

**SENATE COMMITTEE ON WATER AND LAND USE**

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**January 26, 1999 Hearing Room B**

**1:00 p.m. Tapes 10 - 11**

**MEMBERS PRESENT: Sen. Veral Tarno**

**Sen. Tony Corcoran, Vice Chair**

**Sen. Gary George**

**Sen. Marylin Shannon**

**Sen. Thomas Wilde**

**STAFF PRESENT: Ray Kelly, Administrator**

**Diana Bronson, Administrative Support**

**MEASURES HEARD: Possible Introduction of Committee Bills ñ LC 2113**

**Possible introduction of Committee Bills ñ LC 1440**

**Public Hearing and Possible Work Session**

**SB 440**

**SB 87**

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 10, A**

005

Chair

Opens meeting at 1:13P.M.

**OPENS WORK SESSION**

012

Ray Kelly

Committee Administrator. Gives description of committee and Senate bills to be introduced.

021

Corcoran

States he will not be a party to LC 2113.

031

Chair Tarno

**MOTION: Moves LC 2113 BE  
INTRODUCED as a committee bill.**

Chair

**The motion CARRIES.****VOTE: 3-1****AYE: 3 - George,  
Wilde, Tarno****NAY: 1 - Corcoran****EXCUSED: 1 -  
Shannon**

064

Sen. Wilde

**MOTION: Moves LC 121 BE INTRODUCED as a  
committee bill.****VOTE: 4-0****EXCUSED: 1 ñ Shannon**

Chair

**Hearing no objection, declares the motion CARRIED.****CLOSES WORK SESSION ON LC 121 AND OPENS WORK SESSION ON LC 1440**

067

Kelly

Describes LC 1440.

078	Sen. George	<b>MOTION: Moves LC 1440 BE INTRODUCED as a committee bill.</b>
		<b>VOTE: 4-0</b> <b>EXCUSED: 1 - Shannon</b>
Chair		<b>Hearing no objection, declares the motion CARRIED.</b>
<b><u>CLOSES WORK SESSION ON LC 1440 AND OPENS PUBLIC HEARING ON SB 440</u></b>		
087	Kelly	Describes SB 440.
099	David Hunnicutt	Oregonians in Action. Presents <b>(EXHIBIT A)</b> . Emphasizes support of SB 440. Describes the 120 day rule as being the most important piece of legislation to protect landowners in the Oregon Revised Statutes. States the 120 day rule ensures that local governments process applications in a timely manner.
159	Hunnicutt	Continues discussing SB 440 and Sections 8 and 12. Reads excerpt from Court of Appeals in support of SB 440.
240	Chair Tarno	States the committee will hold off making a decision on Sections 8 and 12 until LCDC has testified.
245	Roy Burns	Intergovernmental Relations Coordinator for Lane County, Representing the Association of Oregon Counties (AOC). Describes the position of AOC being in support of -1 amendments.
261	Chair Tarno	Asks if Burns is in agreement with the testimony previously given by Oregonians in Action.
262	Burns	States he is in agreement.
263	Sen. Corcoran	Asks if there was discussion with AOC or with Lane County Court regarding the impact of this legislation on the court system.
268	Burns	States that there were no conversations with the court system but has been in contact with the county planning director, Kent Howe, and with county counsel, and the consensus was that this legislation would not have a burden on Lane County
283	Sen. Corcoran	Asks if there have complaints regarding the time frames.

