

## HOUSE COMMITTEE ON WATER AND ENVIRONMENT

May 26, 1999 Hearing Room D

1:00 P.M. Tapes 183 -185

**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

**MEASURES:** SB 1187A ñ Public Hearing

SB 1152A ñ 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 183, A		
004	Chair Welsh	Calls meeting to order at 1:55 p.m. and opens public hearing on SB 1187 A.
<u><b>SB 1187 A PUBLIC HEARING</b></u>		

010	Kristina McNitt	Committee Administrator. Summarizes SB 1187A. Provides committee copies of written testimony from Elizabeth Graser-Lindsey ( <b>EXHIBIT A</b> )
039	Jerry Schmidt	Oregon Association Realtors (OAR). Testifies in support of SB 1187A. ( <b>EXHIBIT B</b> ). Discusses litigation between 1000 Friends and Curry County. Discusses land use Goal 14 in relationship to exception lands.
080	Schmidt	Provides example of abandoned mill site.
123	Rep. Devlin	Asks about exception lands. Asks if SB 1187A passed how additional needs would be accommodated.
142	Matt Farmer	Attorney, OAR. Explains the current process. Provides an example of what happened after the Curry County case was decided. States unincorporated areas are in limbo.
167	Rep. Devlin	States those areas are already exempt. Asks what the content of the review would be.
171	Farmer	Replies there are goals that still apply, such as Goal 11. Comments that the areas are still subject to review by elected officials in the planning process.
179	Rep. Devlin	Points out the reason there are currently so many exceptions.
182	Farmer	Explains the parties to the Curry County lawsuit and the outcome after the Oregon Supreme Court decision.
209	Rep. Devlin	Comments that the state law will apply to the entire state, not just Curry County.
212	Schmidt	States that local government should be in charge of this planning.
260	Schmidt	Provides example of problems in Government Camp. Comments on acreage limitations.
273	Rep. Taylor	Expresses concern about enacting statewide laws that address a specific county's issue. Discusses example of annexation.
310	Schmidt	Agrees it is a contentious issue. Comments on planning systems. Reiterates local governments should be allowed to make the decisions.
348	Bob Rindy	Department of Land Conservation and Development (DLCD). Testifies in opposition to SB 1187A ( <b>EXHIBIT C</b> ). Comments that the bill applies to about 750,000 acres of rural land outside urban growth boundaries. Comments on court case.

380	Rep. Morgan	Asks for background on the case.
389	Rindy	Discusses the issues in the Curry County case relating to exception lands. States the Land Conservation and Development Commission (LCDC) approved Curry County's plan for exception lands.
390	Rep. Morgan	Asks what "address these lands" means.
402	Rindy	Responds the question is that the county is determining whether land is suitable for farm or forest land. States the next question is how the land should be zoned and that Goal 14 applies to this situation.
<b>TAPE 184, A</b>		
013	Rindy	Continues testimony in opposition to SB 1187A. Comments that rules have already been developed and will be affected by SB 1187A.
062	Chair Welsh	Says there are some problems.
065	Rindy	Answers that there is a continuum of density.
077	Rep. Morgan	Asks what may be decided at the local and state levels.
085	Rindy	Explains the exceptions process at the local level. Describes how the Curry County case affected the process.
111	Jim Johnson	Oregon Department of Agriculture (ODA). Testifies in opposition to SB 1187A. Further describes exception process. States SB 1187A will eliminate the requirement to evaluate whether the surrounding agricultural or forest land would be adversely affected.
132	Tom Miller	Land Planning Consultant. Testifies in support SB 1187A ( <b>EXHIBIT D</b> ). Provides copy of a study regarding a specific development.
180	Miller	Continues testimony in support of SB 1187 A. Discusses the differences between rural and urban densities.
230	Miller	Continues testimony in support of SB 1187A.
280	Miller	Continues testimony in support of SB 1187A.
314	Rep. Devlin	Clarifies the amount of acreage for exception lands statewide.

323	Rep. Morgan	Asks how the impact on surrounding resource uses is dealt with.
329	Miller	Cites page 59 of <b>(EXHIBIT D)</b> . Discusses characteristics of the specific parcel.
380	Miller	Continues describing conditions of the parcel.
<b>TAPE 183, B</b>		
017	Rep. Morgan	Asks if there were any existing agricultural operations nearby the development.
019	Miller	Answers no. Describes conditions of surrounding lands.
030	Rep. Morgan	Asks if Miller has done other projects and whether as a general rule there are site specific conditions or if there are general rules that could apply.
037	Miller	Answers that is depends on what is being grown.
054	Robert Liberty	1000 Friends of Oregon. Testifies in opposition to SB 1187A. <b>(EXHIBITS E and F)</b> . Discusses information relating to exception areas.
105	Liberty	Continues testimony in opposition to SB 1187A. Shows a large map to the committee that illustrates exception areas statewide.
155	Liberty	Describes current state of law regarding exception lands. Describes what will happen if SB 1187A passes.
205	Liberty	Discusses LCDC adoption of urban reserve rules. Comments that the counties and cities are not in support of the bill.
313	Liberty	Discusses zoning of lots <b>(EXHIBIT F)</b> .
330	Chair Welsh	Comments on issues regarding government control and regulations.
350	Rep. Morgan	Asks for comments from DLCD.
355	Rep. Morgan	Asks about process for zone change on land that is in a special area.
360	Rindy	Responds that is correct. States if a county wanted to change zoning on an exception area, it is a zoning process.
377	Rep. Morgan	Asks for further clarification and if the bill affects that process.

