

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

April 03, 2003 Hearing Room HR E  
8:30 A.M. Tapes 47 - 48

**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 3164 – Public Hearing and Work Session  
HB 2912 – Public Hearing  
HB 2905, HB 2984, HB 2614, HB 3181, HB 3408 – Public Hearing  
HB 3527, HB 3558, HB 3395, HB 3315 – 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 47, A</b>		
003	Vice-Chair Zauner	Calls the meeting to order at 8:42 and opens a public hearing on HB 3176
<b><u>HB 3164 – PUBLIC HEARING</u></b>		
013	Paul Romain	City of North Plains. Introduces his testimony on HB 3164.
033	Don Otterman	Testifies in support of HB 3164. Testifies to urban growth boundaries as they relate to the planned housing expansion.
144	Romain	Submits <b>(EXHIBIT A)</b> – a letter to the City of North Plains, urging expansion to the north and to the east and <b>(EXHIBIT B)</b> – a letter from the Mayor of North Plains in support of their testimony in favor of HB 3164 .
166	Otterman	Restates the requirements related to the 20-year supply.
171	Romain	Clarifies the geography of North Plains and the need for this legislation. Submits <b>(EXHIBIT C)</b> – a letter from 1000 Friends of Oregon and the -1 amendments <b>(EXHIBIT D)</b> in support of HB 3164.
211	Rep. Kitts	HD 30, including the City of North Plains. Submits <b>(EXHIBIT E)</b> and <b>(EXHIBIT F)</b> and testifies in favor of HB 3164. States that times change and a blanket land use policy doesn't necessarily address all the peculiarities which might arise.
254	Romain	States that HB 3164 is the right thing to do.
259	Rep. Kitts	Notes near unanimous support for HB 3164 amongst

		Washington County officials.
271	Rep. Doyle	Asks who the members are that support and don't support the bill.
274	Otterman	Notes that Rep. Gallegos is neutral on the bill.
281	Rep. Doyle	Notes that this is the second session that this bill has come up. Asks about exceptions.
296	Otterman	Speaks to meeting the land requirement expansion.
305	Romain	Adds that certain lands were not suitable for structure development
325	Rep. Doyle	States concern about letting the courts decide this issue.
344	Otterman	Addresses the legal issues surrounding the issue.
379	Rep Ackerman	Asks what the status of the airport is.
383	Romain	Notes that in fact it's not really an airport, but just an air strip and addresses development on both sides of the strip.
404	Rep. Ackerman	Asks if there are any regulations which might preclude development.
408	Romain	Defers to Pam Beery.
410	Pam Beery	City Attorney, City of North Plains. Speaks to preemptive regulations. Responds to Rep. Ackerman's and Doyle's concerns about pre-emptive regulations and litigation. Believes that the situation is not cut and dry and better suited for the legislature to address.
<b>TAPE 48, A</b>		
004	Rep. Doyle	States concern over continually making land-use exceptions on a case-by-case basis.
010	Beery	States that this is a very unique situation and doesn't see a domino effect.
026	John DiLorenzo	Submits <b>(EXHIBIT G)</b> and testifies in opposition to HB 3164. States that this bill allows the city to disregard land use regulations. Adds that the bill is unnecessary as the need to extend services across the highway is already granted in ORS 197.298.
201	Rep. Doyle	States concern about the private airport on the south side of Hwy 26, and likelihood of it staying the same after the expansion of the airport.
213	Steve Pfiffer	Notes that it's the least regulated airport in the state and should have little impact on development.
242	Rep. Doyle	Asks about other infrastructure on the other side of HWY 26 and future plans.
248	Pfiffer	Speaks to future infrastructure projects which will be necessary to upgrade.
272	Rep. Rosenbaum	Asks if the court of appeals sides with the city, and asks whether that open the way for similar rulings.
285	DiLorenzo	Explains that those issues have already been opened up.
312	Chair Garrard	Affirms that he shares a concern with DiLorenzo in overrunning local decisions.
329	DiLorenzo	Agrees that this is also an issue on a far more global scale. It does not just effect the City of North Plains.
346	Chair Garrard	Announces the future schedule for the committee.
378	Bill Jackson	Residents of Sunset Airstrip. Asks Rep. Ackerman to restate his question regarding the airstrip.
402	Rep. Ackerman	States concern that the airstrip may be incompatible with residential development.
416	Jackson	Responds that there shouldn't be a problem.

**TAPE 47, B**

002	Merrill Roth	Part owner of the airstrip. Testifies that the proposed housing developments will create slum-like conditions.
019	Bob Jossy	Landowner who would be affected by the proposed development. Submits <b>(EXHIBIT H)</b> and testifies in opposition to HB 3164 and states skepticism with the information of the city officials and cites a dairy farm in support of that assertion.
097	April Jossy	Testifies in opposition to HB 3164 and reaffirms the preponderance of false information given in support of this legislation.
121	Bob Jossy	Asserts that HB 3164 is not an effective approach to land-use reform.
146	Chair Garrard	States understanding of the Jossy's concerns.
160	Randy Tucker	1000 Friends of Oregon. Submits <b>(EXHIBIT I)</b> and testifies in opposition to HB 3164 and addresses concerns with Romain's assertions. Asserts that the expansion of the city of North Plains has the potential to compromise some of the best farmland in the state.
203	Don Schellenberg	Oregon Farm Bureau (OFB). Submits <b>(EXHIBIT J)</b> and <b>(EXHIBIT K)</b> . States that this legislation bypasses local control and that the legislature is not an appropriate forum for this issue.
238	Rep. Zauner	Asks if this land will be developed in our lifetimes.
241	Tucker	Notes that it is hard to predict, but the possibility does exist.
263	Schellenberg	States that he believes that it will be developed under the current land use laws.
271	Tucker	States 1000 Friends' concern with North Plains coordinating with the nearby urban area.
289	Rep. Doyle	References the 1999 letter and asks Tucker to address it.
291	Tucker	Notes that the letter came about before his time working on this issue. States that the letter does seem consistent with their position.
335	Romain	States a problem with LCDC's reasoning in that the city shouldn't move south. Addresses that the city could move in different directions.
375	Beery	Rebuts financial assertions by the opponents of HB 3164.
420	DiLorenzo	Reaffirms that this is a narrow bill, but broad in its implications. Restates concern with the precedent this bill brings about.

