

HOUSE COMMITTEE ON SMART GROWTH AND COMMERCE

March 19, 2001
3:15 PM

Hearing Room 50
Tapes 70-71

MEMBERS PRESENT: Rep. Bill Witt, Chair
Rep. Betsy Johnson, Vice-Chair
Rep. Tim Knopp, Vice-Chair
Rep. Alan Bates
Rep. Alan Brown
Rep. Janet Carlson
Rep. Richard Devlin
Rep. Bill Garrard
Rep. Jerry Krummel
Rep. Laurie Monnes-Anderson
Rep. Vicki Walker

STAFF PRESENT: Daniel Clem, Committee Administrator
Renee' Lunsford, Committee Assistant

MEASURE/ISSUES HEARD: HB 3009 Public Hearing
HB 2729 Public Hearing and Work Session
HB 2979 Public Hearing
HB 2980 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 70, A | | |
| 005 | Chair Witt | Calls the committee to order at 3:30 p.m. and opens a public hearing on HB 3009. |
| <u>HB 3009 PUBLIC HEARING</u> | | |
| 023 | Gary Bauer | Submits written testimony (EXHIBIT A) and testifies in support of HB 3009. |
| 037 | Brad Van Cleve | Representing the Industrial Customers of Northwest Utilities. Submits written testimony (EXHIBIT B) and testifies in opposition to HB 3009. |
| 049 | Jeff Bissonnette | Representative, Citizen's Utility Board of Oregon. Testifies in opposition to HB 3009 in its current form, but states he would be open to discussion on the bill once the amendments are completed. |
| 053 | Chair Witt | Closes the public hearing on HB 3009 and opens a public hearing on HB 2729. |
| <u>HB 2729 PUBLIC HEARING</u> | | |
| 061 | Dan Clem | Committee Administrator. Reads staff preliminary summary on HB 2729. |
| 090 | Jim Craven | Representing the American Electronics Association. Submits written testimony (EXHIBIT C) and testifies in support of HB 2729. |
| 159 | Gary Conkling | Representing Intel Corporation. Submits written testimony (EXHIBIT D) and testifies in support of HB 2729. |

178 Fawn McNeely Representing the Smart Growth Coalition. Submits written testimony (**EXHIBIT E**) and testifies in support of HB 2729.

200 Chair Witt Asks Mr. Craven how much of a stimulating effect this bill will have in bringing more research and development-type activities into Oregon.

207 Craven Responds it is a piece of a picture that would help preserve research and development in this country.

215 Chair Witt Asks how Oregon's tax credit incentives compare to other states in the west for research and development.

222 Craven Responds he has a chart that shows that, but he did not bring it with him.

233 Rep. Walker States she has not seen an impact statement. Asks what the impact is on the budget.

238 Craven Responds he was told the revenue impact would be done when the bill went to the Revenue Committee.

243 Chair Witt States that a revenue impact statement has not been requested yet.

252 Rep. Walker States that it is important to talk about money and policy together. Asks if they would prefer this credit or the pollution control tax credit.

263 Craven Points out this credit works in terms of leveraging activities.

270 Chair Witt Closes the public hearing and opens a work session on HB 2729.

HB 2729 WORK SESSION

280 Rep. Krummel **MOTION: Moves HB 2729 to the floor with a DO PASS recommendation and BE REFERRED to the committee on School Funding and Tax Fairness/Revenue by prior reference.**

285 Rep. Walker States her opposition to the do pass recommendation.

293 Rep. Bates States this looks like a good policy but he may change his vote depending on what the impact is.

300 Chair Witt Expresses support for the bill.

VOTE: 9-1
AYE: 9 - Bates, Carlson, Devlin, Garrard, Johnson, Knopp, Krummel, Monnes Anderson, Witt
NAY: 1 - Walker V
EXCUSED: 1 - Brown
The motion CARRIES.

