

HOUSE COMMITTEE ON ENVIRONMENT AND ENERGY

May 23, 1997 Hearing Room E

1:00 P.M. Tapes 104 - 105

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: SB 1148A Public Hearing

HB 2780 Work Session

HB 3459 Work Session

SB 196A Work Session

SB 360 Work Session

SB 379A Work Session

HB 2927 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 104, A		
003	Chair Lewis	Convenes meeting at 1:25 PM and opens public hearing on SB 1148A.
<u>SB 1148A</u> <u>PUBLIC</u> <u>HEARING</u>		

010	Sen. Wilde	State Senator, District 8. Explains need for bill. States support for bill and reasons for doing so.
030	Sen. Wilde	Explains need for bill. * need for Oregon Land Use Policy Task Force to consider various land use aspects * need to examine appeals process * lack of understanding of appeals process * expensive nature of appeals process * need for process to be more accessible to rural folks * restructuring of Land Use Board of Appeals (LUBA)
075	Sen. Wilde	Comments on controversial nature of bill.
080	Rep. Luke	States concern that making appeals process easier and more accessible to rural folks may create an increase in building and construction in rural areas.
095	Sen. Wilde	Submits and explains -A4 amendments (EXHIBIT A). * suggests deleting "4" on line 17 * discusses appointment confirmation process
135	Art Schlack	Land Use Specialist, Association of Oregon Counties (AOC). Expresses support for bill concept. Supports referring bill to Joint Legislative Committee on Land Use.
160	Rep. Welsh	Asks what composition of Joint Legislative Committee on Land Use is.
163	Schlack	Describes makeup of committee. States that committee is comprised of members from House Environment and Energy Committee and Senate Water and Land Use Committee. States that committee is staffed by Department of Land Conservation and Development (DLCD).
175	Rep. Welsh	Asks if SB 1148 is a duplication of an existing committee.
180	Schlack	Contrasts existing committee to SB 1148 proposed committee.
190	Rep. Shields	Asks the advantages of having existing joint committee address land use issues, rather than the proposed committee.
195	Schlack	Discusses advantages of having existing joint committee address issues.
208	Rep. Shields	States that existing joint committee is cheaper to operate than proposed committee.
215	Bob Rindy	Representative, Department of Land Conservation and Development. (EXHIBIT B) States concern that bill gives too much authority to regional committees that will be able to supersede local land use

		decisions. States support for current system.
235	Rep. Luke	Asks how much proposed changes will cost.
237	Rindy	States that bill could be very costly.
252	Rep. Lehman	Asks if bill will substantially alter land use system.
260	Rindy	States that bill would substantially change makeup of any states' land use system.
270	Scott Exo	Representative, 1000 Friends of Oregon. (EXHIBIT C) . States opposition to bill. Comments that bill adds another layer of bureaucracy
315	Phillip Fell	Representative, League of Oregon Cities. States concerns about bill. Comments that bill may create a structural change that could serve to increase the differences between eastern and western Oregonians. States opposition to language on page 1, lines 19-31 and on page 2, lines 1-2.
344	Chair Lewis	Closes public hearing on SB 1148A and opens work session on HB 2780.
<u>HB 2780</u> <u>WORK</u> <u>SESSION</u>		
362	Rep. Luke	Submits -1 amendments (EXHIBIT D) .
365	Jon Chandler	Representative, Oregon Building Industry Association. Discusses -1 amendments.
370	Rep. Luke	MOTION: Moves to ADOPT HB 2780-1 amendments dated 05/22/97.
	Chair Lewis	Hearing no objections, declares the motion CARRIES.
390	Rep. Luke	MOTION: Moves HB 2780 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Lewis	The motion CARRIES. REP. LUKE will lead discussion on the floor.
420	Chair Lewis	Closes work session on HB 2780 and opens work session on HB 3459.
<u>HB 3459</u> <u>WORK</u> <u>SESSION</u>		
<u>TAPE 105, A</u>		
005	Bob Hall	Representative, Portland General Electric (PGE). Submits -3 amendments (EXHIBIT E) . States support for amendments and reasons for doing so. Comments that others may have a problem with language in section 3 of amendments.
		Land Use Specialist, Association of Oregon Counties. States concern

