

- Elon Hasson 1000 Friends of Oregon. Submits written testimony on behalf of Carrie MacLaren in opposition to HB 2643 (**EXHIBIT H**).
- 255 Chair Garrard Adjourns the meeting at 2:27 p.m.

**EXHIBIT SUMMARY**

- A. HB 2668, written testimony, Phil Stenbeck, 1 p
- B. HB 2755, -1 Amendments, Staff, 1 p
- C. HB 2755, written testimony, Chuck Pearson, 4 pp
- D. HB 2755, written testimony, Dan Linscheid, 1 p
- E. HB 2643, report on “secondary lands”, Lane Shetterly, 5 pp
- F. HB 2643, written testimony, Don Schellenberg, 1 p
- G. HB 2643, written testimony, Jim Welsh, 1 p
- H. HB 2643, written testimony of Carrie MacLaren, Elon Hasson, 4 pp