350 Chair Witt Closes the work session on HB 2729 and opens a public hearing on HB 2979.

HB 2979 PUBLIC HEARING

Written testimony of Mary Kyle McCurdy, 1000 Friends of Oregon staff attorney, in opposition to HB 2979 submitted by staff for the record (**EXHIBIT F**).

390 Jon Chandler Land Use Specialist, Oregon Building Industry Association. Submits written testimony (**EXHIBIT G**) and testifies in support of HB 2979.

430 Kelly Ross Testifies in support of HB 2979.

TAPE 71, A

050 Rep. Devlin Questions how they can get a definition of significance.

075 Chandler Comments that there have been several ideas discussed in regard to this.

090 Rep. Devlin Asks if there was any discussion on the significance between state statute and the charter itself.

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| 100 | Chandler | Responds that this was not discussed. |
| 103 | Rep. Monnes-Anderson | Notes that in 1992, voters were in favor of home-rule. States that it seems this legislation will do away with what was setup for regional and local control. |
| 118 | Chandler | Comments on the intent of the bill. |
| 138 | Rep. Monnes-Anderson | Notes that this legislation is affecting the entire state and that there are going to be regional preferences as to how to deal with streams. |
| 157 | Ross | Comments that the bill as presently written does not limit this. |
| 161 | Rep. Krummel | Asks when Metro put in the 200-foot buffers, was that prospective in nature. |
| 168 | Ross | Responds that the 200-foot buffer was never formally adopted, but for the most part it would have been prospective. |
| 185 | Rep. Krummel | Asks if that were the adopted standard for the region, wouldn't the City of Portland and the City of Milwaukie be in violation in several areas. |
| 190 | Ross | Responds that this is correct if it was applied retroactively. Explains that the initial proposal was for any new construction or remodeling. |
| 199 | Rep. Krummel | Questions whether these cities would be in violation. |
| 212 | Ross | Clarifies that he was focusing mainly on the residential and commercial development aspects of the rule. |
| 219 | Rep. Bates | Comments on the issue of local control versus state control over land use. Questions why he should vote for the bill. |
| 232 | Chandler | States that they are sensitive to the issue of local control. Comments on the purpose of the bill. |
| 252 | Rep. Devlin | Notes that the debate has always been what is regional and what is local. |
| 263 | Chair Witt | Referencing paragraph 7, line 27 of the bill, asks if this is the best language or are they better off having language which makes it optional for local jurisdictions to approve or request Metro involvement. |
| 272 | Chandler | Agrees with Chair Witt that the sentence reads oddly. States that he is not the person who requested the language in the bill. |
| 280 | Chair Witt | Asks how frequently local jurisdictions have complained about Metro's involvement in the specific areas that the bill is seeking to limit its involvement in. |
| 291 | Ross | Responds that questions have frequently been raised. |
| 300 | Chair Witt | Asks for clarification that some of the local jurisdictions within the Metro boundary feel that there are issues that Metro gets involved in that could be handled more effectively locally. |
| 307 | Ross | Responds affirmatively. |
| 319 | Chair Witt | Asks for clarification that these things will still be done, but they will be done by local jurisdictions instead of Metro getting involved. |
| 324 | Chandler | Responds that it would happen both ways. |
| 330 | Chair Witt | Asks for clarification that the bill would prohibit Metro involvement if only one jurisdiction is involved. |
| 338 | Chandler | Responds affirmatively. |
| 349 | David Bragdon | Presiding Officer, Metro Council. Testifies in opposition to HB 2979. |
| 410 | Mike Burton | Metro Executive. Submits written testimony (EXHIBIT H) and testifies in opposition to HB 2979. |

Written testimony of Rob Drake, City of Beaverton Mayor, in opposition to HB 2979 submitted by staff for

the record (**EXHIBIT I**).