303	Burns	States there have been complaints regarding the time frames but have not had a mandamus.
311	Mike Collmeyer	1000 Friends of Oregon. Presents <b>(EXHIBIT B)</b> . States 1000 Friends of Oregon opposes SB 440 as it applies to land use. However, if sections 8 and 12 were deleted, 1000 Friends would support SB 440.
330	Collmeyer	Continues to read testimony regarding SB 440.
415	Phillip Fell	League of Oregon Cities. States the League was part of the work session and SB 440 was agreed upon without sections 8 and 12. States the League is opposed to SB 440 with sections 8 and 12.
439	Jon Chandler	Director of Governmental Affairs for the Oregon Building Industry Association. Explains that the Oregon Building Industry Association is in support of SB 440 as written, however, there are some problems with sections 8 and 12 that need rewriting.
<b>TAPE 11,A</b>		
026	Sen. Corcoran	Questions as to referrals to the court.
027	Chandler	States no, as part of the working group.
053	Sen. George	Asks if there were a fairer process that addressed the landowners application in a fair and reasonable manner, you would never get to this point.
058	Chandler	States that in his personal opinion the majority of cases of mandamus are caused by local processes that simply take too long to work through.
066	Sen. Wilde	Asks to look over sections 8 and 12. Asks from Chandler's perspective, what type of time restraints should be given.
078	Chandler	States he was not part of the drafting of sections 8 and 12. States a time limit needs to be in place for the process to work.
100	Sen. Wilde	States that setting time limits is needed in SB 440 as there are none at present.
114	Bob Rindy	Department of Land and Conservation and Development (DLCD) . Describes their support of SB 440 and agrees that new language needs to be written on sections 8 and 12.

134	Chair Tarno	Asks Rindy to work with Mr. Hunnicutt in working on specific language for sections 8 and 12 and bring it back to the committee as another issue.
157	Sen. Corcoran	Asks Rindy how he would change the language of sections 8 and 12 to make it right.
159	Rindy	States he is asking for more time for careful drafting. States he cannot give an exact statement as to the changes needed.
200	Jerry Schmidt	Oregon Association of Realtors (OAR). States the OAR's support of SB 440.
216	Chair	Closes public hearing on SB 440 and opens public hearing on SB 87.
<b><u>SB 440 CLOSES PUBLIC HEARING AND OPENS PUBLIC HEARING ON SB 87</u></b>		
219	Kelly	Describes SB 87.
228	Roy Burns	Association of Oregon Counties. States there are two concerns regarding SB 87. One is cost and the other is that it appears to remove Metro from its responsibilities.
244	Don Schellenberg	Associate Director of Government Affairs for the Oregon Farm Bureau. Presents <b>(EXHIBIT C)</b> . Describes reasons for the Oregon Farm Bureau opposing SB 87. States the members of the Farm Bureau have not adopted a no-growth policy, as the members agree that growth can occur but that it should not occur on the high value farmland soils that border portions of many of the cities of our state.
320	Sen. George	Questions the farm bureau as to whether it has changed its position on resisting expansion.
335	Burns	States the urban reserve did put in lot size limitations, but does not remember changing its position.
356	Chair Tarno	States that he is dedicated to protecting the private farm land. States he does not feel that the Farm Bureau or even the legislative body has done anything to protect the farm land and states there is a need.
392	Bob LeFeber	Commercial Realty Advisors in Portland, OR. Representing Commercial Real Estate Economic Coalition (CREEC) and International Council of Shopping Centers (ICSC). Presents <b>(EXHIBIT D)</b> . Reads testimony in support of SB 87.
475	Sen. George	Questions comment on having too much parking. States that most of the complaints have been from businesses with too little parking.

480	LeFeber	States they would like to see a reduction in the parking minimums but not parking maximums.
<b>TAPE 10, B</b>		
042	LeFeber	Continues to read testimony in support of SB 87.
052	Mark Frasier	Grubb & Ellis. Commercial properties in Portland, OR. Describes the need for land to be available for jobs along with homes. States that SB 87 does not force the expansion of the urban growth boundary.
108	Frasier	States we cannot plan for residential without planning for where the residents will work.
112	Sen. Corcoran	Asks why the issue of growth cannot be dealt with currently.
124	Frasier	States current law does not resolve the issue of needed land for residential and how much land is needed for jobs.
148	Sen. Wilde	Asks how does anyone know what is needed in the next 20 years.
161	Frasier	Replies that he cannot speak down state, but within the Metro area there are fairly accurate predictions of jobs by SIC code and studies are underway to determine the square feet of those jobs required and the number of acres required for each of those square feet.
184	Sen. George	Uses Wilsonville as example for not planning for residential use of land but did create a large jobs use area.
201	Frasier	Describes several instances wherein large company headquarters found Wilsonville appropriate for expansion. States the need to figure out the future demands so that the businesses can expand within Oregon.
216	Sen. George	States that Oregon is now number three in the nation for unaffordable housing.
228	Frasier	States Oregon does not have the third most expensive homes in the nation. Explains that affordability is a ratio of income and housing costs and not providing a place for jobs absolutely affects the affordability issue.
253	Sen. Corcoran	Asks if CREEC is part of a regional industrial land study group.
261	Frasier	States there is a regional industrial land study group that CREEC is a member of but that is not the only thing CREEC is about.