025	Art Schlack	about section 7 of amendments, particularly the issue of easements. Discusses language on page 7, line 19 of amendments, regarding defective plats.
050	Rep. Luke	States support for moving bill today and dealing with Schlack's concerns in Senate chamber.
052	Rep. Fahey	Question need for bill to have an emergency clause.
053	Hall	States that -3 amendments remove emergency clause.
057	Jon Chandler	Representative, Oregon Building Industry Association. States support for amendments and dealing with technicalities on Senate side.
070	Rep. Luke	MOTION: Moves to ADOPT HB 3459-3 amendments dated 05/23/97.
	Chair Lewis	Hearing no objection, declares the motion CARRIED.
073	Rep. Luke	MOTION: Moves HB 3459 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Lewis	The motion CARRIES. REP. LEHMAN will lead discussion on the floor.
085	Chair Lewis	Closes work session on HB 3459 and opens work session on SB 196A.
<u>SB 196A</u> <u>WORK</u> <u>SESSION</u>		
087	Pat Zwick	Policy Analyst submits -A2 amendments (EXHIBIT F).
088	Rep. Luke	MOTION: Moves to ADOPT SB 196-A2 amendments dated 05/12/97.
	Chair Lewis	Hearing no objection, declares the motion CARRIED.
095	Rep. Luke	MOTION: Moves SB 196A to the floor with a DO PASS AS AMENDED recommendation.
102	Keith Bartholomew	Representative, 1000 Friends of Oregon. States support for -A2 amendments.
		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Lewis	The motion CARRIES. REP. SHIELDS will lead discussion on the floor.
120	Chair Lewis	Closes work session on SB 196A and opens work session SB 360.
<u>SB 360</u> <u>WORK</u> <u>SESSION</u>		

125	Rep. Luke	MOTION: Moves SB 360 to the floor with a DO PASS recommendation.
		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Lewis	The motion CARRIES. REP. WELSH will lead discussion on the floor.
142	Chair Lewis	Closes work session on SB 360 and opens work session on SB 379A.
<u>SB 379A</u> <u>WORK</u> <u>SESSION</u>		
150	Pat Zwick	Policy Analyst submits -A2 amendments (EXHIBIT G).
168	Blair Batson	Representative, 1000 Friends of Oregon. (EXHIBIT H). States opposition to bill and provides reasons for doing so. Comments that bill is too broad and diminishes effect of current land use laws. Discusses concerns about -A2 amendments.
220	Bob Rindy	Representative, Department of Land Conservation and Development. (EXHIBIT I). States concern that bill would create a land use system that is non-enforceable. States position on -A2 amendments. Comments on vagueness of bill language.
275	Rep. Shields	States concern about ability to enforce land use system proposed by bill.
275	Rindy	Affirms Rep. Shields comment.
304	Rep. Welsh	Provides anecdotal evidence in opposition to Rindy's argument that system is non-enforceable.
320	Rep. Luke	Provides anecdotal evidence in opposition to Rindy's argument that system is non-enforceable.
335	Rep. Lewis	Discusses Forest Practices Act and states that most people are in a forest related assessment program. Comments that Oregon Department of Forestry enforces program.
370	Rindy	Provides anecdotal evidence in opposition to bill.
375	Chair Lewis	States that the frustration is with landowners, and that it is offensive to have a state agency tell owners that the only reason they own land is to rent to dwellers.
410	Rindy	States that the bill and -A2 amendments do not guarantee forest owners will not use land solely for renting.
435	Rep. Simmons	Asks what Rindy would think if the minimum parcel size was 80 acres on west side of state and 160 acres on east side of state.
445	Rindy	States that adjustment would improve bill.
<u>TAPE 104, B</u>		
008	Rep.	States concern about bill.

