

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

June 2, 1999 Hearing Room E

8:00 AM Tapes 186 - 188

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 Merkley

Rep. Susan Morgan

MEMBER EXECUSED: Rep. Jeff Kruse

STAFF PRESENT: Kristina McNitt, Administrator

Stephen Kosiewicz, Administrative Support

MEASURE/ISSUES HEARD: SB 882 Work Session

HB 3140 Public Hearing and Work Session

SB 87A 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 186, A		
005	Chair Welsh	Calls the committee to order at 8:16 a.m. Opens the work session on SB 882.

SB 882 n WORK SESSION

013	Rep. Al King	House District 44. Testifies in support of SB 882 and the n5 amendments.
047	Rep. Merkley	Referencing section 4 and 6 of the n5 amendments, notes that there are two different definitions of "yurt".
052	Rep. King	Explains that section 5 of the n5 amendments creates a firewall between the first four sections, which pertain to Sen. Tarno's issue of yurts for campgrounds, and from section 6 on, which deal with his provisions for having yurts inside a city or urban growth boundary.
066	Rep. Merkley	Asks if sanitary facilities are included under the term "plumbing" in the definition of yurt.
068	Rep. King	Responds that the term "may" is used in this section to leave this up to the discretion of the municipality and the operator.
075	Chair Welsh	Asks for clarification that Sen. Tarno's yurt bill is addressed in the n5 amendments.
078	Rep. King	Responds that sections 1 through 4 of the n5 amendments incorporate Sen. Tarno's yurt bill.
080	Rep. Merkley	Notes that within the urban growth boundary the campground could be 100% yurts.
084	Rep. Morgan	Referencing section 6 of the n5 amendments, notes that it appears to be permissive in urban campgrounds to provide access to water, toilet, shower, laundry, and other things. Asks Rep. King if this was his intent.
088	Rep. King	Responds that he wanted to give some flexibility so they could have housing with shared facilities.
099	Rep. Morgan	Asks where in the amendments does it state that these kinds of services must be provided.
103	Rep. King	Responds that they are not requiring any municipality to do this.
110	Patrick Lewis	State Building Codes Division. Responds that these kinds of services are already required in law by both the Building Codes Division and the Health Division.
117	Rep. Morgan	Asks for clarification that the municipalities do not have to provide these services, but they may.

123	Rep. King	Responds that they have to provide these services, but they may do it in either of two ways.
130	Rep. Taylor	States that she has a problem with putting transitional people on the outskirts.
138	Rep. King	Clarifies that the yurt would be in the urban growth boundary only, not in a forest or exclusive farm use zone area.
153	Chair Welsh	States that this it is well within present law to allow a municipality or governing body to make the decisions on what they need to establish.
157	Rep. King	Notes that if they wanted the yurt placed in a residential, commercial, or industrial area, this would be fine.
163	Chair Welsh	States that there are a lot of regulations to go through before the municipality could establish it within their jurisdiction.
165	Rep. King	Notes that homeless people often stay at campgrounds and just move from one to another. Expresses hope that SB 882 will alleviate some of this and give these people a better alternative.
169	Rep. Merkley	Asks for clarification that there is no limit on the size of these campgrounds within the urban growth boundary.
172	Rep. King	Responds that this is correct.
174	Rep. Morgan	Asks for clarification that there is no limit on the size of the yurt.
178	Lewis	Responds that there are restrictions within the building codes on fabric structures that limit the size of them.
179	Rep. Morgan	Asks what these dimensions are.
180	Lewis	Responds that he does not know.
181	Rep. King	Notes that he had the same question, and he believes the maximum they size would be 20 feet.
193	Chair Welsh	States that the committee will consider the bill further on Friday. Closes the work session on SB 882 and opens the public hearing on HB 3140.

HB 3140 n PUBLIC HEARING

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207	Rep. Max Williams	House District 9. Testifies in support of HB 3140.
242	Rep. Bruce Starr	House District 3. Testifies in support of HB 3140.
265	Tom Brian	Chairman, Washington County Board of Commissioners. Testifies in support of HB 3140.
321	Rep. Devlin	Comments on the difficulties he faced as a Metro councilor in identifying a park site in Washington County.
363	Rep. Taylor	Asks what efforts the county has made on its own behalf to establish an overnight park in Washington County.
366	Brian	Responds that they have tried to get the Bureau of Reclamation to allow overnight camping at Hague Lake, but have been unsuccessful. Notes that historically the county has not considered creating a county park.
392	Rep. Atkinson	Asks if they are talking about having camping in Beaverton.
TAPE 187, A		
001	Brian	Responds that they are not.
014	Rep. Kafoury	Asks if yurts would be available at a park if SB 882 passes.
016	Brian	Responds that they would be open to having these facilities at a park.
021	Rep. Morgan	Asks if the county has entered into dialogue with the Parks and Recreation Department (OPRD) for identifying a potential park site.
027	Brian	Responds that they have been engaged in dialogue with OPRD since January. Notes that the Washington County Commission has made this issue a priority.
049	Rep. Morgan	Asks how the county is addressing the issue of taking prime farmland and converting it to this use.
054	Brian	Responds that the rules and regulations of OPRD will govern them.
063	Rep. Gianella	Asks if the date identified in HB 3140 is intended to allow the county to be eligible for Measure 66 funds to establish the park.
068	Rep. Williams	Responds that this was not a consideration. Comments on the intent of the bill.

