

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

March 30, 2001  
8:30 am

Hearing Room E  
Tapes 63 - 64

**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**  
                                  **Shannon Relaford, Committee Assistant**

**MEASURE/ISSUES HEARD:**  
                                  **HB 3026 Public Hearing and Work Session**  
                                  **HB 3089 Public Hearing and 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> 005	Chair Close	Convenes meeting at 8:38 a.m. and opens public hearing on HB 3026.
<b><u>HB 3026 PUBLIC HEARING</u></b>		
013	Gary Conkling	Presents testimony in support of HB 3026. <b>(EXHIBIT A)</b> , which allows land division and establishment or extension of public facilities in exclusive farm use zones for purpose of siting of a public or private school.
125	Rep. Witt	District 7, presents testimony in support of the bill. Stresses having to look at other alternatives for siting schools.
150	Rep. Monnes Anderson	Asks about the waiver process and if Hillsboro or Beaverton School Districts have asked for waiver.
160	Conkling	Responds that both districts identified school sites and have taken steps to purchase the sites but they are caught up in the appeal process.
180	Rep. Monnes Anderson	Reiterates the question.
183	Conkling	Replies he doesn't know what the waiver would be from.
188	Rep. Monnes Anderson	States there have been requests for waivers for schools to be built outside the urban growth boundary but none have been granted because the schools manage to build within the boundary.
197	Conkling	States they would not have gone through the steps they have taken if they could find land within the boundary.

205	Rep. Monnes Anderson	Assumes if you had a waiver you could go outside the boundary.
207	Rep. Lee	Asks if there are other high growth school districts that would be in support of the bill.
213	Conkling	Replies he knows of Tigard, Tualatin, Sherwood, West Linn-Wilsonville.
220	Rep. Hass	Comments on growth in the district and comments on how much it costs to acquire land. Asks for comparison of costs of land outside the UGB and inside it.
230	Conkling	Replies they attempted to purchase a site for \$350,000 inside the UGB, but were unable to outbid on it, they have a site they are attempting to purchase outside the UGB for \$45,000 to \$50,000.
244	Rep. Kruse	States his support for the bill, comments on the acquisition of lands for schools and planning for future schools.
273	Bob Rindy	Department of Land Conservation and Development presents testimony in opposition to the bill. <b>(EXHIBIT B)</b>
376	Rep. Kruse	Asks how often does METRO modify their Urban Growth Boundary.
379	Rindy	Responds every 3-5 years.
381	Rep. Kruse	Asks if they modify the boundary when there's a compelling reason and will they look for land where the boundary is expanding.
407	Rindy	Replies it may be in this case that the district has identified land that is in the path of future urban growth boundaries.
437	Rep. Hass	Remarks about costs per acre land and the inequity from county to county.
<b>TAPE 64, A</b>		
030	Rindy	Agrees there's a problem and urges that they look more broadly than to free up farmland for school siting.
035	Harlan Levy	Oregon Association of Realtors presents testimony in support of the bill.
060	Don Schellenberg	Presents testimony in opposition to the bill. <b>(EXHIBIT C)</b>
115	Rep. Lee	Asks for an explanation of the difference in the language in this bill and HB 3045.
117	Schellenberg	Replies with an explanation of HB 3045
125	Rep. Monnes Anderson	Asks if there is an exemption process for school sitings.
131	Schellenberg	Replies there are two ways, one through urban expansion and the other through the exception process.
138	Rep. Kruse	Comments about planning for schools and expansion and asks if there is anything in statute that requires that planning.
156	Schellenberg	Replies it does not appear they are planning for expansion.
161	Rep. Starr	District 3, Presents testimony in support of the bill.
198	Rep. Kruse	Asks if this is about the availability of land within the UGB or land the district can afford.
204	Rep. Starr	Replies it is both.
206	Rep. Lee	Asks if the land in Washington County is basically all high class soils.
214	Rep. Starr	Replies he doesn't know about the soil types.
225	John Chandler	Oregon Building Association presents history and testimony in support of the bill.
314	Rep. Monnes Anderson	Mentions the Gresham urban growth boundary and the price of land, asks if there is another way in the system to compensate the price discrepancy.

