

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

April 09, 1999 Hearing Room D

1:00 P.M. Tapes 98 - 101

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: HJR 75 Public Hearing

HB 3486 Public Hearing

HB 2838 Public Hearing

HB 2406 Public Hearing and Work Session HB 3005 Public Hearing HB 3544 Public Hearing HB 2880 Public Hearing

HB 3259 Public Hearing HB 3213 Public Hearing HB 3410 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 98, A

004	Chair Welsh	Calls meeting to order at 1:30 p.m. and opens public hearing on HJR 75.
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HJR 75 PUBLIC HEARING

008	Rep. Tom Butler	House District 60. Testifies in support of HJR 75. Discusses the rural area in his district. Provides background on the purpose of HJR 75.
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058	Rep. Butler	Continues to testify on the benefits of HJR 75 to Southeastern Oregon.
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110	Rep. Butler	Continues testimony in support of HJR 75.
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129	Chair Welsh	Comments that there may be other legislation that relates to HJR 75. Suggests merging the legislation together.
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139	Rep. Butler	Points out the most important aspects of HJR 75.
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152	Charlie Swindells	1000 Friends of Oregon. Testifies in opposition to HJR 75.
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188	Liz Frenkel	Natural Resources Action Coordinator, League of Women Voters of Oregon (EXHIBIT A). Testifies in opposition to HJR 75.
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210	Chair Welsh	Closes public hearing on HJR 75 and opens public hearing on HB 3486.
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HB 3486 PUBLIC HEARING

215	Rep. Lynn Lundquist	House District 59. Testifies in support of HB 3486. Explains the ñ1 and conceptual amendments (EXHIBIT B, C).
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226	Chair Welsh	States that HB 3486 will be discussed at a later hearing when the ñ2 amendments are complete.
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242	Rep. Kruse	Expresses concerns about the possible difficulty of combining the East and the West coast.
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249	Rep. Lundquist	States that he is open to discussion. Points out that Rep. Morgan is the co-author.
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267	Rep. Morgan	Addresses Rep. Kruse's concerns.
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322	Chair Welsh	Closes public hearing on HB 3486 and opens public hearing on HB 2838.
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HB 2838 PUBLIC HEARING

345	Kristina McNitt	Administrator. Summarizes HB 2838.
350	Rep. Jason Atkinson	House District 51. Testifies in support of HB 2838. Explains -1 amendments (EXHIBIT D) .
400	Rep. Atkinson	Continues to testimony in support of HB 2838.
TAPE 99, A		
005	Rep. Taylor	Asks if HB 2838 would base distribution of the commission entirely on land mass.
016	Rep. Atkinson	Answers no.
021	Rep. Merkley	Asks if Rep. Atkinson has looked at what the population would be in the different groupings.
029	Rep. Atkinson	Answers no.
044	Art Schlak	Association of Oregon Counties. Addresses the ñ1 amendments of HB 2838 expresses concerns.
063	Chair Welsh	Asks Schlak where one city official and one county official is eliminated in the ñ 1 amendments.
065	Art Schlak	Answers that the elimination is in current statute.
071	McNitt	Clarifies ORS 197.030 and states that she does not believe the amendments delete that provision.
088	Charlie Swindells	1000 Friends of Oregon. Testifies in opposition to HB 2838 (EXHIBIT E) .
140	Swindells	Continues testimony in opposition to HB 2838.
159	Chair Welsh	Asks Swindells if he has a copy of the ñ1 amendments.
164	Swindells	Answers yes.
178	Chair Welsh	Discusses the ñ1 amendments.

188	Rep. Merkley	Asks if Swindells has any recommendation that would address the issues raised in HB 2838.
194	Swindells	Refers to his written testimony EXHIBIT E .
200	Don Schellenberg	Oregon Farm Bureau. Testifies in support of HB 2838.
232	Chair Welsh	Close public hearing on HB 2838 and opens public hearing on HB 2406.
<u>HB 2406 PUBLIC HEARING</u>		
238		Staff distributes (EXHIBIT F).
240	McNitt	Summarizes SB 2406 and points out -1 amendments, EXHIBIT F .
250	Chair Welsh	Discusses the ñ1 amendments.
275	Rep. Taylor	Asks for clarification on the law that is being repealed by the ñ1 amendments.
289	McNitt	Clarifies the ñ1 amendments.
301	Art Schlack	Association of Oregon Counties. Testifies in support of HB 2406 ñ1 amendments.
315	Chair Welsh	Comments on the intention of regionalization.
331	Bob Rindy	Department of Land Conservation and Development (DLCD). Testifies in support of the HB 2406 ñ1 amendments.
344	Chair Welsh	Close public hearing on HB 2406and opens work session on HB 2406.
<u>HB 2406 WORK SESSION</u>		
355	Rep. Kruse	MOTION: Moves to ADOPT HB 2406-1 amendments dated 04/09/99.
		VOTE: 9-0
		Chair Welsh
		Hearing no objection, declares the motion declared.

