

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

May 09, 2001
5:00 pm

Hearing Room E
Tapes 105 - 109

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. Jeff Kruse
 Rep. Jan Lee

MEMBER EXCUSED: **Rep. Al King**

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

MEASURE/ISSUES HEARD: **HB 3528 Pubic Hearing**
 HB 2990 Public Hearing and Work Session
 HB 2502 Public Hearing and Work Session
 HB 2888 Public Hearing and Work Session
 HB 3948 Public Hearing and Work Session
 HB 3326 Public Hearing and Work Session
 HB 3198 Work Session
 HB 3558 Public Hearing and Work Session
 HM 2 Public Hearing
 HB 2981 Public Hearing
 HB 2976 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.

TAPE/#	Speaker	Comments
TAPE 105, A		
003	Chair Close	Convenes meeting at 5:10 p.m., opens a public hearing on HB 3528.
HB 3528 Public Hearing		
010	Megan Palau	Committee Administrator, presents overview of the bill which authorizes development of rural service centers in specified remote areas of the state.
016	Rep. Butler	District 60, presents testimony in support of HB 3528.
156	Gene Timms	Former Senator from Harney County, presents testimony in support of the bill.
203	Bob Rindy	Oregon Department of Land Conservation and Development, presents testimony in opposition to the bill. (EXHIBIT A)
250	Chair Close	Comments on the concept of benefiting rural areas and asks if this would not benefit other areas as well.

260 Rindy Responds they can't find another area of the state that would qualify.

267 Chair Close Asks for direction to the line that limits the bill to this area.

270 Rindy Replies he doesn't have a copy of the bill, but the circumstances in the bill apply only to this one area.

279 Rep. Morgan Questions about a picture from her files of the facility and asks if the developers would have to go through the local jurisdiction planning process if they wanted to expand the project.

283 Rindy Explains the permitting process.

290 Rep. Morgan Asks if a provision was added to the bill to allow local jurisdictions to review and process the request for development would the department be in favor.

296 Rindy Replies it would be an improvement, but they still have concerns because of making statutes for a project.

319 Rep. Morgan Asks again if that would not be enough to support the development.

322 Rindy States the department should not be in a position to advocate for a change in the statute for this kind of development, the change might allow the department to be neutral to the bill.

340 Mike Collmeyer 1000 Friends of Oregon, presents testimony in opposition to the bill. **(EXHIBIT B)**

368 Chair Close Closes public hearing on HB 3528 and opens public hearing on HB 2990.

HB 2990 Public Hearing

370 Palau Presents overview of the bill which extends the deadline authorizing drainage districts and diking districts to reorganize as corporations if districts existed prior to January 1, 1993.

380 Rep. Elaine Hopson District 2, presents testimony in support of the bill.

395 Tim Josi Tillamook County Commissioner, presents testimony in support of the bill. **(EXHIBIT C)**

440 Rep. Lee Asks if the sunset clause is necessary.

445 Josi Replies he is not sure.

460 John Killin Special Districts, presents testimony in support of the bill. **(EXHIBIT D)**

470 Chair Close Closes public hearing on HB 2990 and opens work session on HB 2990.

HB 2990 Work Session

Tape 106, Side A

030 Rep. Kafoury **MOTION: Moves HB 2990 to the floor with a DO PASS recommendation.**

VOTE: 6-0

AYE: 6 - Hass, Jenson, Kafoury, Lee, Morgan, Close

EXCUSED: 3 - King, Kruse, Monnes Anderson

Chair

The motion CARRIES.

REP. HOPSON will lead discussion on the floor.

050 Chair Close Closes the work session on HB 2990 and opens a public hearing on HB 2502.

HB 2502 Public Hearing

Palau Presents overview of the bill which prohibits use of zoning designation to protect nonagricultural resource located in exclusive farm use zone.

066 Doug Riggs Representing METRO, presents testimony in support of the bill. **(EXHIBIT E)**

090 Ken Helm Senior Land Use Attorney with METRO, presents testimony in support of the bill.
149 Dennis Mulvihill Washington County, presents testimony in support of the bill.
151 Chair Close Closes public hearing and opens work session on HB 2502.

