

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

April 01, 2003 Hearing Room HR E  
8:30 AM Tapes 45 - 46

**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

**MEASURES HEARD:**      HB 3375 – Public Hearing and Work Session  
                                 HB 3213 – Public Hearing and Work Session  
                                 HB 2820 – Public Hearing  
                                 HB 3176 – Reconsideration and Work Session  
                                 HB 2856, HB 2910, HB 3061, HB 3326, HB 2790 – Public Hearing  
                                 HB 2738, HB 2899, HB 2898, HB 2809, HB 2336 – Public Hearing  
                                 HB 2984, HB 3342, HB 3462, HB 3247, HB 3241 – 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 45, A</b>		
004	Chair Garrard	Calls the meeting to order at 8:42 and opens a public hearing on HB 3375.
<b><u>HB 3375 – PUBLIC HEARING</u></b>		
012	Senator Ferrioli	SD 30, John Day. Cosponsor, introduces his bill HB 3375 in order to correct some of the problems related to SB 12.
044	Chair Garrard	Recesses the public hearing on HB 3375 and opens a public hearing on HB 3213.
<b><u>HB 3213 – PUBLIC HEARING</u></b>		
068	Senator Atkinson	Testifies to the -3 amendments ( <b>EXHIBIT A</b> ) to HB 3213, which inserts language clarifying buffer land between destination resorts and high-value farmland.
095	Dave Riley	Submits ( <b>EXHIBIT B</b> ) and speaks to the effects of the -3 amendments. Asserts the amendments to be a win-win situation.
121	Rep. Greenlick	Asks precisely what HB 3213 does.
125	Dave Riley	Asserts that it allows nursing homes and other facilities to be sited within destination resorts.
137	Linda Swearingen	Eagle Crest Resort. Submits ( <b>EXHIBIT C</b> ), ( <b>EXHIBIT D</b> ), ( <b>EXHIBIT E</b> ), and ( <b>EXHIBIT F</b> ). Does not testify at this time.
138	Kristan Uvardi	Attorney, testifies in support of HB 3213. Explains the revisions

		to the proposed destinations resort statute.
225	Chair Garrard	Recesses the public hearing on HB 3213 and reopens a public hearing on HB 3375.
<b><u>HB 3375- PUBLIC HEARING</u></b>		
230	Representative Morgan	HD 2. Testifies with support for HB 3375, correcting a problem with landslide issues which arose with the passage of SB 12.
316	Linda Ludwig	Submits ( <b>EXHIBIT G</b> ) and briefly testifies in support of HB 3375.
328	Phil Stenbeck	Submits ( <b>EXHIBIT H</b> ) and testifies in support of HB 3375 and thus supports the repeal of ORS 195.263 in order to give local governments the ability to protect health, safety, and welfare.
372	Vicki McConnell	Deputy Director, Oregon Department of Geology and Mineral Industries (DOGAMI). Submit ( <b>EXHIBIT I</b> ) and testifies in favor of HB 3375 in order to fix potential hazards.
420	Rep. Greenlick	Asks the effects of deleting ORS 195.263 in terms of building regulation.
440	Stenbeck	Describes the effects of the deletion.
<b>TAPE 46, A</b>		
005	Art Schlack	Submits ( <b>EXHIBIT J</b> ) and ( <b>EXHIBIT K</b> ) and testifies in support of HB 3375. Reaffirms Rep. Morgan and Rep. Ferrioli's testimony.
030	Ray Wilkinson	Oregon Forest Industries Council (OFIC). Presents OFIC's involvement with the landslide issues relating to HB 3375.
061	Keith Mills	Department of Forestry (ODF). Submits ( <b>EXHIBIT L</b> ) and testifies in support of HB 3375 as a twenty-year landslide expert.
084	Chair Garrard	Closes the public hearing on HB 3375 and opens a work session on HB 3375.
<b><u>HB 3375 – WORK SESSION</u></b>		
090	Rep. Rosenbaum	<b>MOTION: Moves HB 3375 to the floor with a DO PASS recommendation.</b>
102		<b>VOTE: 7-0</b>
		<b>AYE: In a roll call vote, all members present vote Aye.</b>
		<b>EXCUSED: Zauner* (Refer to click number 205 on Tape 45, B.)</b>
104	Chair Garrard	<b>The motion CARRIES.</b>
		<b>REP. MORGAN will lead discussion on the floor.</b>
108	Chair Garrard	Closes the work session on HB 3375 and reopens a public hearing on HB 3213.
<b><u>HB 3213 – PUBLIC HEARING</u></b>		
110	Linda Swearingen	Testifies in favor of HB 3213, although opposes the -3 amendments, which are somewhat controversial.
176	Tom Luersen	Submits ( <b>EXHIBIT M</b> ) and testifies in support of HB 3213 as tourism is vital to the economy of Central Oregon.
232	Carrie MacLaren	Testifies in opposition to HB 3213 as well as against the -3 amendments. States concern that HB 3213 would run counter to the purpose of Goal 8 and would eliminate the buffer zone between resort and farmland.
298	Rep. Greenlick	Asks if 1000 Friends would prefer for the bill to pass with or without the -3 amendments.
306	MacLaren	States that 1000 Friends disapproves of the bill in any form. Adds 1000 Friends' position on conservation easements.
348	Bob Rindy	Department of Land Conservation and Development (DLCD). Submits ( <b>EXHIBIT N</b> ) and testifies in opposition to HB 3213. Expresses concerns about destination resorts actually being

