

HOUSE COMMITTEE ON
ENVIRONMENT AND LAND USE

April 17, 2003 Hearing Room E
8:30 AM Tapes 60 - 62

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

MEMBER EXCUSED: Rep. Diane Rosenbaum

STAFF PRESENT: Ray Kelly, Committee Administrator
 David Peffley, Committee Assistant

MEASURES HEARD: **HB 3247 – Work Session**
 HB 2860 – Work Session
 HB 3462 – Work Session
 HB 2912 – Work Session
 HB 3013 - Work Session
 HB 3017 – Work Session
 HB 3561 – Work Session
 HB 3120 – Work Session
 HB 2607 – Work Session
 HB 3527 – Work Session
 HB 3315 – Work Session
 HB 3408 – Work Session
 HB 2898 - Work Session
 HB 3459 – 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 60, A		
003	Chair Garrard	Calls the meeting to order at 8:39 and opens a work session on HB 3247.
<u>HB 3247 – WORK SESSION</u>		
010	Rep. Randy Miller	HD 37. Submits the -2 amendments (EXHIBIT A) to HB 3247.
036	Chris Militas	Testifies that the current land use planning law makes it difficult to run a golf course and that HB 3247 is aimed at rectifying that problem.
066	Jack Borchardt	Langdon Farms Golf Course. Testifies to the need to improve services for golfers. Speaks with support for HB 3247 in order to conform the rules with the needs of the golfing patrons.
100	Rep. Greenlick	Asks for the clarification on the amendments.

110	Borchardt	States that the said changes are the extent of the amendments.
121	Carrie MacLaren	Speaks in opposition to the -2 amendments, stating that they are not congruent with the needs of farmland.
130	Roger Martin	Oregon Golfers Association. Testifies in favor of HB 3247, citing the need to maintain golf course facilities. Notes that both parties routinely hold fundraisers at Langdon Farms golf course.
148	Rep. Richardson	MOTION: Moves to ADOPT HB 3247-2 amendments dated 3/31/03.
153		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Rosenbaum The motion CARRIES.
155	Chair Garrard	MOTION: Moves HB 3247 to the floor with a DO PASS AS AMENDED recommendation.
157	Rep. Richardson	
163		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Rosenbaum The motion CARRIES.
166	Chair Garrard	REP. ACKERMAN will lead discussion on the floor.
168	Chair Garrard	Closes the work session HB 3247 and opens a work session on HB 2860.
<u>HB 2860 – WORK SESSION</u>		
176	Jon Chandler	Legislative Advocates. Addresses the -2 amendments (EXHIBIT B) to HB 2860 and notes that more amendments will be submitted, which will be amenable to 1000 Friends of Oregon.
186	Chair Garrard	Closes the work session on HB 2860 and opens a work session on HB 3462.
<u>HB 3462 – WORK SESSION</u>		
190	Chair Garrard	Notes the -1 amendments (EXHIBIT C) , making HB 3462 a gut and stuff.
195	Andy High	House Majority Office. Speaks in favor of HB 3462 in order to allow for sporting clays to be used on hunting preserves.
214	Matt Cyrus	Deschutes County. Testifies in favor of HB 3462 and clarifies the use of the sporting clays.
231	Rep. Zauner	MOTION: Moves to ADOPT HB 3462-1 amendments dated 4/14/03.
233	Rep. Greenlick	Asks for clarification on the changes in the -1 amendments.
240	High	Addresses the changes and the language, revising the language in statute.
254		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Rosenbaum The motion CARRIES.
255	Chair Garrard	MOTION: Moves HB 3462 to the floor with a DO PASS AS AMENDED recommendation.
261	Rep. Zauner	
271		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Rosenbaum The motion CARRIES.
272	Chair Garrard	MOTION: Moves HB 3462 be placed on the CONSENT CALENDAR.
275	Rep. Zauner	
277		VOTE: 6-0 EXCUSED: 1 - Rosenbaum

278 **Chair Garrard** **Hearing no objection, declares the motion CARRIED.**
280 Chair Garrard Closes the work session on HB 3462 and opens a work session on HB 2912.

The following prepared testimony is submitted for the record without public testimony for HB 3462.

Ted Lorensen Submits **(EXHIBIT Q)** and **(EXHIBIT R)**.
Chuck Craig Submits **(EXHIBIT S)**.
Andy High Submits **(EXHIBIT T)**.

