

HOUSE COMMITTEE ON ENVIRONMENT AND ENERGY

SUBCOMMITTEE ON PARKS

June 3, 1997 Hearing Room D

1:00 P.M. Tapes 28 - 29

MEMBERS PRESENT: Rep. Mark Simmons, Chair

Rep. Michael Fahey, Vice-Chair

Rep. Mike Lehman

Rep. Leslie Lewis

MEMBER EXCUSED: Rep. Jim Welsh

STAFF PRESENT: Pat Zwick, Policy Analyst

Marjorie Taylor, Administrative Support

MEASURE/ISSUES HEARD: HB 2924 Public Hearing and 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 28, A		
003	Chair Simmons	Calls the meeting to order at 1:30 p.m.
<u>HB 2924</u>		
<u>PUBLIC</u>		
<u>HEARING</u>		
004	Chair Simmons	Opens public hearing on HB 2924. Discusses the -2 amendments to HB 2924. (EXHIBIT A)
014	Dick Benner	Department of Land Conservation and Development. Supportive of the concept of what State Parks is trying to accomplish. Anxious to ensure that it would accommodate existing procedures as much as possible, and also respects some of the important interests that are in the planning program. This amendment was put together fairly quickly, and it could probably use more work. The Department will examine this closely to ensure that it is complete.

043	Benner	Typically, there is a 120 day time limit for cities and counties to make certain kinds of land use decisions. A 150 day time limit has been applied in this case. Want to ensure that this is appropriate. State Parks has been frustrated in the past by local governments who have chosen not to act on a master plan. That is unfair to State Parks. These amendments say that once State Parks submits a plan to a local government, that local government must act within 150 days or else the uses in the master plan would be deemed approved. If a county chooses not to act because it wants those uses to be approved, but does not want to go through a public process, it is possible that the county making that choice could frustrate the public process. It is not a regular practice. There are other possible scenarios that must be considered as this measure goes through the legislative process.
070	Benner	DLCD wants to ensure that any role assigned to the department is an appropriate role. The roles ascribed to the commission are appropriate, but there was discussion as having the commission act as the arbiter of disagreements between a local government and State Parks. There need to be appropriate opportunities for public involvement. As State Parks develops its master plan, there will be opportunities for public involvement. As the plan then proceeds through the local level, there will be additional opportunities for public involvement.
087	Chair Simmons	Comments on the participation of the department in the drafting of this amendment.
092	Chair Simmons	Closes public hearing on HB 2924.
<u>HB 2924</u> <u>WORK</u> <u>SESSION</u>		
093	Chair Simmons	Opens work session on HB 2924.
106	Bob Meinen	Director, Oregon Parks and Recreation Department. Reviews the -2 amendments. These amendments define the rules which need to be adopted, and outlines the public involvement and coordination with affected local governments. The intent is to make sure that the master planning process is known, public, on record, and is set up and moves forward.
121	Chair Simmons	Asks if the master planning process is already in statute.
123	Meinen	Yes. This is basically the state code, with further defining of the intent of public involvement and coordination with local government.
132	Meinen	Reviews the -2 amendments.
		State Parks Department. The directive that would be given to the Director,

138	Nan Evans	and to the Parks Commission, is submitting the master plan to the local government for their adoption into their local comprehensive plan.
144	Meinen	Continues review of -2 amendments.
172	Chair Simmons	Asks if ORS 215.296 and 215.730 are related to agriculture.
174	Benner	For ORS 215.296, yes. ORS 215.730 contains the fire standards that were added to the statute in HB 3661 (1993 Session), having to do with new uses in forest zones and standards about the siting of structures to protect against fire.
184	Meinen	Continues review of -2 amendments.
190	Chair Simmons	Asks if this is in event of changes by the county to the master plan.
192	Meinen	Yes. This gives State Parks an opportunity to have an appeal process. Trying to limit dispute resolution to 90 days.
211	Meinen	Continues review of -2 amendments.
226	Chair Simmons	Asks if there has been difficulty in siting yurts.
229	Meinen	True. There were several issues which have arisen. There are siting and building permit issues. Have taken this to the state level for uniform review under the Uniform Building Code (UBC). Were successful last week getting through a uniform review by the Board of Standards.
251	Evans	Brings uniformity to how state parks are treated from a zoning perspective. Would allow a single state park zone, and then later the legislature would direct specific allowable uses within that zone.
261	Chair Simmons	Asks if there is a dispute resolution process if the State Parks Director objects to a state park master plan.
274	Meinen	There were some changes made, defers to Mr. Benner.
278	Benner	When this was first discussed, the matter would go to DLCD for resolution if mediation was unsuccessful. DLCD was concerned that this could overwhelm the commission with disputes. Decided to provide for dispute resolution and not ask DLCD to resolve disputes which could not be solved. If there were to be a dispute over a county park, it would be just as eligible for dispute resolution as any other dispute. Therefore, this issue probably doesn't need special attention. Department is still trying to understand the implications of including counties in this measure. There continues to be reservations about this.
300	Chair Simmons	Comments that there was change from what had been discussed earlier.
	Rep.	

