

## **HOUSE COMMITTEE ON GENERAL GOVERNMENT**

**March 09, 1999 Hearing Room D**

**1:15 p.m. Tapes 35 - 37**

**MEMBERS PRESENT: Rep. Carl Wilson, Chair**

**Rep. Jason Atkinson, Vice-Chair**

**Rep. Chris Beck, Vice-Chair**

**Rep. Jo Ann Bowman**

**Rep. Ryan Deckert**

**Rep. Steve Harper**

**Rep. Bruce Starr**

**Rep. Ron Sunseri**

**Rep. Terry Thompson**

**MEMBERS EXCUSED:**

**STAFF PRESENT: Cara Filsinger, Administrator**

**Faye D. Trupka, Administrative Support**

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

**HB 2074 Work Session**

**HB 2075 Work Session**

**HB 2105 Work Session**

**HB 2689 Work Session**

**HB 2484 Public Hearing**

**HB 2463 Public Hearing**

TAPE/#	Speaker	Comments
<b>TAPE 35, A</b>		
005	Chair Wilson	Opens meeting at 1:15 p.m. and opens informational meeting.
<b><u>INFORMATIONAL MEETING LAND USE PLANNING</u></b>		
	Staff	Distributes written testimony from Robert Liberty, 1000 Friends of Oregon <b>(EXHIBIT A)</b> .
012	Jerry Schmidt	Oregon Association of Realtors. States the association tries to keep costs down in order to allow customers access to affordable housing. Expresses concerns about the number of land use bills being heard in the legislature this session. Supports the issues of allowing people to farm. Objects to \$80,000 income rule.
060	Schmidt	Asks for description of prime agricultural lands. States people need to be allowed to live on their property.
080	Rep. Beck	Asks for explanation of land use laws and how they have impacted realtors.
095	Schmidt	Explains that realtors in Oregon are taking a strong stand on the housing issues. Comments that realtors will make a commission regardless of the price of housing. States the need to have a healthy market for both low and high incomes.
117	Rep. Beck	Asks what is in the current system that impacts realtors.
135	Schmidt	Replies business and environmental issues.
171	Jon Chandler	Director of Governmental Affairs, Oregon Building Industry Association (OBIA). Gives background of OBIA <b>(EXHIBIT B)</b> .
221	Chandler	States need to keep focused on allowing and encouraging growth inside the Urban Growth Boundary (UGB).
271	Chandler	States that Oregon land use planning is under attack from inertia and lack of interest.
320	Chandler	Explains the bills that OBIA has requested. Points to <b>EXHIBIT B</b> regarding house prices/income tax structure.
370	Chandler	States that Oregon has an affordability issue that needs to be addressed.

**TAPE 36, A**

004	Chandler	Points to <b>EXHIBIT B</b> chart on housing costs in Oregon. States that Oregon home ownership is 61% and declining.
034	Rep. Thompson	States that not all of Oregon has a good economy.
040	Chandler	States that home ownership in the metropolitan Portland area is the same as for Oregon.
065	Rep. Deckert	States his concerns over the preempting of local issues without addressing affordability.
079	Chandler	Gives example of land use prices in the western part of Portland UGB costing \$200,000 an acre.
122	Don Schellenberg	Director of Governmental Affairs, Oregon Farm Bureau Federation (OFBF). Reads written testimony ( <b>EXHIBIT C</b> ).
172	Schellenberg	Continues reading written testimony.
192	Schellenberg	Continues reading written testimony.
255	Rep. Beck	States that many people believe that land surrounding towns should be opened. Asks what the ramifications would be if the land within the Metro area were made available for purchase and building and how it would impact farmers and production.
277	Schellenberg	Replies there must be a critical mass in the farming community. States the OFBF is not opposed to opening less productive land for UGB uses.
312	Chair Wilson	Closes informational session on land use planning and opens work session on HB 2074.

**HB 2074 WORK SESSION**

316	Cara Filsinger	Administrator. Explains HB 2074.
325	Rusty Vernon	Director, Oregon State Fair. Explains the differences between HB 2074 and 501 (c)(3).
355	Chair Wilson	Asks if HB 2074 will create an account within an account.

357	Vernon	Responds yes.
358	Chair Wilson	Asks for clarification of 501(c)(3) status.
361	Vernon	Replies the State Fair does not have 501(c)(3) status.
363	Chair Wilson	Asks if the State Fair is requesting to establish this account to assure donors that the gifts will be used for the purposes for which they were given.
367	Vernon	Responds yes.
368	Rep. Bowman	Asks to whom the gifts are reported.
370	Vernon	Replies that a formalized reporting process has not been structured. Explains the Oregon State Fair has a process in place for reporting other revenues.
390	Rep. Starr	<b>MOTION: Moves HB 2074 to the floor with a DO PASS recommendation.</b>
395	Rep. Bowman	Supports the bill, but asks the committee to further explore Oregon State Fair issues.
		<b>VOTE: 7-0</b> <b>AYE: 7 - Atkinson, Bowman, Deckert, Harper, Starr, Sunseri, Wilson</b> <b>EXCUSED: 2 - Beck, Thompson</b>
Chair Wilson		<b>The motion Carries.</b>  <b>REP. STARR will lead discussion on the floor.</b>
<b>TAPE 37, A</b>		
<b>No Tape 36, B</b>		
004	Chair Wilson	Closes work session on HB 2074 and opens work session on HB 2075.

