

**HOUSE COMMITTEE ON  
ENVIRONMENT AND LAND USE**

January 16, 2003 Hearing Room E  
8:30 AM Tapes 1 – 3

**MEMBERS PRESENT:**      **Rep. Bill Garrard, Chair**  
                                 **Rep. Dennis Richardson, Vice-Chair**  
                                 **Rep. Cliff Zauner, Vice-Chair**  
                                 **Rep. Robert Ackerman**  
                                 **Rep. Dan Doyle**  
                                 **Rep. Mitch Greenlick**  
                                 **Rep. Diane Rosenbaum**

**STAFF PRESENT:**      **Ray Kelly, Committee Administrator**  
                                 **David Peffley, Committee Assistant**

**ISSUES HEARD:**      **Organizational Meeting**  
                                 **Adoption of Committee Rules**  
                                 **Informational Meeting**  
                                 **Invited Testimony:**  
                                 **Michael Carrier, Oregon Parks and Recreation**  
                                 **Jon Chandler, Legislative Advocates, Inc.**  
                                 **Ross Day, Oregonians In Action**  
                                 **Randy Tucker, 1000 Friends of Oregon**  
                                 **Lauri Aunan, Department of Environmental Quality (DEQ)**

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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.

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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 1, A</b>		
005	Chair Garrard	Calls the meeting to order at 8:30 a.m. and opens the organizational meeting.
<b><u>ORGANIZATIONAL MEETING</u></b>		
010	<b>Chair Garrard</b>	Presents proposed committee rules.
013	<b>Chair Garrard</b>	<b>MOTION: Moves to ADOPT the proposed Committee Rules.</b>
014	<b>Chair Garrard</b>	<b>VOTE: 5-0</b>
		<b>EXCUSED: 2 - Zauner, Doyle</b>
020	<b>Chair Garrard</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
020	Chair Garrard	Closes the organizational meeting and opens the informational meeting.
<b><u>INFORMATIONAL MEETING</u></b>		
029	Chair Garrard	Invites committee members to introduce themselves.
035	Rep. Rosenbaum	HD 42. States a willingness to learn and work with the committee.

Affirms that her constituents care a great deal about environmental quality.

046 Rep. Greenlick HD 33. States that he is honored to be on the committee and that land use issues are critical to his constituency which contains both rural and urban elements.

055 Vice-Chair Richardson HD 4. Represents rural southern Oregon, which maintains farming, fishing, and forestry as primary concerns.

063 Vice-Chair Zauner HD 22. States that Woodburn has some land use issues to deal with.

074 Rep. Ackerman HD 13. States that he is serving his sophomore term in the legislature and is a practicing attorney.

098 Chair Garrard Introduces Rep. Doyle, HD 19.

101 Chair Garrard Reviews invited testimony. Introduces committee staff.

116 Chair Garrard Invites witnesses to sign in and recesses briefly.

163 Michael Carrier Parks and Recreation Director. Submits **(EXHIBIT B)** and discusses annual report.

204 Carrier Introduces six legislative concepts **(EXHIBIT C)**.

222 Carrier States that Parks and Recreation will introduce three bills which deal with Oregon's Pioneer Cemetery Program.

268 Rep. Ackerman Questions the allocation of lottery funds and whether Parks and Recreation is solely responsible for the allocation of those funds.

273 Carrier Responds that those funds are appropriated to the agency.

278 Rep. Ackerman Asks how those funds are allocated.

283 Carrier Explains how Measure 66 funds are allocated.

330 Vice-Chair Zauner Questions enforcement of penalties of HB 2206. Asks what the difference is between Class A and C misdemeanors.

340 Carrier Apologizes that he is not sure about the specifics.

350 Rep. Ackerman Makes an educated guess at the difference between Class A and Class C misdemeanors.

358 Carrier States that he will do a follow-up.

382 Vice-Chair Zauner Asks Mr. Carrier why Parks and Recreation wants to eliminate fees.

384 Carrier Responds that fee waivers can reward employees or support local programs.

393 Rep. Greenlick Asks for a formal definition of what a park is.

406 Carrier Responds that statutes do not define a park. A park is commonly thought of as any place for public recreation.

419 Rep. Greenlick Asks how you know when you have a state park as opposed to a piece of nice green space for recreation.

433 Carrier Responds that Administrative Rules set the designations.

## TAPE 2, A

009 Rep. Greenlick Asks what the difference is between a "state natural area" and a park.

017 Carrier Responds that the difference is based on the level of development, the nature of the use, and the inherent natural qualities of the area; such as old growth forest.