310	Fahey	Asks if this service has to be provided, or can they give a consideration.
312	Benner	DLCD does not provide dispute resolution services, but it does provide grants. Grants are made to local governments, who use those funds to hire an expert. The expert does the dispute resolution.
323	Meinen	Continues review of -2 amendments.
349	Benner	Reviews Section 7 of the -2 amendments.
356	Meinen	Continues review of -2 amendments.
TAPE 29, A		
006	Rep. Lewis	Asks if Section 9 means that there are no exceptions that local governments would have to adopt.
010	Benner	That is probably the case, but it is conceivable that State Parks, in a master plan, would propose a use, such as a hotel or stadium, which would implicate other goals. What Section 9 does is say that for the uses that are going to specified, if the master plan includes those uses only, then it would not have to take an exception from goals 3 or 4.
024	Meinen	Continues review of -2 amendments.
039	Rep. Lewis	Asks if the uses are optional
048	Evan	Section 9(5) directs the subject to county parks, defers to Mr. Schlack.
050	Art Schlack	Representing the Association of Oregon Counties. 5(a) deals with the applicability of these rules to county parks. It has been discussed that as the commission looks at rules for state parks, it would also look at the development of rules from county parks.
067	Benner	Rep. Lewis may be referring to the land use model. DLCDC must authorize the uses in subsection 3, but that doesn't mean that State Parks has to authorize those uses in every master plan.
075	Rep. Lewis	Asks if the planning and development of private parks would still have to go through normal land use planning procedures, including taking exceptions to goals 3 and 4.
082	Benner	Yes, it is important to note that parks are currently authorized as conditional uses in farm and forest zones.
087	Chair Simmons	Asks what "resource based activities" could include.
092	Evans	Basically refers to activities that exist because there is a resource in the land base that allows that activity. The gardens at Shore Acres are an example. Activities that are not resource based, are activities that do not require or depend on a particular kind of resource.
107	Chair Simmons	Comments that other states have state parks which include golf courses. Asks if this list precludes golf courses.
109	Meinen	No, it doesn't preclude them. There are golf courses in local and county parks.

117	Chair Simmons	Asks if it would be permitted.
118	Meinen	Golf courses, in this particular case, could be under Section 9 - 3(e) or 3(f).
122	Rep. Lewis	Comments that golf courses are allowed in EFU zones under some circumstances.
124	Benner	The commission would not see golf courses as an other use, and would probably not include them in the rules. Currently, golf courses are not authorized by DLCD rules on high value farmland. The commission could include golf courses on the list, but not for high value farmland.
138	Chair Simmons	Comments that this activity should not be precluded.
143	Rep. Lewis	Comments that golf courses on state parks would be a potential money making activity for the department. Statute does not preclude golf courses from high value farmland, only the rule-making process does.
158	Rep. Lehman	Comments that golf courses could be a component of the privatization of parks in certain locations.
172	Rep. Fahey	There are many activities, in addition to golf, which could be put into a park setting, that could generate revenue.
181	Chair Simmons	Many different parties have worked very hard in drafting this measure.
184	Rep. Lewis	Asks what type of direction is required from this body.
189	Benner	It would be of concern if golf courses were added specifically to the measure. If it is left the way it is, the subject could be addressed by the commission.
207	Rep. Lehman	Agrees with Mr. Benner.
212	Chair Simmons	Comments on the discussion regarding golf courses.
224	Rep. Lewis	Comments that she would not agree to stating that golf courses can only go on non-high value land. Believes that portion of DLCD rules will be overturned by the courts.
233	Chair Simmons	The intent is not to preclude golf by these statutes.
238	Rep. Lehman	Comments that this can be addressed on the floor.
241	Meinen	Continues review of -2 amendments.
		Section 9A tells DLCD to adopt rules within 120 days from the time that the

