

HOUSE COMMITTEE ON LAND USE

April 27, 2005 Hearing Room 50

1:30 P.M. Tapes 73 - 74

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 3310 - Work Session

HB 2704 – Work Session

HB 3135 – Work Session

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
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TAPE 73, A

002 Chair Garrard Calls the meeting to order at 1:40 p.m. and opens a work session on HB 3310.

HB 3310 - WORK SESSION

Chair Garrard Calls Linda Ludwig forward and mentions -3 amendments **(EXHIBIT A)**.

Linda Ludwig League of Oregon Cities. Discusses the -3 amendments. Introduces Jim Brown and Ron Hallyburton who worked with the interim committee. Urges support for -3 amendments.

032 Jim Brown Represented the Governor's office on the periodic review task force. Relays that the -3 amendments do a good job of representing the consensus of committee.

Rob Hallyburton Department of Land Conservation and Development (DLCD). Announces the support of DLCD.

052 Rep. Greenlick Asks how HB 3310-3 will effect Metro and asks if it will effect the time table for comprehensive review.

Ludwig References Page 3, line 17-20.

Rep. Greenlick Understands.

Rep. Nolan Asks if Metro is speaking on this bill and asks if potential conflicts with SB 431 have been cleared up.

Ludwig Responds that language of SB 431 has been incorporated into the -3 amendments.

075 Lane Shetterly Director, Department of Land Conservation and Development (DLCD). Confirms that the amendments implement the recommendation of the committee and gives support for HB 3310-3. Discusses the interim committee.

Randy Tucker

Metro. Refers to Section 10 and 11 on pages 16-18 as including the language of SB 431.

Shetterly Relays there was a minority report to the committee recommendations which recommended a maintenance of periodic review on a much more extensive basis. Discusses lack of resources and staffing as limiting factors and the committee recommendations allowing the “most bang for the buck”.

Tucker Explains the provisions of SB 431 and its legislative history this session, noting it has received no opposition thus far.

Rep. Greenlick Refers to the bold section on Page 10 of the amendments which discusses amending the comprehensive plan and asks if that is a complicated thing.

Ludwig Responds that the language is trying to get at using the periodic review process to add on to local jurisdiction new regulations through the legislative process.

Rep. Greenlick Verifies that the amendment in Section 1 is there to provide efficiency.

John Van
Landingham Chair of the interim committee. Responds that it is easier than doing a full periodic review and explains that is the purpose of adding the provision.

Shetterly Adds reasons for the inclusion of these amendments.

160 Art Schlack Association of Oregon Counties. Speaks in support of HB 3310. Points out that cities and counties that not required to, may ask the commission to undergo periodic review on their own initiation. Reports that his concerns have been addressed and supports HB 3310-3.

200 Rep. Greenlick **MOTION: Moves to ADOPT HB 3310-3 amendments dated 4/27/05.**

VOTE: 7-0-0

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

Chair Garrard The motion CARRIES.

210 Rep. Anderson MOTION: Moves HB 3310A to the floor with a DO PASS recommendation.

VOTE: 7-0-0

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

Chair Garrard The motion CARRIES.

REP. GARRARD will lead discussion on the floor.

Chair Garrard Closes the work session on HB 3310 and opens a work session on HB 2704.

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HB 2704 – WORK SESSION

232 Sam Litke Committee Administrator. Reviews legislative history of HB 2704.

Rep. Greenlick HD 33. Submits the -2 amendments (**EXHIBIT C**) and discusses their effect. Requests that the committee adopt the -2 amendments and pass HB 2704 to Agriculture and Natural Resources committee.

326 Rep. Anderson Asks if this bill relates to a single park why the issue is being brought to the state instead of in front of Metro.

Rep. Greenlick Responds that Metro is looking at the issue and states that because Forest Park is an extraordinary resource, it transcends local responsibility. Describes the unique characteristics of Forest Park.

369 Rep. P. Smith Asks how many private property owners live in the 2 mile area around the park.

Rep. Greenlick Responds there are hundreds.

Rep. P. Smith Asks if they have been notified.

Rep. Greenlick Responds that there is nothing to notify them about. Adds that they are notified about issue related to Goal 5.

389 Rep. Nolan Asks if Rep. Greenlick thinks there is something wrong with the way the park is being managed now.

Rep. Greenlick Responds that there is nothing wrong at the moment and commends past management in the last 100 years.

TAPE 74, A

Rep. Greenlick Adds that some recent urban growth boundary expansions threatened wildlife corridors and wants to make sure that considerations are made in future UGB expansions.

025 Rep. Nolan Remarks that Friends of Forest Park were concerned that the bill may have a detrimental effect and asks if Rep. Greenlick has consulted with them on the -2 amendments.

Rep. Greenlick Responds they have received the -2 amendments and there has been no objection from the group.

Rep. Nolan Verifies that the -2 amendments address their concerns.

Rep. Greenlick Responds that he has not heard of any objections.

Sam Litke Committee Administrator. Notes a revision from the original bill in the -3 amendments.

050 Rep. Anderson MOTION: Moves to ADOPT HB 2704-2 amendments dated 4/11/05.

VOTE: 7-0-0

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

Chair Garrard The motion CARRIES.

055 Rep. Anderson MOTION: Moves HB 2704A AS AMENDED to the floor WITHOUT RECOMMENDATION as to passage and BE

REFERRED to the committee on Agriculture and Natural Resources by prior reference.

VOTE: 7-0-0

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

Chair Garrard The motion CARRIES.