HB 2502 Work Session

152 Rep. Morgan **MOTION: Moves to ADOPT HB 2502-1 amendments dated 5/09/01.**
153 Rep. Kafoury Expresses her support for the bill.
Chair **Hearing no objection, declares the motion CARRIED.**
160 Rep. Morgan **MOTION: Moves HB 2502A to the floor with a DO PASS AS AMENDED recommendation.**
VOTE: 6-0
AYE: 6 - Hass, Jenson, Kafoury, Lee, Morgan, Close
EXCUSED: 3 - King, Kruse, Monnes Anderson
Chair **The motion CARRIES.**
REP. KAFOURY will lead discussion on the floor.
170 Chair Close Closes work session on HB 2502 and opens a public hearing on HB 2888.

HB 2888 Public Hearing

180 Palau Presents summary of the bill which allows 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.
195 Susan Schneider City of Portland, presents testimony in support of the bill.

HB 2888 Work Session

226 Chair Close Closes public hearing on HB 2888 and opens a work session on HB 2888.
228 Rep. Morgan **MOTION: Moves to ADOPT HB 2888-1 amendments dated 05/09/01.**
Chair **Hearing no objection, declares the motion CARRIED.**
233 Rep. Morgan **MOTION: Moves HB 2888 to the floor with a DO PASS AS AMENDED recommendation.**
249 Palau **VOTE: 6-0**
AYE: 6 - Hass, Jenson, Kafoury, Lee, Morgan, Close
EXCUSED: 3 - King, Kruse, Monnes Anderson
Chair **The motion CARRIES.**
REP. HASS will lead discussion on the floor.
324 Chair Close Closes work session on HB 2888 and opens public hearing on HB 3948.

HB 3948 Public Hearing

330 Palau Presents overview of bill which creates Sustainability Board.
340 John Ledger Association of Oregon Industries, presents testimony in support of the bill and its amendments.
380 Chair Close Closes the public hearing on HB 3948 and opens a work session on HB 3948.

HB 3948 Work Session

382 Rep. Kafoury **MOTION: Moves to ADOPT HB 3948-2 amendments dated 5/09/01.**
Chair **Hearing no objection, declares the motion CARRIED.**
388 Rep. Kafoury **MOTION: Moves HB 3948 to the full committee on WAYS AND MEANS with a DO PASS recommendation.**

Chair

VOTE: 6-0

AYE: 6 - Hass, Jenson, Kafoury, Lee, Morgan, Close

EXCUSED: 3 - King, Kruse, Monnes Anderson

390 Chair Close

Closes work session on HB 3948 and opens a public hearing on HB 3326.

HB 3326 Public Hearing

400 Palau

Presents summary of the bill which authorizes land divisions for non-farm dwellings in exclusive farm use zones in certain circumstances.

430 George Raid

Community Director, Deschutes County, presents testimony in support of the bill.

Tape 105 Side B

035 Harlan Levy

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

045 Jim Welsh

Oregon Family Farm Association, presents testimony in support of the bill.

055 Ron Eber

Oregon Department of Land Conservation and Development, presents testimony in opposition to the bill, suggests further amendments.

088 Rep. Morgan

Explains the amendment.

100 Eber

Continues with testimony.

114 Rep. Morgan

Concurs with suggestions for amendments.

116 Eber

Continues with testimony.

120 Chair Close

Asks for clarification on where the changes should go.

125 Eber

Explains the location for the changes.

130 Rep. Morgan

Summarizes the change.

140 Palau

Reads the definition of Willamette Valley from statute.

145 Eber

Continues with testimony.

150 Rep. Morgan

Asks if the cubic foot area is changed in the bill what the departments position will be.

160 Eber

States he would recommend to the Director that they support the bill.

170 Rep. Morgan

States she will accept the change.

175 Rep. Kruse

Asks why the change in the cubic foot area.

178 Eber

Explains the cubic foot formula.

195 Mike Collmeyer

1000 Friends of Oregon, presents testimony in opposition to the bill. **(EXHIBIT F)**

225 Chair Close

Closes public hearing on HB 3326 and opens a work session on HB 3326.

