

**HOUSE COMMITTEE ON WATER AND ENVIRONMENT**

**February 17, 1999 Hearing Room D**

**1:00 P.M. Tapes 32 - 35**

**MEMBERS PRESENT: Rep. Jim Welsh, Chair**

**Rep. Jackie Taylor, Vice-Chair**

**Rep. Jason Atkinson**

**Rep. Richard Devlin**

**Rep. Juley Gianella**

**Rep. Deborah Kafoury**

**Rep. Jeff Kruse**

**Rep. Jeff Merkeley**

**Rep. Susan Morgan**

**MEMBER EXCUSED:**

**STAFF PRESENT: Kristina McNitt, Administrator**

**Danielle Hamilton, Administrative Support**

**MEASURE/ISSUES HEARD: HB 2357 Public Hearing and Work Session**

**HB 2540 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
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**TAPE 32, A**

005	Chair Welsh	Calls meeting to order at 1:10 P.M. Announces changes to the agenda.
<b><u>HB 2357 PUBLIC HEARING</u></b>		
016	Al LePage	Executive Director, National Coastal Trail Association (NCTA). <b>(EXHIBIT A, B)</b> Testifies in support of HB 2357. Defines recreation. Explains NCTA's mission statement and reads testimony.
068	LePage	Continues testimony in Support of HB 2357. States HB 2357 is a public access insurance policy.
094	Chair Welsh	Asks if NCTA interprets HB 2357 as possible insurance of private property trespass protection.
101	LePage	Asks for clarification.
105	Chair Welsh	Restates the question.
107	LePage	Answers that HB 2357 was not written to protect private property trespass.
111	Chair Welsh	Notes previous testimony before the committee indicated that private property trespass protection could be a side benefit to HB 2357.
116	LePage	Agrees, notes if parks are closed people will trespass.
125	Chair Welsh	Closes Public Hearing on HB 2357 and opens a work session.
<b><u>HB 2357 WORK SESSION</u></b>		
130	Rep. Kruse	<b>MOTION: Moves HB 2357 to the floor with a DO PASS recommendation and BE REFERRED to committee on Ways and Means.</b>
140		<b>VOTE: 9-0</b>
	Chair Welsh	<b>Hearing no objection, declares the motion CARRIED.</b>

		<b>REP. THOMPSON will lead discussion on the floor.</b>
150	Chair Welsh	Closes work session on HB 2357 and opens public hearing on 2540
<b><u>HB 2540 PUBLIC HEARING</u></b>		
163	Kristina McNitt	Administrator. Explains and reads HB 2540. Authorizes church camps and retreat facilities on certain land zoned for forest use.
200	Rep. Kropf	District 37. Testifies in support of HB 2540. Summarizes background and purpose of HB 2540. Notes HB 2540 not for profit resorts.
224	Chair Welsh	Asks if language in HB 2540 will cover the entire state.
232	Rep. Kropf	Answers yes.
237	Chair Welsh	Sets up a timeline for the rest of the meeting.
249	Dan Van Vactor	Attorney representing Rebecca Julian, a land owner from Central Oregon. <b>(EXHIBIT C)</b> Testifies in opposition of HB 2540. Expresses concerns with the use of the word "shall." Feels the language is too strong.
300	Van Vactor	Proposes an amendment limiting land size. States HB 2540 is unexceptable to his client.
350	Rep. Gianella	Asks if restrictions were as tight on fire control, water, and sewage before the July, 1999, land use revisions came into effect.
352	Van Vactor	Answers the rules for campground sites were tightened considerably.
357	Rep. Morgan	Asks within the comprehensive plan of the county, would applicants have to verify they are meeting the current codes.
398	Van Vactor	Answers yes. States that Outreach Northwest has refused to go through the application process.
<b>TAPE 33,A</b>		
003	Rep. Morgan	Asks if the process could be formulated so that non-profit organizations could be considered a permitted use, and not subject to the exceptions process.
009	Van Vactor	Answers yes.

