

## **HOUSE COMMITTEE ON WATER AND ENVIRONMENT**

**April 05, 1999 Hearing Room HR D**

**1:00 P.M. Tapes 92 - 95**

**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 Merkley**

- **Rep. Susan Morgan**

**MEMBER EXCUSED:**

**STAFF PRESENT: Kristina McNitt, Administrator**

- **Danielle Hamilton, Administrative Support**

**MEASURE/ISSUES HEARD: ?Issues**

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
<b>TAPE 92, A</b>		
004	Chair	
005	Kristina McNitt	
011	Rep. Devlin	District # . Provides overview of the history behind HB 3212.
044	Chris Crane	Legislative Counsel. Discusses land use application process with local government. Notes that HB 3212 expands who is eligible to apply for an extension for their application. Explains what happens if the local government does not rule on an application within the allotted 120 days.
095	Crane	Explains HB 3212
122	Rep. Kruse	Asks about the deletion on page 23 of HB 3212.
125	Rep. Devlin	Replies that the jugment could be made by

140	Rep. Kruse	Comments that it would seem the person incharge would run the risk of complaints that a person was being denied process.
147	Rep. Devlin	States that land use planning on a local level there will
162	Crane	Comments that
172	Rep. Kruse	
178	Chair	Closes Public Hearing on HB 3212 and Opens Public Hearing on HB 2424.
<b><u>HB 2424 PUBLIC HEARING</u></b>		
195	Rep. Shetterly	District # . <b>(EXHIBIT A)</b> Explains the purpose of HB 2424.
245	Rep. Shetterly	HB 2424 would acknowledges that . Refers to <b>EXHIBIT A.</b>
285	Rep. Taylor	Asks what exactly
295	Rep. Shetterly	
315	Chair Welsh	Closes Public Hearing on HB 2424 and reopens Public Heraing on HB 3212.
<b><u>HB 3212 PUBLIC HEARING</u></b>		

330	John Chandler	Director of .
380	Chandler	Testifies in opposition to HB 3212. Addresses the proposed deleted language. Discusses the problem with any one being able to apply for contingencies.
430		
<b>TAPE 93, A</b>		
005	Chandler	Common case on local level. Discusses the importance of the 120 day rule. Recognizes the problems with the process, but does not feel HB 3212 solves the problem.
055	Chandler	Express concerns with amending the Mandamas remedy.
073	Rep. Devlin	Asks for when the applicant has requested the extension.
082	Chandler	Answers that as the law allows
088	Rep. Devlin	Asks if the ability to extend was
094	Chandler	Answers yes.
104	Dave Hunnicutt	Oregonians in Action. Testifies in opposition to HB 3212. Stresses the importance of the 120 day rule, saying it is the most important of all the application rules. Discusses SB 440, states that it addresses the concerns that HB 3212 is trying to cover. Expresses concerns with HB 3212.

155	Hunnicutt	Overview concerns with the Mandamas. Urges the committee to wait and look and SB 440.
188	Charlie Swindells	Staff attorney, 1000 Friends of Oregon. Testifies in support of HB 3212. Discusses concerns with the 120 day rule.
240	Swindells	Ping Pong Ball process. Gives example.
265	Art Schlack	AOC. Testifies in support of HB 3212. Explains the complexity of the 120 day rule. Feels the idea of HB 3212 has a lot of Merit. Discusses SB . Comments that all the bills regarding this issue must
319	Phillip Fell	Testifies in support of HB 3212. Agrees with Schlack
328	Chair Welsh	Closes Hearing on HB 3212 and Opens Public Hearing on HB 2485
355	Rep. Krummel	Explains the purpose of HB 2485.
380	Joseph Schreiber	Local resident. <b>(EXHIBIT C)</b> . Testifies in support of HB 2485. Reads written testimony.
005	Schreiber	Wanted to build house for wife center
055	Schreiber	Reads article and overview maps from <b>EXHIBIT C</b> .

103	Rep. Gianella	Asks for clarification on what a flag
110	Schreiber	Clarifies
120	Rep. Morgan	Asks what the green lines on
125	Schreiber	Answers
131	Rep. Ginalla	Asks for clarification on class one and two soil.
137	Schreiber	Explains the classifications of soil.
151	Rep. Taylor	Asks how broad of an application will HB 2485 have.
158	Schreiber	Answers HB 2485
165	Rep. Krummel	Adds that are required. Refers to subsection three subsection C. Closes by saying HB 2485 is common sense legislation.
204	Charlie Swindells	1000 Friends of Oregon. Testifies in opposition to HB 2485. Explains the effects of HB 3661 from the 1997 legislation.
260	Rep. Devlin	Asks if the center of mass
270	Swindells	Answers he does not know.

