

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

May 10, 1999 Hearing Room D

1:00 P.M. Tapes 155 - 158

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

STAFF PRESENT: Kristina McNitt, Administrator

Danielle Hamilton, Administrative Support

MEASURE HEARD: HB 2181 Work Session

HB 3486 Work Session

HB 3616 Work Session

HB 2885 Work Session

HB 3028 Work Session

HB 2866 Work Session

HB 3259 Work Session

SB 87 Public Hearing

SB 454 Public Hearing

SB 470 Public Hearing and Work Session

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 155, A		
004	Chair Welsh	Calls meeting to order at 1:30 p.m. and opens work session on HB 2181.
005	Staff	Submits (EXHIBIT A) .
<u>HB 2181 WORK SESSION</u>		
008	Rep. Kruse	MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote on HB 2181.
		VOTE: 9-0
009	Chair Welsh	Hearing no objection, declares the motion CARRIED.
011	Rep. Kruse	MOTION: Moves to RECONSIDER the vote by which HB 2181 was sent to the Revenue Committee with a DO PASS recommendation.
		VOTE: 9-0
012	Chair Welsh	Hearing no objection, declares the motion CARRIED.
034	Dexter Johnson	Legislative Counsel. Explains the problems with HB 2181 as it was passed out of committee previously.
040	Kristina McNitt	Committee Administrator. Explains HB 2181 at the last meeting when the ñ1 amendments and conceptual amendments were adopted.
044	Johnson	Explains why the committee cannot include an emergency clause in this bill.
044	Kruse	Asks if the ñ4 amendments can be eliminated.
048	Johnson	Explains the ñ4 amendments. Discusses changes to tax law. Comments on including an applicability provision which describes the scope of the changes.

055	Rep. Kruse	MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote to conceptually amend HB 2181.
		VOTE: 9-0
056	Chair Welsh	Hearing no objection, declares the motion CARRIED.
060	Chair Welsh	Clarifies to the committee that HB 2181 is now before the committee as if the conceptual amendments were not adopted.
077	Johnson	States Section 4 is not needed, but advises not to change retroactively.
100	Chair Welsh	Asks if Section 4 can be left in.
102	Johnson	Answers it is all right to leave it in.
104	Rep. Devlin	Suggests that HB 2181 be moved with the ñ1 amendments.
110	Rep. Kruse	MOTION: Moves HB 2181 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on REVENUE.
		VOTE: 7-0-2 EXCUSED: Devlin, Taylor
112	Chair Welsh	Hearing no objection, declares the motion CARRIED.
120	Chair Welsh	Closes work session on HB 2181 and opens work session on HB 3486.
<u>HB 3486 WORK SESSION</u>		
	Staff	Submits (EXHIBIT B) .
125	Rep. Taylor	Presents testimony from Land Conservation and Development (LCDC) (EXHIBIT C) .
141	Rep. Kafoury	Presents written testimony from 1000 Friends of Oregon (EXHIBIT D) .
149	Blair Batson	1000 Friends of Oregon. Opposes HB 3486. Discusses the policy of the bill and reasons why it is opposed.

167	Rep. Taylor	Asks if 1000 Friends have seen the ñ2 amendments.
170	Batson	States the ñ2 amendments do not change their position.
177	Ron Eber	Department of Land Conservation and Development (DLCD). Opposes HB 3486. Discusses county plans and their compliance with statewide plans. States HB 3486 eliminates the state-local balance in land use planning.
228	Rep. Lynn Lundquist	House District 59. Submits conceptual amendments. Explains that decisions made on a regional basis will be more reasonable and better decisions. Notes that land use is a divisive issue in Oregon. States the proposed conceptual amendments are a reasonable compromise. Explains that local decisions cannot contradict state goals.
303	Rep. Merkley	Asks what a resource dwelling is.
305	Rep. Lundquist	Explains that it is a dwelling associated with the resources; it is a farm home.
316	Chair Welsh	Asks when the ñ3 (proposed amendment) will be ready.
318	Rep. Lundquist	Responds that is being worked on.
326	Shawn Gordon	Friends of Polk County. Comments on allowing counties to determine their own land use. Stresses the need for checks and balances.
347	Rep. Kruse	Expresses concern about creating another level of bureaucracy and creating divisions in the state.
374	Chair Welsh	Closes work session on HB 3486. Opens work session on HB 3616.
<u>HB 3616 WORK SESSION</u>		
	Staff	Submits (EXHIBIT E) .
392	Chair Welsh	Asks for explanation of the ñ2 amendments.
394	Dave Barrows	Representing Chemical Waste Management, Arlington. Explains the -2 amendments clean up language of the original bill. States he knows of no opposition to the bill.
TAPE 156, A		