		resorts and not single-family housing. Asks the Chair to consider a work group on HB 3213.
428	Chair Garrard	Asserts that services for seniors should be able to be located wherever they are necessary.
<b>TAPE 45, B</b>		
003	Rindy	Restates that the wording of the amendments should be addressed to clarify intent.
013	Chair Garrard	Asks what the -3 amendment is aimed at.
016	Riley	States that it relates to a specific Hood River County resort. Responds to 1000 Friends' testimony, and asserts that the -3 amendments would not erode the three-mile buffer zone.
034	Rep. Greenlick	Asks if the resort in the Malheur National Forest is that which he's referring to, and asks for clarification on the zoning of the land.
046	Riley	Affirms the identity of the resort and clarifies the effect on the buffer area.
056	Rep. Greenlick	Expresses concern that the wording might allow for violation of the spirit of the law relating to buffer zones.
061	Riley	References Goal 8, ORS 197, which would not allow for such violations.
078	Don Schellenberg	Oregon Farm Bureau (OFB). Speaks to the -3 amendments and the possibility of violation of the three mile buffer. States opposition to the amendments.
100	Rep. Doyle	Asks for confirmation on his understanding of the effects of the -3 amendments.
106	Schellenberg	Addresses conservation easements as they relate to the -3 amendments and states that we need more study to determine if there might be a violation.
118	Rep. Greenlick	Expresses concern that the specific resort is very near high-value farmland.
131	Schellenberg	Notes that it would depend on the size of the resort, but adds that it could be a legitimate concern.
138	Rep. Greenlick	Restates scenario which could lead to a problem.
144	Chair Garrard	Refers to the -3 as unfriendly amendments and states that the committee will not recognize the amendments. Closes the public hearing on HB 3213 and opens a work session on HB 3213.

**HB 3213 – WORK SESSION**

158	Rep. Richardson	<b>MOTION: Moves HB 3213 to the floor with a DO PASS recommendation.</b>
166	Richardson	<b>VOTE: 6-1</b> <b>AYE: 6 - Ackerman, Doyle, Greenlick, Richardson, Zauner, Garrard</b> <b>NAY: 1 - Rosenbaum</b>
173	Chair Garrard	<b>The motion CARRIES.</b> <b>REP. WESTLUND will lead discussion on the floor.</b>
178	Chair Garrard	Closes the work session on HB 3213 and reopens a work session on HB 3375.

