

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

April 23, 2001  
8:30 am

Hearing Room E  
Tapes 87 - 88

**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**

**MEMBERS EXCUSED:**

**STAFF PRESENT:**       **Megan Palau, Administrator**  
                                  **Shannon Relaford, Committee Assistant**

**MEASURE/ISSUES HEARD:**     **HB 3358 Public Hearing**  
                                  **HB 3331 Public Hearing**  
                                  **HB 3744 Public Hearing**  
                                  **HB 3196 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 87, A</b>                    |                         |  |
| 003                                  | Chair Close             | Calls committee to order at 8:10 a.m. and opens a public hearing on HB 3358.   |
| <b><u>HB 3358 PUBLIC HEARING</u></b> |                         |  |
| 004                                  | Chair Close             | Closes public hearing on HB 3358 and opens a public hearing on HB 3331.  |
| <b><u>HB 3331 PUBLIC HEAIRNG</u></b> |                         |  |
| 015                                  | Rep. Knopp              | District 54, explains and presents testimony in support of HB 3331.  |
| 038                                  | Chair Close             | Asks for clarification of the current law and proposed changes.  |
| 040                                  | Rep. Knopp              | Clarifies proposed changes.  |
| 050                                  | Chair Close             | Comments on annexation.  |
| 054                                  | Rep. Knopp              | Explains that there is one vote of everyone that is effected.  |
| 061                                  | Rep. Monnes<br>Anderson | Asks for the reason to annex.  |
| 067                                  | Rep. Knopp              | Responds that they did not have to annex but those outside the city were using city facilities and made the decision upon this. Explains the increase to the tax base. |
| 089                                  | Linda Ludwig            | League of Oregon Cities, presents written testimony in opposition to HB 3331. <b>(EXHIBIT A)</b>   |
| 150                                  | Chair Close             | Comments that she understood there would be an election.   |
| 155                                  | Ludwig                  | Responds that this will be the general election.   |
| 160                                  | Bob Rindy               | Department of Land Conservation and Development, presents testimony in opposition to HB 3331.  |
| 208                                  | Rep. Kruse              | Asks about the requirements of a city to have a legitimate plan  |

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| 224 | Rindy       | with a time frame for services.<br>Explains current statute and general circumstances for annexation. |
| 261 | Chair Close | Asks about basic services paid for.   |
| 271 | Rindy       | Responds that he does not know.   |
| 301 | Chair Close | Comments on remaining independent.  |
| 302 | Rindy       | Responds it is this way currently.  |
| 305 | Rep. Lee    | Explains the Happy Valley planning and the negative effects this bill would have.                     |
| 315 | Rindy       | Concurs.  |
| 329 | Chair Close | Closes public hearing on HB 3331 and opens a public hearing on HB 3734.                               |

**HB 3744 PUBLIC HEARING**

035 Kristan Mitchell

Oregon Refuse and Recycling Association, presents written testimony in support of HB 3734. (**EXHIBIT B**)

**TAPE 88, A**

057 Art Schlack

Association of Oregon Counties, presents testimony in support of the bill.

076 Steve Apocatha

Association of Oregon Recyclers, presents testimony in support of the bill and explains that this bill recharter recycling for Oregon.

096 Willie Tiffany

League of Oregon Cities, presents testimony in support of the bill.

111 Mitchell

Presents explanation of original goals and cooperative goals established in 1998.

130 Apocatha

Continues with explanation of goals.

155 Rep. Jenson

Comments on comparison by states.

160 Mitchell

Explains that Washington and California have the same goals but count different items. Washington counts car bodies Oregon does not.

211 Rep. King

Comments on the explanation of credits.

220 Rep. King

Comments on burning and composting.

225 Mitchell

Explains that this is a different section.

251 Chair Close

Recesses public hearing on HB 3744 opens public hearing on HB 3196.

**HB 3196 PUBLIC HEARING**

255 Megan Palau

Committee Administrator, presents explanation of bill which allows landowner to partition land in exclusive farm use zone regardless of minimum lot or parcel size requirements if landowner earns portion of income from farming and forbids further partitioning or subdividing through deed restrictions.

276 Rep. Jeff Kropf

District 37, presents testimony in support for the bill.

**TAPE 87, B**

057 Chair Close

Comments on the changes from 40 acres to 80 acres in the amendment.