HB 2912 – WORK SESSION

286 Chair Garrard Announces a subsequent referral to ways and means as well as the -4 amendments **(EXHIBIT D)**.
291 Chandler Addresses the -4 amendments and the concerns of the various proponents of the bill. Notes that the bill is still not where it needs to be and will most likely be amended further.
311 Randy Tucker 1000 Friends of Oregon. Submits **(EXHIBIT E)** and notes further the discussions with Chandler in working this legislation. States that 1000 Friends are generally supportive of HB 2912.
374 Chandler Discusses the -4 amendments further.
397 **Rep. Zauner** **MOTION: Moves to ADOPT HB 2912-4 amendments dated 4/16/03.**
411 **VOTE: 6-0**
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 1 - Rosenbaum
The motion CARRIES.
413 **Chair Garrard** **MOTION: Moves HB 2912 to the floor with a DO PASS AS**
415 **Rep. Zauner** **AMENDED recommendation and BE**
REFERRED to the committee on Ways and
Means by prior reference.
437 **VOTE: 6-0**
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 1 - Rosenbaum
The motion CARRIES.
442 **Chair Garrard** Closes the work session on HB 2912 and opens a work session on HB 3013.
445 Chair Garrard

TAPE 61, A

HB 3013 – WORK SESSION

009 Chair Garrard Announces the -1 amendments **(EXHIBIT F)**
014 Don Schellenberg Oregon Farm Bureau (OFB). Addresses the effects of the -1 amendments.
026 **Rep. Richardson** **MOTION: Moves HB 3013 to the floor with a DO PASS recommendation.**
027 **VOTE: 6-0**
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 1 - Rosenbaum
The motion CARRIES.
REP. RICHARDSON will lead discussion on the floor.
031 Chair Garrard Closes the public hearing on HB 3013 and opens a work session on HB 3017.

HB 3017 – WORK SESSION

037 Chair Garrard Announces the -1 amendments **(EXHIBIT G)**.
039 JL Wilson Addresses the effects of the -1 amendments at the behest of Chad Johnson. Addresses the issue of golf courses outside of urban growth boundaries (UGB's) in order to prove that there is a precedent.

071 Rep. Zauner **MOTION: Moves to ADOPT HB 3017-1 amendments dated 4/15/03.**

078 **VOTE: 5-1**
AYE: 5 - Ackerman, Doyle, Richardson, Zauner, Garrard
NAY: 1 - Greenlick
EXCUSED: 1 - Rosenbaum
The motion CARRIES.

080 Chair Garrard
086 Rep. Zauner **MOTION: Moves HB 3017 to the floor with a DO PASS AS AMENDED recommendation.**

093 **VOTE: 5-1**
AYE: 5 - Ackerman, Doyle, Richardson, Zauner, Garrard
NAY: 1 - Greenlick
EXCUSED: 1 - Rosenbaum
The motion CARRIES.

094 Chair Garrard **REP. CLOSE will lead discussion on the floor.**

096 Chair Garrard Closes the work session on HB 3017 and opens a work session on HB 3561.

HB 3561 – WORK SESSION

103 Ray Kelly Summarizes HB 3561.

111 Greg Olson Sheriff, Marion County Sheriff's Office. Testifies in support of HB 3561 in order to site their office outside of the UGB.

130 Rep. Doyle Asks Olson what facilities would be sited.

133 Olson Replies the probation officers' facilities would be sited.

135 Rep. Doyle Asks if this legislation intends to site other facilities.

137 Olson Replies that it doesn't.

144 Rep. Doyle Asks about other potential uses (like correctional facilities).

145 Olson States that they wouldn't be addressed at this site.

153 Schellenberg Submits **(EXHIBIT H)** and testifies his concerns about HB 3561. Notes that they don't have a problem with conditional uses, but expresses concern for the precedent this might start.

176 Chair Garrard Asks if the building is already standing.

180 Schellenberg Restates their concern with the precedent set.

184 MacLaren Opposes HB 3561 as written, as it would allow non-farm uses within Exclusive Farm Use (EFU) zones.

202 Rep. Greenlick Asks for clarification about 1000 Friends' opinion of conditional use.

206 MacLaren Outlines concerns for the bill.

210 Rep. Greenlick Asks if this bill could be worked out in the Senate. Also states concern for absolute authority vis-à-vis conditional use.

220 Rep. Dalto HD 21. Testifies that this bill must be absolute and not a conditional use issue, for the greatest efficiency of the police force. Notes that a conditional use is only good for six months.

262 Rep. Greenlick Notes that the county can site a permit for as long as necessary.

274 John Powell Oregon State Sheriff's Association. Notes that the Sheriffs and OFB are currently fleshing out the conditional use issue.