278	Ron Eber	<b>(EXHIBIT D).</b> Suggest that
330	Eber	
350	Chair Welsh	Closes public hearing on HB 2485 and opens public hearing on HB 2533.
360	Rep. Lois	Explains HB 2533. Discusses her involvement with HB 2533.
<b>TAPE 93, B</b>		
001	Rep. Lois	Vested rights. Notes that HB 2533 is a final version on a bill she had last session. Discusses compromises made in section one . Urges the committee
050	Rep. Kruse	Asks if the 2005
055	Rep. Lois	Answers yes.
058	Rep. Gianella	
060	Rep. Lois	Answers they would need to get the permits.
070	Rep. Taylor	Asks if it would be beneficial to

082	Rep. Lois	Answers that she is willing to entertain amendments.
097	Rep. Kruse	Comments that
100	Rep. Lois	States that
110	Rep. Morgan	Comments that
117	Chair Welsh	
122	Rep. Lois	States that a farm management plan may be way to addresses some concerns.
163	Kevin Birch	Department of Forestry. <b>(EXHIBIT E)</b> Testifies in opposition to HB 2533. Explains the difference of necessary and accessory.
210		Soil productivity and size.
252	Rep. Kruse	States he is not sure were the uncertainty
268	Birch	
275	Jim Johnson	Department of Agriculture. <b>(EXHIBIT F)</b> Testifies in opposition to HB 2533. Reads written testimony.
325	Johnson	



333	Chair Welsh	Asks were does fairness come in.
352	Birch	States that is a
354	Johnson	Notes it is a fair question. What was the intention
370	Charlie Swindells	1000 Friends Testifies in opposition to HB2533
405	Swindell	Indicates HB 2533 may be intended for..... HB 2533 is objectionable for that reason. Continues testimony. Adds something.
		<b>I am so sorry but I am not getting much of what this guy is talking about!!!!!!</b>
043	Swindell	Indicates what is too much development.
062	Gianella	Asks about allows single family dwelling on a single parcel..
069	Swindell	Answers there are two parcels and one has a house. If there are three parcels and that needs to be transferred to a son or a daughter. If a large area is owned each tract can be transferred and
098	Gianella	Asks if it is legal
	Swindell	NO

	Gianell	Asks if that is transferring the owner ship
100	Swindell	Explains explanation to Rep. Gianella
	Gianella	Asks why that one is separate.
113	Swindell	Answers they are no longer right next to each other
119	Welch	Asks for an interpretation of section 1 sub 3
123	Swindell	Answers it contains a consolidation agreement
133	Gianella	Asks who can transfer to a lot to someone else
136	Swindells	Answers you have to think apart from the bill. Continues that law does not know when you transferred the property.
155	Gianella	Ask if it is illegal
158	Swindells	Answers it is legal to .....Continues with more information
	Gianella	Asks if it is klegal to transfer property

190	Swindells	
209	Rep. Mekley	
210	Swendells	
214	Rep. Merkley	Asks if
218	Swindells	Asks how is it going to be decided
230	Rep. Merkley	States that
243	Swendells	Explains the
265	Bob Rindy	(DLCD). Testifies in opposition to HB 2533. Address administrative problems with HB 2533.
315	Rindy	
341	Ron Eber	Addresses three concerns. Questions how the line is drawn.
394	Chair Welsh	Asks what is the accumulative
402	Ron Eber	Answers several thousand. statest

002	Rep. Taylor	States that . Asks if the trend of not farm related
016	Ron Eber	Answers yes.
022	Rep. Kafoury	Asks if there is a chart like exhibit h
026	Ron Eber	Answers it can be broken out county.
031	Don Schelleubeug	Farm Bureau. Testifies in opposition to HB 2533. States that HB 2533 is too broad. Comments that he does see validity in the 1984 through 1994. Suggest amendments. Explains the concept of .
121	Chair welsh	Closes public Hearing on hb 2533 and opens public hearing on HB 2424.
126	Ron Eber	Testifies in support of HB 2424.
143	Charlie Swindells	1000 Friends of Oregon. Testifies neutral on HB 2424.
158	Chair Welsh	Close hearing on HB 2424 and opens Work session
165	gianella	

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Submitted By, Reviewed By,

Danielle Hamilton, Kristina McNitt,  
Administrative Support Administrator

**EXHIBIT SUMMARY**

**A -**