

**HOUSE COMMITTEE ON**  
**ENVIRONMENT AND LAND USE**

March 25, 2003 Hearing Room E  
8:30 Tapes 41 - 42

**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:**      HB 2674 – Public Hearing and Work Session  
                                 HB 2755 – Public Hearing  
                                 HB 3176 – Work Session  
                                 HB 2860 – Public Hearing  
                                 HB 2912 – Public Hearing  
                                 HB 3175 – Public Hearing  
                                 HB 3120 – Public Hearing

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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 41, A</b>		
003	Chair Garrard	Calls the meeting to order at 8:40 and opens a public hearing on HB 2674.
<b><u>HB 2674 – PUBLIC HEARING</u></b>		
020	Stephen Kafoury	Affirms dedication to the goals of land use planning. Gives overview of the issue of land use planning since 1973, and its benefits to the state.
082	Mitch Rhose	Offers a broad overview as to why land use planning is important. Submits <b>(EXHIBIT A)</b> in support of his testimony that land use planning is a win-win proposition, offering great returns for minimal regulation.
231	Rep. Richardson	States concern about the connection between land use planning and the poor economy.
241	Rhose	Replies that there is no correlation between the poor economy and land use planning.
253	Rep. Richardson	Points out that rural Oregonians have a different perception and feel that urban Oregon doesn't address the needs of rural Oregon.
272	Rhose	Agrees with Rep. Richardson.

282	Rep. Greenlick	Asks how his general comments apply to HB 2674.
289	Rhose	States that this is a one-size fits all testimony and not specific to HB 2674.
294	Kafoury	Addresses the perennial attempt to undercut land use planning and the reason they gave this one-size fits all testimony.
313	Rhose	Clarifies that there is a concern for piece-meal modifications which undermine land use planning.
322	Kafoury	Cites the mill citing bill as an example.
340	Chair Garrard	Closes the public hearing on HB 2674 and opens a work session on HB 2674.

**HB 2674 – WORK SESSION**

<b>344</b>	<b>Rep. Richardson</b>	<b>MOTION: Moves HB 2674 to the floor with a DO PASS recommendation.</b>
350	Rep. Doyle	Affirms support, but expresses a concern with the introduction of too many unfocused piece-meal bills. States the need for a coherent plan.
378	Chair Garrard	Addresses Rep. Doyle’s concern and the number of bills before the committee and concurs with Rep. Doyle. Points out direction the committee will proceed.
425	Rep Ackerman	Notes agreement with Rep. Doyle’s concerns. Points out that HB 2912 which will be heard later in the meeting would be a good vehicle for bringing up a cohesive all-inclusive land-use policy.

**Tape 42, A**

005	Rep. Rosenbaum	States that she will vote for HB 2674, but brings forth her concern with the limited testimony on the issue.
<b>015</b>		<b>VOTE: 7-0</b>
<b>020</b>	<b>Rep. Garrard</b>	<b>AYE: In a roll call vote, all members present vote Aye.</b> <b>MOTION: Moves HB 2674 be placed on the CONSENT CALENDAR.</b>
<b>025</b>		<b>VOTE: 7-0</b>
<b>026</b>	<b>Chair</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
027	Chair Garrard	Closes the Work Session on HB 2674 and opens a public hearing on HB 2755.

**HB 2755 – PUBLIC HEARING**

030	Ray Kelly	Summarizes HB 2755.
042	Clif Kenagy	Submits <b>(EXHIBIT B)</b> and testifies in opposition to HB 2755, in order to support the real farmers as opposed to the hobby farmers. States that the \$80,000 rule is not a problem and that the problem is with the public perception of farming.
093	Mark Tipperman	States that he and his wife are in Oregon because of land use planning. Testifies in opposition to HB 2755 in order to protect Oregon’s agricultural base.
138	Carrie MacLaren	1000 Friends of Oregon. Submits <b>(EXHIBIT C)</b> and testifies in opposition to HB 2755, stating that farm lands need to be protected for farmers.
200	Glen Stonebrink	Submits <b>(EXHIBIT D)</b> and testifies with support for HB 2755, in that the 80K rule is arbitrary and just benefits special interest groups.
232	Don Schellenberg	Oregon Farm Bureau (OFB). Submits <b>(EXHIBIT E)</b> and testifies in opposition to HB 2755. States that passage of the bill would undermine statutory changes which protect farmland for farmers.
273	Peter Kenagy	Testifies that HB 2755 is an attack on farming and vehemently

opposes the legislation. States that he wouldn't be able to farm had it not been for SB 100.

302 Peter Hainley Community and Shelter Assistance Corp (CASA). Submits **(EXHIBIT F)** and testifies in opposition to HB 2755, as it would undermine much work agreed to by a wide coalition during the 71<sup>st</sup> Legislative Assembly.

340 Lynn Partin Farmworker Programs Representative. Submits **(Exhibit G)** and testifies in opposition to HB 2755, as not to dismantle the previously attested to coalition.