011	Rep. Merkley	Asks if the committee were to put into statute that non-profit facilities are a permitted use, would applicants still have to go through the application review process.
014	Van Vactor	Answers the applicant would be subject to the rules of the governing agencies. States there is basically no fire protection unless a rural fire protection district exist.
046	McNitt	Calls attention to the letter already in the members packets from Mark Copeland <b>(EXHIBIT D)</b> .
047	Mark Copeland	Attorney, Crook County. Testifies in opposition to HB 2540. Defines "camp-ground" in Crook County. States Outreach Northwest's original camp design does not fit under that definition <b>(EXHIBIT E, F, G)</b> .
100	Copeland	Points out the Outreach Northwest's camp would sit at the bottom of a valuable piece of land. Disagrees with mandating camp sites. States legislation to protect farming and forestry may be a good idea.
148	Rep. Gianella	Asks if Copeland has a copy of Outreach Northwest most resent camp plan.
150	Copeland	Refers to map <b>EXHIBIT F</b> . Comments that the changes made by Outreach Northwest were minimal.
165	Rep. Devlin	Asks if it would be fair to say that there may be thousands of forest land owners that would express the same concerns shared today.
177	Copeland	Answers yes. Comments camp sites have impact on surrounding land. Feels if HB 2540 passes, it should contain some conditional use factor.
207	Mike Roan	Crook County. Testifies in opposition to HB 2540. States he lives right on Mill Creek. Expresses concern about the impact on people in the area. Gives examples.
260	Rep. Gianella	Asks how Copeland would feel about the camp if it was closed during the hunting season.
270	Roan	Answers the camp would not be an issue.
273	Rep. Gianella	Asks what is the closest town.
279	Roan	Answers Prineville, fifteen miles from the camp site.
287	Joyce Donaca	Crook County. Testifies in opposition to HB 2540. Refers to Outreach

		Northwest's revised plan. States because of the "phase one" wording of the plan, it leaves room for a phase two.
336	Donaca	Addresses three major concerns: traffic, child safety, and the Mill Creek watershed.
360	Jodi Roan	Crook County. Admits initially she was excited about Northwest Outreach Camp. Later, she realized the full size and scope of the camp was not what she originally thought. States she does not believe the camp will be strictly used for kids.
<b>TAPE 32,B</b>		
005	J. Roan	Reiterates the fire, water, sewage, and traffic concerns. States the planing committee took two sessions to evaluate the major concerns and came to the conclusion that the Northwest Outreach camp site was a resort, so it was denied. Argues they should not be allowed to propose legislation to circumvent that decision.
024	Rep. Gianella	Asks how long is two sessions.
030	J. Roan	Answers eight hours.
037	Rep. Merkley	Asks would HB 2540 bypass local planning.
040	J. Roan	Answers yes.
045	Rep. Merkley	Restates J. Roan's earlier assertion that Northwest Outreach's camp is a for profit camp. Points out that HB 2540 addresses non-profit organizations.
049	J. Roan	States in order to make their land payments Outreach Northwest's plan was to rent the camp to other government agencies.
057	Rep. Gianella	Asks the acreage of other offered sites.
060	J. Roan	Answers more than 200 acres.
062	Larry Syme	Director, Outreach Northwest. Testifies in support of HB 2540. Reviews the process Outreach Northwest has been through ( <b>EXHIBIT H</b> ). Argues that earlier statements about the conduct of Outreach Northwest and himself are innaccurate.
101	Syme	Disagrees with the camp being characterized as a destination resort. Outlines Outreach Northwest's goal. Comments a camp is typically thought of as located in a forested area. States the only place the camp would now be allowed is in a

		rural residential zone. Notes Outreach Northwest did not feel the exceptions process was the best route, so they went to elected officials.
137	Rep. Taylor	Asks why the camp did not go through the exception process.
147	Syme	Answers the planner and consultant advised Outreach Northwest that the exceptions process was an Pandora's Box. Reads the American Camp Association definition of the "camp experience".
188	Rep. Devlin	Asks why Outreach Northwest did not choose to request direct legislation instead of broad sweeping language.
196	Syme	Answers that Rep. Kropt drafted HB 2540. States he did not see a copy until it was submitted.
209	Rep. Morgan	Asks when Outreach Northwest filed for a conditional use permit, what were the requirements on fire hazard, sewage and the other areas of concern.
215	Syme	Answers the permit was conditional based on fulfilling several requirements. States they did not need the site plan approval until after the permit was issued.
227	Rep. Morgan	Asks if Outreach Northwest came through the conditional use permit process with a permit to go ahead.
230	Syme	Answers yes.
232	Rep. Morgan	Asks why the camp was not built when Outreach Northwest received the conditional use permit.
237	Syme	Answers Outreach Northwest was unable to raise the funds within the allotted time period. States when Outreach Northwest asked to renegotiate, the price almost doubled.
239	Rep. Morgan	Asks if rules changed during this period.
240	Syme	Answers yes.
241	Rep. Merkley	Asks if now, knowing HB 2540 will bypass local planning, does Syme support it.
245	Syme	Answers he supports any language amendments.
251	Bob Rindy	Department of Land Conservation and Development (LCDC). Testifies in