HB 3326 Work Session

226 Rep. Morgan

MOTION: Moves to ADOPT HB 3326-1 conceptual amendments dated 05/09/01.

Chair

Hearing no objection, declares the motion CARRIED.

230 Rep. Morgan

MOTION: Moves HB 3326 to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 5-2

AYE: 5 - Jenson, Kruse, Lee, Morgan, Close

NAY: 2 - Hass, Kafoury

EXCUSED: 2 - King, Monnes Anderson

Chair

The motion CARRIES.

REP. WESTLUND will lead discussion on the floor.

295 Chair Close

Closes work session on HB 3326 and opens public hearing on

HB 3198.

HB 3198 Work Session

300 Palau

Presents overview of the bill which requires State Parks and Recreation Department to establish grant program for cities for purpose of expanding after-school recreation programs for children.

MOTION: Moves HB 3198 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Ways and Means by prior reference.

VOTE: 6-0

AYE: 6 - Hass, Jenson, Kafoury, Kruse, Morgan, Close

EXCUSED: 3 - King, Lee, Monnes Anderson

The motion CARRIES.

325 Chair Close

Closes the work session on HB 3198 and opens a public hearing on HB 3558.

HB 3558 Public Hearing

332 Palau

Presents overview of the bill which requires the State of Oregon to pay compensation for improvements made to and for taxes paid on submersible and submerged lands that are determined to be owned by state as a result of navigability determination.

365 Jeanette Hollman

Assistant Director, Division of State Lands, presents testimony in opposition to the bill. **(EXHIBIT G)**

Tape 106, Side B

013 Katie Cate

Cattleman's Association, presents testimony in support of the bill.

032 Chair Close

Asks why do improvements need to be compensated for.

035 Cate

Replies the investment in the land and the loss of that investment and their time.

040 Chair Close

Comments that some people don't want compensation.

050 Cate

Concurs.

056 Jean Underhill
Wilkinson

Oregon Farm Bureau, presents testimony in support of the bill. **(EXHIBIT H)**

110 Harlan Levy

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

121 Rep. Morgan

Asks which amendment they prefer.

125 Levy

Responds the -3 amendments.

126 Close

Asks for clarification on the differences in the amendments.

128 Levy

Explains the amendments.

130 Jim Welsh

Oregon Family Farm Association, presents testimony in support of the bill.

151 Gary Benson

Legislative Director of the NW Steelheaders, presents testimony in opposition to the bill.

179 Chair Close

Asks about the property taken in the beach bill, were property owners paying taxes on property under the water.

180 Benson

Explains beach property was not taken, they granted easement.

188 Rep. Morgan

Asks for comments on improvements.

195 Benson

Responds they should lease the improvements.

200 Greg Leo

States support of the -3 amendments.

214 Beverly Jones

Sandy River property owner, presents testimony in support of the bill. **(EXHIBIT I)**

225 Chair Close

Closes public hearing on HB 3558 and opens work session on HB 3558.

HB 3558 Work Session

240 Rep. Morgan

MOTION: Moves to ADOPT HB 3558-3 amendments dated 05/09/01.

Chair

Hearing no objection, declares the motion CARRIED.

243 Rep. Monnes
Anderson

States her concern that the bill will undercut Measure 7, and she will not be voting for it.

245 Rep. Morgan

MOTION: Moves HB 3558 as amended to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 5-3

AYE: 5 - Jenson, Kruse, Lee, Morgan, Close

NAY: 3 - Hass, Kafoury, Monnes Anderson

EXCUSED: 1 - King

The motion CARRIES.

REP. MINNIS will lead discussion on the floor.

Chair

HM 2 Public Hearing

250 Rep. Bill Garrard

District 53, presents testimony in support of the memorial.

280 Rep. Lee

Asks what the proposed changes will be.

285 Rep. Garrard

Explains the changes.

310 Rep. Lee

Follows by asking the difference between this memorial and SM 2.

325 Rep. Garrard

Explains differences.

369 Rep. Morgan

Comments on the committee's participation in the Klamath rally and presents overview of the impact of the endangered species act.

400 Rep. Garrard

Thanks the committee and concurs with her observations.

