

HOUSE COMMITTEE ON
ENVIRONMENT AND LAND USE

February 27, 2003 Hearing Room E
8:30 AM Tapes 27-28

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

MEASURE/ISSUES HEARD: **Informational Hearing**
 Invited Testimony:
 Nan Evans
 Randy Franke
 LC 1479 – Work Session
 HJR 17 – Public Hearing and 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
TAPE 27, A		
003	Chair Garrard	Calls the meeting to order at 8:41 and opens an informational meeting. Welcomes Nan Evans and Randy Franke.
<u>INFORMATIONAL MEETING</u>		
017	Nan Evans	Interim Director, Department of Land Conservation and Development. Defers to her commission chair, Randy Franke.
021	Randy Franke	Chair, Land Conservation and Development Commission (LCDC). Introduces Vice-Chair, John Van Landingham. Offers a look ahead and point out the direction that LCDC will be taking. Asserts that LCDC can help move Oregon's economy forward.
102	Evans	Offers the perspective of the current mission of LCDC. States that the sets of problems today are different than those in 1973, but reaffirms that they are still vital to our economy.
137	Rep. Doyle	Asks Evans to elaborate on the changing of the issues since the 1970's.
140	Evans	Summarizes her background working with coastal issues. States that growth, development and commercial issues are different today. Addresses the budgetary problems of the 72 nd Legislative Session. Notes that the realities of the budget problems require different and creative solutions.
181	Rep. Doyle	Asks Franke how LCDC is trying to reconcile development

		demands and land policy.
192	Franke	Cites the example of Portland Metro in dealing with the diverse needs of different areas and developing a regional analysis. Also cites the governor's initiative looking at the implementation of efficient land use rules. Offers areas in which the department can improve.
275	Rep. Greenlick	Asks if the goals originally addressed by SB 100 are the same or in need of updating.
294	Franke	States that the original goals were visionary and are still applicable. Mentions that the methods of execution of those goals have changed. Cites priorities in 1973 and how they have changed. States that land use has protected forestry over the past three decades. Addresses issues relating to industrial land zoning and urban growth boundaries.
TAPE 28, A		
002	Evans	Addresses the Nineteen Land Use Planning Goals and the methods for implementing these goals.
011	Rep. Richardson	Asks Franke how LCDC is balancing rural with urban concerns.
016	Franke	States that LCDC is having meetings and investigating rural areas, in order to become more informed on the issues concerning rural Oregon.
051	John Van Landingham	Informs the committee that rural Oregonians have expressed gratitude to the field staff.
057	Rep. Richardson	Asks Evans how LCDC can improve their perception by rural Oregonians.
061	Evans	Addresses Rep. Richardson's concern. States that they do have people in the field and would like to expand.
072	Rep. Richardson	Asserts that there is a perception in Southern Oregon that LCDC is not concerned with their issues and that they are very dictatorial and unresponsive. Asks about the regionalization of the department.
091	Evans	Responds that regionalization is important. Addresses Rep. Richardson's concerns and a potential task force to carry out reforms. Also raises concerns about cost-effectiveness given limited resources.
111	Franke	Follows up that LCDC has been moving toward regionalize within the department in recent years. Confirms a desire to serve rural Oregonians' interests best.
126	Rep. Zauner	Addresses Woodburn's problems with the urban growth boundaries vis-à-vis expansion. Asks what the next step is.
138	Franke	States that he is aware of the situation, but that he is not too sure about the details.
157	Rep. Zauner	Asks who the City of Woodburn can follow up with.
160	Evans	States that she'll get back with Rep. Zauner.
166	Rep. Rosenbaum	Reference committee issues related to Measure 7 and asks if LCDC takes positions on issues such as these.
172	Franke	Notes that Measure 7 has been something which has been considered and states that LCDC does take positions on issues.
200	Rep. Rosenbaum	Follows up that LCDC could certainly help to educate this committee on some of these issues.
206	Franke	Points out that Ron Eber and Bob Rendy hope to help with the education and clarification of these issues.
221	Chair Garrard	Asks Franke to explain the make-up of the commission.
227	Franke	Discusses the make-up and jurisdiction of the seven member

		committee. Emphasizes that LCDC attempts to maintain a balance in representation.
273	Chair Garrard	Asks how often the committee meets and how business is conducted.
278	Franke	Responds that the committee meets once every six weeks. Addresses public hearings and other orders of business.
296	Van LANDINGHAM	Adds information about the appeals process and LUBA's hand in the process.
302	Chair Garrard	Asks the circumstances of the past director's departure from LCDC.
334	Franke	Readdresses the mission of LCDC. Notes that he can not address all of the circumstances about the leaving of the director due to legal reasons.
364	Van LANDINGHAM	Notes that the director was not fired, but left on his own accord. Adds though, that the director did lose the confidence of some staff members.
398	Chair Garrard	Asks why LCDC historically does not have a great rapport with the Legislature.
405	Van LANDINGHAM	States that he hasn't been with the department long enough to address the disagreements.
411	Franke	Adds his understanding to the historical conflict.
TAPE 27, B		
002	Chair Garrard	Asks what the committee can do to enhance the relationship between the legislature and LCDC.
006	Franke	Responds that communication is very important to good relations. Affirms that LCDC will be honest and open.
014	Evans	Addresses Chair Garrard's concerns regarding rule-making and the involved, open, and deliberate process.
040	Chair Garrard	Closes the informational meeting and opens a work session on LC 1479.