**TAPE 48, B**

015	Chair Garrard	Closes the public hearing on HB 3164 and opens a work session on HB 3164.
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**HB 3164 – WORK SESSION**

<b>016</b>	<b>Rep. Richardson</b>	<b>MOTION: Moves to ADOPT HB 3164-1 amendments dated 4/2/03.</b>
021	Rep. Doyle	References ORS in relation to the issues addressed by HB 3164 and asserts that this amendment is too broad for this kind of decision.
<b>041</b>		<b>VOTE: 5-2</b> <b>AYE: 5 - Ackerman, Greenlick, Richardson, Zauner, Garrard</b> <b>NAY: 2 - Doyle, Rosenbaum</b>
<b>043</b>	<b>Chair Garrard</b>	<b>The motion CARRIES.</b>
<b>044</b>	<b>Rep. Richardson</b>	<b>MOTION: Moves HB 3164 to the floor with a DO PASS AS AMENDED recommendation.</b>

046	Rep. Doyle	Reaffirms concern for the piecemeal approach taken to land use policy. Thinks the broad policy needs to be discussed.
096	Rep. Rosenbaum	Affirms support for Rep. Doyle's position. States serious concerns with the bad precedent set here.
115	Rep. Zauner	States that he also struggles with this legislation, but affirms that he will vote yes as a courtesy.
134		<b>VOTE: 5-2</b> <b>AYE: 5 - Ackerman, Greenlick, Richardson, Zauner, Garrard</b> <b>NAY: 2 - Doyle, Rosenbaum</b> <b>The motion CARRIES.</b> <b>REP. KITTS will lead discussion on the floor.</b>
141	Chair Garrard	
150	Chair Garrard	Closes the public hearing on HB 3164 and opens a work session on HB 3164.
<b><u>HB 2912 – PUBLIC HEARING</u></b>		
160	Ray Kelly	Summarizes HB 2912.
170	Jon Chandler	Submits <b>(EXHIBIT L)</b> and testifies in favor of HB 2912. States that this bill will provide thoughtful analysis to our land use planning system and that our system is too important to let it drift without thoughtful analysis.
280	Chair Garrard	Closes the public hearing on HB 2912 and opens a public hearing on HB 2905.
<b><u>HB 2905 – PUBLIC HEARING</u></b>		
283	Chair Garrard	Closes the public hearing on HB 2905 and opens a public hearing on HB 2984.
<b><u>HB 2984 – PUBLIC HEARING</u></b>		
286	Chair Garrard	Closes the public hearing on HB 2984 and opens a public hearing on HB 2614.
<b><u>HB 2614 – PUBLIC HEARING</u></b>		
289	Chair Garrard	Closes the public hearing on HB 2614 and opens a public hearing on HB 3181.
<b><u>HB 3181 – PUBLIC HEARING</u></b>		
292	Chair Garrard	Closes the public hearing on HB 3181 and opens a public hearing on HB 3408.
<b><u>HB 3408 – PUBLIC HEARING</u></b>		
295	Chair Garrard	Closes the public hearing on HB 3408 and opens a public hearing on HB 3527.
<b><u>HB 3527 – PUBLIC HEARING</u></b>		
298	Chair Garrard	Closes the public hearing on HB 3527 and opens a public hearing on HB 3558.
<b><u>HB 3558 – PUBLIC HEARING</u></b>		
301	Chair Garrard	Closes the public hearing on HB 3558 and opens a public hearing on HB 3395.
<b><u>HB 3395 – PUBLIC HEARING</u></b>		
304	Chair Garrard	Closes the public hearing on HB 3395 and opens a public hearing on HB 3315.
<b><u>HB 3315 – PUBLIC HEARING</u></b>		
307	Chair Garrard	Closes the public hearing on HB 3315 and adjourns the meeting at 10:35 AM.

## **EXHIBIT SUMMARY**

**A – HB 3164, written testimony, Paul Romain, 2 pp.**  
**B – HB 3164, written testimony, Paul Romain, 1 p.**  
**C – HB 3164, written testimony, Paul Romain, 2 pp.**  
**D – HB 3164, -1 amendments, Paul Romain, 1 p.**  
**E – HB 3164, written testimony, Rep. Derrick Kitts, 7 pp.**  
**F – HB 3164, written testimony, Rep. Derrick Kitts, 2 pp.**  
**G – HB 3164, written testimony, John DiLorenzo, 20 pp.**  
**H – HB 3164, written testimony, Bob Jossy, 2 pp.**  
**I – HB 3164, written testimony, Randy Tucker, 2 pp.**  
**J – HB 3164, written testimony, Don Schellenberg, 1 p.**  
**K – HB 3164, written testimony, Don Schellenberg, 2 pp.**  
**L – HB 3164, written testimony, Jon Chandler, 1 p.**