

HOUSE COMMITTEE ON ENVIRONMENT AND ENERGY

March 10, 1997 Hearing Room E

1:30 P.M. Tapes 34 - 35

**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 2814 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
<b>TAPE 34, A</b>		
003	Vice-Chair Shields	Calls the meeting to order at 1:35 p.m. and opens the public hearing on HB 2814.
<b><u>HB 2814</u></b> <b><u>PUBLIC</u></b> <b><u>HEARING</u></b>		
		State Representative, Explains provisions of HB 2814. Provides background reasons from bringing the bill forward. There is a need for solid land use planning and Oregon has done a good job of it. Wonders how much planning is enough. The goal of land use planning is to preserve farmlands

020	Rep. Lee Beyer	and encourage dense urban development. Cities and counties have planning codes which are working well, but the periodic review process of the plans is a time and cost-consuming project. Local governments could spend the money appropriated for periodic review on other agencies that serve the public <b>(EXHIBIT A)</b> .
084	Roy Burns	Intergovernmental Relations Coordinator, Lane County Public Works. Explains that one of the fundamental principles of the planning process is that growth will occur in urban growth boundaries. Indicates that HB 2814 does not alter that principle.
101	Jim Mann	Senior Planner, Lane County. States that the Lane County Board of Commissioners supports HB 2814. There are several reasons for support, including not wanting the expense of review. Also, many projects important to citizens were not included in the periodic review process. The periodic review process isn't necessary in Lane County since long range land use planning work is mandated by administrative rules <b>(EXHIBIT B)</b> .
130	Burns	Indicates that Art Schlack of the Association of Oregon Counties was supposed to submit a letter in support of HB 2814.
141	Rep. Luke	Asks when Lane County last had a periodic review.
143	Mann	States that Lane County is in its first periodic review.
148	Rep. Luke	Verifies that Lane County did not finish their long range comprehensive land use plan until 1991.
149	Mann	Answers affirmatively.
151	Rep. Luke	Asks if the periodic review process was passed during the 1970's.
154	Burns	States that the long range comprehensive plan was challenged by 1000 Friends of Oregon. Lane County had to go through extensive work for acknowledgment of their long range plan.
161	Rep. Luke	Asks if Lane County believes that periodic review is not necessary for areas within the urban growth boundary.
167	Mann	Review is necessary inside the urban growth boundary, but the proposed legislation applies to areas outside the urban growth boundary.
169	Rep. Luke	Asks if that is the intent of the bill.
171	Rep. Beyer	Explains that the intent is that provisions of the bill apply to rural portions of land.
178	Rep. Luke	States that if the city limits do not reach the urban growth boundary, the land then belongs to the county.
179	Rep. Beyer	The county participates in the planning process, but the bill is not intended to intrude on the urban plans or responsibilities of the county.
186	Rep. Luke	Appreciates the differences between counties, but periodic review is needed in other counties.
195	Rep.	Asks what the current mandates and timelines are for periodic review.

	Simmons	
198	Mann	States that periodic review must be completed by 2001.
207	Rep. Simmons	Asks if higher priority projects will be set aside over the next three years
211	Mann	Answers affirmatively and suggests that will happen due to limited resources financially and time wise.
215	Rep. Shields	Asks what the price of a periodic review includes.
222	Mann	The price funds a full time position for the duration of the projects, costs for citizen involvement and other direct and indirect costs.
231	Rep. Shields	Asks if Lane County and other counties could find a less expensive method for periodic review.
239	Mann	Indicates that the difficulty with cost of periodic review is to accommodate citizen involvement in the process.
249	Rep. Beyer	Indicates, from experience, he has never seen the cost of a planning project decrease.
254	Rep. Shields	Suggests that there should be different timelines for periodic review inside and outside the urban growth boundary.
270	Rep. Beyer	That is a possible idea, and there is probably a more cost effective way of having a periodic review.
296	Rep. Luke	Asks how much of the planning is paid for by building permit fees and how much from the general fund.
300	Mann	Indicates that the planning director working on the budget can answer the question.
303	Kent How	Acting Planning Director, Lane County. States that there have been recent permit fee changes. Indicates that there is a small percentage of permit fees collected that are in excess of what the program needs.
321	Rep. Luke	Asks how much of the building permit fees go into the general fund.
325	Burns	None. The fees are tracked closely since other jurisdictions have had problems with their tracking systems.
340	Rep. Welsh	Asks what issues would be left in jeopardy without a periodic review.
353	Burns	Indicates that the sand and gravel industry has linked their process to periodic review.
373	Rep. Beyer	Other issues that might be impacted are related to the salmon recovery plan and some coastal zone management.
399	Rep. Beyer	Summarizes that the bill was brought forward because many counties are having financial troubles trying to take care of periodic review and other necessities.
<b>TAPE 35, A</b>		
		Representative, League of Women Voters of Oregon. Expresses opposition