283 Rep. Greenlick States his feeling that conditional use would solve the problem on all sides.

287 Rep. Dalto Restates his concerns for the conditional use.

300 Rep. Doyle Asks for a clarification on language in the bill.

313 Powell Gives clarification of his understanding.

320 Rep. Doyle Restates his concern for the current language.

331 Rep. Dalto Offers his interpretation.

335 Powell Offers that language in the bill does seem to address 1000 Friends concerns regarding rural services.
360 Chair Garrard Closes the work session on HB 3561 and opens a work session on HB 3120

HB 3120 – WORK SESSION.

361 Chair Garrard Announces the -2 amendments.
363 Kelly Informs the committee that the Department of Consumer and Business Services (DCBS) will request that the subsequent referral to ways and means be rescinded.
373 Pat Allen DCBS. Speaks to -2 amendments which replace the original bill. Addresses the fiscal impact of HB 3120.
411 Rep. Doyle Asks Allen to confirm that there will be no additional fiscal impact.
415 Allen Affirms that is correct.
417 Tom Gallagher References ORS 183 and testifies that HB 3120 will streamline the rule-making process.

TAPE 60, B

002 Gallagher Concludes testimony. States that the Speaker's office agreed to rescind the referral to ways and means.
022 Allen Again comments on the -2 amendments.
025 Rep. Greenlick Asks the effect of the deletion on Page 11.
030 Gallagher Notes the relocation.
042 Rep. Richardson **MOTION: Moves to ADOPT HB 3120-2 amendments dated 4/14/03, (EXHIBIT I).**
049 **VOTE: 6-0**
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 1 - Rosenbaum
The motion CARRIES.
051 Chair Garrard **MOTION: Moves HB 3120 to the floor with a DO PASS AS**
054 Rep. Richardson **AMENDED recommendation and the**
SUBSEQUENT REFERRAL to the committee
on BE RESCINDED.
062 **VOTE: 6-0**
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 1 - Rosenbaum
The motion CARRIES.
063 Chair Garrard **MOTION: Moves HB 3120 to the floor with a DO PASS AS**
066 Rep. Richardson **AMENDED recommendation.**
071 **VOTE: 6-0**
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 1 - Rosenbaum
The motion CARRIES.
REP. GARRARD will lead discussion on the floor.
074 Chair Garrard Closes the work session on HB 3120 and opens a work session on HB 2607.

HB 2607 – WORK SESSION

068 Chair Garrard Announces the -1 gut and stuff amendments (**EXHIBIT J**).
072 Kelly Notes that the -1 amendments need further review by staff.
075 Chair Garrard Recesses the meeting.
076 Chair Garrard Reconvenes the meeting.
077 Kelly Addresses the -1 amendments which replace original measure.
105 Mulvihill Washington County. Speaks to the -1 amendments and announces that they plan to work the bill further in the Senate.
118 Rep. Richardson Asks for clarification of the wording *primary dwelling* in the bill.

136	Ron Eber	DLCD. Testifies as to the questionable wording. Reiterates the intention to continue to work the bill on the Senate side.
145	Rep. Richardson	Asks if the bill can fixed in this committee.
147	Mulvihill	States his preference to work the bill on the Senate side.
151	MacLaren	1000 Friends. Expresses comfort in working HB 2607 on the Senate side. Offers support for the bill.
168	Rep. Greenlick	MOTION: Moves to ADOPT HB 2607-1 amendments dated 4/17/03.
175		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Rosenbaum
177	Chair Garrard	The motion CARRIES.
183	Rep. Greenlick	MOTION: Moves HB 2607 to the floor with a DO PASS AS AMENDED recommendation.
188		VOTE: 5-1 AYE: 5 - Ackerman, Doyle, Greenlick, Zauner, Garrard NAY: 1 - Richardson EXCUSED: 1 - Rosenbaum
194	Chair Garrard	The motion CARRIES. GREENLICK will lead discussion on the floor.
201	Chair Garrard	Closes the work session on HB 2607 and opens a work session on HB 3527.
<u>HB 3527 – WORK SESSION</u>		
207	Ray Kelly	Summarizes HB 3527.
210	Rep. Gallegos.	HD 29. Submits (EXHIBIT K) and speaks with support for HB 3527 in order to induce business and create more jobs.
228	Rep. Ackerman	Asks how this process works.
230	Rep. Gallegos	Notes that she does not have the appropriate legal background to address the process.
250	Rep. Ackerman	Restates previous question.
273	Rep. Ackerman	Restates question on the separation of power and asks if this is a partial taking.
282	Keith Garza	Lead Appellate Staff Attorney, Oregon Supreme Court. Submits (EXHIBIT L) and states that he can not offer an informed opinion to the question.
292	Harrison Connelly	Deputy Legislative Council. Also asserts that he'd have to study the amendments more before venturing an opinion.
311	Chair Garrard	Closes the work session on HB 3527 and opens a work session on HB 2860.
<u>HB 2860 – WORK SESSION</u>		
314	Chair Garrard	Announces the -3 amendments (EXHIBIT M) .
322	Ray Kelly	Notes that the -3 amendments supercede all previous amendments.
330	Chandler	Explains the merits of the -3 amendments.
352	Dave Hunnicutt	Oregonians In Action (OIA). Offers support for the -3 amendments and offers to answer questions.
255	MacLaren	Concurs with the supports and expresses support for the -3 amendments.
400	Rep. Zauner	MOTION: Moves to ADOPT HB 2860-3 amendments dated 4/17/03.
404		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Rosenbaum

