

HOUSE COMMITTEE ON LAND USE

May 25, 2005 Hearing Room 50

1:30 P.M. Tapes 104 -105

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 3474 – Work Session

HB 3284 – Work Session

Ballot Measure 37 – Committee Discussion

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 104, A

002 Chair Garrard Calls the meeting to order at 1:38 p.m. and opens a work session on HB 3474.

HB 3474 – WORK SESSION

006 Rep. Mac Sumner House District 18. Introduces and describes the -1 amendment (**EXHIBIT A**).

031 Rep. Ackerman Raises his concerns about possible uses under the drafting language. Inquires about an imposition on preexisting uses of the property?

040 Rep. Sumner Agrees they should be, but the benefits outweigh the possible exchanges.

048 Rep. Ackerman Argues that the term “church” does not show up in the bill.

053 Rep. Sumner Clarifies his intention of the term “church”.

055 Rep. Ackerman Inquires about a possible discrimination against religion under the current law.

059 Rep. Sumner Responds that discrimination does not show up in the bill: this is merely an innocent oversight that the bill seeks to clarify.

063 Rep. Anderson Wonders about the definition of a religious organization in the bill.

070 Rep. Sumner Talks about the intent of the bill in relation to religion.

071 Rep. Anderson Verifies that the intent of the bill is not social, but is intended to focus on places of worship.

076 Rep. Sumner Responds that places of religion supply both material, spiritual, and emotional needs of the community.

080 Rep. Anderson Agrees, but notes that the buildings where the social services occur could be defined in different terms than this main purpose.

086	Rep. Greenlick	Inquires if hospitals owned by religious organizations would be excluded from land use regulation.
095	Rep. Sumner	Responds that hospitals, by their nature, are for-profit organizations.
096	Rep. Greenlick	Corrects to say that certain hospitals, church-owned, are not for profit.
099	Rep. Sumner	Responds that he does not know under that circumstance.
102	Rep. Nolan	Talks about the bill applying to existing structures on the land as well as any property owned by the religious organization. Thinks that the words on the page are more sweeping than what the bill was intended to accomplish.
128	Rep. Sumner	References Section 2, subsection 3 referring to reasonable regulations concerning the physical characteristics of the authorized uses, including but not limited to, site and design review. Explains what the bill seeks to accomplish.
142	Rep. Nolan	Stresses that the text goes beyond the discussed intended focus of the bill. Declares that a local government cannot impose a zoning restriction in this case; would have to allow the construction of a church-based school, soup kitchen, etc. in any location that the church may own the land.
162	Rep. Sumner	Responds that they have explicitly limited the bill to certain criteria.
171	Rep. Nolan	Notes the effect of the amendment deleting the term “educational uses” and suggests the possible misinterpretation and misuse of the bill because of this change.
194	Rep. Sumner	Discusses religion as being different for each person: the core meaning of the bill seeks to address the building abilities of churches.
205	Chair Garrard	Asks if he would be willing to draft some more amendments and they will bring the bill back at another meeting.
208	Rep. Sumner	Replies yes.
215	Chair Garrard	Closes the work session on HB 3474 and opens a work session on HB 3284.

