

HOUSE COMMITTEE ON ENVIRONMENT AND ENERGY

February 14, 1997 Hearing Room E

1:00 P.M. Tapes 17 - 19

MEMBERS PRESENT:

Rep. Leslie Lewis, Chair

Rep. Frank Shields, Vice-Chair

Rep. Mike Lehman

Rep. Dennis Luke

Rep. Mark Simmons

Rep. Jim Welsh

MEMBER EXCUSED: Rep. Michael Fahey

STAFF PRESENT:

Pat Zwick, Policy Analyst

Marjorie Taylor, Administrative Support

MEASURE/ISSUES HEARD:

HB 2398 Public Hearing

HB 2466 Public Hearing

HB 2459 Public Hearing

LC 1123, LC 1125, LC 1915, LC 2320, LC 2411, LC 3045,

LC 3221 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 17, A		
007	Chair Lewis	Calls the meeting to order at 1:05 p.m. and opens the public hearing on HB 2398.

HB 2398 PUBLIC HEARING		
015	Pat Zwick	Policy Analyst, reviews provisions of the bill.
022	Rep. Ron Adams	State Representative, District 27, West Linn. Describes the reason for the introduction of HB 2398. The bill intends to allow school districts to build schools to match the growth of their districts.
042	Diane Wustrack	Resident of West Linn, outlines the three benefits of the proposed legislation for school districts, for local and state government, and provides a history of the proposed legislation (EXHIBIT A).
051	Wustrack	The first benefit is that the bills will allow districts to plan rationally for future growth. Second, it allows the purchase of property where dense population will be in the future. Third, it assures citizens and districts that parcels bought will go to schools.
079	Wustrack	There are three benefits to state and local governments. First, local governments can be sure that the land will be used for school sites. Second, through state government, the bill allows schools to help themselves. Third, the bill will promote the state's interest in transportation planning.
108	Wustrack	Speaks of the history of the legislation. Properties were purchased for the purpose of building schools. Due to zoning, permit, and land use restrictions the school can't be built. Indicates that SB 908 passed several sessions ago is similar to HB 2398.
152	Roger Wohl	School Superintendent, West Linn/Wilsonville. Focuses on rules related to SB 908. Also indicates that with the delays of permitting, changes have taken place with the governing authorities and with that comes a lack of consistency.
184	Rep. Adams	Adds that the bill was drafted out of a no-win situation.
205	Amanda Fritz	Member, City of Portland Planning Commission. Indicates that HB 2398 is taking a statewide approach to fix a local problem. Wonders why the conditional use permit was denied in West Linn.
222	Fritz	Reads from the Portland Conditional Use Permit guidelines for institutional uses. Indicates that permits have reasonable expectations.
277	Fritz	Restates that the zoning question in the West Linn/Wilsonville district is probably a local problem which doesn't need a statewide approach to fix
286	Rep. Luke	Inquires if the statements made are based on personal opinion.
288	Fritz	States they are personal opinion and not related to the Portland Planning Commission.
289	Rep. Luke	Asks if adequate land has been set aside for schools in Multnomah County.
291	Fritz	States that it is difficult to determine.

305	Rep. Luke	Wonders why Ms. Fritz doesn't find it appropriate to have schools in neighborhoods.
313	Fritz	Schools do need to be in residential neighborhoods, but they need to be near different forms of transportation, not away from them.
321	Rep. Luke	States that having schools in residential neighborhoods is important in his district since there is no public transportation.
329	Lucille Beck	Resident of Lake Oswego, Multnomah County, Representative of Friends of Tryon Creek State Park. Describes the park and the use of it. Indicates that the specific problem with HB 2398 is that it eliminates the conditional use permit. If the bill is passed, a school is proposed to be built above the park which will place the surrounding environment in jeopardy. Agrees with A. Fritz about the original problem being local and the bill providing a statewide solution.
388	Rep. Luke	Inquires about how Multnomah County holds hearings and inquiries to proposed land use.
<u>TAPE 18, A</u>		
009	Fritz	The Portland Planning Commission doesn't hear public reviews. The Planning Department does have public hearings in a quasi-judicial setting.
012	Rep. Luke	States that in his city and county there is extensive review and it looks like all cities and counties review differently.
016	Fritz	Indicates that she is not familiar with all processes of each county.
025	Rep. Simmons	Asks which state park is in question.
027	Beck	Tryon Creek State Park - the biggest concern with the proposed school is excess surface water which will have to flow into the ravine and possibly cause landslides.
049	Phillip Fell	Representative of the League of Oregon Cities (LOC). The LOC is opposed to the HB 2398 for a number of reasons. The bill has no definition of residential or commercial zone. Agrees that all cities and jurisdictions are different and should be viewed separately.
069	Scott Burgess	City Manager, City of West Linn - Expresses opposition to the bill and believes that the issue is one of local control and should be decided on the local level. States that conditional use permits allow for land use other than the zoning which has already been prescribed to the land. Says that the infrastructure of needs for the building and the community should be worked out locally.
108	Burgess	Provides a brief explanation for not approving the school in question. Indicates that the city has proposed an amendment to Metro to expand the urban growth boundary so that the school will be allowed. Explains that other service extensions are being made for the building of the school. The problem is being solved by the community.

