

# HOUSE COMMITTEE ON WATER AND ENVIRONMENT

March 19, 2001  
8:30 am

Hearing Room E  
Tapes 50 - 52

**MEMBERS PRESENT:** Rep. Betsy Close, Chair  
Rep. Laurie Monnes Anderson, Vice-Chair  
Rep. Susan Morgan, Vice-Chair  
Rep. Mark Hass  
Rep. Bob Jenson  
Rep. Deborah Kafoury  
Rep. Al King  
Rep. Jeff Kruse  
Rep. Jan Lee

**STAFF PRESENT:** Megan Palau, Administrator  
Linda K. Gatto, Committee Assistant

**MEASURE/ISSUES HEARD:** HB 2712 Work Session  
HB 2713 Work Session  
HB 2933 Public Hearing  
HB 2888 Public Hearing  
HB 2976 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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TAPE/#	Speaker	Comments
<b>TAPE 50, A</b>		
004	Chair Close	Calls the meeting to order at 8:40 a.m. and opens the work session on HB 2712.
<b><u>WORK SESSION – HB 2712</u></b>		
005	Megan Palau	Committee Administrator presents overview of bill.
015	Brendan McCarthy	Deputy Legislative Council, summarizes what the amendment does, adding a 6 year sunset provision.
047	Rep. Lee	Comments that she does not recall requesting the measurement and reporting portion be deleted. Addresses other changes to the language.
060	Tom Byler	Water Resources Department explains the changes.
070	Rep. Lee	Clarifies that it needs to be shown going away when it sunsets.
073	McCarthy	Clarifies further.
090	Rep. Jenson	<b>MOTION: Moves the –1 amendments dated 3/16/01 to HB 2712.</b>
		<b>VOTE: 9-0</b>
		<b>AYE: In a roll call vote, all members present vote Aye.</b>
	Chair Close	<b>The motion CARRIES.</b>
		<b>REP. JENSON will lead discussion on the floor.</b>

095 Rep. Jenson **MOTION: Moves HB 2712 to the floor with a DO PASS AS AMENDED recommendation.**

105 Chair Close **VOTE: 9-0**  
**AYE: 9 - Hass, Jenson, Kafoury, King, Kruse, Lee, Monnes Anderson, Morgan, Close**  
 Chair Close **The motion CARRIES.**  
**REP. JENSON will lead discussion on the floor.**

**HB 2713 WORK SESSION**

110 Palau Explains the amendments to the bill.

128 Rep. Jenson Refers to the work group and notes concern about the word maintain. The compromise was “substantial repair” as the third priority.

161 Katie Cate Oregon Cattlemen’s Association states comfort with the order of prioritizing but is concern about repairs not being done until all the state’s waters are being monitored at the diversion point.

180 Brad Harper Water for Life states support for the amendments.

190 Rep. Kruse **MOTION: Moves to ADOPT the -1 amendments dated 3/16/01.**  
**VOTE: 9-0**  
**Hearing no objection, declares the motion CARRIED.**

195 Chair **MOTION: Moves HB 2713 to the full committee on Ways and Means with a DO PASS AS AMENDED recommendation.**  
 Rep. Kruse **VOTE: 9-0**  
**Hearing no objection, declares the motion CARRIED.**

205 Chair **Hearing no objection, declares the motion CARRIED.**  
 Chair Close Closes work session on HB 2713 and opens public hearing on HB 2933.

**HB 2933 PUBLIC HEARING**

210 Bob Clay Chief Planner, Portland Planning Bureau presents amendments to HB 2933.

215 Palau Explains the exemptions outlined in the amendments.

220 Clay Presents overview of the bill and amendments.

376 Rep. Kruse Asks if they are saying that design review is a better standard than what they are currently having to do.

380 Clay Concurs in particular areas and continues with explanation.

400 Rep. Kruse Follows by asking why this is just for Portland.

**TAPE 51, B**

031 Clay Responds with the dimensional elements.

002 Rep. Lee Requests documents from Clay.

035 Rep. Morgan States she’s having trouble understanding what kind of design standards can’t be met with objective approval standards.  
 Requests examples.

041 Clay Describes the processes for design standards.

050 Rep. Morgan Continues by asking if the planning technicians in the Portland area are more equipped to make those kinds of design decisions than the people that are building the properties.

055 Clay Responds the standards are made by staff, the guidelines he is talking about would be made by a design commission.

060 Rep. Morgan Continues that she didn’t see anything in the bill relating to a design commission.

059 Rep. Monnes Anderson Questions the reasoning for the design standard that would not allow Tiffany’s to have small windows. Asks if that is the type of design review decisions they would be making.

