

HOUSE COMMITTEE ON LAND USE

April 20, 2005 Hearing Room 50

1:30 P.M. Tapes 69 - 70

Corrected 10/14/05

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 2484 – Work Session

HB 3084 – Public Hearing

HB 3231 – 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 69, A

Chair Garrard Calls the meeting to order at 1: 40 p.m. and opens a public hearing on HB 2484.

HB 2484 – WORK SESSION

007 Rep. Anderson MOTION: Moves HB 2484 to the floor with a DO PASS recommendation.

VOTE: 6-0-1

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

EXCUSED: 1 - Nolan

Chair Garrard The motion CARRIES.

Closes the work session on HB 2484 and opens a public hearing on HB 3084.

HB 3084 – PUBLIC HEARING

Rep. Brad Avakian HD 34. Thanks the committee for opening the hearing and briefly describes HB 3084, relating to annexation.

Linda Ludwig League of Oregon Cities. Explains that HB 3084 would make a change to clarify the annexation method 22.125 and relays the League's position that further changes to annexation be addressed in an interim work group and issues her support for SB 887 which has a provision to form an interim committee on annexation.

055 John Chandler Oregon Homebuilders Association. Remarks on number of annexation methods and urges the committee to form an interim work group.

073 Rep. Greenlick Discusses the political pressure surrounding annexation, possible safeguards in SB 887 and concerns about the interim work group not moving forward.

Ludwig

Remarks on City's interest in remedy to annexation law as comparable to other groups. Reports on language drafted in SB 887 to require a final product from the interim work group.

- 110 Chandler Discusses the intent of parties involved to develop a fix.
- Rep. Greenlick Describes past efforts to make annexation a priority. Wonders about the possibility of including a provision which would delete Section 222.750 unless the interim work group changes it.
- Chandler Responds that would be possible, but warns about setting up an ultimate consequence before the process begins.
- Chair Garrard Notes discomfort with interim committees and reports on a particularly slow work group.
- Linda Ludwig Points out the results from SB 920 (2003) which led to SB 887.
- Chair Garrard Adds that the periodic review is also good example of progress through work groups. Closes public hearing on HB 3084, reports the committee will not hear HB 3426 at the request of the sponsor and opens a public hearing on HB 3231.

HB 3231 – PUBLIC HEARING

- Sam Litke Committee Administrator. Introduces HB 3231, relating to division of land in farm use zones.
- 187 Bob Danko Department of Environmental Quality. Reports their neutrality on HB 3231 citing their inability to support a bill with a fiscal impact that is not in the governor's budget. Supports the goal of the bill.
- Chair Garrard Describes a situation in North Hills, Klamath Falls in which a subdivision was built over land with high levels of asbestos.
- 200 Rep. March HD 46. Discusses chemicals used in farming and their effects. Submits and references written testimony of Peter Fry and articles on pesticide contamination (**EXHIBIT A**). Outlines increasing relevance of this issue and urges further discussion of the issue.

- 322 Rep. Sumner States he does not see a provision for any acceptable level of pesticides in the bill.
- Rep. March Responds that Rep. Sumner is right and explains that each pesticide would have differing acceptable levels and would be determined by the environmental departments.
- Rep. Sumner Comments that with current technology in detecting pesticides and their overall presence, it would be difficult to find any soil untouched by pesticides.
- Rep. March Agrees, and adds that some chemicals occur naturally. Reiterates that some exceed levels acceptable to humans and will leave scientists and doctors to determine those levels.
- 366 Rep. Anderson Relays a situation from Grant's Pass and asks whose responsibility or liability it will be if contamination is found in certain situations.
- Rep. March Responds that Rep. Anderson raises an excellent point and stresses testing when land is changing to a use which may endanger the public.

TAPE 70, A

- 015 Rep. Anderson Suggests that in a situation when land were changing from exclusive farm use (EFU) to residential, back taxes are collected and suggests using those funds as a way to remediate.
- Rep. March Agrees it is a good idea.
- 022 Danko Discusses the process of developing industrial land including a "no further action" (NFA) letter from DEQ signifying to the buyer there are no problems with contamination, but no similar system for developing agricultural land. Gives one example of DEQs involvement in testing agricultural land for industrial use and notes their lack of involvement in this area unless requested. Makes distinction between acceptable risk levels for industrial land and residential land. Lists the four compounds of most concern, their widespread use and persistence.
- 104 Rep. Sumner Asks if at the time those chemicals were applied they were legal substances.

	Danko	Responds he assumes so and cites dates used as far back as the 1880s.
	Rep. Sumner	Verifies that there was no malicious intent with the substances used.
	Danko	Responds affirmatively.
	Terry Witt	Oregonians for Food and Shelter. Submits and summarizes testimony in opposition to HB 3231(EXHIBIT B).
177	Rep. Greenlick	Refers to Section 2 stating his understanding that it relates to the question of subdivisions of land rather than farmland.
	Witt	Responds that Section 2 talks about giving local governing bodies the authority to require certain types of activities on farmland including audits.
	Rep. Greenlick	Stresses this would apply “before an applicant may submit tentative plans and plats of subdivisions of the land” (HB 3231, line 18).
	Witt	Responds they are connected but states his concern is the slippery slope and explains that while it is not a direct regulation on pesticide, it is close.
	Greenlick	Verifies that Witt’s position is that the pesticide preemption prevents counties from regulating the plating of lands for subdivisions.
	Witt	Responds negatively and corrects to say that it deals with the use of pesticides.
206	Glen Stonebrink	Oregon Cattlemen’s Association. Relays details of his father’s farming in 1919-1920 without chemicals. Describes HB 3231 as a “solution looking for a problem” and is unnecessary. Raises concern that HB 3231 incorrectly assumes that farmland is contaminated. Asserts that HB 3231 is unconstitutional and does not support its passage.
275	Harlan Levy	Senior Staff Attorney, Oregon Association of Realtors. States his biggest concern is Page 2, Section 4. Discusses the difficulties in amending the seller’s disclosure statement and asserts it is not the proper place to address the concerns of HB 3231.

339	John Chandler	Oregon Homebuilders Association. Refers to distinctions made in the bill between agricultural land inside and outside of urban growth boundaries. Raises concern about that actuality of the problem HB 3231 would address. Outlines wordsmithing issues.
	Matt Blevins	Legislative Affairs Director, Oregon Environmental Council. Speaks in support of HB 3231.
	Chair Garrard	Closes the public hearing on HB 3231 and adjourns the meeting at 2:34 p.m.

EXHIBIT SUMMARY

- A. **HB 3231, written testimony of Peter Fry and articles, Rep. March, 6 pp**
- B. **HB 3231, written testimony, Terry Witt, 1 p**