270	Sen. Corcoran	Questions a letter received back in April about pursuing the legislation of SB 87.
281	LeFeber	States someone "mislabeled" the study and said that it may lead to further expansions in the urban growth boundary. States that CREEC's concern is economic development and to make sure there is sufficient land for economic growth within the region.
292	Chair Tarno	States that SB 87 is timely at least to create discussions and to look at newly acquired property that Metro has received. States the questions that need to be reviewed are whether the land acquired will be for businesses or just for housing.
325	LeFaber	States the City of Hillsborough's south study area did include jobs, but that it was at their own initiative. Legislative counsel has drafted the language so that both local governments, as well as Metro, will have to accommodate jobs.
344	Gary Conkling	Associated General Contractors. Presents <b>(EXHIBIT E)</b> . Gives written testimony in support of SB 87.
389	Mary Kyle McCurdy	1000 Friends of Oregon. Presents <b>(EXHIBIT F)</b> . States that 1000 Friends opposes this bill as it is unnecessary.
455	McCurdy	Continues to read testimony in opposition of SB 87.
<b>TAPE 11, B</b>		
017	McCurdy	Continues testimony in opposition of SB 87.
056	Jim Johnson	Oregon Department of Agriculture. Presents <b>(EXHIBIT G)</b> . Describes the need for a better use of lands within existing growth boundaries.
080	Sen. George	Asks witness why he feels SB 87 is a major change.
085	Johnson	States he is not sure it would be a major change, but the concerns are that once these determinations are made, there will be sufficient use of the lands involved.
127	Bob Clay	Portland Planning Bureau, City of Portland. States he would like to come back with written testimony. States that as it stands, the planning bureau would have to oppose SB 87.
192	Clay	Reiterates his desire to provide written testimony for the committee to show the balance and mix of industrial, commercial use.
218	Ray Phelps	METRO. Presents <b>(EXHIBIT H)</b> . States the Metro Council and Executive

		Officer are in the process of evaluating this measure.
269	Phelps	Continues reviewing written testimony.
288	Phillip Fell	League of Oregon Cities (LEC). States the LEC is opposed to SB 87 in this form.
331	Bob Rindy	Department of Land Conservation and Development. States the department will not take a position on SB 87.
372	Chair Tarno	Asks if the working group would be more appropriate during the interim.
375	Rindy	States the interim would be preferable.
387	Jon Chandler	Oregon Building Industry Association. States the building association is in favor of SB 87 but desires to have this bill brought back to committee.
405	Chair Tarno	Closing comments and adjourns meeting at 3:07 PM.

Submitted By, Reviewed By,

Diana Bronson, Raymond J. Kelly,  
Administrative Support Administrator

### **EXHIBIT SUMMARY**

**A ñ Written testimony, David J. Hunnicutt, 3 pp**

**B - Written testimony, Mike Collmeyer, 2 pp**

**C - Written testimony, Don Schellenberg, 2 pp**

**D - Written testimony, Bob LeFeber, 2 pp**

**E - Written testimony, Gary Conkling, 1 p**

**F - Written testimony, Mary Kyle McCurdy, 3 pp**



**G - Written testimony, Jim Johnson, 2 pp**

**H - Written testimony, Phillip Fell, 2 pp**