061 Rep. Kropf

Explains amendment.

067 Rep. Monnes

Comments on the redefinition of a farming unit.

Anderson

080 Rep. Kropf

Explains that this is a small impact and explains temporary dwelling.

100 Rep. Monnes

Comments on the 5 acres.

Anderson

102 Rep. Kropf

Explains that the minimum is 5 acres.

117 Rep. King

Asks for clarification of gross income and asks if this is income

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| 120 | Rep. Kropf  | of sales or pay.<br>Responds that it is based on income received from the sale of crops and explains that 40% has been replaced with the \$80,000 gross income. |
| 146 | Rep. King   | Asks if there is an acreage minimum in order to be eligible.  |
| 150 | Rep. Kropf  | Responds that the acreage size takes care of itself due to the fact that there must be proof of the three year farming experience.                              |
| 192 | Chair Close | Recesses public hearing on HB 3196 and reopens public hearing on HB 3744.   |

**HB 3744 PUBLIC HEARING**

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| 199 | Jim Sears    | Marion County, presents testimony in support of the bill.  |
| 230 | Bruce Walker | City of Portland, Office of Sustainable Development Solid Waste and Recycling Program, presents testimony in support of the bill. <b>(EXHIBIT C)</b> |
| 312 | Chair Close  | Explains that the work group will bring the bill back with amendments. Closes public hearing on HB 3744 and reopens the public hearing on HB 3196.   |

**HB 3196 PUBLIC HEARING**

|                   |                         |  |
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| 339               | Ron Eber                | Department of Land Conservation and Development, presents written testimony addressing concerns for the bill. <b>(EXHIBIT D)</b> |
| 416               | Chair Close             | Comments on the amendments.  |
| 418               | Eber                    | Responds that he did not see them until now.   |
| 421               | Rep. Monnes<br>Anderson | Comments on the exception process.   |
| 439               | Eber                    | Explains that there is no provision for the partition and explains additional dwellings on a farm.                               |
| 476               | Chair Close             | Comments on farm help.   |
| 050               | Rep. Monnes<br>Anderson | Comments on the \$80,000 income.   |
| 064               | Rep. Kruse              | Comments on the manufactured home issue.   |
| 072               | Marilyn Fiscus          | Farmer, Culver, Oregon, presents written testimony in support of HB 3196. <b>(EXHIBIT E)</b>                                     |
| 124               | Chair Close             | Comments on the efforts to get a replacement dwelling.   |
| 128               | Fiscus                  | Explains history behind the issue.   |
| 131               | Chair Close             | Comments on parks and campgrounds.   |
| 135               | Fiscus                  | Explains that there is no intention of expanding the park.   |
| 150               | Harlan Levy             | Oregon Association of Realtors, presents testimony in opposition to the bill.  |
| 181               | Levy                    | Explains the process to sell the land.   |
| 203               | Rep. Kruse              | References the ORS.  |
| 224               | Rep. Kruse              | Comments on the merit of this bill.  |
| 240               | Carrie Kuerschner       | 1000 Friends of Oregon, presents written testimony in opposition to the bill. <b>(EXHIBIT F)</b>                                 |
| 357               | Don Schellenberg        | Oregon Farm Bureau, presents testimony in support of the bill as amended.  |
| 450               | Chair Close             | Comments on penalties.   |
| 459               | Schellenberg            | Explains farm use assessment.  |
| <b>TAPE 89, A</b> |                         |  |
| 460               | Chair Close             | Closes public hearing on HB 3196 and adjourns committee at 10:05 a.m.  |

Submitted By,

Reviewed By,

Shannon Relaford,  
Administrative Support

Megan Palau,  
Administrator

**EXHIBIT SUMMARY**

- A – HB 3331, written testimony, Linda Ludwig, 4 pp.**
- B – HB 3744, written testimony, Kristan Mitchell, 3 pp.**
- C – HB 3744, written testimony, Bruce Walker, 2 pp.**
- D – HB 3196, written testimony, Ron Eber, 1 p.**
- E – HB 3196, written testimony, Marilyn Fiscus, 2 pp.**
- F – HB 3196, written testimony, Carrie Kuerschner, 2 pp.**
- G - HB 3331, written testimony only, staff, 2 pp.**