Closes the work session on HB 2704 and opens a work session on HB 3135.

HB 3135 – WORK SESSION

	Chair Garrard	Introduces HB 3135 and asks Lisa Arkin and Gail Whitsett to come forward.
085	Lisa Arkin	Submits -4 amendments (EXHIBIT D) and -5 amendments (EXHIBIT E) and reports that they address all of the concerns raised in the public hearing and explains their effect.
	Rep. Greenlick	Verifies they are discussing the -4 amendments.
	Arkin	Confirms this and reports there is only a 3 word difference between the -4 and -5 amendments. Discusses the three ways an energy facility siting can get land use approval.
105	Arkin	Explains provisions from Page 2 of -4 amendments. Notes that “wind power generation” is excluded from the -5 amendments.
144	Arkin	Discusses procedures if exceptions must be taken referencing Page 3 of -4 amendments. Reports that when consensus between jurisdictions cannot be met, it will move to binding arbitration.
172	Rep. Greenlick	Asks who would be the parties of the arbitration.
	Arkin	Responds that the parties would be the local government and energy facility siting council.
	Rep. greenlick	Verifies that it would not be the person bringing the application.

	Arkin	Responds negatively and elaborates on the process of arbitration.
	Rep. P. Smith	Asks if there is a time limit if the parties do not agree.
	Arkin	Responds negatively.
188	Rep. Greenlick	Comments that he cannot think of examples when two governing bodies go to binding arbitration and asks Arkin if she can provide any.
	Arkin	Responds that she cannot. Explains the intention of including this provision.
	Rep. Greenlick	Makes suggestions for other possible solutions.
	Rep. Nolan	Comments that local governments regularly enter into contracts that may lead to arbitration.
	Arkin	References Page 6, line 25, section 9 of the -4 amendments and describes the creation of a task force on regional energy policy and outlines parties involved.
	Gail Whitsett	Reads a prepared statement urging support of HB 3135 and clarifies that it will not effect sites already sited or in the process of siting.
285	Rep. Ackerman	References Page 1 of the -4 amendment, line 14 and asks about definitions of regions under siting council guidelines.
	Arkin	Responds that the region is defined as by the Northwest Power and Conservation Council. References Page 7 of -4 amendments, lines 14 and 15.
	Rep. Ackerman	Verifies that land use approval can now come from both the local government and an advisory committee.
	Arkin	Verifies Rep. Ackerman is referring to the special advisory group.
	Rep. Ackerman	Responds affirmatively.
	Arkin	Explains that the special advisory group is defined in the ORS as the local government.

	Rep. Ackerman	Asks where it is defined.
	Arkin	References discussions with Legislative Counsel and elaborates on who could make up the special advisory group.
	Rep. Ackerman	Explains his concern related to county commissioners' authority.
370	Arkin	Responds how these amendments addressed criticism.
	Rep. Ackerman	Reports his concern to keep counties informed of the changes.
	Arkin	Announces Lane County sent a letter of support for the bill and references discussions with them.

TAPE 73, B

002	Chair Garrard	Asks if any representatives from Lane County have seen the -4 or -5 amendments.
	Arkin	Explains that they have not.
	Rep. Ackerman	States he will not be satisfied until counties have signed off on these amendments.
	Dave Stewart-Smith	Energy Resources Assistant Director, Department of Energy. Relays his understanding that the -4 amendments do not change the definition of special advisory groups and only expands their responsibilities.
	Rep. Ackerman	Reiterates concern that counties know their responsibilities have been expanded.
	Stewart-Smith	Restates understanding of special advisory groups.
	Chair Garrard	Asks Rep. Ackerman if this answers his concerns.
	Rep. Ackerman	Responds negatively.
	Rep. P. Smith	

		Asks if it would be possible to move HB 3135 on to its subsequent committee without the -4 or -5 amendments.
044	Chair Garrard	Discusses possibilities.
	Rep. Ackerman	Restates that the counties need to be aware of the changes.
	Chair Garrard	Asks that they come back on Monday May 2, 2005.
	Arkin	Responds that she will run the amendments by the Lane County Commissioners and notes that HB 3135 will not effect them now.
	Chair Garrard	Discusses the importance of including the concerns of those involved to correct the problems.
	Rep. Greenlick	Asks about the reasoning for inclusion of wind power in one set of amendments and exclusion in the other. Also asks about strong opposition from power companies from previous testimony.
077	Arkin	Responds that she cannot speak for the power companies and remarks on previous testimony and amendments addressing some of their concerns.
	Rep. Greenlick	Asks again about the difference between the -4 and -5 amendments.
	Arkin	Responds that it was part of the concern raised by previous testimony.
100	Chair Garrard	Verifies that Monday will be sufficient time to review the amendments.
	Arkin	Responds affirmatively and comments on amendments for arbitration.
	Chair Garrard	Confirms HB 3135 will be heard on Monday May 2, 2005 and notes the subsequent referral to the House Environment Committee. Closes work session on HB 3135 and adjourns the meeting at 2:44 p.m.

EXHIBIT SUMMARY

- A. **HB 3310, -3 amendments, Linda Ludwig, 22 pp**
- B. **HB 3310, fiscal statement, staff, 1 p**
- C. **HB 2704, -2 amendments, Rep. Greenlick, 2 pp**
- D. **HB 3135, -4 amendments, Lisa Arkin, 8 pp**
- E. **HB 3135, -5 amendments, Lisa Arkin, 8 pp**