LC 1479 – WORK SESSION

055	Rep. Greenlick	MOTION: Moves LC 1479 BE INTRODUCED as a committee bill.
063		VOTE: 7-0
065	Chair Garrard	Hearing no objection, declares the motion CARRIED.
066	Chair Garrard	Closes the work session on LC 1479 and opens a public hearing on HJR 17.

HJR 17 – PUBLIC HEARING

071	Ray Kelly	Summarizes HJR 17 and addresses the fiscal impact.
083	Bob Rindy	DLCD. Submits (EXHIBIT A), and provides informational testimony on the issue of regionalization of land use planning. Speaks to the present difference in the treatment of urban and rural areas. States concern that the focus of this task force could be too narrow.
210	Rep. Ackerman	References regional problem solving techniques in Rindy's testimony and asks if he is referring to those found in ORS 197.652.
217	Rindy	Replies that he is.
218	Rep. Ackerman	Asks if a task force is an effective way to address regional problem solving.
226	Rindy	Responds to the need for regional planning, but that it requires regional funding.
246	Rep. Ackerman	Asks about the financial prudence of the plan for

regionalization.

256 Rindy States that the regional problem solving project would certainly add to the budget. States belief that LCDC addressing the issue might be more cost-effective.

282 Rep. Ackerman Expresses his concerns as to the viability and cost-effectiveness of HJR 17.

300 Rindy Speaks to the broad vision which HJR 17 seeks to address.

314 Rep. Ackerman States that it does seem consistent with the regionalization concept of land use planning. Believes that collaborative regional problem solving would be a better vehicle than a task force. Introduces ORS 197.652 (**EXHIBIT B**) into the records.

348 Jon Chandler Speaks to the regionalization of the system and it's feasibilities. Offers neutral testimony, although he doesn't believe that this legislation will be very effective. States that the issue should perhaps be revisited.

TAPE 28, B

003 Randy Tucker 1000 Friends of Oregon. Submits (**EXHIBIT C**) and testifies that regional differences are already recognized, thus HJR 17 is rendered unnecessary. Reemphasizes that 1000 Friends support regional differences and that this issue could use another look, but that HJR 17 is not necessary.

070 Don Schellenberg Oregon Farm Bureau (OFB). States neutrality on this bill. Offers that OFB has concerns regarding funding in the implementation of HJR 17. Also states that maybe perhaps this issue should be readdressed.

091 Harlan Levy Oregon Realtors Association (ORA). States that ORA has concerns about the perception of the one size fits all approach of LCDC. Asserts that HJR 17 would assuage some of these concerns.

124 Chair Garrard Asks how many cities in Oregon have populations greater than 25,000.

130 Levy States that he is uncertain. Guesses that there are about twenty.

131 Tucker Asserts that there are about twelve to sixteen.

132 Rep. Rosenbaum Asks Chandler if the task force which he is drafting is in the form of a bill.

138 Chandler States that it is an Legislative Concept.

141 Rep. Rosenbaum Notes that that this bill is a joint resolution and an unusual way to address this issue. Expresses concern in bypassing the governor.

145 Tucker States that the governor has expressed interest in Chandler's legislation.

151 Chair Garrard Closes the public hearing and opens a work session on HJR 17.

HJR 17 – WORK SESSION

153 Rep. Zauner **MOTION: Moves HJR 17 be sent to the floor with a DO PASS recommendation.**

155 Rep. Ackerman States that in light of the fact that Oregon is financially insolvent, the committee should oppose any bill with additional expenditures. Asserts that this is merely duplication since we already have a regional planning process on record.

193 Rep. Rosenbaum Expresses surprise that the committee is moving HJR 17. Reasserts opposition that this legislation will bypass the governor. Opposes this legislation but believes that some elements should be used as the basis for another bill. Also cites the current budget crisis.

214	Rep. Doyle	States the urban versus rural differences and that this bill reflects rural frustrations. States that the fiscal impact is a legislative expense, which would not impact the budget. Affirms that he will vote aye.
253	Rep. Richardson	States that this bill will help with a public perception of the rural-urban divide. Affirms support for this legislation.
287	Chair Garrard	Requests Rep. Zauner to amend his motion to “be adopted” rather than “do pass.”
290	Rep. Zauner	MOTION: Moves HJR 17 be sent to the floor with a BE ADOPTED recommendation.
294		VOTE: 4-3 AYE: 4 - Rep. Doyle, Rep. Zauner, Rep. Richardson, Chair Garrard NAY: 3 - Rep. Rosenbaum, Rep. Ackerman, Rep. Greenlick
298	Chair Garrard	The motion Carries. REP. GREG SMITH will lead discussion on the floor.
300	Chair Garrard	Adjourns the meeting at 10:30 AM.

EXHIBIT SUMMARY

A – HJR 17, written materials, Bob Rindy, 2 pp.

B - HJR 17, written materials, Representative Robert Ackerman, 2 pp.

C – HJR 17, written materials, Randy Tucker, 2 pp.