**HB 3375 – WORK SESSION**

184	Rep. Greenlick	<b>MOTION: Moves to SUSPEND the rules for the purpose of allowing Rep. Zauner to vote on HB 3375.</b>
191	Chair Garrard	<b>Hearing no objection, declares the motion CARRIED.</b>
205	Rep. Garrard	<b>MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. ZAUNER to BE RECORDED as voting AYE on the motion to</b>

**move HB 3375 to the floor with a DO PASS recommendation.**

218 Chair Garrard Closes the work session on HB 3375 and opens a public hearing on HB 2820.

**HB 2820 - PUBLIC HEARING**

225 Ross Day Oregonians In Action (OIA). Testifies in support of HB 2820 which will require state agencies to do an economic impact study before taking action. Notes that HB 2820 is only meant to apply to land use regulations, and not state agencies in general.

335 Rep. Greenlick Points out Subsection 3, Lines 15-19 and asks about economic analyses.

359 Day Affirms that each property affected would require an analysis under the proposed legislation.

365 Rep. Greenlick Asks Day how much economic analyses cost.

377 Day Notes the cost for these impact analyses.

379 Rep. Greenlick Points out that all of the analyses would cost \$25-50 million.

390 Day States that he's not sure if that is the case.

408 Don Schellenberg OFB. Submits (**EXHIBIT O**) and testifies in favor of HB 2860, yet does have concerns and notes that questions need to be asked.

440 Schlack AOC. Testifies in opposition to HB 2820. Expresses concern about the amount of review and analysis which would be required.

**TAPE 46, B**

009 Schlack Concludes testimony.

016 Schellenberg Adds that there is some benefit to doing reviews and analyses, but notes the cost involved.

025 Rep. Ackerman References the language of the bill and asks if the appraisal process could be excluded.

037 Day States that it would not apply to an exception.

044 Rep. Ackerman States concern that by excluding the exception process, we're skewing the result of the economic impact.

054 Day States that he doesn't believe that is the case.

064 Rep. Ackerman Asks about the effect of limiting the economic impact.

070 Day Speaks of positive impact.

101 Chair Garrard Recommends Day to consider amending HB 2860.

110 Seth Karpinski City of Eugene. Submits (**EXHIBIT P**) and (**EXHIBIT Q**) for Linda Ludwig and testifies in opposition to HB 2820. Expresses concern for the costs of the analyses which would discourage land use regulation.

123 Randy Tucker 1000 Friends of Oregon. Testifies in opposition to HB 2820. Addresses Measure 56 as it relates to HB 2820.

