

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

April 22, 2003 Hearing Room E  
8:30 AM Tapes 63 - 64

**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:**      SB 310 – Work Session  
                                 HB 2849 – Reconsideration and Work Session  
                                 SB 667A – 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 63, A</b>		
003	Chair Garrard	Calls the meeting to order at 8:42 a.m. Announces that the amendments to HB 2849 will be available after 10:00 a.m. and opens a work session on SB 310.
<b><u>SB 310 – WORK SESSION</u></b>		
033	Ray Kelly	Summarizes SB 310.
051	Chair Garrard	Introduces ( <b>EXHIBIT A</b> ) submitted by Friends of the Columbia Gorge. Recesses the meeting at 8:47.
056	Chair Garrard	Reconvenes the meeting.
058	Chair Garrard	Closes the work session on SB 310 and opens a reconsideration and work session on HB 2849.
<b><u>HB 2849 – RECONSIDERATION AND WORK SESSION</u></b>		
063063	Rep. Zauner	<b>MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote on HB 2849.</b>
066		<b>VOTE: 7-0</b>
069	Chair Garrard	<b>AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.</b>
073	Rep. Zauner	<b>MOTION: Moves to RECONSIDER the vote by which HB 2849 was sent to the floor with a DO PASS recommendation."</b>
076		<b>VOTE: 7-0</b>
087	Chair Garrard	<b>AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.</b>
094	Chair Garrard	Closes the reconsideration of HB 2849 and opens the work session on SB 310.

**SB 310 – WORK SESSION**

101	Sen. Ferrioli	Sponsor of the legislation testifies with support for SB 310 as to standardize the presumed preemption and make all counties compliant.
194	Rep. Rosenbaum	Asks Senator Ferrioli whether he has sought advice from legal counsel.
198	Sen. Ferrioli	Asserts that he has and informs the committee of the advice they have given.
220	Rep. Rosenbaum	Cites written testimony and asks about any constitutional conflicts.
225	Sen. Ferrioli	Refers to the preemption.
241	Rep. Greenlick	References the Staff Measure Summary and asks about the reasonable time extension request as it relates to the ORS.
250	Sen. Ferrioli	States that it will remain unchanged.
254	Rep. Greenlick	Asks about consequences and their viability.
262	Sen. Ferrioli	Speaks to the appeal process and due process.
279	Rep. Ackerman	States his view that there is no preemption with relation to this bill. Gives legal explanation to his support for SB 310 and concurs with Senator Ferrioli’s legally correct logic.
311	Rep. Richardson	Adds insight to the U.S. Constitution’s enumeration clause as it relates to states’ jurisdiction.
320	Chair Garrard	Closes the invited testimony portion of the work session on SB 310
<b>329</b>	<b>Rep. Ackerman</b>	<b>MOTION: Moves SB 310 to the floor with a DO PASS recommendation.</b>
331	Rep. Rosenbaum	Asks the committee administrator what the vote count was in the Senate on SB 310.
333	Ray Kelly	Answers that the vote was 19-9 with two excused for business.
<b>358</b>		<b>VOTE: 7-0</b>
<b>362</b>	<b>Chair Garrard</b>	<b>AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.</b>
366	Chair Garrard	<b>REP. ACKERMAN will lead discussion on the floor.</b> Closes the work session on SB 310 and opens a work session on SB 667A.

**SB 667A – WORK SESSION**

380	Ray Kelly	Summarizes SB 667A.
390	John DiLorenzo	Western Fireworks Display, Inc. Submits ( <b>EXHIBIT B</b> ) and testifies in favor of SB 667A which will allow Western Fireworks to continue operation in a manner which doesn’t alter our current land use planning system.

**TAPE 64, A**

013	DiLorenzo	Continues testimony. Addresses the compromise reached with 1000 Friends which allowed the present legislation to come forth. Also states that Oregon Farm Bureau (OFB) has no objections with the legislation.
062	Rep. Wayne Scott	HD 39. Testifies in favor of SB 667A. Offers a brief history of Western Fireworks and its importance to the community of Canby.
086	Rep. Ackerman	Asks about the conditional use process in the case of the passage of SB 667A.
090	DiLorenzo	Replies that is correct.
093	Rep. Ackerman	Asks if the permits are granted for a specified period of time.
098	DiLorenzo	Notes that the permits are issued for a lengthy but finite period of time.

