

**HOUSE COMMITTEE ON
ENVIRONMENT AND LAND USE**

April 10, 2003 Hearing Room HR E
8:30 AM Tapes 52 - 54

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 3175 – Work Session**
 HB 3106 - Work Session
 HB 3228 – Public Hearing
 HB 3211 – Public Hearing and Work Session
 HB 3013 – Public Hearing
 HB 3061, HB 2898, HB 2899, HB 2945, HB 3245 – Public Hearing
 HB 3408, HB 3017, HB 3144, HB 2617, HB 3315 – Public Hearing
 HB 3137, HB 2909, HB 2910, HB 3404, HB 2790 – Public Hearing
 HB 3561, HB 3121, HB 3083, HB 3457, HB 3282 – Public Hearing
 HJR 35, HB 3558, HB 3120, HB 3181, HB 3459 – Public Hearing

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 52, A		
003	Chair Garrard	Calls the meeting to order at 8:43 AM and opens a work session on HB 3175.
HB 3175 – WORK SESSION		
012	Chair Garrard	Announces the -2 amendments (EXHIBIT A) to HB 3175.
015	John Ledger	Associated Oregon Industries (AOI). Testifies to the drafting and the modifications to HB 3175 as put forth by the -2 amendments.
033	Lauri Aunan	Department of Environmental Quality (DEQ). Submits (EXHIBIT B) and testifies that the amendments met DEQ's requirements.
052	Rep. Richardson	MOTION: Moves to ADOPT HB 3175-2 amendments dated 4/9/03.
058		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Rosenbaum

061 Chair Garrard
093 Rep. Greenlick
The motion CARRIES.
MOTION: Moves HB 3175 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.

100
VOTE: 6-0
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 1 - Rosenbaum

106 Chair Garrard
113 Rep. Richardson
The motion CARRIES.
MOTION: Moves HB 3175 to the floor with a DO PASS AS AMENDED recommendation.

117
VOTE: 7-0
AYE: In a roll call vote, all members present vote Aye.
The motion CARRIES.

121 Chair Garrard
123 Chair Garrard
Closes the work session on HB 3175 and opens a work session on HB 3016.

HB 3016 – WORK SESSION

123 Ray Kelly Introduces the -1 amendments (**EXHIBIT C**).

139 Ross Day Oregonians In Action (OIA). Speaks to the -1 amendment language modifications and their effects.

196 Rep. Ackerman Addresses financing mechanisms and asks Day how they would work.

203 Day Addresses maintenance agreements and improvement districts as they relate to the bill.

217 Rep. Richardson Asks about local governmental obligations.

219 Day Notes that local governments would be under no obligations.

226 Rep. Greenlick Asks for clarifications about Section 4 with regard to regulations.

250 Day States that there are no unintended consequences.

274 Bob Rindy Department of Land Conservation and Development (DLCD). States that Goal 11 would have to be amended or repealed as a result of this legislation.