411	Chair Garrard	The motion CARRIES.
421	Rep. Zauner	MOTION: Moves HB 2860 to the floor with a DO PASS AS AMENDED recommendation.
431		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Rosenbaum
438	Chair Garrard	The motion CARRIES. REP. RICHARDSOPN will lead discussion on the floor.
441	Chair Garrard	Closes the work session on HB 2860 and opens a work session on HB 3315.
<u>HB 3315 – WORK SESSION</u>		
447	Ray Kelly	Summarizes HB 3315.
TAPE 61, B		
003	Rep. Richardson	Testifies in support of HB 3315 in order to give the rights back to property owners.
021	Chair Garrard	Announces that no amendments will be forthcoming with regard to the present legislation.
030	Rep. Ackerman	Asks about the building permit process and the resumption of the right to build property on their own land.
035	Rep. Richardson	Explains the intention to restore the rights which were taken from them in the first place.
043	Rep. Ackerman	Asks follow up question regarding the court review process.
052	Rep. Richardson	Reaffirms the bureaucracy inherent in the current system and reiterates the intent to liberate the landowner from the onerous burden.
055	Rep. Ackerman	Asks Rep. Richardson to address the reasonable fees which would be eligible.
060	Rep. Richardson	States the intentions of HB 3315 regarding court litigations and notes that judges would be the ultimate arbitrators.
069	Rep. Greenlick	Asks about rights versus due process and asks whether the judicial actions were legitimate.
074	Rep. Richardson	States that due process was not followed during the zoning changes during the early 1990's.
085	Randy Tucker	1000 Friends. States opposition to HB 3315. Asserts that HB 3315 seriously undermines protections and thus oppose it. Also questions the loopholes and drafting of this legislation.
120	John Brosey	Affirms support for HB 3315 and urges passage.
133	Schellenberg	OFB. Submits (EXHIBIT N) and addresses policy issues and fairness issues. States that this is better than other similar bills, but the non-farm dwellings issues still make OFB oppose it.
166	Dave Hunnicutt	Testifies in support of HB 3315 to bring equity to the landowners who lost their rights.
199	Ron Eber	DLCD. States concerns that the changes which have been working since 1993, will be undermined by this legislation and thus opposes HB 3315.
211	Rep. Zauner	MOTION: Moves HB 3315 to the floor with a DO PASS recommendation.
216		VOTE: 4-2 AYE: 4 - Doyle, Richardson, Zauner, Garrard NAY: 2 - Ackerman, Greenlick EXCUSED: 1 - Rosenbaum
219	Chair Garrard	The motion CARRIES. REP. RICHARDSON will lead discussion on the floor.
221	Chair Garrard	Closes the work session on HB 3315 and opens a work session

on HB 3561.

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

Seth Karpinski

Submits (EXHIBIT U).

HB 3561 – WORK SESSION

222 Rep. Dalto

HD 21. States that an amendment is being drafted to address Rep. Doyle's concern.

229 Chair Garrard

Closes the work session on HB 3561 and opens a work session on HB 3408.

HB 3408 – WORK SESSION

235 Chair Garrard

Announces the -1 amendments to HB 3408 (EXHIBIT O).

235 Ross Day

Oregonians In Action (OIA). Addresses the effects of the -1 amendments and testifies in favor of HB 3408 with the -1 amendments.

265 MacLaren

States that they have not seen the -1 amendments, but testifies according to the memo regarding the amendments. Opposes HB 3408 and the -1 amendments.

302 Art Schlack

Association of Oregon Counties (AOC). Notes concern with HB 3408, but states that the -1 amendments alleviated those concern. States that AOC now has no official opinion on HB 3408.

320 Rep. Richardson

States concern with a blank on Page 2 of the amendments.

330 Day

Clarifies that the blank should read *15 acres*.

