

HOUSE COMMITTEE ON LAND USE

April 29, 2005 Hearing Room 50

1:30 P.M. Tapes 75 – 76

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 3081 – Work Session

HB 3365 – Public Hearing

HB 3284 – 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 75, A

Chair Garrard Calls the meeting to order at 1:37 p.m. and opens a work session on HB 3081.

HB 3081 – WORK SESSION

Chair Garrard Remarks they have received -4 amendments (**EXHIBIT A**) and reports their intention to move the bill today.

Art Schlack Association of Oregon Counties. Remarks that the amendments address the problem raised in the previous hearing and provide the opportunity for a governing body of a county to approve an application to create one parcel and describes relating conditions. Urges support of the HB 3081-4.

Chair Garrard Asks if there is any opposition to HB 3081-4.

Schlack Responds that he knows of none.

045 Rep. Anderson MOTION: Moves to ADOPT HB 3081-4 amendments dated 4/29/05.

VOTE: 7-0-0

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

Chair Garrard The motion CARRIES.

Chair Garrard Remarks on the larger issues associated with this problem and directs Rep. P. Smith and Rep. Greenlick to head up a work group on illegal land divisions.

Rep. P. Smith and
Rep. Greenlick Both agree.

065 Rep. Anderson MOTION: Moves HB 3081 to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 7-0-0

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

Chair Garrard The motion CARRIES.

REP. P. SMITH will lead discussion on the floor.

Chair Garrard Closes the work session on HB 3081 and opens a public hearing on HB 3365.

HB 3365 – PUBLIC HEARING

	Sam Litke	Committee Administrator. Introduces HB 3365 and the -3 amendments (EXHIBIT B).
099	Max Muller	Legislative Assistant, Rep. Jackie Dingfelder, HD 45. Notes his presence on behalf of Representative Dingfelder, introduces Rick Walker and Ron Eber, and explains the provisions of HB 3365 and the -3 amendments.
135	Rick Walker	Begins a Powerpoint presentation (EXHIBIT C). Explains Slide 1, (Page 4, EXHIBIT C).
172	Walker	Explains Slide 2 (Page 5, EXHIBIT C).
	Rep. Greenlick	Asks about the 80 acre minimum.
	Walker	Responds it is already below the minimum.
	Ron Eber	Farm and Forest Land Specialist, Department of Land Conservation and Development. Clarifies that the 80 acre minimum would bar the 40 acres from being divided and continues discussing minimum lot size.
	Walker	Continues Powerpoint presentation (Page 5, EXHIBIT C).
211	Walker	Explains the overhead map on (Page 6, EXHIBIT C) and discusses limitations on selling parts of the property.
239	Walker	Continues Powerpoint presentation (Page 7, EXHIBIT C) explaining the objectives of HB 3365.

284	Ron Eber	Relays his participation in HB 3365 and explains that the -3 amendments resolve some prior issues. Discusses possible consequences due to Measure 37 (2004). Expresses support for HB 3365.
311	Rep. Greenlick	Asks about the fiscal statement (EXHIBIT D) and the possibility of an administrative goal change.
	Eber	Discusses the goal updating procedures and how the fiscal would apply.
	Rep. Greenlick	Asks about how the Department determines fiscal impact on bills that amend goals.
	Eber	Responds with the Department's procedure on issuing fiscals statements.
	Rep. Greenlick	Asks if goal amending is anticipated in the Department's budget.
	Eber	Responds he is not sure.
358	Chair Garrard	Asks Art Schlack about the amount HB 3365 is expected to cost each county.
	Muller	Adds that the new amendments have not been evaluated for fiscal impacts and points out the word "may", stating it is not a mandate.
392	Rep. P. Smith	Asks if this is a land division.
	Muller	Defers to Eber.
	Eber	Responds that for the land sale to go forward, it would require request to the County to partition and explains how the bill is needed to authorize this partition.
	Rep. P. Smith	Asks why it would not be a Measure 37 (2004) claim.
	Eber	Responds that the bill grants an ability and does not restrict anyone doing anything.