355 Rep. Richardson Asks about seasonal workers from the definition of accessory dwellings.

361 Partin Addresses concerns relating to accessory dwellings.

364 Ron Eber Submits **(EXHIBIT H)** and testifies with his concerns about HB 2755. Opposes HB 2755 as written.

431 Rep. Rosenbaum Asks about the potential effect of removing the ambiguous language in the present statute.

**TAPE 41, B**

004 Eber States the consequences which would lead to conflicts and undermine the farmland base.

014 Rep. Rosenbaum Asks if LCDC would have a role to play in the process.

017 Eber Replies that according to his reading, LCDC would be essentially rendered powerless.

020 Chair Garrard Closes the public hearing on HB 2755 and opens a work session on HB 3176.

**HB 3176 – WORK SESSION**

032 Ray Kelly Summarizes the previous testimony on HB 3176.

032 Rep. Richardson Summarizes Rep. Scott's earlier testimony on HB 3176.

040 Jon Chandler Restates the informational testimony on HB 3176.

**062 Rep. Greenlick** **MOTION: Moves HB 3176 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Ways and Means by prior reference.**

075 Rep. Doyle States disagreement with moving the bill without recommendation.

083 Rep. Rosenbaum States support for the motion.

**105** **VOTE: 5-2**  
**AYE: 5 - Ackerman, Greenlick, Richardson, Rosenbaum, Zauner**  
**NAY: 2 - Doyle, Garrard**  
**The motion CARRIES.**

**110 Chair Garrard** Closes the work session on HB 3176 and opens a public hearing on HB 2860.

118 Chair Garrard

**HB 2860 – PUBLIC HEARING**

122 Ray Kelly Summarizes HB 2860.

125 Dave Riley Testifies with strong support for HB 2860 in order to safeguard business opportunities and to allow local governments the opportunity to consider these projects on their own merits.

159 Don Schellenberg OFB. Submits **(EXHIBIT I)** and testifies against HB 2860 in that the requested authority stretches beyond urban growth boundaries.

192 Glen Stonebrink Speaks with support for HB 2860 and testifies that counties should be more involved in the decision-making processes.

214 Dave Hunnicutt Oregonians In Action (OIA). Testifies with support for HB

333	Harlan Levy	2860. Offers background to the issues and exceptions involved. Supports HB 2860 in order to achieve an exception and to remedy the situation.
340	Mike Collmeyer	Submits <b>(EXHIBIT J)</b> and testifies in strong opposition to HB 2860 as it would be harmful to the balance between conservation and development.
373	Ron Eber	Testifies in opposition to HB 2860 as it removes the statutory standard and changes the previous analyses.
410	Rep. Ackerman	Asks the panel if the suitability factor is embodied in some administrative rule for the exception process.
431	Eber	Responds to the rules exceptions interpretation.
435	Rep. Ackerman	Restates previous question.
441	Eber	Clarifies the rules further.
<b>TAPE 42, B</b>		
002	Rep. Ackerman	Requests the applicable rules be provided to the committee.
010	Chair Garrard	Closes the public hearing on HB 2860 and opens a public hearing on HB 2912.

**HB 2912 – PUBLIC HEARING**

012	Chair Garrard	Announces amendments to come forth.
015	Rep. Ackerman	Notes interest on behalf of the governor’s office and requests that HB 2912 be put off until next Thursday in order to meet their schedule.
020	Chair	Closes the public hearing on HB 2912 and opens a public hearing on HB 3175.

**PH 3175 – PUBLIC HEARING**

030	Ray Kelly	Summarizes HB 3175.
033	Rep. Knopp	Testifies in support of HB 3175 in order to achieve balance between business and the environment. States the intentions and effects of this bill.
094	Stephanie Hallock	Director, Department of Environmental Quality (DEQ). Submits <b>(EXHIBIT K)</b> and testifies in favor of HB 3175. Reaffirms Knopp’s testimony and stresses that this legislation is vital for revitalizing the Willamette River.
145	Katherine VanNatta	Northwest Pulp and Paper Association (NWPPA). Supports the concepts of HB 3175 and asks for inclusion in any work group which might arise, as permit holders along the Willamette River.
188	Matt Blevins	Oregon Environmental Council (OEC). Testifies in support of HB 3175, in order to help clean up the Willamette River and other contaminated rivers in Oregon.
260	Chair Garrard	Announces the formation of a work group, appointing Director Hallock as the chair. Directs the work group to report back to the committee on April 10. Closes the public hearing on HB 3175 and opens a public hearing on HB 3120.

The following prepared testimony is submitted for the record without public testimony for HB 3175.  
Rhett Lawrence

Submits written testimony **(EXHIBIT L)**.

**HB 3120 – PUBLIC HEARING**

275	Chair Garrard	Closes the public hearing on HB 3120 and adjourns the meeting at 10:26.
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**EXHIBIT SUMMARY**

**A – HB 2674, written testimony, Mitch Rhose, 2 pp.**

- B – HB 2755, written testimony, Clif Kenagy, 2 pp.**
- C – HB 2755, written testimony, Carrie MacLaren, 3 pp.**
- D – HB 2755, written testimony, Glen Stonebrink, 1 p.**
- E – HB 2755, written testimony, Don Schellenberg, 2 pp.**
- F – HB 2755, written testimony, Peter Hainley, 1 p.**
- G – HB 2755, written testimony, Lynn Partin, 1 p.**
- H – HB 2755, written testimony, Ron Eber, 8 pp.**
- I – HB 2860, written testimony, Don Schellenberg, 2 pp.**
- J – HB 2860, written testimony, Michael Collmeyer, 1 p.**
- K – HB 3175, written testimony, Stephanie Hallock, 3 pp.**
- L – HB 3175, written testimony, Rhett Lawrence, 1 p.**