142	Rep. Luke	Asks how much land is available and zoned for schools in West Linn.
143	Burgess	West Linn does not zone for schools.
155	Rep. Luke	Asks if it is appropriate for cities to plan for schools.
158	Burgess	It is appropriate for the local planning of school zones.
176	Rep. Luke	States that his understanding of the West Linn planning system is that the schools must buy land and then be approved to build a school. Does not agree with this planning method.
190	Jon Chandler	Director of Government Affairs, Oregon Building Industry Association (OBIA) Expresses support for HB 2398. Understands that schools are greatly impacted by land use planning
216	Vice-Chair Shields	Closes the public hearing on HB 2398 and opens the public hearing on HB 2466.
<u>HB 2466 PUBLIC HEARING</u>		
223	Pat Zwick	Policy Analyst, reviews provisions of the bill and enters faxed testimony into the record (EXHIBIT B) .
242	Rep. Luke	States that HB 2466 applies to lands outside of the Willamette Valley.
256	George Read	Planning Director, Deschutes County. Explains the history of HB 2466 and the splitting of farm and non-farm parcels. The bill intends to solve a fairness issue (EXHIBIT C) .
314	Rep. Luke	For clarification purposes, asks if it is currently legal to divide a piece of non-farm ground with no buildings on it. If the same land already has a house on it, legally it can't be divided.
328	Read	Responds affirmatively.
340	John Shafer	Resident of Dallas, Oregon. Expresses opposition to HB 2459 and HB 2466. Explains that there are currently sufficient means in existence to create parcels for non-farm dwellings in urban areas (EXHIBIT D) .
382	Mary Phillips	Resident of Amity, Oregon. Expresses opposition to HB 2459 and 2466. States that continued division of the land is not fair to the taxpayers. Yamhill County is being broken up and it should be stopped.
<u>TAPE 17, B</u>		
004	Phillips	States that dividing the land only brings more conflict and problems to the local community.
006	Rep. Luke	Asks if the speaker understands that HB 2466 is not related to the Willamette Valley.
008	Phillips	Answers affirmatively.
		Department of Land Conservation and Development (DLCD). Expresses concerns with the bill, but suggests an amendment to

