

HOUSE COMMITTEE ON ENVIRONMENT AND ENERGY

February 12, 1997 Hearing Room E

1:00 P.M. Tapes 15 - 16

MEMBERS PRESENT:

Rep. Leslie Lewis, Chair

Rep. Frank Shields, Vice-Chair

Rep. Michael Fahey

Rep. Mike Lehman

Rep. Dennis Luke

Rep. Mark Simmons

Rep. Jim Welsh

STAFF PRESENT:

Pat Zwick, Policy Analyst

Marjorie Taylor, Administrative Support

MEASURE/ISSUES HEARD:

HB 2389 Public Hearing

HB 2458 Public Hearing

LC 1486, LC 2016, LC 2017, LC 3181 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 15, A		
004	Chair Lewis	Calls the meeting to order at 1:04 p.m.
<u>HB 2389</u> <u>PUBLIC</u> <u>HEARING</u>		
	Chair	

007	Lewis	Opens the public hearing on HB 2389.
009	Pat Zwick	Policy Analyst, summarizes HB 2389.
023	Rep. Eighmey	HB 2389 is really a house keeping bill, since it makes the title of Land Use Board of Appeals referees conform to what they are. Originally the referees only gathered information, but now they actually judge. Last session, Worker's Compensation board referees were changed to Administrative Law Judges. HB 2389 simply plans to change referee to Administrative Law Judge for Land Use Board of Appeals personnel.
040	Rep. Luke	Ask if the referees/judges are state employees.
042	Rep. Eighmey	They are appointed by the governor and are state employees.
045	Rep. Luke	Inquires how the individuals are removed from office.
046	Rep. Eighmey	They have four year terms and are replaced by the Governor at the end of their terms.
050	Rep. Luke	Asks if the referees/judges are subject to Senate confirmation.
051	Rep. Eighmey	Answers affirmatively.
052	Rep. Luke	Asks how an individual would be removed when in violation of proper ethics and behavior.
054	Rep. Eighmey	They would be removed like any other public employee.
057	Rep. Luke	Asks if removal of an individual from office would be harder if the name was changed from referee to judge.
058	Rep. Eighmey	States that the name change would have no affect.
061	Chair Lewis	Enters into the record a letter in support of HB 2389 from 1000 Friends of Oregon (EXHIBIT A).
067	Chair Lewis	Closes the public hearing on HB 2389.
HB 2458 PUBLIC HEARING		
069	Chair Lewis	Opens the public hearing on HB 2458.
073	Zwick	Summarizes HB 2458.
083	Fred VanNatta	Representative of Oregon Association of Realtors (OAR) This has never been a problem with builders before. Explains how the bill originated based on a story from Hood River County. One land owner needed to clear fire fuel from another owner's land, which didn't work

		out.
125	VanNatta	Jackson County requires fuel free breaks on farmland and forest land. HB 2458 is a simple bill which states that the conditions must be applied to property owned by the applicant. The OAR might still endorse the bill if the amendments proposed by the Department of Forestry are added.
155	Ann Hanus	Assistant State Forester, Department of Forestry. Fuel breaks are important to maintain around dwellings, but there can be flexibility. Smaller lot sizes won't accommodate the recommendations. Written testimony suggests an amendment to the bill making allowances to apply the recommendations to the maximum extent practicable (EXHIBIT B) .
175	Rep. Luke	Asks where the recommendation would go in the bill.
177	Hanus	Explains where the amendment would be located.
180	Rep. Luke	Inquires about language that might be misinterpreted
185	Hanus	States that the bill is meant to be as practicable as possible.
192	Rep. Luke	Relates a story about a housing development in the Bend area.
201	Hanus	Suggests that the language can be refined.
204	Kevin Birch	Representative of the Department of Forestry. The recommendations for fire safety are a "primary zone" which is 30 feet in all directions around the dwelling, and 100 feet "secondary zone" around the primary zone which will limit the fuel for fires. The bill is not meant to limit the ability to build a dwelling, but should be viewed as siting standards which are not approval criteria.
223	Rep. Luke	Agrees with the premise of the bill, but is concerned how it will be applied to small lots.
228	Birch	The bill is to be applied to forest zone lots which tend to be larger. The point is to not extend into a neighbor's property.
238	Rep. Luke	Asks if the rules will apply in a heavily forested, platted subdivision.
240	Birch	Responds affirmatively.
244	Rep. Luke	Inquires how people can build on zoned forest land.
245	Birch	Indicates that there are several ways that a dwelling can be built in forest zones.
250	Rep. Fahey	Inquires about a hypothetical land situation and if the fuel free zones must be platted before any land goes into tax deferral.
254	Birch	Indicates that fuel breaks and taxes are completely separate.
260	Rep. Fahey	Asks if a person might be exempt from the fuel breaks even if they have enough land surrounding the dwelling.