Tape 107, Side A

145 Rep. Jenson

Recounts his experience at the Klamath rally and expresses his support.

186 Rep. Hass

Expresses his support for the memorial.

193 Rep. Kruse

Comments on the spotted owl and the endangered species act.

205 Pete Test

Oregon Farm Bureau, presents testimony in support of the memorial.

229 Doug Myers

Klamath Tribes, presents testimony in support of the memorial.

253 Glen Stonebrink

Oregon Cattlemen's Association, presents testimony in support of the memorial.

294 Rep. Kruse

Suggests making it clear the language is appropriate federal government.

296 Stonebrink

Continues testimony in support of the memorial.

322 Paul Cleary

Director, Oregon Water Resources Department, presents testimony in support of the memorial. **(EXHIBIT K)**

458 Chair Close

Comments that she hopes the department will help the people to get water.

Tape 108, Side A

020 Rep. Morgan

Recognizes the department for their extraordinary efforts in the process.

056 Jim Welsh

Oregon Family Farm Association presents testimony in support of the memorial.

080 Rep. Lee

Comments on the possibility of getting title to the federal reservoirs.

100 Kristina McNitt

Oregon Water Resources Congress, presents testimony in support of the memorial.

165 Chair Close

Closes the public hearing on HM 2.

150	Rep. Hass	Requests a suspension of the rules.
180	Rep. Hass	MOTION: Moves to SUSPEND the rules for the purpose of
	Chair	To allow Rep. Monnes Anderson to vote.
		Hearing no objection declares the motion CARRIES.
		Rep. Monnes Anderson votes on:
		HB 3326 – nay
		HB 3948 – yes
		HB 2990 – yes
		HB 2888 – yes
		HB 2502 – nay
205	Chair Close	Closes the work session and opens a public hearing on HB 2981A.
<u>HB 2981A Public Hearing</u>		
207	Palau	Presents summary of the bill which specifies matters to be considered by Land Conservation and Development Commission or local government in deciding whether to prescribe minimum lot size larger than that required on September 28, 2000.
250	Jon Chandler	Oregon Building Industry Association, presents testimony in support of the bill and explains the amendments.
305	Rep. Morgan	Comments that the amendments solve the problems they discovered.
340	Al Burns	Senior Planner, City of Portland, presents testimony in opposition to the bill. (EXHIBIT L)
370	Rep. Kafoury	Asks if he has seen the amendments.
373	Burns	Replies yes.
380	Harlan Levy	Oregon Association of Realtors, presents testimony in support of the bill and amendments.
400	Mary Kyle McCurdy	1000 Friends of Oregon, presents testimony in opposition to the bill. (EXHIBIT M)
Tape 107, Side B		
006	Chair Close	Asks if the rulemaking process of the agency should have precedence over the legislative process.
010	McCurdy	Explains the process and time frame for the rulemaking.
025	Chair Close	Asks if she agrees that the legislature has oversight over rulemaking.
035	McCurdy	Concurs.
045	Bob Rindy	Presents testimony in opposition to the bill.
100	Chair Close	Asks if they got any input from the legislators when this rule was written.
105	Rindy	Responds yes, gives list of names the proposed rules were distributed to, continues.
120	Chair Close	Closes the public hearing on HB 2981, and opens hearing on HB 2976.
<u>HB 2976 Public Hearing</u>		
130	Palau	Presents summary of the bill which requires local government to amend urban growth boundary if analysis finds actual housing types and densities insufficient for next 20 years.
150	Jon Chandler	Oregon Building Industry Association, presents testimony in support of the bill.
376	Chair Close	Asks where is the fifty- percent listed in the bill.
380	Chandler	Gives location, continues with testimony.

405 Rep. Hass States he supports some of the ideas, but does not support the economic trend

425 Chandler Explains the mapping procedure and the economic analysis.

470 Rep. Jenson Asks about areas where the population exceeds the average growth rate, such as Irrigon, how can they hope to keep up with this bill.