015	Bob Rindy	HB 2466. To safeguard the agricultural economy, it is important to be wary of the number of non-farm parcels and dwellings being created. Expresses concern for the continued division for non-farm parcels (EXHIBIT E) .
053	Rindy	Currently, non-farm parcels formed before 1993 can't be subdivided, but there is no limit to subdivision of parcels formed after that. Explains a proposed amendment to HB 2466.
065	Rep. Luke	Asks for George Read to comment on the proposed amendments.
070	George Read	Deschutes County has language in place which is similar to the amendment, but other counties might not.
075	Rep. Luke	Asks if the language in the amendment is clear for other counties.
079	Read	Answers affirmatively.
080	Rep. Luke	Asks if Mr. Read would be opposed to the amendment.
082	Read	The amendment would be fine.
086	Don Schellenberg	Associate Director, Governmental Affairs, Oregon Farm Bureau. Expresses opposition to HB 2466 as drafted, citing potential conflicts that can't be mitigated by right-to-farm laws. Shows support for the amendment to HB 2466 drafted by DLCD (EXHIBIT F) .
110	Blair Batson	Representative of 1000 Friends of Oregon. Explains history of the organization. States that to maintain the agricultural economy of the state, large blocks of land must remain together to be used for farming. 1000 Friends of Oregon is opposed to HB 2466 since it proposes to divide current farmlands (EXHIBIT G) .
150	Rep. Luke	Asks if 1000 Friends has reviewed the amendment proposed by DLCD.
152	Batson	Expresses that it is an improvement, but 1000 Friends of Oregon is still opposed to HB 2466.
158	Sandra Bishop	Representative of the League of Women Voters of Oregon. Explains that the League has reevaluated their land use positions and they encourage enforcement of current land use goals. Expresses opposition to HB 2466 which tends to weaken land use laws in Oregon (EXHIBIT H) .
202	Art Schlack	Land Use Specialist, Association of Oregon Counties (AOC). Expresses concern for the amendment proposed by DLCD. Explains that there are counties in eastern Oregon which currently allow serial partitioning. Asks for time to allow AOC to contact member counties in eastern Oregon to find out the possible impacts.
227	Rep. Luke	Asks how AOC feels about bill as introduced.
230	Schlack	AOC has no particular position on the bill.
234	Rep. Luke	Asks if AOC will contact member counties about the bill and the amendment.

238	Schlack	Answers affirmatively.
262	Chair Lewis	Indicates that more work needs to be done on HB 2466 and that it should be brought back to committee once issues have been resolved.
269	Chair Lewis	Closes the public hearing on HB 2466, and opens the public hearing on HB 2459.
<u>HB 2459 PUBLIC HEARING</u>		
275	Pat Zwick	Policy Analyst, reviews provisions of the bill.
287	Fred VanNatta	Representative of Oregon Association of Realtors. Explains the bill. Describes a typical situation which this bill would be applied to. States that partitioning of the land would allow more land to be kept in the farming industry.
345	VanNatta	HB 2459 does not create the right to build dwellings on farm land. The bill applies to situations where a farmer wants to buy land, but not the house with it.
366	Rep. Luke	Asks if the bill will allow retired farmers to stay in their homes if they can no longer farm.
375	VanNatta	Answers affirmatively.
378	Rep. Luke	Asks if there is a minimum size of parcel that must accompany the house.
390	VanNatta	Indicates that the parcel can't be larger than five acres.
392	Rep. Luke	Asks if the right-to-farm legislation will protect the farmer who buys the property from suits filed by the person who buys the house.
395	VanNatta	Does not have the information to answer the question.
401	Chair Lewis	Asks if there would be objections to adding language to the bill indicating that the owner of the house could not object to farming practices.
<u>TAPE 18, B</u>		
007	VanNatta	There would be no objections.
015	Jim Wood	Rancher and large animal veterinarian from Post, Crook County. Expresses opposition to HB 2459 and HB 2466. States that the dwellings created would not be valuable agricultural entities, but would simply be rural homes. Property values would increase which would place burden on the farmers and ranchers.
048	Wood	Explains reasons for not partitioning the land: land abuse, increased demand and cost on use of irrigation and ground water supplies, difficulty in controlling weeds and rodents, restriction of use of farm chemicals, complaints of noise, odors, and dust, and nuisance and cost of vandalism.
072	Wood	Indicates that this bill would aid the conversion of land to non-farm use and have significant economic impact. Expresses concern

