

SENATE COMMITTEE ON WATER AND LAND USE

March 17, 2003
3:00 PM

Hearing Room D
Tapes 28 - 29

MEMBERS PRESENT: **Sen. Ted Ferrioli, Chair**
 Sen. Charlie Ringo, Vice-Chair
 Sen. Jason Atkinson
 Sen. Rick Metsger

STAFF PRESENT: **Judith Callens, Committee Administrator**
 Megan Jensen, Committee Assistant

MEASURE/ISSUES HEARD: **SB 310 Public Hearing**
 SB 418 Public Hearing
 SB 516 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 28, A		
003	Chair Ferrioli	Calls meeting to order at 3:12 p.m. and opens public hearing on SB 310.
<u>SB 310 – PUBLIC HEARING</u>		
006	Judith Callens	Committee Administrator. Gives overview of SB 310, which requires a county to take action on permits within the Columbia River Gorge National Scenic Area within specific time limitations.
010	Chair Ferrioli	Discusses responses from the Columbia River Gorge Commission and Multnomah County on statutes of conflict between federal and state law.
080	Sen. Ringo	Expresses concern with SB 310 and states he will vote against SB 310.
103	Chair Ferrioli	Summarizes SB 310 and suggests delaying the work session to allow time for the Columbia Gorge Commission to respond. Closes public hearing on SB 310 and opens public hearing on SB 418.
<u>SB 418 – PUBLIC HEARING</u>		
140	Callens	Provides overview of SB 418, which defines a public or private school for the purpose of uses allowed in exclusive farm use zones.
169	Sen. Ringo	Asks about the total fiscal impact estimate.
172	Callens	Explains there would be a minimal impact to the Department of Land Conservation and Development.
170	Sen. Ringo	Asks if there is a subsequent referral to Ways and Means.
171	Chair Ferrioli	Responds that there is no subsequent referral and explains.
190	Sen. Ringo	Inquires about a specific instance behind the bill.
193	Chair Ferrioli	Provides an example of a vocational school located in a rural area.
205	Sen. Ringo	Asks about tailoring the bill to include only specific locations.
214	Chair Ferrioli	Agrees it may be a possibility and talks about the definition of schools.
225	Sen. Ringo	Wonders if the Farm Bureau would support the bill if it specified

		certain areas.
231	Randy Tucker	1000 Friends of Oregon. Testifies that 1000 Friends of Oregon has concerns about the bill in its current form.
248	Chair Ferrioli	Asks for comments on the current definition of schools.
251	Tucker	Offers to research the issue.
260	Chair Ferrioli	Discusses vocational schools on rural land.
271	Tucker	Raises a concern about subsidiary structures that might be provided with school structures.
274	Chair Ferrioli	Brings up the issue of flight schools located at rural airports.
176	Tucker	Wonders if rural airports are located on land zoned for exclusive farm use (EFU).
291	Chair Ferrioli	States that locating runways on EFU land is an outright permitted use.
292	Tucker	Comments on model airplane runways.
294	Chair Ferrioli	Suggests putting together a list of vocational schools in Oregon. Closes public hearing on SB 418 and opens a public hearing on SB 516.

SB 516 – PUBLIC HEARING

310	Callens	Gives overview of SB 516, which modifies notice requirements relating to changes in land use planning requirements. States there might be a small fiscal impact due to notification requirements.
330	Chair Ferrioli	Believes there is no fiscal impact and explains.
335	Steven Kafoury	American Planning Association. Provides testimony in support of SB 516 and expresses concerns. States that the American Planning Association is sponsoring a bill in the House on the same issue.
358	Chair Ferrioli	Inquires if the American Planning Association House bill is similar to SB 516.
360	Kafoury	Explains that the House bill deals with the same issue using slightly different wording. Recommends amendments for SB 516.
364	Mitch Rose	The American Planning Association (APA). Provides testimony in support of SB 516
376	Chair Ferrioli	Asks if the APA has any professional certification requirements.
380	Rose	Responds the APA has no professional certification requirements.
383	Chair Ferrioli	Asks if there is a code of ethics for APA.
386	Rose	Replies that there is no official code of ethics and elaborates.
405	Chair Ferrioli	Asks if APA has a program of review for citizens who have complaints

TAPE 29, A

003	Rose	Explains the complaint process.
013	Sen. Ringo	Asks about types of actions that can be taken against a planner.
019	Rose	Explains steps that can be taken against a planner.
023	Chair Ferrioli	Talks about regulations and certification for APA.
027	Rose	Responds that the subject is sensitive with some APA members.
033	Chair Ferrioli	Expresses interest in pursuing the subject.
036	Rose	Discusses SB 516 and suggests amendments.
044	Chair Ferrioli	Requests explanation of the recommended amendments.
046	Rose	Explains four recommended word changes to the bill.
140	Harlan Levy	Oregon Association of Realtors (OAR). Provides testimony in support of SB 516 (EXHIBIT A):
		<ul style="list-style-type: none"> • Require that LCDC and Metro provide notice of pending rezones before they adopt a new rule or ordinance

		<ul style="list-style-type: none"> • Change the notification language to make it more accurate and less inflammatory • Provide local governments with an opportunity to receive reimbursement from the State for costs associated with notices triggered by LCDC rule changes. • Allow Metro to directly notify landowners without needing to go through the local jurisdictions.
188	Chair Ferrioli	Suggests amendments. Asks for examples of what is considered misleading or inflammatory language.
192	Levy	Believes the current language inappropriately uses “will.”
215	Chair Ferrioli	Asks if changing “will” to “may” would make the statement less inflammatory.
225	Levy	Replies that it might improve SB 516.
230	Chair Ferrioli	Discusses the amendments suggested by Rose and asks if Levy would agree to the changes.
269	Levy	Believes the changes might be adequate.
279	Tucker	Responds and discusses the most accurate way to provide notice.
299	Chair Ferrioli	Asks if he would like the term “may increase or decrease the value” inserted to eliminate inflammatory implications but still provide information.
320	Tucker	Clarifies and offers to discuss the changes with 1000 Friends of Oregon.
345	Chair Ferrioli	States that the Legislature took steps to ensure action was a component of the notification and he is reluctant to overturn that decision.
358	Tucker	Explains that the suggested changes by Rose are acceptable but expresses concern with language concerning public hearings.
TAPE 28, B		
002	Dave Hunnicutt	Oregonians In Action. Provides testimony on SB 516 and expresses concerns.
026	Chair Ferrioli	Requests clarification on the question of value as it relates to the notification process with landowners.
030	Hunnicutt	Discusses HB 2515 (97). Believes that landowners should be notified of impending changes in value.
059	Chair Ferrioli	Inquires if replacing “will” with “may” in the language of SB 516 would provide a significant improvement.
066	Hunnicutt	Replies that Oregonians In Action supports the current language.
104	Chair Ferrioli	Suggests more work on SB 516. Closes public hearing on SB 516 and adjourns meeting at 4:15 p.m.

EXHIBIT SUMMARY

A – SB 516, written testimony, Harlan Levy, 1 p.