014	Sandra Bishop	to HB 2814 as drafted. Indicates that the bill will weaken instead of strengthen the state's land use laws. States that periodic review is essential so the public can be involved with the process <b>(EXHIBIT C)</b> .
052	Rep. Shields	Asks for her impression about extending the periodic review timeline in rural areas.
057	Bishop	States that the question is hard to answer since the planning processes in all of the counties are so diverse. Agrees that lengthening the process is a better idea than making it shorter. Indicates that the value of the process is that the public can be involved.
084	Steven Shipsey	Board Member, Oregon Shores Conservation Coalition. Expresses opposition to HB 2814 as drafted. States that counties need periodic review so that citizens can take part in the process, respond to new conditions and goals, and coordinate with other government agencies.
112	Rep. Luke	Asks if this is Mr. Shipsey's first appearance before the committee and asks for a description of Coalition membership.
114	Shipsey	States that he has appeared before the subcommittee and that Oregon Shores Conservation Coalition is a statewide organization.
121	Richard Benner	Director, Department of Land Conservation and Development (DLCD). States that there should be some way for the citizens to re-engage in the periodic review process. Indicates that the process is currently working fairly well. The process has become less expensive since there are fewer work tasks, but those tasks vary by county and local governments <b>(EXHIBIT D)</b> .
181	Benner	The cost of periodic review has decreased because of statutory changes. Explains several changes in the law that have helped to reduce the cost of review. Explains that the cost of review is related to the resources available through local governments and state agencies. Local governments tend to be very flexible when working on periodic review. Makes a contrast between the periodic review process and making plan amendments, stating that the review process is more comprehensive and collaborative.
250	Benner	States that during recent legislative sessions a point was made to coordinate DLCD and local governments together. Indicates that if there is a disagreement between DLCD and local governments about whether plans live up to statewide planning goals, disagreements go to the Land Conservation and Development Commission, but if problems occur with plan amendments they will go to the Land Use Board of Appeals. Indicates that counties would generally prefer to work with the Commission.
298	Rep. Simmons	Asks for a reaction to comments from Morrow County that suggest that DLCD focus on problems specific to each county instead of removing the entire periodic review process.
305	Benner	Indicates that DLCD has tried to do that. Agrees that not all projects are in periodic review at the same time. States that DLCD would like to know what issues need to be focused on and that DLCD has focused on natural resources to rural residential issues. Agrees that it would be difficult to write a list of issues to be focused on for the state instead of individual counties.