262	Birch	Answers affirmatively.
273	Rep. Welsh	Asks how the bill will apply to existing structures.
282	Birch	HB 2458 applies to new construction only.
286	Hanus	Department of Forestry can help owners of existing dwellings determine where fuel breaks should be located.
295	VanNatta	With the bill, no matter what tax shelter the land is under, the fuel breaks must be created on an owner's property.
302	Chair Lewis	Rep. Fahey wanted to know if tax deferral would be lost if the fire breaks extended onto land under tax shelter.
311	Rep. Luke	Indicates that fuel breaks are not necessarily trees, but underbrush.
315	Birch	The primary zone would consist of removing all vegetation 30 feet around the home. The secondary zone would be equivalent to thinning trees and underbrush.
319	Rep. Luke	Ask if trees must be removed or just fuel.
324	Birch	The first 30 feet can have trees, just limb them up.
333	Rep. Welsh	Asks if the issue has been resolved about dwellings being too close to property lines to incorporate primary and secondary zones.
339	Chair Lewis	The sense is that HB 2458 needs some work.
345	Rep. Luke	Indicates that he has no problem with HB 2458, but some language does need to be clarified.
350	VanNatta	Agrees that some language is vague.
370	Rep. Luke	Suggests that the words practicable and impracticable be removed.
373	Chair Lewis	Acknowledges that the bill proposes siting standards, but that is not clear to those in the planning community.
384	Birch	Indicates that in the Oregon Administrative Rules there are approval and siting criteria.
TAPE 16, A		
005	Birch	Acknowledges that the bill proposes siting standards and some counties are interpreting it differently.
010	Chair Lewis	Asks how the bill's intentions can be made more clear to the counties.
014	Birch	Offers to work on the language of the bill.
017	Rep. Luke	Indicates that the language is clear, but a statement needs to be made about the rules not being related to conditions of approval.
029	Chair Lewis	Closes the public hearing for HB 2458.

<u>LC 1486, LC 2016, LC 2017, AND LC 3181 WORK SESSION</u>		
030	Chair Lewis	Opens the work session for LC 1486, LC 2016, LC 2017, and LC 3181.
038	Rep. Luke	MOTION: Moves LC 1486 dated 2/10/97, LC 2016 dated 12/23/96, LC 2017 dated 12/26/96, and LC 3181 dated 2/10/97, BE INTRODUCED as committee bills.
040	Chair Lewis	Hearing no objection, declares the motion CARRIED.
		(LC 1486 is printed as HB 2756. LC 2016 is printed as HB 2755, LC 2017 is printed as HB 2754. LC 3181 is printed as HB 2753.)
042	Chair Lewis	Adjourns the meeting at 1:34 p.m.

Submitted By, Reviewed By,

Marjorie Taylor, Pat Zwick,

Administrative Support Policy Analyst

EXHIBIT SUMMARY

A - HB 2389, written testimony from 1000 Friends of Oregon, Rep. Eighmey, 1 p.

B - HB 2458, written testimony from the Department of Forestry, Ann Hanus, 1p.