090	Rep. Taylor	Notes that one of the counties she represents does not have any state parks. Asks how this proposal for a state park fits into the county's plan for economic development.
103	Brian	Responds that it is a part of the economic diversity of the area.
117	Chair Welsh	Notes that a park would be environmentally friendly.
123	Rep. Brian	Notes that a park would also provide day use facilities for young people.
137	Rep. Jim Hill	House District 5. Testifies in support of HB 3140.
172	Jim Lockwood	Government Relations Manager, Department of Parks and Recreation. Submits written material (EXHIBIT A) and testifies on allowing the State Parks and Recreation Commission to fulfill its legal responsibilities to weigh the relative merits of all new proposed state parks.
250	Rep. Morgan	Asks if Washington County has approached OPRD about doing any sort of master planning.
254	Lockwood	Responds that this is one of the things they have talked about.
270	Rep. Morgan	Asks if the master planning process is the appropriate place to start.
274	Lockwood	Responds that sometimes it is easier to move forward on something and get funding for it if you have an idea of where you want to go and what you want to have.
311	Rep. Morgan	Notes that the bill has a six-month timeframe. Asks Lockwood to give a more realistic timeframe of what it would take to establish a park.
316	Lockwood	Responds that a more realistic timeframe would be a couple of years.
341	Rep. Gianella	Asks for clarification that OPRD has 665 acres of parkland in Washington County.
344	Lockwood	Responds that this is correct.
360	Rep. Gianella	Asks how many acres out of the 665 acres are usable.
363	Lockwood	Responds that for an overnight campground, none would be usable.

373	Rep. Gianella	Asks how many acres Champoeg Park has.
374	Lockwood	Responds that he does not know.
380	Rep. Gianella	Asks how many acres it takes for an overnight campground.
381	Lockwood	Responds that he does not have an average figure. Notes that they go on the assumption that you can have a couple of hundred acres that actually is the campground with the facilities and the driveways, and that any neighborhood or business would also like a buffer.
TAPE 186, B		
002	Rep. Gianella	Asks for clarification on what a minimum of several hundred acres would be for an overnight campground.
003	Lockwood	Responds that this is the kind of thing they have not narrowed down yet.
014	Rep. Morgan	Asks for clarification that if HB 3140 is sent to Ways and Means there would be no way to get a handle on the scope of a park in terms of cost.
017	Lockwood	Responds that part of OPRD's planning process does this.
037	Rep. Morgan	Asks if the cost of planning with the county would be covered under OPRD's current budget, or would additional funds be needed.
041	Lockwood	Responds that this can vary.
050	Chair Welsh	Closes the public hearing and opens the work session on HB 3140.
<u>HB 3140 n WORK SESSION</u>		
051	Chair Welsh	MOTION: Moves HB 3140 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means.
053	Rep. Morgan	Asks if the committee would be open to deleting the January 1, 2000 language in the emergency clause of the bill.
056	Chair Welsh	Responds that he would prefer having Ways and Means deal with this.
VOTE: 5-1		

		<p>AYE: 5 ñ Devlin, Gianella, Merkley, Morgan, Welsh</p> <p>NAY: 1 ñ Taylor</p> <p>EXCUSED: 3 - Atkinson, Kafoury, Kruse</p>
067	Chair Welsh	The motion CARRIES.
069	Chair Welsh	Closes the work session on HB 3140 and opens the public hearing on SB 87.
<u>SB 87A ñ PUBLIC HEARING</u>		
078	Bill Cross	Representing the Commercial Real Estate Economic Coalition. Comments in support of SB 87A.
096	Rick Williams	Member, Commercial Real Estate Economic Coalition. Testifies in support of SB 87A.
146	Williams	Continues testimony in support of SB 87A.
182	Cross	Continues testimony by suggesting technical changes to the ñA7 amendments.
214	Rep. Devlin	Asks for a definition of "retail core area ratios".
218	Williams	Defines "retail core area ratios".
225	Rep. Devlin	Asks if Metro has incorporated what Mr. Williams' group wants in the metropolitan area within their functional plans.
232	Williams	Responds that the last time around Metro estimated total employment as an aggregate and then assigned this to an aggregate of vacant land. Notes that they are working with Metro to be more detailed as it relates to the requirements of Goal 9.
251	Rep. Devlin	Asks if they see a tug-of-war going on in the metropolitan area in terms of retail expectations or "big box development".
261	Williams	Responds that this bill does not preclude or promote this.
273	Rep. Taylor	Asks what the basic need for SB 87A is and what is being gained from it that is not being done now.
280	Williams	Responds that Goal 9 requires that this be done.