108	Bill Zuber	Clackamas County Christmas tree farmer. Submits <b>(EXHIBIT C)</b> and states that he previously was denied a fireworks manufacturing permit. Opposes SB 667A in that it would benefit only one business, although he would support an amended, more inclusive version which would address the issues of other business owners such as his own.
180	Rep. Richardson	States that Zuber is mixing separate issues and recommends taking an all-inclusive approach.
196	Zuber	States that he is trying to do just that.
212	Laura Borders	States that she would support passage of a revised amendment along the lines of those suggested by Rep. Richardson to help other businesses.
230	Chair Garrard	States that they will bring the bill back for another work session when Senator Schrader can address the committee.
238	DiLorenzo	States that he doesn't necessarily oppose making the bill more inclusive, however addresses his opinion that all parties seem to be pleased with the present legislation and that it is a good bill.
268	Robert Gobet	Western Fireworks. Addresses Western Fireworks standing with regard to regulations and inspections.
291	Rep. Zauner	States concern of the issue of fairness and asks DiLorenzo if he could deal with the previously-mentioned concerns of the opponents of the bill.
300	DiLorenzo	States that they are neutral to that idea, but that other interest groups might need to address this issue. Speaks to the reality of jobs being lost if this does not pass.
321	Chair Garrard	Closes the invited testimony SB 667 and opens a work session on HB 2849.

**HB 2849 – WORK SESSION**

333	Ray Kelly	Explains the -2 amendments <b>(EXHIBIT D)</b> to HB 2849.
350	Dave Hunnicutt	Speaks to the -2 amendments and what they are attempting to address.

**TAPE 63, B**

005	Hunnicutt	Continues testimony in support of HB 2849. Asserts that the amendments pay heed to Land Use Planning Goals.
098	Rep. Richardson	Expresses support for HB 2849 and offers support for the public policy direction in which this legislation heads.
107	Rep. Greenlick	Asks for clarification on <i>shall</i> , <i>may</i> , and <i>must</i> contained in Page 1 Line 11.
120	Hunnicutt	Addresses Rep. Greenlick's concern as it relates to farm zones.
133	Rep. Greenlick	Asks for clarification on the general policy directive of HB 2849.
151	Hunnicutt	Addresses the requirement that zones be rural in nature. Also states that these farm zones are not likely to be situated in Exclusive Farm Use (EFU) zones. Notes implications on Measure 30, dealing with counties, and that the legislation is likely to require a subsequent referral to ways and means.
191	Rep. Richardson	Asks if the subsequent referral would still be required if the <i>shall</i> were to be changed to <i>may</i> .
200	Hunnicutt	Replies that it still would. Responds to resource designations and the compromises arrived at.
218	Art Schlack	Association of Oregon Counties (AOC). States that it is clear that the -2 amendments create an unfunded mandate. States that AOC would have to oppose this bill with the -2 amendments. Asserts that discretionary regional problem solving is AOC's preferred approach.

266	Randy Tucker	1000 Friends of Oregon. States that 1000 Friends still oppose the bill, but appreciate the work Hunnicutt has done to improve the legislation.
300	Chair Garrard	References Klamath Falls and offers his interpretation of the bill.
314	Tucker	States agreement with the Chair's interpretation, yet states that their opposition stems from urban development outside of urban growth boundaries (UGB).
353	Chair Garrard	Asks about 1000 Friends' opposition siting parcels on non-resource land.
360	Tucker	States that there still need to be standards in the development of non-resource lands.
400	Ron Eber	Department of Land Conservation and Development (DLCD). Addresses concerns with regards to rural and coastal zones.
430	Tucker	Adds that HB 2849 is not the best use of funds to address development.
<b>TAPE 64, B</b>		
012	Rep. Zauner	<b>MOTION: Moves to ADOPT HB 2849-2 amendments dated 4/22/03.</b>
018		<b>VOTE: 7-0</b>
020	Chair Garrard	<b>AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.</b>
024	Rep. Zauner	<b>MOTION: Moves HB 2849 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.</b>
029		<b>VOTE: 5-2</b>
		<b>AYE: 5 - Ackerman, Doyle, Richardson, Zauner, Garrard</b>
		<b>NAY: 2 - Greenlick, Rosenbaum</b>
030	Chair Garrard Chair Garrard	<b>The motion CARRIES.</b> Closes the work session on HB 2849 and re-opens the work session on SB 667A.
<b><u>SB 667-A WORK SESSION</u></b>		
034	Rep. Doyle	<b>MOTION: Moves SB 667A to the floor with a DO PASS recommendation.</b>
041		<b>VOTE: 7-0</b>
042	Chair Garrard	<b>AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.</b>
051	Chair Garrard	<b>REP. SCOTT will lead discussion on the floor.</b> Closes the work session on SB 667A and adjourns the meeting at 10:18 A.M.

## **EXHIBIT SUMMARY**

- A – SB 310, written testimony, Chairman Bill Garrard, 4 pp.**
- B – SB 667A, written testimony, John DiLorenzo, 48 pp.**
- C – SB 667A, written testimony, Bill Zuber, 4 pp.**
- D – HB 2849, -2 amendments, staff, 2 pp.**