		for water quality and the cost of community services.
097	Rep. Luke	States that the bill does not allow for the addition of dwellings to farm lands.
106	Wood	Indicates that he would benefit greatly from the bill, but would price himself out of the land if he parceled his land and sold houses.
120	Rep. Lehman	The Oregon Association of Realtors is trying to do the farmers a favor, but he doesn't want the favor.
122	Wood	Responds affirmatively.
130	Rep. Luke	Asks how many incorporated cities are in Crook County.
131	Wood	Prineville.
134	Chair Lewis	Asks about increasing property values.
140	Wood	Expresses the belief that property values will increase since there are so many dwellings that can be sold.
162	Rep. Welsh	Asks how many acres of farmland he owns.
163	Wood	Just under 18,000 acres, which is the average ranch size
167	Rep. Welsh	Expresses the hope that 1000 Friends of Oregon can help to come up with land use plans for secondary lands.
211	Don Schellenberg	Oregon Farm Bureau. Indicates that HB 2459 is a straight forward bill that allows farm land to be partitioned. Farm Bureau policy is equally as straight forward in opposing HB 2459 since it allows more non-farm dwellings in exclusive farm use zones. The bill raises conflict between people who want to live on farm land and those that use it for industry purposes (EXHIBIT I) .
241	Rep. Lehman	Asks about deed restrictions on dwellings being sold in farm zones.
244	Schellenberg	Expresses no legal opinion on how a deed restriction can be enforced. Right-to-farm laws are better than having nothing at all, but they are limited.
293	Chair Lewis	Relates a story from her district about an elderly person living on a farm who can no longer farm but doesn't want to move from the home.
310	Schellenberg	Suggests that the "life estate" option might be suitable for this person.
312	Chair Lewis	That was looked into, but was found not suitable.
325	Sandra Bishop	Representative of the League of Women Voters of Oregon. Expresses opposition to HB 2459. States that the long term consequences need to be investigated (EXHIBIT J) .
360	Blair Batson	Representative of 1000 Friends of Oregon. Submits written testimony (EXHIBIT K) .
		Department of Land Conservation and Development. Expresses opposition to HB 2459. Indicates that the bill will bring further

380	Bob Rindy	division of farmland and the conversion of farm dwellings to non-farm dwellings. The greatest effect of the bill would be felt in the Willamette Valley (EXHIBIT L).
<u>TAPE 19, A</u>		
010	Bob Rindy	If parcels are divided, it is likely that a person in a dwelling will not be a farmer. Neighboring farmers currently have the opportunity to buy neighboring pieces of property. Splitting of parcels will reduce opportunities for the starting farmer.
045	Phil Ward	Department of Agriculture. Expresses opposition to the bill.
051	Rep. Simmons	Objects to agency support and opposition statements on bills before the committee. Suggests that comments be limited to objective overviews of the effects that the change in policy might have.
057	Chair Lewis	Enters faxed testimonies related to HB 2459 into the record (EXHIBIT M).
060	Chair Lewis	Closes the public hearing on HB 2459, and opens the work session on committee bills.
<u>LC 1123, LC 1125, LC 1915, LC 2320, LC 2411, LC 3045, LC 3221 WORK SESSION</u>		
070	Chair Lewis	Introduces LC 1123, LC 1125, LC 1915, LC 2320, LC 2411, LC 3045, and LC 3221
073	Rep. Luke	MOTION: Moves LC 1123 dated 2/6/97, LC 1125 dated 8/23/97, LC 1915 dated 12/27/96, LC 2320 dated 1/16/97, LC 2411 dated 2/10/97, LC 3045 dated 2/10/97, and LC 3221 dated 2/12/97, BE INTRODUCED as committee bills.
077	Chair Lewis	Hearing no objection, declares the motion CARRIED. (LC 1123 is printed as HB 2930. LC 1125 is printed as HB 2929. LC 1915 is printed as HB 2928. LC 2320 is printed as HB 2927. LC 2411 is printed as HB 2926. LC 3045 is printed as HB 2925. LC 3221 is printed as HB 2924.)
090	Chair Lewis	Adjourns the meeting at 3:00 p.m.

Submitted By, Reviewed By,

Marjorie Taylor, Pat Zwick,

Administrative Support Policy Analyst

EXHIBIT SUMMARY

A - HB 2398, written testimony, Diane Wustrack, 4 pp.

- B - HB 2466, faxed testimony, Committee Staff, 9 pp.**
- C - HB 2466, legal document, George Read, 2 pp.**
- D - HB 2466, written testimony, John Shafer, 6 pp.**
- E - HB 2466, written testimony, Bob Rindy, 2 pp.**
- F - HB 2466, written testimony, Don Schellenberg, 1 p.**
- G - HB 2466, written testimony, Blair Batson, 2 pp.**
- H - HB 2466, written testimony, Sandra Bishop, 1 p.**
- I - HB 2459, written testimony, Don Schellenberg, 1 p.**
- J - HB 2459, written testimony, Sandra Bishop, 1 p.**
- K - HB 2459, written testimony, Blair Batson, 3 pp.**
- L - HB 2459, written testimony, Bob Rindy, 1 p.**
- M - HB 2459, faxed testimony, Committee Staff, 12 pp.**