279 Rep. Greenlick Restates the question about repealing Goal 11.

281 Rindy States that the amendment would cause DLCD to amend Goal 11.

286 Rep. Greenlick Asks what Goal 11 specifically deals with.

290 Rindy States that Goal 11 deals with urban growth boundaries.

302 Day Reaffirms the effect on shared community sewers.

305 Rindy Affirms that is correct. Adds that it can vary with geographic area.

310 Rep. Rosenbaum Asks about the bearing of costs on local government.

321 Day Affirms that the intention is to lessen the burden on local communities.

328 Rep. Rosenbaum Asks for clarification of the language on Page 2 of the amendment.

334 Day Affirms that the intention is to hold local governments harmless.

339 Rep. Rosenbaum Expresses concern that differing situations could lead to contrary rulings.

345 Day Explains his broad concept of community.

352 Kelly Explains the process of moving the -1 amendments and the subsequent referral to ways and means.

374 Rep. Richardson **MOTION: Moves to ADOPT HB 3016-1 amendments dated 4/9/03.**

383 **VOTE: 7-0**

385	Chair Garrard	Hearing no objection, declares the motion CARRIED.
388	Rep. Richardson	MOTION: Moves HB 3016 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.
400	Rep. Greenlick	Notes a potential conflict of interest.
420	Ray Kelly	Clarifies laws relating to conflicts of interest.
428		VOTE: 7-0
433	Chair Garrard	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
438	Chair Garrard	Closes the work session on HB 3016 and opens a public hearing on HB 3228.
<u>HB 3228 – PUBLIC HEARING</u>		
440	Ray Kelly	Summarizes HB 3228.
TAPE 53, A		
041	Art Schlack	Association of Oregon Counties (AOC). Submits (EXHIBIT D) and urges the passage of HB 3228. Announces that the forthcoming amendments will include infrastructure development and will be acceptable to DLCD.
064	Nan Evans	Department of Land Conservation and Development (DLCD). Submits (EXHIBIT E) and affirms that DLCD would support HB 3228 with some key amendments.
097	Matt Spangler	Planning and Development Director, Lincoln County. Gives historical background to HB 3228 and affirms support for HB 3228.
155	Schlack	Addresses Goal 19 and the issue of rip-rap.
175	Rep. Richardson	Asks Evans if her objection might be assuaged if 1977 were added into the bill.
190	Evans	Addresses DLCD's concern and the additions which could lead to support of this legislation.
198	Richardson	Confirms Evans' support for Section 1.
200	Evans	States that her concern is with Section 2, sub 1. Offers further clarification.
220	Rep. Greenlick	States that he believes the -1 amendments (EXHIBIT F) address Evans' concern.
233	Evans	States that they do not and notes her specific concerns.
241	Rep. Greenlick	Follows up by confirming Evans' concern.
247	Evans	Reiterates DLCD's concerns regarding Section 2, sub 1 in the changing or removal of development criteria.
251	Rep. Greenlick	Confirms his understanding DLCD's criteria.
256	Evans	Affirms that Rep. Greenlick's concerns are correct.
260	Onno Husing	Director, Oregon Coastal Zone Management Association (OCZMA). Submits (EXHIBIT G) and testifies in support of HB 3228. Asserts that Oregon's land use system gives us a competitive advantage but that we need to eliminate rip-rap.
410	Rep. Richardson	States concern that citizens have a sense of anxiety of the obstacles involved in the process. Asks for a flow chart.
430	Husing	Avers that he will produce the flow chart.
TAPE 52, B		
015	Michael Collmeyer	Submits (EXHIBIT H) and testifies in opposition to HB 3228, citing concerns about eroding the protection of public beaches. Attests that such protection would be eroded by the weakening of Goal 18 as a result of the passage of HB 3228.
060	Liz Frenkel	League of Women Voters. Submits (EXHIBIT I) and testifies

		in opposition to HB 3228, as there is not a demonstrated need to amend Goal 17 or Goal 18.
101	Fran Recht	Oregon Shores Conservation Coalition. Submits (EXHIBIT J) and testifies in opposition to HB 3228, also citing Goal 18 concerns vis-à-vis rip-rap. Affirms that this process is not redundant and is important to protecting the beach.
166	Rep. Rosenbaum	Asks Recht about her concerns about amending the definition of infrastructure leading to a proliferation of rip-rap.
171	Recht	Agrees that she is concerned about that scenario.
177	Rep. Greenlick	Asks about protection of private property.
188	Collmeyer	Refers to amendments to Goal 18, which would occur by result of the passage of HB 3228.
202	Rep. Greenlick	Asks about protection of private streets under the current language.
205	Collmeyer	Agrees with Rep. Greenlick's interpretation.
211	Harlan Levy	Oregon Association of Realtors (OAR). Testifies in support of HB 3228, which would codify the status quo which has existed on the beach since Goal 18 was established.
230	John Rosenberger	Oregon Department of Transportation. Submits (EXHIBIT K) and testifies in favor of HB 3228. Affirms that ODOT does not automatically default to rip-rap on projects without proper analysis.
260	Linda Ludwig	League of Oregon Cities. Submits (EXHIBIT L) and reaffirms earlier testimony that HB 3228 merely confirms the current policy which has existed since 1977.
277	Rep. Rosenbaum	Asks Rosenberger if Goal 18 prevents ODOT from erecting rip-rap under emergency circumstances.
280	Rosenberger	Replies that ODOT is granted the authority to erect rip-rap in an emergency.
282	Rep. Rosenbaum	Asks about other exceptions.
285	Rosenberger	Replies to the federal exception process and notes the difficulty in navigation.
310	Rep. Rosenbaum	States that according to her understanding, the authority is presently granted to intervene in an emergency.
313	Rosenberger	Affirms that the exceptions process does not come into play during an emergency.
318	Rep. Greenlick	Asks how the process would change as a result of the passage of HB 3228.
322	Rosenberger	Details the effect on the federal process.
330	Rep. Richardson	Asks for confirmation in Levy's assertions on the permitting process.
338	Levy	Reiterates his understanding that this bill just codifies what has always existed.
345	Chair Garrard	Asks Husing and Spangler to get together with those who have testified and work all concerns into an amendment. Closes the public hearing on HB 3228 and opens a public hearing on HB 3211.

The following prepared testimony was submitted for the record without public testimony for HB 3228.

Michael Carrier Submits **(EXHIBIT P)**.