358	Chair Lewis	Asks for a list of counties in periodic review under the new rules.
362	Benner	Answers affirmatively.
363	Chair Lewis	Asks if any counties are under review under the old rules.
367	Benner	Answers affirmatively.
369	Chair Lewis	Asks if Jackson County is under the new rules.
372	Benner	Jackson County entered periodic review under new rules. They did not pursue exceptions to the list of periodic review.
396	Chair Lewis	Asks how much periodic review has cost the counties.
403	Benner	Indicates that DLCD does not have specific information. An approximate total for the current biennium is \$900,000 for all cities and counties requesting grants.
<b>TAPE 34, B</b>		
010	Rep. Shields	Asks if there is a way to make the review process less expensive.
015	Benner	States that there are ways to make the review process less expensive. Suggests limiting work tasks.
031	Merilyn Reeves	Representative, Friends of Yamhill County. Expresses opposition to HB 2814. Believes that the periodic review process is very important for government evaluation purposes. Suggests that periodic review also allows for examination of groundwater reserves by the Department of Environmental Quality. Suggests that if there are problems with the periodic review process, those problems should be focused on and fixed ( <b>EXHIBIT E</b> ).
075	Scott Exo	Grass roots Leadership Director, 1000 Friends of Oregon. Expresses opposition to HB 2814. Suggests that without the type of commitment that a periodic review provides, citizens won't have the assurance that land use decisions will follow the state goals and local objectives. Wonders what good a plan is if it isn't reviewed. Relates information about periodic review in Lane County saying that it ranks in third place for allowing residences to be built on forest lands ( <b>EXHIBIT F</b> ).
133	Rep. Luke	Asks if the houses permitted on forest lands were already platted.
140	Exo	Defers answering to a staff attorney.
144	Charles Swindells	Forest Land Staff Attorney, 1000 Friends of Oregon. States that the Lane County forest dwellings are not like those in LaPine or Black Butte.
153	Rep. Luke	Asks for more information and research on the numbers of dwellings.
156	Swindells	Deschutes County is unusual in comparison to other counties.
159	Rep. Luke	Asks if units are in trees or subdivisions or if they were platted.

165	Exo	Deschutes County is unusual and Lane County has fewer platted subdivisions for forest dwellings.
171	Dick Angstrom	Governmental Affairs Manager, Oregon Concrete and Aggregate Producers Association. Asks if land use plans are perfect and don't need changes. Should legislative changes be reflected in land use plans. Periodic review allows for the land use planning system to be cleaned out. Discusses experiences related to aggregate producers. Expresses opposition to HB 2814. Suggests that the bill might need to be amended to limit the time frame of review.
250	Rep. Welsh	Appreciates Mr. Angstrom's testimony and asks for other ideas on how to cut the periodic review costs for counties.
266	Angstrom	Expresses willingness to work on ordinances.
272	Rep. Luke	Asks for the Deschutes County planner to give testimony about the periodic review process.
286	George Read	Community Development Director, Deschutes County. States that the old review process was terrible and full of a lot of make-work. The new process works much better. The periodic review process is very difficult and time consuming but necessary and in the light of budget cuts from Measure 47, counties must watch their spending.
309	Rep. Luke	Asks what the cost is for a periodic review process.
311	Read	The process started in 1988 and it is almost complete. The total is several hundred thousand dollars, but Deschutes County has gotten grants.
320	Chair Lewis	Asks if Deschutes County is working under the old rules.
328	Read	There was a conversion to the new rules about two years ago.
331	Fred VanNatta	Representative, Oregon Building Industry Association. Expresses mixed feelings about HB 2814. Understands not wanting to increase review costs to counties, but believes that other areas need to be added to the review process. Encourages the committee to leave all areas inside the urban growth boundary in the periodic review process.
377	Chair Lewis	Enters a letter from Art Schlack, Association of Oregon Counties and 16 faxed testimonies in opposition to HB 2814 into the record ( <b>EXHIBITS G and H</b> ).
384	Rep. Luke	Asks if cities must go through periodic review.
388	Benner	Cities and counties must go through the review process.
390	Rep. Luke	Asks if there is coordination between counties and cities.
394	Benner	DLCD tries to coordinate efforts.
407	Chair Lewis	Suggests that a work group should be formed with the interested parties to work on HB 2814.

Submitted By, Reviewed By,

Marjorie Taylor, Pat Zwick,

Administrative Support Policy Analyst

**EXHIBIT SUMMARY**

**A - HB 2814, Written testimony, Rep. Lee Beyer, 3 pp.**

**B - HB 2814, Written testimony, Jim Mann, 1 p.**

**C - HB 2814, Written testimony, Sandra Bishop, 1 p.**

**D - HB 2814, Written testimony, Richard Benner, 1 p.**

**E - HB 2814, Written testimony, Marilyn Reeves, 1 p.**

**F - HB 2814, Written testimony, Scott Exo, 2 pp.**

**G - HB 2814, Written testimony, Art Schlack, 1 p.**

**H - HB 2814, Faxed testimony, Committee Staff, 16 pp.**