		opposition of HB 2540. Refers to written testimony( <b>EXHIBIT I</b> ). States LCDC has always allowed camp grounds in forested areas. Defines "campground". Points out many of the structures in the Outreach Northwest's camp are not within that definition.
310	Rindy	Expresses concern that HB 2540 does not also include a "camp ground" definition. Gives examples of possible side effects. States the exceptions process is a good process for a use such as Outreach Northwest. Notes more problems with the wording.
364	Rep. Morgan	Asks for description of the exceptions process.
372	Rindy	Describes exceptions process.
391	Rep. Morgan	Asks if there is a standard for the word "impact".
403	Rindy	Turns question over to John Jennings.
<b>TAPE 33, B</b>		
005	John Jennings	Former Forest Coordinator, LCDC. Answers the local government is given the authority to determine if the proposed use would significantly increase costs to surrounding areas.
014	Rep. Morgan	Asks when an applicant enters the process is there is a definition of when proof is conclusive.
023	Jennings	Answers no. Comments counties have to exercise some judgement.
030	Rep. Morgan	Comments that because appeals often do not stop at the local level, the exceptions process can become a loop.
035	Jennings	States Rep. Morgan's comment is true, but not just of the exceptions process.
043	Rep. Morgan	Asks under the current rule change, what zones could the Outreach Northwest's camp fit.
053	Rindy	Asks for clarification.
055	Rep. Morgan	Asks, excluding bookstores and gift shops, what would be a permitted zone for Outreach Northwest's camp.
061	Rindy	Answers that any land that is zoned farm and forest land is exception land.

078	Rep.Kruse	Asks for a copy of the relevant ORS and documentation of why LCDC felt it necessary to change the land use rule.
083	Chair Welsh	Asks for information on who asked for help from LCDC.
089	Rindy	Notes LCDC has not received any requests.
095	Chair Welsh	Requests information pertaining to anybody who may be interested in HB 2540.
099	Gianella	Asks could the committee find out how many Girl and Boy Scout camps have buildings such as bookstores or gift shops.
109	Chair Welsh	Notes he will ask the committee administrator.
118	Mark Copeland	States he has a copy of the Crook County camp ground definition and the LCDC rule change ( <b>EXHIBIT J</b> ).
127	Al Cooper	Land use attorney, representing The Boy Scouts of America. Testifies in support of HB 2540. Proposes a amendment relating to a caretaker on the camp sites. Explains the difficulty he experienced with the exceptions process.
180	Cooper	Comments that the exceptions process has a valid purpose, but is complex.
211	Rep. Morgan	Asks if Cooper could make available Northwest's goal three and four offer.
219	Cooper	Answers yes.
221	Rep. Gianella	Asks if Cooper made an earlier comment about a possible amendment.
223	Cooper	Answers yes.
241	Steve Ellingboe	Facilities manager for Camp Tadmor. ( <b>EXHIBIT K</b> ) Testifies in support of HB 2540. Compares camp Tadmor and the proposed Outreach Northwest camp. Notes they are similar. States Camp Tadmor has met the definition of a state camp ground.
280	Ellingboe	Comments that Camp Tadmor has a good relationship with neighbors. Notes the surrounding environment does not seem to be affected. Gives examples.
341	Ellingboe	States the goal of Camp Tadmor.
369	Rep. Gianella	Refers to <b>EXHIBIT K</b> , Asks if the letter is closing Camp Tadmor.



377	Ellingboe	Answers no.
381	Rep. Devlin	Asks where Camp Tadmor is located.
383	Ellinboe	Answers about 20 miles east of Lebanon.
386	Rep. Devlin	Asks if it would be fair to say that there may be different circumstances in different areas.
389	Ellingboe	Answers yes.
392	Rep. Devlin	Comments on the specific differences between the two camps. Asks if the committee was to create legislation should it be more specific.
404	Ellingboe	Answers the local jurisdiction should be involved.
411	Rep. Devlin	Gives possible fire problem senario.
<b>TAPE 34, A</b>		
010	C.J. Gavin	Director, Camping and Properties, Boy Scouts of America (BSA), Cascade Pacific Council. Testifies in support of HB 2540. Notes responsibilities of BSA. Expresses concern with LCDC's definition of a camp. Presents similarities between BSA's camps and Outreach Northwest's proposed camp.
053	Rep. Taylor	Clarifies that none of the statements made today against HB 2540 have been a reprimand of BSA.
063	Gavin	Points out a statement referring to requirements.
072	Rep. Gianella	Asks if Gavin has a good definition of a camp.
079	Gavin	Answers no.
081	Rep. Merkley	Asks for clarification on tent platforms.
096	Gavin	Answers tent platforms, showers and medical facilities are mandatory.
102	Rep. Merkley	Asks about a definition of camping that takes into account the structures involved.