HB 3284 – WORK SESSION

- 221 Sam Litke Committee Administrator. Describes HB 3284 relating to repealing the sunset provision of the Act authorizing industrial development in buildings of any size and type on certain lands outside the Willamette Valley and outside of urban growth boundaries of cities. Introduces and explains the -2 and the -3 amendments (**EXHIBITS B & C**). Talks about the fiscal impact (**EXHIBIT D**).
- 250 Sean Gillian Legislative Aid, Rep. Bob Jenson. Testifies in support of HB 3284 with the -3 amendment. Reports its similarity to HB 2458.
- 277 ?????????? Expresses the importance in taking the sunset clause out of the bill.
- 294 Don Schellenberg Oregon Farm Bureau. Speaks in opposition to the -3 amendment.
- 320 Elon Hasson 1000 Friends of Oregon. Testifies in opposition to HB 3284 with the -2 and -3 amendments.
- 345 Art Schlack Association of Oregon Counties (AOC). Relays the AOC's support of the removal of the sunset clause. Testifies in support of the -2 amendment and suggests holding HB 3284 until Friday, May 27, 2005.
- 387 Chair Garrard Calls the meeting to recess while waiting for Rep. Jensen to arrive and testify.
- 390 Chair Garrard Calls the meeting to order.
- 394 Harlan Levy Senior Staff Attorney, Oregon Association of Realtors. Speaks in support of the -3 amendments and remarks on the amount of land affected by the bill.
- 431 Levy Discusses building size limits being imposed through periodic review. Talks about Umatilla county not receiving an exception for light industrial construction on a certain strip of land.
- 470 Rep. Greenlick Comments on the -3 amendment concerning land use laws.

- 020 Levy Explains the problem facing the counties resulting from a Supreme Court decision in 1987 concerning exceptions for industrial community development rights.
- 040 Rep. Greenlick Asserts that the court case in question was 18 years old and the counties are still not relying on this ability.
- 044 Levy Argues that these counties have been waiting to see how Goal 14 would apply to them. Elaborates on these limitations.
- 064 Rep. Anderson **MOTION: Moves to ADOPT HB 3284-3 amendments dated 5/4/05.**
- VOTE: 5-1-1**
- AYE: 5 - Ackerman, Anderson, Smith P., Sumner, Garrard**
- NAY: 1 - Greenlick**
- EXCUSED: 1 - Nolan**
- 071 Chair Garrard **The motion CARRIES.**
- 072 Rep. Anderson **MOTION: Moves HB 3284 to the floor with a DO PASS AS AMENDED recommendation.**
- VOTE: 5-1-1**
- AYE: 5 - Ackerman, Anderson, Smith P., Sumner, Garrard**
- NAY: 1 - Greenlick**
- EXCUSED: 1 - Nolan**
- 078 Chair Garrard **The motion CARRIES.**
- REP. JENSON will lead discussion on the floor.**
- 081 Chair Garrard Closes the work session on HB 3284 and begins a committee discussion on Ballot Measure 37.

BALLOT MEASURE 37 – COMMITTEE DISCUSSION

- 083 Chair Garrard Begins discussion on the -2 amendment on SB 1037 being placed into HB 3120. Argues for a committee extension past June 3, 2005.
- 112 Rep. Greenlick Verifies that not all of the -2 amendment of SB 1037 will be included in HB 3120.
- 113 Chair Garrard Responds in the affirmative.
- 114 Rep. Greenlick Asks for an annotated copy of which sections of the -2 amendment for SB 1037 were not included.
- 116 Chair Garrard Replies that they will receive the annotated copies.
- 117 Rep. Ackerman Who is the “we” that took out sections of the -2 amendment?
- 120 Chair Garrard Responds that he took the sections out.
- 125 Rep. Greenlick Discusses the -2 amendment of SB 1037.
- 135 Rep. P. Smith Asks why they took the -2 instead of -1 amendment?
- 136 Chair Garrard States that there was no -1 amendment.
- 143 Rep. Ackerman Inquires about the compensation piece in the -2 amendment?
- 144 Rep. Greenlick Replies that the compensation piece remains in the new draft.
- 149 Rep. P. Smith Addresses the connecting piece within the -2 amendment that correlated to a house bill.
- 164 Chair Garrard Adjourns the committee at 2:18 p.m.

EXHIBIT SUMMARY

- A. **HB 3474, -1 amendment, Rep. Mac Sumner, 1 p**
- B. **HB 3284, -2 amendment, Rep. Bob Jenson, 1 p**
- C. **HB 3284, -3 amendment, Rep. Bob Jenson, 2 pp**
- D. **HB 3284, fiscal statement, staff, 1 p**