HB 3211 – PUBLIC HEARING

366	Ray Kelly	Summarizes HB 3211.
400	Rep. Farr	HD 14. Testifies in support of HB 3211. Speaks of Bethel's antipathy to Eugene's tax code and resistance to annexation.

425	Rep. Ackerman	States that Santa Clara runs the risk of suffering the same fate. HD 13. Testifies in support of HB 3211. Speaks to annexation as it relates to Eugene and Santa Clara. Asserts that Eugene's policy amounts to taxation without representation.
TAPE 53, B		
020	Rep. Greenlick	Asks Rep. Ackerman how the City of Eugene carries out annexation.
023	Rep. Ackerman	Addresses annexation strategies which could be employed.
128	Rep. Farr	Addresses the consolidated vote which could be overwhelmed by the city.
043	Eugene Grant	Mayor, Happy Valley. Testifies that this issue is not about growth, but inclusion. States that inclusion within a city will exacerbate the problem of insufficient resources. Recommends an amendment to make this bill good public policy.
125	Chair Garrard	Notes that this bill was scheduled for a hearing because of a huge public outcry.
130	Grant	Notes the support from many Portland-area mayors for his policy and near unanimous opposition to HB 3211.
135	Jim Bernard	Mayor, Milwaukee. Testifies that annexation is vital to keeping public services adequate.
148	Rep. Ackerman	Questions Grant's assertion that River Road in Eugene is blighted.
153	Grant	Doesn't cite specifics, but recalls that when he grew up there, River Road was a little run down.
171	Rep. Ackerman	Asks Grant if he knows about the widening of River Road.
175	Grant	Notes that he does not.
183	Rep. Ackerman	Asks Grant if he has noted the development in the Beltline area.
188	Grant	Responds that he has not.
193	Rep. Ackerman	Notes that his property has doubled in value over the past ten years.
208	Linda Ludwig	Submits (EXHIBIT M) and testifies in opposition to HB 3211 in order to provide adequate urban services. Asserts that HB 3211 would require a double majority vote.
280	Chair Garrard	Recesses HB 3211 and opens a public hearing on HB 3013.
<u>HB 3013 – PUBLIC HEARING</u>		
300	Rep. Susan Morgan	HD 2. Testifies in support of HB 3013 in order to address the implications on the aggregate mining industry due to LUBA decisions. Speaks to those decisions' adverse effect on the economy of Southern Oregon.
384	Chair Garrard	Recesses the public hearing on HB 3013 and reopens the public hearing on HB 3211.
<u>HB 3211 – PUBLIC HEARING</u>		
390	Art Schlack	Addresses SB 100 and annexation as it was in 1973, versus the situation today. Addresses the services available to be offered and concludes that HB 3211 is unnecessary. Affirms support for the current process.
TAPE 54, A		
002	Harlan Levy	AOR. Briefly states opposition to HB 3211, stating that he supports the present annexation laws.
010	Jon Chandler	States that there is a problem with the annexation system, but that he does not believe HB 2911 sufficiently addresses the problem and thus, opposes the bill.
045	Elizabeth Gracer Lindsay.	Testifies with support for HB 3211 as it would help protect the rights of rural property owners.

102	Jerry Ritter	Oregon Communities For a Voice in Annexations (OCVA). Submits (EXHIBIT N) and asserts that HB 3211 addresses serious flaws in ORS 195.205. Concurs with Rep. Ackerman’s assertion that the current annexation laws do not allow for proper representation.
135	Jim Seaberry	Submits (EXHIBIT O) and testifies in favor of HB 3211. Affirms previous testimony regarding annexation without approval.
190	Lance Margeson	Supports HB 3211 and asserts that counties do just as good a job as cities in providing services.
237	Chair Garrard	Close the public hearing on HB 3211 and opens a work session HB 3211.

The following prepared testimony is submitted for the record without public testimony for HB 3211.
Marilyn Reeves Submits **(EXHIBIT Q)**.

HB 3211 –WORK SESSION

242	Rep. Ackerman	MOTION: Moves HB 3211 to the floor with a DO PASS recommendation.
263		VOTE: 6-1 AYE: 6 - Ackerman, Doyle, Greenlick, Richardson, Zauner, Garrard NAY: 1 - Rosenbaum The motion CARRIES. Rep. Westlund will lead discussion on the floor.
274	Chair Garrard	
282	Chair Garrard	Closes the work session on HB 3211 and opens a public hearing on HB 3061.