110	Dimitri Stankevich	Director, YMCA Camp Collins. Testifies in support of HB 2540, but would agree with some amendments. Covers history of Camp Collins. States some of the problems with existing rules. Discusses the definition of "camp." Reads ORS 446.310.
160	Stankevich	Continues testimony in support of HB 2540. Proposes amendments.
195	Joe Fahlman	Director, Trout Creek Bible Camp,(TCBC). Testifies in support of HB 2540. States frustrations with the exceptions process.
240	Fahlman	States TCBC would like to forgo the exceptions process.
272	Chair Welsh	Announces the committee is under the required number for a quorum.
382	Charlie Swindells	1000 Friends of Oregon. Testifies in opposition to HB 2540. States that Outreach Northwest's camp would not have been lawful in a forest zone under the forest rules before or after the 1998 amendments. Reiterates the definition of a "camp" site.
329	Rep. Gianella	Asks for clarification on "Goal Four".
334	Swindells	Answers that Goal Four, "OAR 660 division 6" is one of the statewide planning goals. Expresses problem with state mandated approval of local applications language in HB 2540.
394	Swindells	States the language in HB 2540 is unlike anything that exists in statute. Argues that the exceptions process is not unattainable.
<b>TAPE 35, A</b>		
009	Swindells	Responds to Rep. Morgan's earlier question on how the local government undertakes the analysis of conflicts. Gives examples. Urges the committee not to pass out HB 2540.
057	Dave Hunnicutt	Oregonians in Action. Testifies in support of HB 2540. States Oregonians in Action have a similar bill that may address some of the language issues.
077	Chair Welsh	Points out that others may be interested in the Oregonians in Actions bill.
086	Hunnicutt	Discusses some of the differences between HB 2540 and Oregonians in Action's proposed bill.
096	Kevin Birch	Department of Forestry. Testifies in opposition of HB 2540. Expresses concerns with the broad language.

116	Chair Welsh	Asks if there is state forest land adjacent to the property.
118	Birch	Answers no.
124	Chair Welsh	Refers to <b>EXHIBIT F and G</b> , States by these maps the site looks close to a national forest.
126	Birch	Comments there is a lot of national forest by the camp site.
131	Rep. Gianella	Asks if it is possible to combine HB 2540 and the Oregonians in Action bill.
136	Chair Welsh	Answers the committee will be waiting for the Oregonians in Action bill.
138	Art Schlack	Association of Oregon Counties. Testifies in opposition of HB 2540. Expresses concerns with the language of the bill, specifically the phrase "county shall". Feel this language overrides local control.
168	Chair Welsh	Closes hearing on HB 2540 at 2:30 P.M.

Submitted By, Reviewed By,

Danielle Hamilton, Kristina McNitt,  
Administrative Support Administrator

### EXHIBIT SUMMARY

**A - HB 2357, Written Testimony, Al LePage, 5 pp.**

**B - HB 2357, Coast Trail Guide, Al LePage, 1 p.**

**C - HB 2540, Written Testimony, Dan VanVactor, 1 p.**

**D - HB 2540, Written Testimony, Kristina McNitt, 2 pp.**

**E - HB 2540, Written Testimony, Mark Copeland, 3 pp.**

**F - HB 2540, Map, Mark Copeland, 1 p.**

**G - HB 2540, Map, Mark Copeland, 1 p.**

**H - HB 2540, Written Testimony, Larry Syme, 3 pp.**

**I - HB 2540, Bob Rindy, Written Testimony, 2 pp.**

**J - HB 2540, Crook County Ordinance 18, Mark Copeland, 2 pp.**

**K - HB 2540, Letter from Crook Count Planning Department, Steve Ellingboe, 1 p.**

**L - HB 2540, Written Testimony, Charlie Swindells, 1 p.**