TAPE 70, B

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| 031 | Rep. Monnes-Anderson | Asks how many appeals there have been regarding issues that have come up. |
| 040 | Burton | Responds that there have been individual cases of jurisdictions that have objected to expansion or non-expansion of the urban growth boundary, but he is not sure of the exact number. |
| 060 | Rep. Monnes-Anderson | Asks for clarification that there has been a lot of good regional planning by Metro with a small amount of problems in regard to land use. |
| 070 | Bragdon | Agrees with Rep. Monnes-Anderson's assessment. |
| 080 | Rep. Krummel | Asks what Metro's response is to the concept talked about by the proponents. |
| 084 | Burton | Responds that this is a matter they would be glad to discuss. |
| 110 | Chair Witt | Asks if there is an undue amount of tension between local governments and Metro relative to these types of issues. |
| 113 | Burton | Responds that there is a significant amount of cooperation in the Portland metropolitan area. |
| 132 | Bragdon | Responds that he does not feel there is undue tension. |
| 147 | Lisa Naito | Multnomah County Commissioner. Submits written material (EXHIBIT J) and testifies in opposition to HB 2979. |
| 200 | Rep. Garrard | Asks Ms. Naito to elaborate on her comment that "Metro has the power to deal with". |
| 212 | Naito | Responds that Metro has the authority to work on matters that are of regional concern. |
| 230 | John F. Williams, Jr. | Mayor, City of Oregon City. Testifies in opposition to HB 2979. |
| 298 | Charlotte Lehan | Mayor, City of Wilsonville. Submits written testimony (EXHIBIT K) and testifies in opposition to HB 2979. |
| 412 | Chair Witt | States that he would be interested in hearing from Mr. Williams and Ms. Lehan again if the proponents come back with some amendments to the bill. |
| 440 | Stephen Kafoury | Representing the Audubon Society of Portland. Submits written testimony (EXHIBIT L) and testifies in opposition to HB 2979. |

TAPE 71, B

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| 046 | Rep. Devlin | Compares the debate in the legislature between statewide interests and local control to Metro's debate between regional significance and local control. |
| 075 | Chair Witt | Closes the public hearing on HB 2979 and opens a public hearing on HB 2980. |

HB 2980 PUBLIC HEARING

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| 084 | Chandler | Submits written testimony (EXHIBIT M) and testifies in support of HB 2980. |
| 205 | Jacob Brostoff | Transportation Advocate, 1000 Friends of Oregon. Submits written testimony (EXHIBIT N) and testifies in opposition to HB 2980. |

Written testimony of Liz Frenkel, League of Women Voters, in opposition to HB 2980 submitted by staff for the record (**EXHIBIT O**).

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| 270 | Vice Chair Knopp | Closes the public hearing on HB 2980 and adjourns the committee. |
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Submitted By,

Reviewed By,

Renee' Lunsford,
Committee Assistant

Daniel Clem,
Committee Administrator

Transcribed By,

Stephen Kosiewicz

EXHIBIT SUMMARY

- A – HB 3009, written testimony, Gary Bauer, 3 pp.**
- B – HB 3009, written testimony, Brad Van Cleve, 1 p**
- C – HB 2729, written testimony, Jim Craven, 2 pp.**
- D – HB 2729, written testimony, Gary Conkling, 1 p**
- E – HB 2729, written testimony, Fawn McNeely, 2 pp.**
- F – HB 2979, written testimony of Mary Kyle McCurdy, Staff, 2 pp.**
- G – HB 2979, written testimony, Jon Chandler, 1 p**
- H – HB 2979, written testimony, Mike Burton, 4 pp.**
- I – HB 2979, written testimony of Rob Drake, Staff, 1 p**
- J – HB 2979, written material, Lisa Naito, 7 pp.**
- K – HB 2979, written testimony, Charlotte Lehan, 1 p**
- L – HB 2979, written testimony, Stephen Kafoury, 2 pp.**
- M – HB 2980, written testimony, Jon Chandler, 1 p**
- N – HB 2980, written testimony, Jacob Brostoff, 1 p**
- O – HB 2980, written testimony of Liz Frenkel, Staff, 1 p**