Tape 108 Side B

040 Chandler Further explains the bill.

070 Rep. Kafoury States her confusion on the bill, asks if this addresses cities that have done a bad job of planning.

090 Chandler Replies it is addressed indirectly.

120 Rep. Kafoury Continues by asking the two directions in the bill.

150 Roger Budke Oregon Chapter of the American Planning Association, presents testimony in opposition to the bill. **(EXHIBIT N)**

205 Rep. Kafoury Questions if the process for projections isn't already in the statute.

210 Budke Replies it depends where the emphasis is.

220 Al Burns City of Portland, Planning Bureau, presents testimony in opposition to the bill.

250 Rep. Morgan Comments on the idea of growing out as opposed to growing up.

256 Burns Explains the process of providing housing.

268 Rep. Morgan Comments on the amount of time spent in planning.

275 Burns Concurs and says it's a choice you make.

280 Rep. Morgan Comments on the complexity of the process and the investment in time.

300 Burns Concurs and continues, emphasizes doing what makes sense.

330 Rep. Hass Asks how public schools grow up instead of out.

335 Burns Explains the Portland Public School issues, the surplus of property and the school district desires to sell it for the cash.

350 Rep. Hass Argues that the urban growth boundary around Portland runs into other counties and they have not been increasing their properties.

360 Burns Continues with clarification of situation.

375 Rep. Monnes Suggests busing from Hillsboro to Portland to fill up the schools.

Anderson

380 Bob Rindy Department of Land Conservation and Development, presents testimony in opposition to the bill. **(EXHIBIT P)**

440 Rep. Morgan Asks if there is value in continuing the discussion.

447 Rindy Replies yes, but we need a broader group.

455 Mary Kyle McCurdy 1000 Friends of Oregon, presents testimony in opposition to the bill.

Tape 109, side A

040 Rep. Jenson Comments on the infatuation of building multifamily dwellings, and doesn't support them.

070 Rep. Hass Asks what's wrong with taking out some of the land (slope lands) in the plan.

080 McCurdy Explains current law allows cities to not count lands with over 25% slopes in their inventory, continues with testimony.

100 Rep. Hass States its not just the buildability, it's the practicality.

120 McCurdy States if it is not possible to build on the land the zoning should reflect that.

130 Chair Close Closes public hearing on HB 2976, adjourns meeting at 9:00 p.m.

Submitted By,

Reviewed By,

Shannon Relaford,
Administrative Support

Megan Palau,
Administrator

EXHIBIT SUMMARY

- A – HB 3528, written testimony, Bob Rindy, 1 p.**
- B – HB 3528, written testimony, Mike Collmeyer, 1 p.**
- C - HB 2990, written testimony, Tim Josi, 1 p.**
- D – HB 2990, written testimony, John Killin, 1 p.**
- E – HB 2502, written testimony, Doug Riggs, 14 pp.**
- F – HB 3326, written testimony, Mike Collmeyer, 2 pp.**
- G - HB 3558, written testimony, Jeanette Holman, 14 pp.**
- H – HB 3558, written testimony, Jean Underhill Wilkinson, 1 p.**
- I – HB 3558, written testimony, Beverly Jones, 2 pp.**
- J – HB 3558, written testimony, Pete Test, 1 p.**
- K – HM 2, written testimony, Paul Cleary, 19 pp.**
- L - HB 2981, written testimony, Al Burns, 2 p.**
- M – HB 2981, written testimony, Mary Kyle McCurdy, 2 pp.**
- N – HB 2976, written testimony, Roger Budka, 1 p.**
- O – HB 2976, written testimony, Doug Riggs, 3 pp.**
- P – HB 2976, written testimony, Bob Rindy, 2 pp.**
- Q – HB 2976, written testimony only, Phillip Fell, 1 p.**
- R – HB 3558, written testimony only, Patti Smith, 1 p.**
- S – HM 2, written testimony only, Michael S. Cooperman, 1 p.**
- T – HB 3529, written testimony only, Alice Elshoff, 1 p.**
- U – HB 3528, written testimony only, Josh Warburton, 2 pp.**
- V – HB 3528, written testimony only, Duncan Evered, 1 p.**
- W – HB 3528, written testimony only, Jerry Sutherland, 2 pp.**
- X – HB 3528, written testimony only, Mmari Margil, 6 pp.**