001	Laurie Onnah	Department of Environmental Quality (DEQ). Supports HB 3616.
006	Rep. Kruse	MOTION: Moves to ADOPT HB 3616-2 amendments dated 4/30/99.
		VOTE: 8-0 EXCUSED: 1 ñ Rep. Atkinson
007	Chair Welsh	Hearing no objection, declares the motion CARRIED.
008	Rep. Kruse	MOTION: Moves HB 3616 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 8-0 EXCUSED: 1 ñ Rep. Atkinson
010	Chair Welsh	Hearing no objection, declares the motion CARRIED. REP. DEVLIN will lead discussion on the floor.
017	Chair Welsh	Closes work session on HB 3616. Opens work session on HB 2885.
<u>HB 2885 WORK SESSION</u>		
	Staff	Submits (EXHIBIT F).
042	Chair Welsh	Notes the amendments are extensive. Asks for an explanation of the ñ2 amendments.
059	Dave Hunnicut	Oregonians in Action. Explains the parceling of forest land with current laws.
085	Chair Welsh	States requests for this amendment were received.
092	Bob Rindy	DLCD. States that in 1985 the language was put in. Overviews history of parcel division.

112	Kevin Birch	Department of Forestry. Agrees with Rindís statements.
122	Chair Welsh	Comments that this is not something that occurs often.
131	Birch	Replies that is the way current law is and this provision would extend to small parcels.
148	Hunnicut	Points out the amendments do not allow for the creation of new dwellings.
153	Chair Welsh	Replies that companies will want minimum parcels.
160	Hunnicut	Replies timber management will be more viable.
173	Rindy	Discusses concern about the large number of substandard parcels in the forest zones.
190	Birch	Explains the problems of timber management on substandard parcels.
202	Chair Welsh	Comments about land zoned for farm use, non-designated range land, and forest land.
210	Birch	Says this bill would extend provisions that now have 40 or 80-acre parcels to be able to divide parcels into substandard parcels, one with a dwelling and one with a substandard parcel. Explains larger parcels are actively traded, but small parcels are not.
219	Rep. Morgan	Asks about page 2, line 27.
232	Birch	Explains farm forest zones.
260	Rep. Kruse	Asks for clarification related to economic viability.
281	Birch	Discusses management of small woodland dwellings.
290	Chair Welsh	Asks about acreage under 80 acres.
300	Birch	Explains small parcel sizes result in less timber management and other values are raised.
339	Rep. Morgan	Asks about small parcels.

351	Birch	Responds that smaller parcels will result in less forest management and attract more houses.
388	Chair Welsh	Comments that more is being read into this bill than is intended.
TAPE 155, B		
016	Hunnicut	Reflects that this bill is important to the people who can no longer manage a large parcel but do not want to move.
023	Rindy	Says there are some timber companies who would manage small parcels.
034	Birch	Comments that in 1995 the above reasons were considered valid.
054	Chair Welsh	Closes work session on HB 2885 and opens work session on HB 3028.
<u>HB 3028 WORK SESSION</u>		
	Staff	Submits (EXHIBIT G) .
073	Don Schellenburg	Oregon Farm Bureau. States the bureau prefers the ñ2 amendments.
087	Rep. Taylor	Expresses concerns with the deletion of the word "welfare."
097	Chair Welsh	Closes work session on HB 3028 and opens work session on HB 2866.
<u>HB 2866 WORK SESSION</u>		
	Staff	Submits (EXHIBIT H) .
121	Bob Ezell	Lane County Surveyor. Testifies in opposition to HB 2866, along with Lane County Legislative Committee and Oregon Association of County Engineers and Surveyors. Discusses the proposal of the 45-day law which favors the discretion of the private surveyor. Provides an example of the difficulty in contacting a county surveyor. States the effect of HB 2866 is to make plat requirements easier for the surveyor and does not favor the publicis interest.
187	Chair Welsh	Asks if Ezell has had an opportunity to look at the ñ2 amendments.
190	Ezell	Responds he has. Explains the county surveyors oppose the proposal to narrow the review of the plat.