070	Clay	Responds yes and explains the process.
085	Mary Kyle McCurdy	1000 Friends of Oregon presents testimony in support of HB 2933. <b>(EXHIBIT D)</b>
108	Rep. Lee	Asks why this is narrowed to the City of Portland and not any city in the metro region.
111	McCurdy	States it could be extended to other cities.
116	Jon Christenson	Staff for Senator Margaret Carter, District 8, States support of the bill. <b>(EXHIBIT E)</b>
126	Bob Rindy	Department of Land Conservation and Development supports limiting the bill to Portland and expresses concern for language in the bill. Indicates his willingness to work with the plan.
194	Rep.King	Questions why there is a concern about the design of the light rail at this time.
210	Rindy	Responds that light rail corridors are unique in regards to high densities but this is not just referring to light rail, it refers to main streets in cities throughout the state.
223	Rep. Lee	Questions why not use just the city of Portland rather than the metro area.
227	Rindy	Responds they need to establish a standard.
242	Rep. Lee	Follows by asking if we included the Metro boundary that would be acceptable.
250	Rindy	Responds the bill is too broad.
275	Al Johnson	Home Builders of Metropolitan Portland explains the basic concept of conservation and development and the need for clear and objective standards. Continues with an example from Eugene.
384	Chair Close	Asks why there are not R-4 areas in the west side of Eugene.
389	Johnson	Responds the area was mixed use and continues with testimony.
430	Chair Close	Closes public hearing on HB 2933 and opens public hearing on HB 2888.

**PUBLIC HEARING – HB 2888**

450	Palau	Presents overview of HB 2888 allowing local government unit to use capital assets or revenue from capital assets acquired with proceeds of solid waste collection surcharge to pay for remedial action costs at any facility for which local government unit is liable.
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**TAPE 50, B**

016	Susan Schneider	City of Portland, presents proposed amendments to the bill. <b>(EXHIBIT F)</b>
038	Mary Stephens	City of Portland Environmental Services, continues with testimony in support of the bill. <b>(EXHIBIT G)</b>
073	Chair Close	Requests the amendments be drafted and the bill brought back. Closes public hearing on HB 2888 and opens public hearing on HB 2976.

**PUBLIC HEARING – HB 2976**

077	Palau	Summarizes HB 2976 requiring local government to amend urban growth boundary if analysis finds actual housing types and densities insufficient for the next 20 years.
090	Jon Chandler	Land Use Specialist, Oregon Building Industry Association (OBIA), submits testimony and explanation of the bill, noting the need to foresee the density increases. <b>(EXHIBIT I)</b>
220	Rep. Monnes Anderson	Notes that some slopes are buildable and ask for explanation.

228	Chandler	Responds noting public safety and environmental aspects.
249	Rep. Lee	Questions how would this bill affect the metro plan of 200 foot buffers within the urban growth boundary.
258	Chandler	Replies it wouldn't deal with it specifically.
268	Rep. Hass	Asks for an explanation of assessed value example.
275	Chandler	Responds that the point is if there is a million dollar house on a two acre lot it is highly unlikely that you would be interested in putting a tri-plex on it.
298	Rep. Hass	Follows by asking if those are counted by acre for Dunthrop.
300	Kelly Ross	Portland Homebuilders Association responds they view that as a vacant lot and treat it the same as any vacant lot is treated.
303	Chandler	Responds in regard to mixed use areas, states they do not want to make the boundaries easier to move.
368	Close	Comments on the mixed use zoning being used in Europe a lot and the cultural difference of what they will allow there and what they will allow here, it doesn't seem to be as acceptable here.
375	Chandler	Concurs. Describes mixed use.
<b>TAPE 51, B</b>		
008	Rep. Monnes Anderson	Asks for explanation of farm use assessment.
015	Chandler	Explains it is land taxed at farm rates inside or outside of the urban growth boundary.
045	Ross	Continues with testimony in support of the bill.
118	Dan Cooper	METRO General Counsel, provides a history on the activities relative to the UGB, presents testimony in opposition to the bill.
204	Mary Kyle McCurdy	1000 Friends of Oregon testifies in opposition to the bill. <b>(EXHIBIT J)</b>
330	Bob Rindy	Department of Land Conservation and Development (DLCD) presents testimony in opposition to the bill. <b>(EXHIBIT K )</b>
400	Rep. Jenson	Remarks about the Commission's rulemaking process.
<b>TAPE 52, A</b>		
001	Rindy	Continues with explanation of rulemaking process.
010	Linda Ludwig	League of Oregon Cities, testifies in opposition to the bill.
052	Chair Close	Inquires if League of Oregon Cities would be willing to be a part of a work group.
054	Ludwig	Concurs that they want to be included.
057	Chair Close	Closes public hearing and adjourns meeting at 10:30 a.m.

Submitted By,

Reviewed By,

Linda K. Gatto, Committee Assistant

Megan Palau,  
Committee Administrator

Transcribed By,

Shannon Relaford, Committee Assistant

## **EXHIBIT SUMMARY**

- A. HB 2712, -1 amendment dated 3/16/01, staff, 2 pp.**
- B. HB 2713, -1 amendment dated 3/16/01, staff, 1 p**
- C. HB 2933, -1 amendment dated 3/19/01, Rep. Kafoury, 1 p**
- D. HB 2933, prepared testimony, Mary Kyle McCurdy, 2 pp.**
- E. HB 2933, prepared testimony, Sen. Margaret Carter SD 8, 1 p**
- F. HB 2888, proposed amendment, city of Portland, 1 p**
- G. HB 2888, prepared testimony, Mary Stephens, 1 p**
- H. HB 2888, prepared testimony, Bob Danko, 1 p**
- I. HB 2976, printed materials, Jon Chandler, 22 pp.**
- J. HB 2976, prepared testimony, Mary Kyle McCurdy, 4 pp.**
- K. HB 2976, prepared testimony, Bob Rindy, 2 pp.**
- L. HB 2976, written testimony, Howard and Deborah Miller, 1 p.**