HB 3061 – PUBLIC HEARING

285	Chair Garrard	Closes the public hearing on HB 3061 and opens a public hearing on HB 2898.
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HB 2898 – PUBLIC HEARING

288	Chair Garrard	Closes the public hearing on HB 2898 and opens a public hearing on HB 2899.
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HB 2899 – PUBLIC HEARING

291	Chair Garrard	Closes the public hearing on HB 2899 and opens a public hearing on HB 2945.
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HB 2945 – PUBLIC HEARING

294	Chair Garrard	Closes the public hearing on HB 2945 and opens a public hearing on HB 3245.
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HB 3245 – PUBLIC HEARING

297	Chair Garrard	Closes the public hearing on HB 3245 and opens a public hearing on HB 3408
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HB 3408 – PUBLIC HEARING

300	Chair Garrard	Closes the public hearing on HB 3408 and opens a public hearing on HB 3017.
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HB 3017 – PUBLIC HEARING

303	Chair Garrard	Closes the public hearing on HB 3017 and opens a public hearing on HB 3144.
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HB 3144 – PUBLIC HEARING

306	Chair Garrard	Closes the public hearing on HB 3144 and opens a public hearing on HB 2617.
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HB 2617 – PUBLIC HEARING

309	Chair Garrard	Closes the public hearing on HB 2617 and opens a public hearing on HB 3315.
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HB 3315 – PUBLIC HEARING

312 Chair Garrard

Closes the public hearing on HB 3315 and opens a public hearing on HB 3137.

HB 3137 – PUBLIC HEARING

315 Chair Garrard

Closes the public hearing on HB 3137 and opens a public hearing on HB 2909.

HB 2909 – PUBLIC HEARING

318 Chair Garrard

Closes the public hearing on HB 2909 and opens a public hearing on HB 2910.

HB 2910 – PUBLIC HEARING

321 Chair Garrard

Closes the public hearing on HB 2910 and opens a public hearing on HB 3404.

HB 3404 – PUBLIC HEARING

324 Chair Garrard

Closes the public hearing on HB 3404 and opens a public hearing on HB 2790.

HB 2790 – PUBLIC HEARING

327 Chair Garrard

Closes the public hearing on HB 2790 and opens a public hearing on HB 3561.

HB 3561 – PUBLIC HEARING

330 Chair Garrard

Closes the public hearing on HB 3561 and opens a public hearing on HB 3121.

HB 3121 – PUBLIC HEARING

333 Chair Garrard

Closes the public hearing on HB 3121 and opens a public hearing on HB 3083.

HB 3083 – PUBLIC HEARING

336 Chair Garrard

Closes the public hearing on HB 3083 and opens a public hearing on HB 3457.

HB 3457 – PUBLIC HEARING

339 Chair Garrard

Closes the public hearing on HB 3457 and opens a public hearing on HB 3282.

HB 3282 – PUBLIC HEARING

342 Chair Garrard

Closes the public hearing on HB 3282 and opens a public hearing on HJR 35.

HJR 35 – PUBLIC HEARING

345 Chair Garrard

Closes the public hearing on HJR 35 and opens a public hearing on HB 3558.

HB 3558 – PUBLIC HEARING

348 Chair Garrard

Closes the public hearing on HB 3558 and opens a public hearing on HB 3120.

HB 3120 – PUBLIC HEARING

351 Chair Garrard

Closes the public hearing on HB 3120 and opens a public hearing on HB 3181.

HB 3181 – PUBLIC HEARING

354 Chair Garrard

Closes the public hearing on HB 3181 and opens a public hearing on HB 3459.

HB 3459 – PUBLIC HEARING

357 Chair Garrard

Closes the public hearing on HB 3459 and adjourns the meeting at 11:02 AM.

EXHIBIT SUMMARY

- A – HB 3175, -2 amendments, staff, 8 pp.**
- B – HB 3175, written testimony, Lauri Aunan, 1 p.**
- C – HB 3016, -1 amendments, staff, 2 pp.**
- D – HB 3228, written testimony, Art Schlack, 2 pp.**
- E – HB 3228, written testimony, Nan Evans, 6 pp.**
- F – HB 3228, -1 amendments, Rep. Mitch Greenlick, 1 p.**
- G – HB 3228, written testimony, Onno Husing, 10 pp.**
- H – HB 3228, written testimony, Michael Collmeyer, 4 pp.**
- I – HB 3228, written testimony, Liz Frenkel, 4 pp.**
- J – HB 3228, written testimony, Fran Recht, 11 pp.**
- K – HB 3228, written testimony, John Rosenberger, 1 p.**
- L – HB 3228, written testimony, Linda Ludwig, 2 pp.**
- M – HB 3211, written testimony, Linda Ludwig, 4 pp.**
- N – HB 3211, written testimony, Jerry Ritter, 2 pp.**
- O – HB 3211, written testimony, Jim Seaberry, 1 p.**

The following exhibits are listed out of order in the body of the tape log.

- P- HB 3228, written testimony, Michael Carrier, 2 pp.**
- Q – HB 3211, written testimony, Merilyn Reeves, 2 pp.**