

HOUSE COMMITTEE ON GENERAL GOVERNMENT

March 04, 1999 Hearing Room D

1:15 p.m. Tapes 32 - 34

MEMBERS PRESENT: Rep. Carl Wilson, Chair

Rep. Jason Atkinson, Vice-Chair

Rep. Jo Ann Bowman

Rep. Ryan Deckert

Rep. Bruce Starr

MEMBERS EXCUSED: Rep. Chris Beck, Vice-Chair

Rep. Steve Harper

Rep. Terry Thompson

Rep. Ron Sunseri

STAFF PRESENT: Cara Filsinger, Administrator

Faye D. Trupka, Administrative Support

**MEASURE/ISSUES HEARD: Informational Meeting, Overview of Oregon
Land Use Planning System**

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 32, A		

005	Chair Wilson	Opens meeting at 1:20 p.m. and opens informational meeting.
<u>INFORMATIONAL MEETING</u>		
006	Chair Wilson	Submits letter from the Governor (EXHIBIT A).
015	Bob Rindy	Agency Coordinator, Department of Land Conservation and Development (DLCD). Refers to Biennial Report (EXHIBIT B). Explains the Land Conservation and Development Commission (LCDC) and DLCD structure and staff functions. Gives history of SB 100. States local land use plans are the controlling documents for all land use decisions made by local governments.
063	Rindy	Describes amendments to local land use plans and time constraints. Explains periodic review.
084	Chair Wilson	Asks what factors initiate a periodic review.
089	Rindy	Responds with description of LCDC's schedule to determine which cities and counties are due for a periodic review.
110	Rindy	States that the Land Use Board of Appeals (LUBA) 180-day clock streamlines the land use review process.
124	Chair Wilson	Asks for typical scenario whereby LUBA would be asked to hear an appeal.
131	Rindy	Gives the example of a private citizen objecting to a land use permit for an apartment building being built in their neighborhood. States that LUBA reviews whether all procedures and standards have been met.
180	Rindy	Explains the four categories of land use. Describes the Urban Growth Boundary (UGB) and twenty-year land supply.
196	Chair Wilson	Asks how a UGB affects sprawl.
201	Rindy	States it will confine the growth of a community.
209	Chair Wilson	Asks for specific description of sprawl.
213	Rindy	Replies that most people think of it as " leap-frog" development.
224	Chair Wilson	States that the idea of a UGB is to keep the density within a community.

229	Rindy	Responds UGB allows farm and forest zoning to work better and allows for an efficient arrangement of services. States that LCDC's Goal 10 relates to housing.
280	Chair Wilson	Asks if requests to local government are for zone changes to the comprehensive plan.
290	Rindy	Replies yes. Explains local government provides a twenty-year supply of land.
332	Rep. Bowman	Asks for clarification of UGB.
340	Rindy	Explains the housing supply is not a complete description. States the need for each city to identify and zone enough land for twenty years worth of growth.
353	Rep. Bowman	Asks about Metro UGB expansion.
359	Rindy	Describes the Metro urban reserve, which allows cities or regions to plan where they might want future boundaries.
399	Chair Wilson	Asks about sprawl leading to higher infrastructure costs.
TAPE 33, A		
003	Rindy	Responds that a variety of issues influence cost. Explains sprawl as a pattern of development in 1 to 5 acre lots. Explains "leap-frog" patterns. Cites Goal 3, relating to farmland, and Goal 4, which addresses forest land protection.
063	Rep. Starr	Asks for clarification of the \$80,000 rule.
066	Rindy	Explains LCDC has established a rule for high-value farms, which allows a farm dwelling if there is proof that the property earned at least \$80,000 for three out of the last five years.
081	Rep. Starr	Asks if the \$80,000 rule applies to a particular size of farm.
086	Rindy	Responds that it applies to any size farm.
088	Rep. Starr	Asks if it applies to a 5-acre farm.
091	Rindy	Replies yes.
093	Rep. Starr	Asks if an owner could not show the \$80,000 income would they no longer qualify.

095	Rindy	Replies they can still farm.
098	Rep. Starr	Asks for examples of high-value farm land that meets the \$80,000 standard.
101	Rindy	Replies he does not have that information, but he will check.
104	Rep. Starr	Asks how the \$80,000 amount was determined.
110	Rindy	States that many farms which are authorized to have a farm dwelling are not actually farming. Explains that an analysis was done on the income of farmers.
136	Rep. Atkinson	Asks for explanation of regionalization.
154	Rindy	Replies that each county has a different set of plans that are specific to their needs. Explains Regional Problem Solving program.
186	Rep. Atkinson	Asks if commissioners are chosen by congressional district.
191	Rindy	Responds yes.
199	Rep. Atkinson	States that his constituents need a commissioner who could better address that area's needs.
202	Rindy	Responds that there have been commissioners from his area in the past.
219	Rep. Bowman	Asks if the \$80,000 gross would become a net of \$15,000.
223	Rindy	Responds yes.
227	Rep. Bowman	Asks if there are farms in Oregon that net \$12,000 or less per year.
233	Rindy	Replies yes.
238	Rep. Bowman	Asks if the goal is to ensure that a farm zone is really being farmed.
249	Rindy	Replies previous attempts to prove compliance were difficult.
269	Rep. Starr	Asks what statutory authority did DLCD use to come up with the \$80,000 rule and asks for a copy.