344 Chandler Urges them not to look at the pricing or compensation side of the issue and continues with overview.

396 Rep. Jenson Questions the logic in light of the area of planning for transportation.

421 Chandler Concurs from the aspect of planning.

449 Mary Kyle McCurdy 1000 Friends of Oregon presents testimony in opposition to the bill. **(EXHIBIT D)**

**TAPE 63, B**

063 Liz Frenkel League of Women Voters of Oregon, presents testimony in opposition to the bill. **(EXHIBIT E)**

099 Dan Mculloch Seventh Day Adventist Church and Schools, presents testimony in support of the bill.

137 Cliff Kenagy Farmer from Benton County, presents testimony in opposition to the bill. **(EXHIBIT F)**

188 Chair Close Closes the public hearing on HB 3026 and opens a work session on HB 3026.

Written testimony submitted by Kelly Ross, **(EXHIBIT J)**

**HB 3026 WORK SESSION**

200 Conkling Presents explanation of the amendments.

241 Rep. King Comments on his concerns about using up more farmland.

254 Conkling Stresses that they are not trying to go outside UGB but that they have no choices.

279 Rep. Lee States it will be difficult to vote for bill because of the need to protect farmland, however she will vote for it, but would like to see it repealed and a better process put in it's place at some point.

**290 Rep. Jenson MOTION: Moves the -1 amendment to HB 3026. Rep. Monnes Anderson objects to the amendments, seeing no other objections the amendments are moved into the bill.**

**300 Rep. Jenson MOTION: Moves HB 3026 to the floor with a DO PASS AS AMENDED recommendation.**

311 Monnes Anderson Explains why she will be voting against the bill.

318 Rep Kruse States he will be voting yes and explains why.

327 Rep. Jenson Explains his vote.

363 Rep. King Expresses his concerns for the bill but will vote yes.

396 Rep. Kafoury States she will be voting against the bill because there are not enough safe guards.

414 Rep. Hass States his concerns with the state's education system, but he will be voting for the bill.

**VOTE: 7-2**  
**AYE: 7 - Hass, Jenson, King, Kruse, Lee, Morgan, Close**  
**NAY: 2 - Kafoury, Monnes Anderson**

**425 Chair Close The motion CARRIES. Rep. Hass and Rep. Witt will carry the bill on the floor.**

428 Chair Close Closes the work session on 3026 opens a public hearing on HB 3089.

**TAPE 64, B**

**HB 3089 PUBLIC HEARING**

037 Don Schellenberg Oregon Farm Bureau, presents testimony in support of the bill.

067 Randy Tucker 1000 Friends of Oregon, presents testimony in opposition of the bill.

131 Rep. Jenson Asks if they have approached the sponsor of the bill with potential amendments.

135 Tucker Responds they have had discussions but have not drafted

146	Rep. Lee	anything. Comments that the amendments would offer the protection for subsequent developments.
153	Rep. Jenson	Comments that the folks that have the problems should offer some solutions to the problems. Continues with his support of the bill.
178	Tucker	States they are having discussions with the Farm Bureau and they are willing to work with sponsors.
188	Ron Eber	Department of Land Conservation and Development, presents testimony in opposition to the bill. <b>(EXHIBIT H)</b>
231	Clif Kenagy	Benton County Farmer, presents testimony in cautious support for the bill. <b>(EXHIBIT I)</b>
294	Chair Close	Closes public hearing on HB 3089 and opens work session on HB 3089.

**HB 3089 Work Session**

311	Rep. Monnes Anderson	Asks if the amendment could be combined with HB 2890 and if some of this could be done through rulemaking.
321	Scott Ashcomb	Oregon Association of Nurserymen, responds the bill could be amended telling the department to adopt administrative rules regarding the qualification of the dwelling and they would be supportive of that.
338	Rep. Lee	States she was looking for that assurance.
343	Chair Close	Closes work session on HB 3089. Adjourns meeting at 10:23 a.m.

Submitted By,

Reviewed By,

Shannon Relaford,  
Administrative Support

Megan Palau,  
Administrator

**EXHIBIT SUMMARY**

- A – HB 3026, written testimony, Gary Conkling, 6 pp.**
- B – HB 3026, written testimony, Bob Rindy, 2 pp.**
- C – HB 3026, written testimony, Don Schellenberg, 2 pp.**
- D – HB 3026, written testimony, Mary Kyle McCurdy, 2 pp.**
- E – HB 3026, written testimony, Liz Frenkel, 1 p.**
- F – HB 3026, written testimony, Clif Kenegy, 2 pp.**
- G – HB 3089, written testimony, Randy Tucker, 2 pp.**
- H – HB 3089, written testimony, Ron Eber, 2 pp.**
- I – HB 3089, written testimony, Clif Kenagy, 2 pp.**
- J – HB 3026, written testimony only, Kelly Ross, 2 pp.**