TAPE 76, A

014	Chair Garrard	Asks Schlack if he has reviewed the amendments
	Schlack	Responds he has just received them.
020	Glen Stonebrink	Oregon Cattlemen's Association. Speaks in opposition to HB 3365. Opposes granting of special favors to conservation groups and explains reasoning.
	Rep. Greenlick	Asks Stonebrink if his organization opposes churches buying land to build churches.
	Stonebrink	Responds that they have never objected to that.
	Rep. Greenlick	Comments that it takes land off the tax rolls.
	Stonebrink	Clarifies his objection.
	Rep. Greenlick	Restates his understanding of Stonebrink's objection and wonders if he opposes all non-profit organizations buying property, removing them from the tax rolls.
	Stonebrink	Responds that they do not oppose all non-profits buying land and clarifies his objection.
065	Rep. Sumner	Asks for an example of how conservation groups profit at the expense of tax payers.
	Stonebrink	Gives an example.
	Chair Garrard	Notes a similar example from Klamath County.
103	Rep. Nolan	Asks for a specific example and for demonstration of the negative impact.
	Stonebrink	Refers to Rep. Garrard's example and offers to bring back a specific example.

114	Rep. Nolan	Says they are strong allegations and would like to hear a specific example.
	Stonebrink	Agrees to bring an example.
	Rep. Greenlick	Asks if the assertion is that these actions are illegal.
	Stonebrink	Responds that they are legal.
	Rep. Greenlick	Asks about Stonebrink's definition of a scam.
	Stonebrink	Explains his definition of scam relating to conservation organizations.
	Rep. Greenlick	Asks if Stonebrink's organization is a non-profit and asks if they get special favors as a result.
	Stonebrink	Responds that they are a 501-C4 and do not get charitable status.
	Rep. Greenlick	Verifies that they are not tax exempt.
	Stonebrink	Responds they do not pay taxes.
158	Chair Garrard	Relays an example from Klamath County.
	Rep. Greenlick	Asks if anything has happened.
	Chair Garrard	Responds negatively.
	Rep. Ackerman	Asks if there would be the same result between purely private buyers.
	Chair Garrard	Responds affirmatively and that the transactions were legal.
	Chair Garrard	Closes the public hearing on HB 3365 and opens a public hearing on HB 3284.

HB 3284 – PUBLIC HEARING

220 Sam Litke

Committee Administrator. Introduces HB 3284. Submits fiscal statement (**EXHIBIT G**).

Chair Garrard Reference written testimony from Lane Shetterly, Department of Land Conservation and Development requesting a continuance of the work group dealing with this issue. Also attached is a letter from Hanley Jenkins, Union County Planning Director (**EXHIBIT E**).

Rep. Greenlick Verifies there is a \$115,000 fiscal statement.

Chair Garrard Confirms this.

Rep. Greenlick Asks if it will be moved to the Ways and Means Committee.

Litke Reports there is no subsequent referral.

Rep. Nolan Suggests that although not required to send it there, they should.

Elon Hasson 1000 Friends of Oregon. Speaks and submits written testimony in opposition to HB 3284, suggesting allowing the work group to complete.

Art Schlack Association of Oregon Counties. Discusses similarities to other bills previously heard, including HB 2162, and explains its effect. Urges removal of the sunset.

300 Chair Garrard Reports that there may be an amendment to HB 3284. Closes the public hearing on HB 3284. Makes announcements for future meetings.

320 Rep. Greenlick Asks about the status of SB 1037.

Chair Garrard Reports on the status.

Rep. Greenlick Asks about reconsideration of house bills.

Chair Garrard Agrees. Notes bills to be heard next week.

Rep. Ackerman Asks question about the status of SB 1037.

328	Chair Garrard	Responds.
	Rep. Nolan	Makes a comment.
	Chair Garrard	Adjourns the meeting at 2:31 p.m.

EXHIBIT SUMMARY

- A. **HB 3081, -4 amendments, Art Schlack, 1 p**
- B. **HB 3365, -3 amendments, Max Muller, 6 pp**
- C. **HB 3365, Powerpoint presentation and memo, 7 pp**
- D. **HB 3365, fiscal statement, staff, 1 p**
- E. **HB 3284, written testimony of Lane Shetterly and Hanley Jenkins, 2 pp**
- F. **HB 3284, written testimony, Elon Hasson, 1 p**