336 Hunnicutt

Points out that this amendment only applies to the two marginal lands counties in Oregon, Lane and Washington Counties.

343 Chair Garrard

Recesses the meeting

344 Chair Garrard

Reconvenes the meeting.

351 Rep. Doyle

MOTION: Moves to AMEND HB 3408 on page 2, in line 2, after "than," insert "15".

362 Rep. Doyle

Addresses concerns regarding a possible fiscal impact to the bill.

385

VOTE: 4-1

AYE: 4 - Doyle, Richardson, Zauner, Garrard

NAY: 1 - Ackerman

EXCUSED: 2 - Greenlick, Rosenbaum

392 Chair Garrard

The motion CARRIES.

405 Rep. Doyle

MOTION: Moves to ADOPT HB 3408-1 amendments dated 4/17/03.

415 Doyle

VOTE: 4-1

AYE: 4 - Doyle, Richardson, Zauner, Garrard

NAY: 1 - Ackerman

EXCUSED: 2 - Greenlick, Rosenbaum

416 Chair Garrard

The motion CARRIES.

424 Rep. Doyle

MOTION: Moves HB 3408 to the floor with a DO PASS AS AMENDED recommendation.

436

VOTE: 4-1

AYE: 4 - Doyle, Richardson, Zauner, Garrard

NAY: 1 - Ackerman

EXCUSED: 2 - Greenlick, Rosenbaum

438 Chair Garrard

The motion CARRIES.

REP. ZAUNER will lead discussion on the floor.

441 Chair Garrard

Closes a work session on HB 3408 and opens a work session on HB 3561.

HB 3561 – WORK SESSION

450 Rep. Zauner

MOTION: Moves HB 3561 to the floor with a DO PASS

458 recommendation.
VOTE: 5-0
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 2 - Rosenbaum, Greenlick

459 Chair Garrard **The motion CARRIES.**
REP. DALTO will lead discussion on the floor.

461 Chair Garrard Closes the work session on HB 3561 and opens a work session on HB 2898.

TAPE 62, A
HB 2898 – WORK SESSION

015 Gary lynch DOGAMI. Submits (**EXHIBIT P**) and testifies that there is no known opposition to the legislation.

030 Rep. Richardson **MOTION: Moves HB 2898 to the floor with a DO PASS recommendation.**

038 **VOTE: 5-0**
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 2 - Rosenbaum, Greenlick

041 Chair Garrard **The motion CARRIES.**
REP. BUTLER will lead discussion on the floor.

046 Chair Garrard Closes the work session on HB 2898 and opens a work session on HB 3459.

HB 3459 – WORK SESSION

049 Lynn Lundquist Summarizes the effect and testifies in favor of HB 3459.

066 Rep. Zauner **MOTION: Moves HB 3459 to the floor with a DO PASS recommendation.**

069 **VOTE: 5-0**
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 2 - Rosenbaum, Greenlick

077 Chair Garrard **The motion CARRIES.**
REP. G. SMITH will lead discussion on the floor.

081 Chair Garrard Closes the work session on HB 3459 and adjourns the meeting at 10:45.

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EXHIBIT SUMMARY

A – HB 3247, -2 amendments, Rep. Randy Miller, 34 pp.
B – HB 2860, -2 amendments, Jon Chandler, 1 p.
C – HB 3462, -1 amendments, staff, 34 pp.
D – HB 2912, -4 amendments, 1 p.
E – HB 2912, written testimony, Randy Tucker, 2 pp.
F – HB 3013, -1 amendments, staff, 1 p.
G – HB 3017, -1 amendments, staff, 2 pp.
H – HB 3561, written testimony, Don Schellenberg, 1 p.
I – HB 3120, -2 amendments, staff, 13 pp.
J – HB 2607, -1 amendments, staff, 25 pp.
K – HB 3527, written testimony, Rep. Mary Gallegos, 1 p.
L – HB 3527, written testimony, Keith Garza, 2 pp.
M – HB 2860, -3 amendments, staff, 1 p.
N – HB 3315, written testimony, Don Schellenberg, 2 pp.
O – HB 3408, -1 amendments, staff, 36 pp.
P – HB 2898, written testimony, Gary Lynch, 1 p.

The following exhibits have been submitted out of order in the body of the tape log.

Q – HB 3462, written testimony, Ted Lorensen, 2 pp.

R – HB 3462, written testimony, Ted Lorensen, 2 pp.

S – HB 3408 and 3462, written testimony, Chuck Craig, 2 pp.

T – HB 3462, written testimony, Andy High, 1 p.

U – HB 3315, written testimony, Seth Karpinski, 1 p.