

**HOUSE COMMITTEE ON  
ENVIRONMENT AND LAND USE**

April 15, 2003 Hearing Room HR E  
8:30 AM Tapes 58 - 59

**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 3017 – Work Session**  
                                  HJR 35 – Work Session  
                                  HB 3144 – Work Session  
                                  HB 2910 – Work Session  
                                  HB 3228 – Work Session  
                                  HB 2369 – Work Session  
                                  HB 2614 – Work Session  
                                  HB 3521 – Work Session

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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 58, A</b>		
003	Chair Garrard	Calls the meeting to order at 8:43 and opens a work session on HB 3017.
<b><u>HB 3017 – WORK SESSION</u></b>		
020	Chad Johnson	Polk County landowner. Announces amendments to be forthcoming and speaks on their effects. Submits <b>(EXHIBIT A)</b> , <b>(EXHIBIT B)</b> , and <b>(EXHIBIT C)</b> and testifies that urban growth boundaries do not do anything but raise the prices of property, contrary to the assertion of 1000 Friends of Oregon.
120	Greg Smith	HD 57. Testifies regarding EFU zones and the need to open more lands where it makes sense and has no negative environmental impact.
172	Rep. Doyle	Asks about the intentions of the amendments.
175	Johnson	Addresses the amendments.
180	Greg Smith	Continues with the amendment as it relates to the boundaries of the golf course.
203	Rep. Doyle	Asks Johnson about his personal interest in HB 3017.
206	Johnson	Notes that he owns land in the area.

219	Rep. Doyle	Asks Johnson if the land was originally farmland.
222	Johnson	Notes that it was and mentions his intentions in purchasing the land.
229	Rep. Doyle	Asks for confirmation that the land was purchased for speculation.
231	Johnson	Affirms that is the case.
254	Don Schellenberg	Oregon Farm Bureau (OFB). Submits <b>(EXHIBIT D)</b> and testifies in opposition to HB 3017, in that farm zones are for farming and this bill undermines that principle.
292	Ron Eber	Department of Land Conservation and Development (DLCD). Testifies against HB 3017, echoing OFB's testimony.
322	Carrie MacLaren	1000 Friends of Oregon. Echoes testimony of OFB and DLCD in opposition to HB 3017.
331	Chair Garrard	Announces two amendments to be forthcoming. Closes the work session on HB 3017 and opens a work session on HJR 35.

**HJR 35**

362	Michael Carrier	Director, Oregon Parks and Recreation (ODPR). Submits <b>(EXHIBIT E)</b> and testifies in opposition to HJR 35 as it would redirect funds earmarked for improvements to State Parks.
400	Jagodnik	Director, Oregon Recreation and Park Association (ORPA). Submits <b>(EXHIBIT F)</b> and echoes OPR's testimony in opposition to HJR 35.
423	<b>Rep. Greenlick</b>	<b>MOTION: Moves HJR 35 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Revenue.</b>
427		<b>VOTE: 7-0</b>
434	<b>Chair Garrard</b> Chair Garrard	<b>AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.</b> Closes the work session on HJR 35 and opens a work session on HB 3144.

The following prepared testimony is submitted for the record without public testimony.

Jim Myron	Submits <b>(EXHIBIT Q)</b>
Hilary Abraham	Submits <b>(EXHIBIT R)</b>
Stephen Bosak	Submits <b>(EXHIBIT S)</b>

**Tape 59, A**

**HB 3144 – WORK SESSION**

016	Mark Nelson	Glass Packaging Institute. Affirms the ongoing partnership between the Department of Environmental Quality (DEQ) and the Glass Packaging Institute and speaks to glass recycling plants and programs. Testifies in favor of HB 3144.
055	Bob Danko	DEQ. Speaks to recycling target rates in support of HB 3144.
092	<b>Rep. Richardson</b>	<b>MOTION: Moves HB 3144 to the floor with a DO PASS recommendation.</b>
098		<b>VOTE: 7-0</b>
101	<b>Chair Garrard</b>	<b>AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.</b> <b>REP. ROSENBAUM will lead discussion on the floor.</b>
106	Chair Garrard	Closes the work session on HB 3144 and opens a work session on HB 2910.

**HB 2910 – WORK SESSION**

112	Ross Day	Oregonians In Action. Speaks to template dwellings in farm zones in support of HB 2910.
125	Glen Stonebrink	Affirms Day's testimony in order to expand housing

opportunities.

144 John Brosey DLCD. Submits (**EXHIBIT G**) and testifies in favor of HB 2910. Addresses embedded parcels within EFU zones.