	Simmons	
016	Rep. Shields	Provides anecdotal evidence and states position on bill.
038	Ann Hanus	Representative, Oregon Department of Forestry (ODF) (EXHIBIT J) . States concern that bill would allow many homes to be built on Oregon's most productive lands. Comments that bill may help some small woodland owners, but it will negatively impact majority of woodland owners. Discusses HB 3661 and contrasts to SB 379. States support for current land use laws relating to issue.
080	Hanus	Discusses Oregon's demographic trends relating to timber management.
110	Rep. Welsh	Discusses population growth in Oregon. Comments on respect for ODF but states concern that perhaps issue has been overstated.
145	Hanus	States concern that bill will create many new homes and associated fire protection problems.
160	Chair Lewis	Comments that ODF may be discounting the value of small woodland owners and only representing large forest corporations.
177	Hanus	Affirms Rep. Lewis' comment and acknowledges contributions of small woodland owners.
200	Rep. Luke	Comments that 85 % of land in Deschutes County is federally owned. States opposition to any additional land being removed from private interests.
212	Dave Babbitts	Representative, Oregon Small Woodlands Association (OSWA). States that OSWA has felt left out of discussions in the past. Comments that DLCDC, ODF, and the Governor's office have not been inclusive.
230	Joanne VanNatta	"Oregon Tree Farmer of the Year, 1996". Discusses history of family tree farm. States support for bill and states belief that private property owners have a right to utilize land in any way deemed responsible.
300	Rep. Simmons	Asks if bill abolishes current minimum lot sizes.
315	Charles Swindells	Representative, 1000 Friends of Oregon. Explains land use laws relating to issue.
340	John Foster	Introduces himself as a tree farmer from Estacada, Oregon. States that 5000 board feet of old growth constitutes a log truck load.
365	Rep. Luke	States concern that it is difficult to take large amounts of timber off of small acreage lots.
375	Foster	Affirms Rep. Luke's comment.
410	Kevin Birch	Representative, Oregon Department of Forestry. Contrasts board foot measurements to cubic foot measurements.
445	Rep. Shields	Asks if home builders are interested in bill.
TAPE 105, B		
018	Rep. Welsh	MOTION: Moves to ADOPT SB 379-A2 amendments dated 05/23/97.

020	Rep. Shields	Objects to motion. States that amendments are too vague.
		VOTE: 5-2 AYE: 5 - Lehman, Luke, Simmons, Welsh, Lewis NAY: 2 - Fahey, Shields
	Chair Lewis	The motion CARRIES.
025	Rep. Welsh	MOTION: Moves SB 379A to the floor with a DO PASS AS AMENDED recommendation.
030	Rep. Shields	States concern that bill makes many small tracts throughout state buildable.
040	Rep. Simmons	States support for amending bill to create an 80 acre minimum for building.
055	Rep. Lehman	States support for bill concept but reserves right to vote "no" on House floor.
060	Rep. Welsh	Withdraws motion.
069	Chair Lewis	Closes work session on SB 379A and opens work session on HB 2927.
<u>HB 2927</u> <u>WORK</u> <u>SESSION</u>		
075	Rep. Luke	MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote on HB 2927.
		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Lewis	The motion CARRIES.
080	Rep. Luke	MOTION: Moves to RECONSIDER the vote by which HB 2927 was passed to the floor AS AMENDED with a DO PASS recommendation.
		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Lewis	The motion CARRIES.
100	Pat Zwick	Policy Analyst submits written testimony (EXHIBIT K), (EXHIBIT L), and (EXHIBIT M) for the record.
105	Chair Lewis	Closes work session on HB 2927 and adjourns meeting at 2:58 PM.

Submitted By, Reviewed By,

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Transcribed By,

Paul Zolezzi,

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EXHIBIT SUMMARY

A - SB 1148 proposed amendments, Sen. Thomas Wilde, 1 p.

B - SB 1148 written testimony, Bob Rindy, 1 p.

C - SB 1148 written testimony, Scott Exo, 4 pp.

D - HB 2780 proposed amendments, Rep. Dennis Luke, 1 p.

E - HB 3459 proposed amendments, Bob Hall, 7 pp.

F - SB 196 proposed amendments, staff, 1 p.

G - SB 379 proposed amendments, staff, 1 p.

H - SB 379 written testimony, Blair Batson, 13 pp.

I - SB 379 written testimony, Bob Rindy, 1 p.

J - SB 379 written testimony, Ann Hanus, 7 pp.

K - SB 379 written testimony, staff, 4 pp.

L - SB 1148 written testimony, staff, 5 pp.

M - SB 1148 written testimony, staff, 11 pp.