022 Rep. Greenlick Asks if state parks have mixed uses or if they are used specifically for recreation.

025 Carrier Answers that there is no private development within parks.

028 Rep. Greenlick Asks whether natural resource areas have other uses.

029	Carrier	Responds that there is very little development within parks, perhaps a bathroom or trails.
033	Vice-Chair Zauner	Asks whether Parks and Recreation offers concessions.
037	Carrier	Answers that they do offer some concessions and are presently bidding to do more.
053	Rep. Rosenbaum	Asks about the funding and maintenance of Pioneer Cemetery and whether or not the problem has been resolved.
055	Carrier	Responds that a portion of it is secure and that they are asking for small grants to enhance and protect the Pioneer Cemetery.
064	Rep. Rosenbaum	Asks if the only General Fund money is for one part-time staffer
065	Carrier	Responds that the program operates without General Fund money; the project is funded with Measure 66 dollars.
080	Jon Chandler	Legislative Advocates, Inc. States that land use planning is good for business, communities, and the state. Gives an overview of land use planning since 1973. Introduces bills of concern.
160	Chandler	Introduces principles inherent in these bills.
277	Rep. Greenlick	Asks what proposals will come forth regarding the short-term supply of industrial lands.
283	Chandler	Responds that issues regarding zoning, infrastructure, and planning will be brought forth.
319	Rep. Greenlick	Asks about the problems on industrial sites and commercial uses of sites.
331	Chandler	Responds that zoning jurisdiction needs to be looked at.
375	Rep. Ackerman	Expresses concern about the revisit of Measure 7 and the thwarting of development.

**TAPE 1, B**

005	Ross Day	Director of Legal Affairs for Oregonians in Action (OIA). Reviews his background as an attorney and appointee to the State Capitol Planning Commission.
071	Day	Discusses OIA's agenda, including the sale of property and zoning.
098	Vice-Chair Zauner	States constituents' concerns with the layers of bureaucracy.
108	Day	Responds that the elimination of duplication and triplication of jurisdiction is necessary.
170	Randy Tucker	1000 Friends of Oregon. Provides an overview of 1000 Friends of Oregon. Submits ( <b>EXHIBIT D</b> )1000 Friends newsletter, which chronicles the successes of land use policy. Asserts the need to revisit statutes.
256	Tucker	Discusses Governor Atiyeh's task-force which determined that land use laws did not hinder economic development. States a willingness to work with the governor's office and this committee to come to a fair solution.
341	Tucker	Continues testimony and states a desire to cooperate with Oregon Realtors and other groups in coming to a solution.

**TAPE 2, B**

017	Rep. Richardson	Inquires whether availability to appeal by those adversely affected should have limitations.
022	Tucker	Responds that the process should be open to more people, not less.
040	Rep. Greenlick	Asks what kind of legislation can be expected from 1000 Friends.
048	Tucker	Responds that 1000 Friends will not be introducing new legislation,

		but coalitions will address this issue.
075	Rep Greenlick	Asks what positions 1000 Friends has on schools and urban growth boundaries.
079	Tucker	Responds that he hopes the issue has been resolved as they compromised on a bill last session which addressed the issue. Reiterates 1000 Friends' solution-oriented approach.
115	Lauri Aunan	Department of Environmental Quality. Testifies and submits written materials. <b>(EXHIBIT E)</b> , <b>(EXHIBIT F)</b> , and <b>(EXHIBIT G)</b> .
171	Aunan	States three main principles of DEQ <ul style="list-style-type: none"> <li>• enhance ability of businesses to locate and thrive in Oregon</li> <li>• maintain environmental protections which have helped to with clean air and water</li> <li>• desire to enforce regulations at the state, not the federal level.</li> </ul>
223	Aunan	SB 196 <b>(EXHIBIT F)</b> is important to implement hazardous waste disposal.
234	Aunan	SB 197 <b>(EXHIBIT G)</b> , a bill of concern to DEQ.
247	Rep. Richardson	Questions who makes decisions regarding civil penalties.
251	Aunan	Responds by referring to a chain of referrals and stating that DEQ's main goal is compliance with regulations.
278	Rep. Richardson	Questions whether a shift of civil penalties from the General Fund to technical assistance would cause more civil penalties to be inflicted on the public.
280	Aunan	Responds that a strict policy on penalties would still be enforced, but Rep. Richardson's concern is justified.
294	Vice-Chair Zauner	Asks why all the assessed fines are not collected.
302	Aunan	Explains why. Wants to assure that egregious violations are collected.
315	Vice-Chair Zauner	Inquires why the DEQ does not collect the fines, themselves.
322	Aunan	Answers DEQ does the follow up.
330	Rep. Greenlick	Asks for input on Governor Kitzhaber's plan to reduce toxins into the water system.
346	Aunan	Describes the plan to reduce toxins such as mercury.
375	Rep. Greenlick	Asks if DEQ is thinking about providing some education?
385	Aunan	Responds that education is absolutely the best approach and that DEQ is presently working with other agencies.
408	Rep. Greenlick	Asks about water supply management bills.
414	Aunan	Responds that it is in the jurisdiction of Oregon Health Services.
428	Rep. Ackerman	Asks if there is a process by which they can be docketed as judgments.
434	Aunan	Responds that she does not understand the legal issues involved and will follow up.
<b>TAPE 3, A</b>		
014	Chair Garrard	States that testimony will continue on Tuesday and apologizes to witnesses who didn't get a chance to testify.
026	Chair Garrard	Adjourns meeting at 10:30 AM.

**EXHIBIT SUMMARY**

- A – Committee rules, staff, 3 pp**
- B – Informational, Biennial Report, Michael Carrier, 13 pp**
- C – Informational, Legislative Concepts, Carrier, 1 p**
- D – Informational, Oregon packet, Randy Tucker, (oversized – see archives)**
- E – Informational, Quality Fact Sheet, Lauri Aunan, 1 p**
- F – Informational, Senate Bill 196 Fact Sheet, Lauri Aunan, 1 p**
- G – Informational, Senate Bill 197 Fact Sheet, Lauri Aunan, 1 p**