291	Rep. Taylor	Asks for clarification that this is something that cities and counties sought and want.
293	Williams	Responds that it is not. Notes that they are working with the cities and counties on their workgroup in regard to SB 87A.
307	Cross	Responds that according to LCDC, there are some jurisdictions that have had a greater level of compliance in terms of the specificity required by the Goal 9 rules than others.
319	Rep. Taylor	Asks what is in SB 87A for the cities and counties.
329	Williams	Responds that they get a better level of planning.
354	Rep. Taylor	Asks what the problem is.
359	Williams	Responds that in some cases the counties are not doing adequate planning.
382	Rep. Taylor	Notes that this bill is not going to help those cities that have problems with planning but do not have populations of 25,000.
391	Cross	States that currently all jurisdictions are required to incorporate this employment economic planning process in their comprehensive land use planning.
TAPE 187, B		
013	Rep. Kurt Schrader	House District 23. Testifies in support of SB 87A and the ñA8 amendments that he has introduced.
063	Rep. Merkley	Asks Rep. Schrader for clarification that he is advocating a more flexible approach
066	Rep. Schrader	Responds that this is correct.
071	Jon Chandler	Director of Governmental Affairs, Oregon Building Industry Association. Notes OBIAís support for SB 87A and the ñA7 amendments. Testifies in opposition to the ñA8 amendments.
128	Rep. Merkley	Asks for clarification that under existing law a local government has two options.
135	Chandler	Explains what the local governments do now.

163	Rep. Devlin	Notes that this dynamic is not as clear in the metropolitan area. Asks to what extent this dynamic is there in a smaller community.
192	Chandler	Notes that an assumption is being made in this question that the mere act of moving the urban growth boundary takes pressure off. Explains why the five-year look back is important.
248	Bob Rindy	Department of Land Conservation and Development. Comments on the workgroup that met to address concerns that DLCD had and notes that they are not opposed to the bill, but they are neutral.
269	Chair Welsh	Asks if the last conceptual amendments to the ñA7 that the committee discussed addressed more concerns that DLCD had, or were they concerns from another member of the workgroup.
275	Lanie Smith	Department of Land Conservation and Development. Responds that they were a combination.
283	Rep. Devlin	Asks how DLCD sees this working in the metropolitan area.
309	Smith	Responds that this bill gives direction to Metro on forecasting commercial and industrial lands and planning for it.
313	Rep. Devlin	Asks for clarification that local jurisdictions could still work out their individual differences and desires within the bill.
316	Smith	Responds that this is correct.
319	Rep. Devlin	Asks if this would be the same in some of the other areas like Springfield and Eugene.
328	Smith	Responds that this bill only applies to areas that have a population of 25,000 people or more.
341	Rep. Devlin	Asks for clarification that if they were following Goal 9, even the cities under 25,000 population would be making some of these projections and determining what their needs are.
345	Smith	Responds that this is correct.
347	Rep. Taylor	Asks if DLCD agrees with the proponents of the bill that this measure will facilitate in filling by planning jurisdictions.
351	Smith	Responds that the bill has some good language in it that instructs local

		jurisdictions to look at efficiency of land use.
365	Mary Kyle McCurdy	Representing 1000 Friends of Oregon. Testifies in opposition to SB 87A.
TAPE 188, A		
003	McCurdy	Continues testimony by suggesting changes to SB 87A.
023	McCurdy	Continues testimony by testifying in support of the ñA8 amendments.
053	Rep. Merkley	Asks how the ñA8 amendments make it more likely that a jurisdiction would seize the opportunity to use an alternate vision of how land will be developed over the coming years.
066	McCurdy	Referencing page 2, lines 16 through 24 of the ñA8 amendments, responds that this language removes the ability to amend the UGB based on actual developed densities over the last five years.
085	Rep. Schrader	Responds that the ñA8 amendments take out the artificial constraint only on the five year time period.
109	Rep. Merkley	Asks if it is imbedded in the language that the growth rate of the last five years is projected.
121	Rep. Schrader	Responds that it is.
142	Bob Clay	City Planner, representing the City of Portland. Testifies in opposition to SB 87A and the ñA7 amendments.
187	Art Schlack	Association of Oregon Counties. Testifies in opposition to SB 87A.
241	Schlack	Continues testimony in opposition to SB 87A.
256	Chair Welsh	Notes that the conceptual amendments remove from subsection 3 the size, types, and location of the retail office and industrial, and replaces it with suitable.
259	Schlack	States that this is part of what he was referring to. Notes that there are additional references on page 2.
269	Chair Welsh	States that the committee will work on this bill again Friday. Closes the public hearing on SB 87A. Adjourns the committee at 10:25 a.m.

Submitted By, Reviewed By,

Stephen Kosiewicz, Kristina McNitt,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ HB 3140, written material, Jim Lockwood, 76 pp.