**HB 2075 WORK SESSION**

018	Filsinger	Explains HB 2075.
039	Rep. Bowman	Asks if a specific amount should be set for approval by the commission before the fair could authorize a contract or a significant expenditure.
050	Vernon	Replies the current requirement is from the 1960s when the State Fair operated in a different environment. Asks to have the same controls and review processes that are established for other state agencies. Mentions that the commission is an advisory commission.
065	Chair Wilson	Asks for explanation of current approval process.
071	Vernon	Explains that the commission has delegated approval to the State Fair.
079	Rep. Deckert	<b>MOTION: Moves HB 2075 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 8-0</b> <b>AYE: 8 - Atkinson, Beck, Bowman, Deckert, Harper, Starr, Sunseri, Wilson</b> <b>EXCUSED: 1 - Thompson</b>
	Chair Wilson	<b>The motion Carries.</b>  <b>REP. ATKINSON will lead discussion on the floor.</b>
085	Chair Wilson	Closes work session on HB 2075 and opens work session on HB 2105.

**HB 2105 WORK SESSION**

090	Rep. Bowman	<b>MOTION: Moves HB 2105 to the floor with a DO PASS recommendation.</b>

		<b>VOTE: 8-0</b>  <b>AYE: 8 - Atkinson, Beck, Bowman, Deckert, Harper, Starr, Sunseri, Wilson</b>  <b>EXCUSED: 1 - Thompson</b>
	<b>Chair Wilson</b>	<b>The motion Carries.</b>  <b>REP. BOWMAN will lead discussion on the floor.</b>
110	Chair Wilson	Closes work session on HB 2105 and opens work session on HB 2689.
<b><u>HB 2689 WORK SESSION</u></b>		
122	Filsinger	Describes HB 2689.
135	<b>Rep. Beck</b>	<b>MOTION: Moves HB 2689 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 9-0</b>  <b>AYE: 9 - Atkinson, Beck, Bowman, Deckert, Harper, Starr, Sunseri, Thompson, Wilson</b>
	<b>Chair Wilson</b>	<b>The motion Carries.</b>  <b>REP. DECKERT will lead discussion on the floor.</b>
144	Chair Wilson	Close work session on HB 2689 and opens public hearing on HB 2484.
<b><u>HB 2484 PUBLIC HEARING</u></b>		
145	Filsinger	Refers to written testimony from League of Women Voters of Oregon in opposition of HB 2484 ( <b>EXHIBIT D</b> ). Provides information from the Department of Land Conservation and Development (DLCD) on the number of appeals that have been filed in recent years ( <b>EXHIBIT E</b> ). Points to HB 2484-2 amendments and a fiscal impact statement.

155	Randy Tucker	Policy Advocate, 1000 Friends of Oregon. Testifies in opposition of HB 2484. Reads written testimony <b>(EXHIBIT F)</b> .
218	Rep. Susan Morgan	Representative, House District 46. Explains HB 2484. Testifies in support of HB 2484. Describes amendments to be attached to HB 2484.
245	Dave Hunnicutt	Oregonians in Action. Explains HB 2484-2 amendments.
295	Hunnicutt	States support of HB 2484 with HB 2484-2 amendments.
324	Chandler	States support of HB 2484 with HB 2484-2 amendments.
330	Rep. Bowman	Asks if the bill is a policy shift from technical staff experts to a commission.
346	Hunnicutt	Responds yes. Explains that all land use rules and policies are adopted by the seven member commission.
354	Rep. Bowman	States that only ten appeals have been filed by DLCD in the last year. Asks why another step needs to be added.
370	Rep. Morgan	Replies there are 10 to 12 DLCD appeals and 10 ODOT appeals each year, which represents 20% of the case load for the Land Use Board of Appeals (LUBA).
404	Rep. Bowman	Asks when a citizen presents a case before LCDC if they can bring legal assistance.
<b>TAPE 35, B</b>		
004	Rep. Morgan	Replies there is no language in the bill that limits the number of people who can attend. States that limitation is set on the number of people who can speak and length of testimony.
006	Rep. Bowman	Asks what is the limit.
009	Rep. Morgan	Responds that LCDC and Oregon Transportation Commission (OTC) limit the number of people speaking to the applicant and a representative from local government. States the time limit is defined by the agencies.
011	Rep. Bowman	States neighbors will not be able to testify.
015	Rep. Morgan	Replies yes.