360	Rep. Kruse	MOTION: Moves HB 2406 to the floor with a DO PASS AS AMENDED recommendation.
390	Rep. Merkley	Asks about the ñ1 amendments.
395	Chair Welsh	Clarifies that the ñ1 amendments "gut and stuff" the original version of HB 2406.
397	McNitt	Explains the term "gut and stuff."
TAPE 98, B		
003	Rep. Merkley	Asks for clarification on Sections 3-7 of the ñ1 amendments.
005	McNitt	Explains Sections 3-7 of the ñ1 amendments.
009	Rep. Merkley	Asks for a description of the effect of Sections 3-7 of the ñ1 amendments.
012	McNitt	Provides a description of current law relating to Sections 3-7.
015		VOTE: 9-0
	Chair Welsh	Hearing no objection, declares the motion CARRIED.
030	Chair Welsh	Closes work session on HB 2406 and opens a public hearing on HB 3005 and HB 3544.
<u>HB 3005 AND HB 3544 PUBLIC HEARING</u>		
034	McNitt	Summarizes of HB 3005 and HB 3544.
046	Larry George	Oregonians in Action (OIA). Comments that amendments are still being worked out on HB 3005. Testifies in support of HB 3005.
095	George	Continues testimony in support of HB 3005.
102	Chair Welsh	Shares concerns with growth and density of the cities.
115	George	Discusses livability and densification.

125	Chair Welsh	Points out that HB 3005 is a property issue.
129	George	Reviews the overall philosophy behind HB 3005.
143	Rep. Devlin	Discusses the "metro housing" rule.
156	George	States the urban growth boundary had room to spare, but as the urban growth boundary fills backpressure develops.
171	Rep. Devlin	Asks how OIA deals with a property owner within the urban growth boundary who wants to sell some acreage.
178	George	Answers it is done through legislative or quasi-judicial action.
192	Rep. Gianella	Asks for definition of density.
195	George	Defines density.
202	Jon Chandler	Oregon Building Industry Association (OBIA). Testifies in opposition to HB 3005.
226	Susan McLain	Deputy Presiding Officer, Metro Councilor. Testifies in opposition to HB 3005 (EXHIBIT G) .
275	McLain	Continues testimony in opposition to HB 3005.
300	Rep. Gianella	Asks for an example of how the lack of density causes lost profits.
305	McLain	Provides an example of the relationship between density and profit.
320	Rep. Gianella	Asks McLain if her statement regarding expanding the urban growth boundary by 19,000 acres referred to the whole state.
325	McLain	Answers no, it refers to the Portland Metropolitan area.
331	Rep. Morgan	Asks about regulation regarding notification under the current "up zoning" procedure.
335	McLain	Explains the notification procedure.
340	Rep. Morgan	Asks if that process applies to zone changes initiated by property owners.

350	McLain	Answers that the local jurisdiction usually has a process of review.
355	Randy Tucker	1000 Friends of Oregon. Testifies in opposition to HB 3005.
410	Rep. Gianella	Asks about Tucker's statements that families are demanding smaller houses.
420	Tucker	Answers that the lives and desires of people change.
TAPE 99, B		
001	Rep. Gianella	Asks if there are statistics to substantiate that people are demanding smaller houses.
004	Tucker	Answers yes.
011	Bob Rindy	DLCD. Testifies in opposition to HB 3005 and HB 3544 (EXHIBIT H) .
081	Liz Frankel	League of Women Voters (LWV). Testifies in opposition to HB 3005 (EXHIBIT I) .
101	Rep. Gianella	Asks for a definition of a "granny flat."
106	Frankle	Provides an example of a "granny flat."
112	Gianella	Ask Frankle if LWV is opposed to granny flats.
115	Frankle	Answers no.
118	Don Jones	Land Developer. Testifies in opposition to HB 3005 and HB 2455.
159	Chair Welsh	Closes HB 3005 and HB 3544. Opens public hearing on HB 3213 and HB 2909.
<u>HB 3213 OPENS PUBLIC HEARING</u>		
170	McNitt	Summarizes HB 2909 and HB 3213.
180	Rep. Richard Devlin	House District 24. Overviews the purpose of HB 3213. Testifies in support of HB 3213.
209	Rep. Gianella	Asks where can people go when a city is growing.