276	Rindy	Replies HB 3661, which was adopted in a previous session.
286	Burton Weast	Special Districts Association of Oregon. Explains the five types of special districts for land use planning: water, sewer, fire, parks and recreation, and transportation.
345	Weast	Explains the special district's role in land use.
406	Art Schlack	Association of Oregon Counties. Points to page 4 of (EXHIBIT C) which lists a set of goals adopted by Association of Counties. Gives history of comprehensive land use plans and regulations for both cities and counties.
TAPE 34, A		
045	Schlack	Supports transportation systems development.
072	Chair Wilson	Asks about the expense of a periodic review.
075	Schlack	Details the expenses and length of time.
080	Rep. Starr	Asks if the current law allows for flexibility to recognize the differences which exist among the counties of Oregon.
099	Schlack	States counties have the authority to address certain problem solving issues. Points to projects in Deschutes, Yamhill and Polk counties that address regional differences. States that funding is inadequate.
131	Rep. Starr	Comments on his city council experience and urges members to remember that it takes funding to take care of land use issues.
150	Brian Little	City Administrator, St. Helens, representing League of Oregon Cities. Gives background on his local government history and land use planning for both city and county. Describes recent public hearing about the City of St. Helens Development Code, and its impact on third parties.
201	Little	States that no one knows better what works best in a community than those people who live there. States that collaborative efforts in planning are necessary to local land use issues.
243	Rep. Bowman	Asks for description of planning process and how citizens get involved.
250	Little	Explains planning process.

270	Larry George	Executive Director, Oregonians in Action. (EXHIBIT D) . Gives overview of Oregonians in Action. Explains history of Oregon's land use planning.
345	George	States that citizens do not like density in their neighborhood. Describes infrastructure and explains that citizens are not happy with being told how to live.
TAPE 32, B		
004	George	Explains that the state has forced the zoning of nearly 97% of all private rural land as exclusive farm or forest land.
056	George	States that 78% of farmers do not make \$40,000 gross income on their farms. States property rights can be balanced with land use planning.
081	Rep. Bowman	Asks how to maximize citizen input in the land use planning process.
094	George	States that land owners are unaware of zoning changes prior to implementation.
112	Rep. Bowman	Refers to Portland's rapid growth, high density, housing, changes in neighborhood and asks if land use planning was developed to protect farmland.
124	George	States that land use planning was designed to provide adequate water and sewer for developing subdivisions as well as preserving farm land. States the need to plan rural Oregon and not just regulate it.
148	Dave Hunnicut	Oregonians in Action. Explains the need for an adequate supply of different types of residential development.
164	Rep. Bowman	Asks how to insure an adequate supply of land within the UGB.
170	Hunnicut	Replies that HB 2709, from the 1995 session, attempted to address the problem to make sure all cities had an adequate supply of land within the existing UGB.
185	Robert Liberty	Executive Director, 1000 Friends of Oregon (EXHIBIT E) . Gives overview of organization. Gives history of SB 100 and SB 101 which created land use planning. Reports repeated attempts to repeal those measures. Shows numerous amendments. States UGBs were too big when first created.
245	Liberty	Refers to the City of Hermiston's population UGB. Details the Woodburn example.
296	Liberty	Describes 1998 Real Estate Research Corporation report. Remarks that the State of Washington has more UGBs than the State of Oregon.

341	Liberty	Describes local control of regulatory barriers to multi-family housing.
399	Liberty	Reports ranking in affordable housing for other cities and states. Explains that 14% of costs are for hard and soft land costs; water and sewer, system development charges, etc.
TAPE 33, B		
004	Liberty	Refers to the number of land use appeals and circuit court cases filed.
075	Chair Wilson	Closes information meeting and adjourns at 3:15 p.m.

Submitted By, Reviewed By,

Faye D. Trupka, Cara Filsinger,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ Informational Meeting, written testimony, Governor John Kitzhaber, 2 pp.

B ñ Informational Meeting, Oregon Statewide Planning Program, Transportation and Growth Management Program, Biennial Report for 1997-1999, Bob Rindy, 72 pp.

C ñ Informational Meeting, written testimony, Art Schlack, 4 pp.

D ñ Informational Meeting, editorial, Larry George, 1 p.

E ñ Informational Meeting, written testimony, 1000 Friends of Oregon, 11 p.