170 Don Schellenberg Submits (**EXHIBIT H**) and testifies that template tests are an efficient way of citing dwellings in a farm zone.

185 Carrie MacLaren Submits (**EXHIBIT I**), (**EXHIBIT J**) and (**EXHIBIT K**) and testifies against HB 2910, as it will compromise high-value farmland within EFU zones.

211 **Rep. Richardson** **MOTION: Moves HB 2910 to the floor with a DO PASS recommendation.**

214 Rep. Doyle Notes that he'll give a courtesy vote to get the bill to the floor, but is reserving judgment and could change his vote on the floor.

223 **VOTE: 4-3**  
**AYE: 4 - Doyle, Richardson, Zauner, Garrard**  
**NAY: 3 - Ackerman, Greenlick, Rosenbaum**

238 **Chair Garrard** **The motion CARRIES.**

241 Chair Garrard **REP. GARRARD will lead discussion on the floor.**  
Closes the work session on HB 2910 and opens a work session on HB 3228.

**HB 3228 – WORK SESSION**

250 Ray Kelly Summarizes HB 3228 and explains the effects of the -1 amendments (**EXHIBIT L**).

265 Art Schlack Association of Oregon Counties (AOC). Submits -2 amendments (**EXHIBIT M**) and explains the change in language in relation to Goal 18. Notes the wide-spread support for the -2 amendments.

286 Rep. Greenlick Asks for clarification that this legislation only applies to development before 1977.

288 Schlack Affirms that is correct.

291 Rep. Greenlick Asks the effects of ORS 396.40

300 Michael Carrier ODPR. Notes that ODPR does not necessarily support the bill, but finds the amendments to be acceptable. Addresses the effects of ORS 396.40.

318 Chair Garrard Notes that Oregon Shores would prefer to see the legislation to be amended and may introduce amendments in the Senate.

325 Randy Tucker 1000 Friends of Oregon. States that the amendments do not change their position. Reaffirms opposition to HB 3228.

337 **Rep. Richardson** **MOTION: Moves to ADOPT HB 3228-2 amendments dated 4/14/03.**

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

352 **Chair Garrard** **MOTION: Moves HB 3228 to the floor with a DO PASS AS**

354 **Rep. Richardson** **AMENDED recommendation.**

355 Rep. Rosenbaum States that she is not comfortable with this bill in its present form and can not vote for its passage.

369 **VOTE: 6-1**  
**AYE: 6 - Ackerman, Doyle, Greenlick, Richardson, Zauner, Garrard**  
**NAY: 1 - Rosenbaum**

379 **Chair Garrard** **The motion CARRIES.**  
**REP. BROWN will lead discussion on the floor.**  
Chair Garrard Closes the work session on HB 3228 and opens a work session on HB 2369.

**HB 2369 – WORK SESSION**

393	Ray Kelly	Summarizes HB 2369.
423	Chair Garrard	Recesses the meeting.
425	Chair Garrard	Reconvenes the meeting.
<b>TAPE 58, A</b>		
002	Rep. Tootie Smith	Submits ( <b>EXHIBIT N</b> ) and testifies in support of HB 2369, asserting that the bill will deal with the controversial \$80,000 test.
018	Rep. Doyle	Asks Rep. Smith about OFB's opposition to the change.
022	Rep. Smith	States that she does not know what their opposition is based upon.
037	Rep. Ackerman	Asks about the intent of the bill and the clarification of the regulatory process.
050	Rep. Smith	States that the bill will cause DLCD to look at soil factors, rather than relying upon the arbitrary \$80,000 test.
053	Rep. Ackerman	Asks for confirmation whether HB 2369 nullifies the \$80,000 test.
055	Rep. Smith	Notes that the \$80,000 test is an administrative rule, but not a law.
058	Rep. Ackerman	Restates his question of whether the rule would be nullified by this legislation.
061	Rep. Smith	Affirms that it is not.
063	Schellenberg	Notes that the bill has not changed. States OFB's opposition to the capability test.
<b>074</b>	<b>Rep. Zauner</b>	<b>MOTION: Moves HB 2369 to the floor with a DO PASS recommendation.</b>
076	Rep. Richardson	States that the intent of the legislation is to get rid of the arbitrary \$80,000 rule, although it is not explicitly stated in the bill.
081	Rep. Ackerman	States that he is taking Rep. Smith at her word and believes that this bill does not remove the \$80,000 test.
086	Rep. Rosenbaum	States that a better system has not been proposed and therefore will vote no on HB 2369.
094	Rep. Greenlick	Notes that his district is greatly opposed to this legislation and will therefore be voting no.
<b>107</b>		<b>VOTE: 5-2</b> <b>AYE: 5 - Ackerman, Doyle, Richardson, Zauner, Garrard</b> <b>NAY: 2 - Greenlick, Rosenbaum</b>
<b>114</b>	<b>Chair Garrard</b>	<b>The motion CARRIES.</b> <b>REP. T. SMITH will lead discussion on the floor.</b>
121	Chair Garrard	Closes the work session on HB 3228 and opens a work session on HB 2614.