216	Rep. Devlin	Answers that it depends upon the circumstances.
236	Rep. Gianella	Asks Rep. Devlin what he would suggest for the people in the Woodburn area.
240	Rep. Devlin	Answers that each jurisdiction must be looked at separately.
255	Rep. Gianella	Asks if the parcels that Rep. Devlin is discussing are also farmland.
260	Rep. Devlin	Answers that there is a constant diconomy that is dealt with by cities.
286	Sid Friedman	Yamhill County. Testifies in support of HB 3213.
334	Don Englebrecht	McMinnville. Testifies in support of HB 3213.
365	Chair Welsh	Asks Englbrecht what he thinks is the real problem.
370	Englebrecht	Addresses question.
TAPE 100, A		
002	Ted Gahr	Tree Farmer. Testifies in support of HB 3213.
017	Rep. Morgan	Asks if Gahr thinks it would be worth while to attempt to identify the land that is not prime agricultural land for the purposes of siting a home on that land.
022	Gahr	Answers yes.
030	Rep. Gianella	Asks if Gahr is suggesting that the secondary land be opened up so that the prime land is preserved.
036	Gahr	Answers yes.
042	Larry Debates	Yamhill County. Testifies in support of HB 3213.
060	Chair Welsh	Comments that the present land use laws are not protecting what they are designed to protect.
064	Debates	States other land resources should be utilized before good agricultural land is considered an option.

072	Merilyn Reeves	Friends of Yamhill County. Testifies in support of HB 3213 (EXHIBIT J).
126	Rep. Gianella	Asks how many classes of soils there are.
131	Reeves	Answers that the number gets up into the teens.
141	Don Jones	Land Developer. Testifies in opposition to HB 3005.
184		Staff distributes (EXHIBIT O).
185	Chair Welsh	Closes public hearing on HB 3213 and HB 2909. Opens a public hearing HB 3410.
<u>HB 3410 PUBLIC HEARING</u>		
198		Staff distributes (EXHIBIT N).
201	Jon Chandler	Oregon Building Industries Association (OBIA). Testifies in support of HB 3410 (EXHIBIT K).
252	Jerry Schmidt	Oregon Association of Realtors (OAR). Testifies in support of HB 3410 (EXHIBIT L).
297	Dave Hunnicut	Oregians in Action. Testifies in support of HB 3410.
350	Hunnicut	Continues testimony in support of HB 3410.
400	Hunnicutt	Continues testimony in support of HB 3410.
408	Rep. Gianella	Asks for an example of permit application that did not work.
420	Chandler	Provides an example. States the idea of HB 3410 is to make the rules clear.
TAPE 101, A		
019	Rep. Devlin	Provides an example of vague and non-vagur rules.
025	Rep. Gianella	Asks about the "clear and objective" language in HB 3410.
037	Chandler	Answers that the language in HB 3410 is specific enough.

044	Rep. Gianella	Asks if the words "clear and objective" are strong enough.
046	Hunnicut	Answers yes.
053	Rep. Gianella	States that "clear and objective" does not seem like strong enough language.
057	Chandler	Comments that the language is strong without tying the hands of local planning authorities.
061	Rep. Morgan	Asks Rep. Gianella if the "clear and objective" language is on page 3.
062	Rep. Gianella	Answers it is on page 4, line 28 and 29.
064	Rep. Morgan	Points out line 30 as clarification on the language.
070	Don Jones	Testifies in opposition to HB 3410.
109	Bob Rindy	DLCDC. Testifies neutral on HB 3410 (EXHIBIT M). Expresses concerns with pieces on HB 3410.
160	Rindy	Continues testimony on HB 3410.
182	Rep. Gianella	Asks Rindy if he has a suggestion for language in HB 3410.
188	Rindy	Suggests language changes, EXHIBIT M .
195	Chair Welsh	Closes public hearing on HB 3410 and opens a public hearing on HB 2880 and HB 3259.
<u>HB 2880 AND HB 3259 PUBLIC HEARING</u>		
200	Chair Welsh	Closes public hearing on HB 2880 and HB 3259 and adjourns at 4:30 p.m.

Submitted By, Reviewed By,

Danielle Hamilton, Kristina McNitt,

EXHIBIT SUMMARY

A - HJR 75, written testimony, Liz Frenkel, 1 p.

B - HB 3486, -1 amendments, Rep. Lundquist, 3 pp.

C - HB 3486, conceptual amendments, Rep. Lundquist, 1 p.

D - HB 2838, -1 amendments, Rep. Atkinson, 1 p.

E - HB 2838, written testimony, Charlie Swindells, 2 pp.

F - HB 2406, -1 amendments, staff, 1 p.

G - HB 3005, written testimony, Susan McLain, 2 pp.

H - HB 3005, written testimony, Bob Rindy, 1 p.

I - HB 3005, written testimony, Liz Frenkel, 1 p.

J - HB 3213, written testimony, Marilyn Reeves, 1 p.

K - HB 3410, written testimony, Jon Chandler, 1 p.

L - HB 3410, written materials, Gary Schmidt, 12 pp.

M - HB 3410, written testimony, Bob Rindy, 1 p.

N - HB 3410, -1 amendments, staff, 1 p.

O - HB 3213, written testimony, staff, 1 p.