016	Rep. Harper	Asks for clarification of the issue.
019	Rep. Morgan	Reads testimony from previous hearing.
031	Rep. Harper	Asks for a summary.
034	Hunnicut	Explains that last session the Ways and Means Committee took approximately \$175,000 of DLCD funds that had been allocated for the expense of Attorney General costs for appeals. States these funds were transferred to the Emergency Board in response to what they considered to be improper appeals from the DLCD.
053	Rep. Harper	Asks why that is important.
055	Hunnicut	States it is important the land owner be able to go to the commission and explain what happened at the local level, how the appeal will affect them and why the appeal should or should not go forward. Explains the appeals process can be extremely expensive to the land owner.
070	Chandler	Explains HB 2484 helps DLCD and ODOT understand the bigger picture of what they are trying to do.
094	Rep. Beck	Asks if the staff of the departments informally communicates the issues to the commission.
102	Chandler	Replies that informal communication is not a substitute for public discussion of a policy.
118	Rep. Bowman	Asks if the commission is required to make a decision right away.
128	Chandler	Replies HB 2484 does not address that.
130	Rep. Bowman	Asks for someone to speak to that.
133	Chandler	Replies the commission's practice has been to make decisions in open hearing at the time the presentations are made.
134	Rep. Bowman	States the commission has not had the task of determining if an appeal is appropriate.
135	Chandler	Replies there is no legal requirement that the commission act, but there is a legal requirement that the appeal be filed in a certain time frame.



142	Rep. Bowman	Asks Rep. Morgan what her vision is about how the process will work.
146	Rep. Morgan	Replies the rule making process can be addressed by the agency.
151	Rep. Beck	Asks about fiscal impact of 30 to 40 appeals which, under HB 2484, would have to come before the commission.
155	Chandler	Replies there is not much of a fiscal impact because the meetings are already taking place.
162	Rep. Beck	Asks if the department has a concern about prolonging the meetings.
164	Chandler	Replies that the departments have indicated they support HB 2484 with the HB 2484 amendments.
189	Chair Wilson	Closes public hearing on HB 2484 and opens public hearing on HB 2463.
<b><u>HB 2463 PUBLIC HEARING</u></b>		
190	Filsinger	Explains HB 2463
200	Dianne Roland	Board Member, Forest Creek Park Property Owners Association. Testifies in support of HB 2463. Reads written testimony ( <b>EXHIBIT G</b> ).
250	Roland	Continues reading written testimony.
309	Dan Stevens	Co-Chair, Beavercreek Committee for Community Planning. Testifies in support of HB 2463. Reads written testimony ( <b>EXHIBIT H</b> ).
<b>TAPE 37, B</b>		
002	Dick Jones	Chair, Oak Lodge Community Council. Testifies in support of HB 2463. Reads written testimony ( <b>EXHIBIT I</b> ).
077	Rep. Bowman	Asks if more time will be allotted to explore this issue.
084	Chair Wilson	States yes.
087	Jones	Asks if he will have the opportunity to come back to answer questions.
090	Chair Wilson	Responds yes.

091	Greg Leo	Representing Rosemont Property Owners Association. Introduces Olive Kuhl.
095	Olive E. Kuhl	Testifies in support of HB 2463. Reads written testimony <b>(EXHIBIT J)</b> .
137	Leo	Testifies in support of HB 2463. States the need to be more efficient in using the land within the UGB and not allow the land to be wasted creating separation between various cities. Submits written testimony and copies of the Rosemont Village Proposed Concept Plan and Technical Supplement <b>(EXHIBIT K)</b> .
154	Rep. Kurt Schrader	Representative, House District 23. Explains HB 2463. Comments about Metro's recent attempt to expand its urban reserves at the border of its current UGB and that the community of Beavercreek is located within that boundary.
204	Rep. Schrader	States that existing cities need to have input on what is happening around their borders.
224	Chair Wilson	Closes public hearing on HB 2463 and adjourns at 3:20 p.m.

Submitted By, Reviewed By,

Faye D. Trupka, Cara Filsinger,

Administrative Support Administrator

#### **EXHIBIT SUMMARY**

**A ñ Informational Meeting, written testimony, Robert Liberty, 34 pp.**

**B ñ Informational Meeting, written testimony, Jon Chandler, 9 pp.**

**C ñ Informational Meeting, written testimony, Don Schellenberg, 3 pp.**

**D ñ HB 2484, written testimony, League of Women Voters of Oregon, 1 p.**

**E ñ HB 2484, written testimony, Bob Rindy, 6 pp.**

**F ñ HB 2484, written testimony, Randy Tucker, 2 pp.**

**G ñ HB 2463, written testimony, Dianne Roland, 2 pp.**

**H ñ HB 2463, written testimony, Dan Stevens, 63 pp.**

**I ñ HB 2463, written testimony, Dick Jones, 2 pp.**

**J ñ HB 2463, written testimony, Olive E. Kuhl, 7 pp.**

**K ñ HB 2463, written testimony, Greg Leo, 142 pp.**