**HB 2614 – WORK SESSION**

123	Chair Garrard	Announces the -5 amendments ( <b>EXHIBIT O</b> ).
<b>130</b>	<b>Rep. Zauner</b>	<b>MOTION: Moves to ADOPT HB 2614-5 amendments dated 4/15/03.</b>
132	Rep. Rosenbaum	Asks for an explanation of the -5 amendments.
136	Rep. Zauner	Notes that the -5 amendments are of the gut and stuff variety. Submits ( <b>EXHIBIT P</b> ) – the map of Woodburn.
154	Rep. Greenlick	Asks about expansion of the urban growth boundary.
157	Rep. Zauner	References the letter from the City of Woodburn.
170	Rep. Ackerman	Asks about the design of the bill and who the proponents of the bill.
187	Rep. Zauner	Notes the landowner, Johnny Wise and the geography of

		Woodburn.
205	Rep. Rosenbaum	States concern that this bill is different from the original. Asks if any testimony will be forthcoming on the bill.
222	Ray Kelly	Notes that there is a motion on the table
235	Rep. Doyle	Clarifies the rules for the committee.
255	Lolita Carl	Speaks in opposition to HB 2614 and states that the -5 amendments circumvents the process by which a city goes through to enlarge the urban growth boundary.
278	Roger Kaye	Testifies against the -5 amendments, as they set a poor precedent and would exacerbate congestion in the area.
320	Rep. Greenlick	Asks for confirmation of Woodburn's capability regarding the rules.
324	Kaye	Discusses the process of transferring land from county to city.
344	Carla Michaelson	Testifies in opposition to HB 2614. Discusses the periodic review process and that this legislation circumvents that process.
394	Theodora Tarbett.	Testifies in opposition to HB 2614 and notes that with businesses going out of business, we shouldn't need to expand the urban growth boundaries.
430	Kay Peterson	Woodburn resident. Opposes HB 2614 and the -5 amendments. Affirms prior testimony and states that it takes citizens out of the process.
<b>TAPE 59, B</b>		
002	Cameron LaFollette	Friends of Marion County. Affirms the prior testimony. Notes that expansion of the urban growth boundary via HB 2614 would circumvent the entire public hearing process.
024	Rep. Zauner	Withdraws the motion to adapt the -5 amendments.
041	Chair Garrard	Closes the work session on HB 2614 and opens a work session on HB 3521.
<b><u>HB 3521 – WORK SESSION.</u></b>		
047	John Ledger	Associated Oregon Industries (AOI). Speaks in opposition to HB 3521 in order to help spur economic growth in the state of Oregon.
084	Chair Garrard	Closes the work session on HB 3521 and adjourns the meeting at 10:16 A.M.

## **EXHIBIT SUMMARY**

- A – HB 3017, written testimony, Chad Johnson, 3 pp.**
- B – HB 3017, written information, Chad Johnson, 6 pp.**
- C – HB 3017, written information, Chad Johnson, 4 pp.**
- D – HB 3017, written testimony, Don Schellenberg, 1 p.**
- E – HJR 35, written testimony, Michael Carrier, 2 pp.**
- F – HJR 35, written testimony, Frank Jagodnik, 1 p.**
- G – HB 2910, written testimony, John Brosey, 3 pp.**
- H – HB 2910, written testimony, Don Schellenberg, 2 pp.**
- I – HB 2910, written information, Carrie MacLaren, 1 p.**
- J – HB 2910, written information, Carrie MacLaren, 1 p.**
- K – HB 2910 written testimony, Carrie MacLaren,**
- L – HB 3228, -1 amendments, staff, 1 p.**
- M – HB 3228, -2 amendments, Art Schlack, 3 pp.**
- N – HB 2369, written testimony, Rep. Tootie Smith, 1 p.**

**O – HB 2614, -5 amendments, Rep. Cliff Zauner, 1 p.**

**P – HB 2614, written information, Rep. Cliff Zauner, 2 pp.**

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

**Q – HJR 35, Jim Myron, 1 p.**

**R – HJR 35, Hilary Abraham, 1 p.**

**S – HJR 35, Stephen A. Bosak, 1 p.**