260	Benner	recommendation is received from State Parks. It may be necessary to amend goal 8, the recreation goal, in order to adopt the rules. If that becomes necessary, it may not be possible to do this within the 120 days because there are special provisions in statute which apply to goal amendments. It would work if it were 150 days rather than 120 days.
275	Meinen	State Parks has no problem with that. Would advocate that the sunset clause on the proposed list would be extended.
292	Rep. Lewis	MOTION: Moves to AMEND HB 2924-2 Amendments dated 06/03/97, on page 4, in line 18, delete "November 30, 1997," and insert "April 30, 1998".
	Chair	Hearing no objection, declares the motion CARRIED.
297	Meinen	Continues review of -2 amendments.
311	Rep. Lewis	Points out that the date of repeal on page 7, line 24, will need to be changed.
320	Benner	There is a question raised by Section 10 (1) regarding master plans which are already in place, and whether or not they would be grandfathered in without going through the process.
342	Meinen	Believes there is an intent to pick up some of the master plans that are in process currently, that are using many of the standards which are advocated. There is an intent not to force things on local governments that they have not had a chance to participate in. There are master plans which have had a great deal of work done already. There may be a way to go back and recapture those and have an abbreviated process.
392	Chair Simmons	Asks the age of the oldest master plan.
TAPE 28, B		
003	Meinen	There are master plans that are about 10 years old that have not followed the processes, and Parks would not advocate that those be included. Feel that the processes have evolved, and starting with the Gorge plan, initiated in 1992, to date, the master plans have followed many of the processes which have been adopted.
008	Chair Simmons	Suggests grandfathering in the plans from the last 5 years.
012	Chair Lewis	Asks what would happen to those plans when the DLCD rules go into affect .
028	Benner	DLCD does not want State Parks to have to redo the master plan which they have already completed. More interested in having them go through the local planning process. This section could provide that those master plans already adopted by State Parks can be submitted to local governments at anytime without going back through the process.
		Suggests that the Silver Falls, Fort Stevens, and Gorge plans be submitted

036	Schlack	immediately to local government for inclusion in the comprehensive plan.
046	Evans	Asked the master planning staff to identify which parks met the substantive requirements of the local review process, and would be adopted. Their list included Fort Stevens, Champeog, Silver Falls, Pilot Butte, Collier State Parks, Banks/Vernonia, Sumpter Valley Dredge, and Illinois River, and in addition South Beach, and the Columbia Gorge State Parks, which are under development. For the ones that have not been submitted or adopted, Parks could submit them immediately.
064	Chair Simmons	Asks if the intent is to name the individual parks, which would be exempted, rather than indicating a date.
067	Meinen	State Parks would be comfortable with naming the parks or a date.
080	Rep. Lehman	Comments that the list of parks which already have master plans in effect are all large, heavily used parks. Asks the impact of the Parks Department having to develop a master plan on small parks.
087	Meinen	Assumes the Representative is referring to Erratic Rock Park. Where there are small parks, the department has been trying work with the local areas, and put several of the smaller parks together. That was part of the reason behind assembling the Columbia Gorge master plan.
107	Rep. Lewis	For those plans that already went through a decent master planning process, all that is needed is to get those plans submitted to local government. Unsure how to include this in the measure.
117	Chair Simmons	There would need to be an exception for those state parks which were named.
120	Meinen	Recommend that the department be allowed to work out language to bring before the full committee.
124	Rep. Lehman	Asks if it would be appropriate to designate those parks which already have a master plan in place as the lowest priority to be reviewed under this new law.
130	Meinen	Asks for intent of "lowest priority."
131	Rep. Lehman	Intend that master plans would be developed for everything else, before having to worry if those plans need to be reviewed or redone.
132	Chair Simmons	May depend on the renovation plans.
135	Meinen	When priorities were given, the issues of health and safety are considered. Need to continually refine the list.
152	Rep. Fahey	Asks what is included in the master plan, and if the county can deny access to a site.
161	Meinen	Those hurdles which need to be overcome are identified early in the process. The big issues that need to be addressed with local government are access, water, sewer, and other principle service points. One of the key issues is adequate access. Part of the consideration is usually the upgrade of a road.

199	Rep. Fahey	Asks what would happen if there was a dispute with the county.
203	Meinen	There would be an appeal to DLCD, and if necessary, civil court.
210	Rep. Lewis	Asks if the appeal is to LUBA rather than DLCD.
211	Meinen	Yes, stands corrected.
212	Rep. Lewis	Asks if this could be potentially appealed by other parties.
219	Meinen	Currently, there is an issue over access.
227	Meinen	Continues review of -2 amendments.
235	Chair Simmons	Comments that language regarding which parks could be grandfathered in is needed the next day.
247	Rep. Lewis	MOTION: Moves to ADOPT HB 2924-2 amendments as conceptually amended dated 06/03/97.
	Chair	Hearing no objection, declares the motion CARRIED.
253	Rep. Lewis	MOTION: Moves HB 2924 to the full committee with a DO PASS AS AMENDED recommendation.
		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Welsh
	Chair	The motion CARRIES.
265	Chair Simmons	Closes work session on HB 2924.
267	Chair Simmons	Adjourns meeting at 2:50 p.m.

Transcribed By, Reviewed By,

Rebecca M. Scott, Pat Zwick,

Administrative Support Policy Analyst

EXHIBIT SUMMARY

A - HB 2429, -2 Amendments dated 06/03/97, Rep. Mark Simmons, 7 pp.