239	Stephen Kafoury	Professional Land Surveyors of Oregon. Testifies in support to HB 2866. Explains the issue is who is going to make the judgment calls and where. Suggests the judgment calls should be at the professional level.
285	Chair Welsh	Asks why a work group meeting did not occur.
290	Kafoury	Answers that the groups have been meeting together for years and there is nothing to be gained by meeting together on this issue.
303	Rep. Taylor	Asks if the media part has been resolved regarding county clerks.
307	Kafoury	Responds it is close to resolution.
310	Rep. Taylor	Asks if what is left in HB 2866 includes witness monuments and the role of county surveyors.
316	Kafoury	Answers that there is also the 45-day rule to resolve.
325	Rep. Devlin	States he is confused with the fact that some surveyors are supporting the bill while some counties oppose the bill.
348	Kafoury	Responds that some counties seem to have greater problems than others do. Explains how surveyors work around the state and it is not a local issue.
370	Rep. Devlin	Asks if a survey has been done to gain an idea of the interest in HB 2866.
380	Kafoury	Answers that the group tries to operate on a consensus basis. Explains the board has agreed to the bill with the amendments.
396	Rep. Devlin	Asks if the claim that 40% of the membership opposes the bill is correct.
401	Kafoury	Answers the attempt to survey is not accurate.
407	Rep. Taylor	Asks if there is a difference between elected and appointed surveyors in support or opposition to the bill.
425	Kafoury	Answers that there is a bill to appoint all surveyors.
TAPE 156, B		
004	Chair Welsh	Asks if the ñ1 or the ñ2 amendments are requested.

006	Kafoury	Responds the ñ2 amendments take the place of the ñ1 amendments.
008	Rep. Kruse	MOTION: Moves to ADOPT HB 2866-2 amendments dated 5/5/99.
		VOTE: 5-3-1 AYE: 5 - Atkinson, Kafoury, Kruse, Morgan, Welsh NAY: 3 ñ Devlin, Merkley, Taylor EXCUSED: 1 ñ Gianella
009	Chair Welsh	The motion CARRIES.
011	Rep. Kruse	MOTION: Moves HB 2866 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-3-1 AYE: 5 - Atkinson, Kafoury, Kruse, Morgan, Welsh NAY: 3 ñ Devlin, Merkley, Taylor EXCUSED: 1 - Gianella
012	Chair Welsh	The motion CARRIES. REP. MORGAN will lead discussion on the floor.
032	Rep. Taylor	Explains her vote will be no because of negative correspondence she has received regarding the bill.
038	Rep. Devlin	Explains he will be voting no, but may change his vote on the floor after he conducts a private survey.
041	Rep. Merkley	Expresses concerns with HB 2866.
060	Rep. Gianella	Declines to vote at this point.
093	Chair Welsh	Closes work session on HB 2866 and opens work session on HB 3259.
<u>HB 3259 WORK SESSION</u>		