383	Rindy	States usually not. Says most people are able to change zones without an exception. Comments SB 1187A will effect the property owner who wants to create urban lots.
442	Rep. Morgan	Asks if a property owner would still be required to go through zoning process later.
<b>TAPE 184, B</b>		
014	Rindy	Answers no. Explains the change in the exceptions process.
023	Rep. Morgan	Comments on exception areas in Southern Oregon.
030	Rindy	Provides example of interchange at City of Donald.
041	Liz Frenkel	League of Women Voters. Testifies in opposition to SB 1187A. <b>(EXHIBIT G)</b> .
060	Ray Phelps	Metro. Introduces Dan Cooper.
065	Dan Cooper	General Counsel, Metro. Testifies in opposition to SB 1187A. Comments on other land use legislation. Discusses Metro rulemaking activities.
098	Jeff Watkins	Sierra Club Oregon Chapter. Testifies in opposition to SB 1187A.
103	Don Schellenberg	Oregon Farm Bureau. Testifies in opposition to SB 1187A. States it turns land use planning upside down. Comments on current review of exception areas.
147	Rep. Taylor	Expresses concerns with the agricultural industry.
157	Schellenberg	Agrees with Rep. Taylor. Remarks on the purpose of the Farm Bureau.
166	Rep. Taylor	Points out that she likes the aesthetic value of agricultural land.
176	Rep. Devlin	Asks about the future of the Willamette Valley if exception areas are developed.
186	Schellenberg	Responds there will be an increased negative impact. States concern about potential for conflict, for example traffic.
201	Art Schlack	Association of Oregon Counties. States AOC has not taken a position on SB 1187A. Clarifies some concerns with the Curry County case.

250	Louise Weidlich	Director, Neighborhoods Protective Association. Testifies in support of SB 1187A <b>(EXHIBIT H)</b> .
303	Weidlich	Comments on expansion of the urban growth boundary to accommodate additional residents in the Portland area.
353	Weidlich	Provides example of development in high density areas.
400	Weidlich	Continues testimony in support of SB 1187A.
<b>TAPE 185, A</b>		
025	Cliff Kenagy	Albany. Testifies in opposition to SB 1187A. States SB 1187A will increase conflicts along exception lands.
075	Kenagy	Provides examples of problems with family farming.
093	Chair Welsh	Closes public hearing on SB 1187A and opens work session on SB 1152A.
<b><u>SB 1152A WORK SESSION</u></b>		
104	Jim Holleman	Executive Director, Oregon Independent Miners (OIM). Testifies in support of SB 1152A <b>(EXHIBIT I)</b> . States this is a compromise bill. Points out e-mail included in <b>(EXHIBIT I)</b> .
140	Holleman	Describes mining industry in Oregon.
155	Tim Cremer	Director of Government Affairs, OIM. <b>(EXHIBIT J)</b> Testifies in support of SB 1152A. Reads from written testimony.
201	Rep. Atkinson	Asks how claims are assigned and if the OIM has a policy about trespass.
210	Holleman	Explains the OIM assigns claims. States OIM members own their own claims.
221	Rep. Atkinson	Asks if OIM has a policy regarding mining practices and dredged material.
234	Holleman	Answers that OIM advocates agency policies.
245	Rep. Merkley	Asks if cyanide or mercury are used in recreational mining.
250	Holleman	States in few cases. Says state laws are very restrictive.

265	Rep. Taylor	Expresses concerns with the e-mail in ( <b>EXHIBIT I</b> ). Asks what is the penalty is for a Class C misdemeanor.
270	Holleman	Responds it is \$1000 fine and 30 days in jail.
<b>283</b>	<b>Rep. Kruse</b>	<b>MOTION: Moves SB 1152A to the floor with a DO PASS recommendation.</b>
286	Rep. Kafoury	Expresses concerns with Section 2, subsection 3.
290	Holleman	Responds to the origin of the language.
292	Rep. Atkinson	States support for the bill.
<b>300</b>		<b>VOTE: 8-1</b>  <b>AYE: 8 ñ Atkinson, Devlin, Gianella, Kruse, Merkley, Morgan, Taylor, Welsh</b>  <b>NAY: 1 ñ Kafoury</b>
	<b>Chair Welsh</b>	<b>The motion CARRIES.</b>  <b>REP. ATKINSON will lead discussion on the floor.</b>
310	Chair Welsh	Closes work session on SB 1152A and adjourns committee.

Submitted By, Reviewed By,

Danielle Hamilton, Jennifer Peck,  
Administrative Support Committee Coordinator

Transcribed By,

Cara Filsinger,  
Committee Staff

**EXHIBIT SUMMARY**

**A - SB 1187A, written testimony from Elizabeth Graser-Lindsey, staff, 2 pp**

**B ñ SB 1187A, written testimony, Jerry Schmidt, 2 pp**

**C - SB 1187A, written testimony, Bob Rindy, 2 pp**

**D- SB 1187A, written testimony, Tom Miller, 112 pp**

**E - SB 1187A, written testimony, Robert Liberty, 2 pp**

**F ñ SB 1187A, written testimony, Robert Liberty, 11 pp**

**G- SB 1187A, written testimony, Liz Frankel, 1 p**

**H- SB 1187A, written testimony, Louise Weidlich, 11 pp**

**I- SB 1152A, written testimony, Jim Holleman, 8 pp**

**J- SB 1152A, written testimony, Tim Cremer, 1 p**