165 Rindy Speaks in opposition to HB 2820. Expresses concern that the high costs would prevent land-use rule making.

180 Rep. Zauner Asks if DLCD would be opposed if there was no cost for the appraisal.

189 Rindy States that that would take care of most of their concerns. Emphasizes that cost is the main impediment.

196 Rep. Zauner Confirms that money is the problem.

198 Rindy Agrees and adds that time is also a concern.

203 Chair Garrard Closes the public hearing on HB 2820 and opens a work session on HB 3176.

**HB 3176 – WORK SESSION**

209 Rep. Greenlick **MOTION: Moves to SUSPEND the rules for the purpose of**

213		<b>RECONSIDERING the vote on HB 3176.</b> <b>VOTE: 6-0</b> <b>AYE:</b> In a roll call vote, all members present vote Aye. <b>EXCUSED: 1 - Rosenbaum</b> <b>The motion CARRIES.</b>
222	Chair Garrard	
233	Rep. Zauner	<b>MOTION: Moves HB 3176 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means by prior reference.</b>
237		<b>VOTE: 6-0</b> <b>AYE:</b> In a roll call vote, all members present vote Aye. <b>EXCUSED: 1 - Rosenbaum</b> <b>The motion CARRIES.</b>
241	Chair Garrard	
243	Chair Garrard	Closes the work session on HB 3176 and opens a public hearing on HB 2856.
<b><u>HB 2856 - PUBLIC HEARING</u></b>		
245	Chair Garrard	Closes the public hearing on HB 2856 and opens a public hearing on HB 2910.
<b><u>HB 2910 – PUBLIC HEARING</u></b>		
248	Chair Garrard	Closes the public hearing on HB 2910 and opens a public hearing on HB 3061.
<b><u>HB 3061 – PUBLIC HEARING</u></b>		
251	Chair Garrard	Closes the public hearing on HB 3061 and opens a public hearing on HB 3326.
<b><u>HB 3326 – PUBLIC HEARING</u></b>		
255	Chair Garrard	Closes the public hearing on HB 3326 and opens a public hearing on HB 2790.
<b><u>HB 2790 – PUBLIC HEARING</u></b>		
259	Chair Garrard	Closes the public hearing on HB 2790 and opens a public hearing on HB 2738.
<b><u>HB 2738 – PUBLIC HEARING</u></b>		
262	Chair Garrard	Closes the public hearing on HB 2738 and opens a public hearing on HB 2899.
<b><u>HB 2899 – PUBLIC HEARING</u></b>		
265	Chair Garrard	Closes the public hearing on HB 2899 and opens a public hearing on HB 2898.
<b><u>HB 2898 – PUBLIC HEARING</u></b>		
268	Chair Garrard	Closes the public hearing on HB 2898 and opens a public hearing on HB 2809.
<b><u>HB 2809 – PUBLIC HEARING</u></b>		
271	Chair Garrard	Closes the public hearing on HB 2809 and opens a public hearing on HB 2336.
<b><u>HB 2336 – PUBLIC HEARING</u></b>		
274	Chair Garrard	Closes the public hearing on HB 2336 and opens a public hearing on HB 2984.
<b><u>HB 2984 – PUBLIC HEARING</u></b>		
277	Chair Garrard	Closes the public hearing on HB 2984 and opens a public hearing on HB 3342.
<b><u>HB 3342 – PUBLIC HEARING</u></b>		
280	Chair Garrard	Closes the public hearing on HB 3342 and opens a public hearing on HB 3462.
<b><u>HB 3462 – PUBLIC HEARING</u></b>		
283	Chair Garrard	Closes the public hearing on HB 3462 and opens a public hearing on HB 3247.

**HB 3247 – PUBLIC HEARING**

286 Chair Garrard

Closes the public hearing on HB 3247 and opens a public hearing on HB 3241.

**HB 3241 – PUBLIC HEARING**

289 Chair Garrard

Closes the public hearing on HB 3241 and adjourns the meeting at 10:30 AM.

**EXHIBIT SUMMARY**

- A – HB 3213, -3 amendments, staff, 1 p.**
- B – HB 3213, written testimony, Dave Riley, 2 pp.**
- C – HB 3213, written testimony, Linda Swearingen, 1 p.**
- D – HB 3213, written testimony, Linda Swearingen, 1 p.**
- E – HB 3213, written testimony, Linda Swearingen, 2 pp.**
- F – HB 3213, written testimony, Linda Swearingen, 2 pp.**
- G – HB 3375, written testimony, Linda Ludwig, 1 p.**
- H – HB 3375, written testimony, Phil Stenbeck, 2 pp.**
- I – HB 3375, written testimony, Vicki McConnell, 1 p.**
- J – HB 3375, written testimony, Art Schlack, 1 p.**
- K – HB 3375, written testimony, Art Schlack, 1 p.**
- L – HB 3375, written testimony, Keith Mills, 2 pp.**
- M – HB 3213, written testimony, Tom Luersen, 2 pp.**
- N – HB 3213, written testimony, Bob Rindy, 1 p.**
- O – HB 2820, written testimony, Don Schellenberg, 1 p.**
- P – HB 2820, written testimony, Seth Karpinski, 1 p.**
- Q – HB 2820, written testimony, Linda Ludwig, 1 p.**