	Staff	Submits (EXHIBIT I).
101	Pat Egan	Beaverton and Hillsboro School Districts. Explains the ñ3 amendments are the ñ1 amendments with some changes.
132	Mary Kyle-McCurdy	1000 Friends of Oregon. Testifies in opposition to HB 3259 that allows location of schools and urban services in urban reserves. Defines urban reserves as areas outside urban growth boundaries.
155	Rep. Kafoury	Comments on complaints that there are no available land spaces large enough for schools.
162	Kyle	Answers that there is available land within urban growth boundaries. There are also exception areas and farm land areas that could be used. Says urban reserves should not be used to solve land use problems.
186	Rep. Devlin	Asks for numbers designating urban reserves in metropolitan areas, how much has been brought in by the council, and how much is under appeal.
190	Kyle-McCurdy	Responds metro has designated 18,600 acres as urban reserve, of that 3,000 acres is farmland or forest land. Metro has amended the urban reserve boundaries by expanding 3,000 acres which is on appeal.
195	Chair Welsh	Announces that HB 3524 has more amendments and will be scheduled Wednesday.
212	Phillip Fell	League of Oregon Cities. Testifies in opposition to HB 3259. Provides an example of the urban growth boundary being expanded that will attract more people.
243	Rep. Devlin	Asks if DLCD would testify.
246	Rindy	Department of Land Conservation and Development (DLCD). Testifies in opposition to HB 3259.
263	Chair Welsh	Closes work session on HB 3259 and opens public hearing on SB 87.
<u>SB 87 PUBLIC HEARING</u>		
264	Ray Phelps	Metro. Introduces Dan Cooper. Explains how metro provides growth planning and urban growth boundaries.
265	Dan Cooper	Metro General Counsel. Explains the employment density study provided to the committee. Explains how job-land need is addressed by Metro, expanded urban

		growth boundary in 1968, and additional expansions. Metro is neutral on SB 87. Presents (EXHIBIT J) .
2770	Rep. Devlin	Comments the importance of job growth in planning urban growth.
327	Chair Welsh	Closes public hearing on SB 87 and opens a public hearing on SB 454.
<u>SB 454 PUBLIC HEARING</u>		
350	Kristina McNitt	Committee Administrator. Explains that SB 454 modifies criteria for approval of farm dwellings in exclusive farm use zones.
359	Rich Holcomb	Farmer in Douglas County. Testifies in opposition to SB 454. Explains his personal experience in getting started in farming. Describes the number of dwellings on the extensive farm parcels he owns and the problems of allowing more building of housing. Suggests this bill is not good for the future of farming.
TAPE 157, A		
009	Holcomb	Continues testimony on conserving farmland.
043	Tom Maloy	Oregon Harvest Vineyard. Testifies in support of HB 454. Explains the shortage of vineyards. Explains how the zoning laws are misinterpreted, in his opinion. Discusses soil classifications in determining the \$80,000 rule. Says the present laws discriminate against small farmers. Presents (EXHIBIT K) .
135	Ginger Maloy	Oregon Harvest Vineyard. Explains that zoning has changed for their farm and how their plans for a home and vineyard have been affected. Presents (EXHIBIT L) .
214	Susan Lee	Multnomah County. Explains that the county is concerned about the impact of SB 454 in placing more homes on farmland. Presents (EXHIBIT M) .
243	Merilyn Reeves	Friends of Yamhill County. Testifies in opposition to SB 454. Explains there is an abundance of housing in proportion to farms in Yamhill County and there are many opportunities to build houses on EFU farmland. States the county believes the protection of farmland and forest land must be upheld. Presents (EXHIBIT N) .
332	Larry DeBates	Amity, Oregon. Testifies in opposition to SB 454. Describes the rapid development in rural areas. Recommends protecting farm and forest land.
398	Henry Reeves	Amity, Oregon. Testifies in opposition SB 454 because it removes the \$80,000 income test. Describes rapid population expansion in the valley. Recommends protection of farmland and forest land.

401	Chair Welsh	Closes public hearing on SB 454 and opens public hearing on SB 470.
TAPE 158, A		
<u>SB 470 PUBLIC HEARING</u>		
020	Dave Hunnicutt	Oregonians in Action. Supports SB 470 which limits the period for which landowner must prove facts establishing nonconforming land use. Explains incident involving nonconforming land use. Believes there is no opposition to this bill.
056	Chair Welsh	Closes public hearing on SB 470 and opens work session on SB 470.
<u>SB 470 WORK SESSION</u>		
058	Rep. Kruse	MOTION: Moves SB 470 to the floor with a DO PASS recommendation.
		VOTE: 9-0
060	Chair Welsh	Hearing no objection, declares the motion CARRIED. REP. GIANELLA will lead discussion on the floor.
063	Chair Welsh	Closes work session on SB 470 and opens work session HB 3259.
<u>HB 3259 WORK SESSION</u>		
065	Rep. Kruse	MOTION: Moves to ADOPT HB 3259-3 amendments dated 5/10/99.
		VOTE: 7-2 AYE: 7 - Atkinson, Devlin, Gianella, Kafoury, Kruse, Morgan, Welsh NAY: 2 - Merkley, Taylor
066	Chair Welsh	The motion CARRIES.

067	Rep. Kruse	MOTION: Moves HB 3259 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-2 AYE: 7 - Atkinson, Devlin, Gianella, Kafoury, Kruse, Morgan, Welsh NAY: 2 - Merkley, Taylor
068	Chair Welsh	The motion CARRIES.
		REP. DECKERT will lead discussion on the floor.
069	Chair Welsh	Closes the work session on HB 3259 and opens work session on HB 3028.
<u>HB 3028 WORK SESSION</u>		
088	Rep. Kruse	MOTION: Moves to ADOPT HB 3028-2 amendments dated 4/19/99.
		VOTE: 5-4 AYE: Kruse, Atkinson, Gianella, Morgan, Welsh NAY: Devlin, Kafoury, Merkley, Taylor
089	Chair Welsh	Declares the motion CARRIED.
090	Rep. Kruse	MOTION: Moves HB 3028 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5 ñ 4 AYE: Kruse, Atkinson, Gianella, Morgan, Welsh NAY: Devlin, Kafoury, Merkley, Taylor
091	Chair Welsh	The motion carries. REP. KRUSE will lead the discussion on the floor.
092	Chair Welsh	Closes work session on HB 3028 and opens work session on HB 2885.

<u>HB 2885 WORK SESSION</u>		
100	Rep. Kruse	MOTION: Moves to ADOPT HB 2885-2 amendments dated 5/6/99.
		VOTE: 5-4 AYE: 5 ñ Atkinson, Kruse, Morgan, Gianella, Welsh NAY: 4 ñ Devlin, Kafoury, Merkley, Taylor
101	Chair Welsh	The motion CARRIES.
102	Rep. Kruse	MOTION: Moves HB 2885 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-4 AYE: 5 ñ Atkinson, Kruse, Morgan, Gianella, Welsh NAY: 4 ñ Devlin, Kafoury, Merkley, Taylor
103	Chair Welsh	The motion CARRIES. REP. WELSH will lead discussion on the floor.
104	Chair Welsh	Closes work session on HB 2885 and adjourns at 4:00 p.m.

Submitted By, Reviewed By,

Danielle Hamilton, Kristina McNitt,
Administrative Support Administrator

Transcribed By,

Nancy Masee,

Administrative Support

EXHIBIT SUMMARY

A ñ HB 2181, -1 Amendments, Staff, 9 pp

B ñ HB 3486, -2 Amendments, Staff, 4 pp

C ñ HB 3486, Memo, Richard Benner, 1 p

EXHIBIT SUMMARY CONTINUED

D ñ HB 3486, Letter, Blair Batson, 1 p

E ñ HB 3616, -2 Amendments, Staff, 9 pp

F ñ HB 2885, -2 Amendments, Staff, 4 pp

G ñ HB 3028, -1 and ñ2 Amendments, Staff, 2 pp

H ñ HB 2866, -2 Amendments, Staff, 20 pp

I - HB 3259, -3 Amendments, Staff, 4 pp

J ñ SB 87, Written testimony and charts, Dan Cooper, 55 pp

K ñ SB 454, Written testimony, Tom Maloy, 3 pp

L ñ SB 454, Written testimony, Ginger Maloy, 4 pp

M ñ SB 454, Memo, Susan Lee, 1 p

N ñ SB 454, Memo and Letter, Merilyn Reeves, 3 pp