

SENATE COMMITTEE ON WATER AND LAND USE

May 29, 1997 Hearing Room C

8:00 AM Tapes 106 - 107

MEMBERS PRESENT:

Sen. Veral Tarno, Chair

Sen. Bob Kintigh, Vice-Chair

Sen. Ginny Burdick

Sen. Ted Ferrioli

Sen. Bill Fisher

Sen. David Nelson

MEMBER EXCUSED: Sen. Thomas Wilde

STAFF PRESENT:

Mark Volmert, Administrator

Nancy Masee, Administrative Support

MEASURE/ISSUES HEARD:

SB 619 Work Session

HB 2021 Public Hearing and Work Session

HB 2389 Public Hearing and Work Session

SB 1137 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 106, A		
003	Chair Tarno	Opens meeting at 8:07 AM, and opens work session on HB 2021.
<u>HB 2021</u> <u>PUBLIC</u>		

<u>HEARING</u>		
012	Rep. Larry Sowa	District 26, gives background on HB 2021. Says this bill considers nonconforming uses in place before land use planning. These uses have had added restrictions by the county to the detriment of their business.
030	Rep. Sowa	Describes the -6 amendments in B-Engrossed version of HB 2021. These amendments say that the county has to look back only 10 years to make sure it is a nonconforming use. (EXHIBIT A)
047	Sen. Kintigh	Asks if this allows to remodel and maintain only, or expand.
048	Rep. Sowa	Says allows expansion through a hearings process but does not require a full blown process for small expansions.
056	Sen. Burdick	Asks about size of expansion in the bill.
060	Rep. Sowa	Says page 2, lines 12 through 15, allow administrative decision without public hearing. 1000 Friends of Oregon did not oppose this.
073	Rep. Sowa	Says there was no opposition on the B-Engrossed bill.
076	Sen. Fisher	Asks how the 10 year rule affects persons who go back further.
078	Rep. Sowa	Says the county does not go back more than ten years. They only have to prove they have been there ten years, even if they have been there much longer.
090	Chair Tarno	Asks for more discussion on HB 2021. Hearing none, closes public hearing on HB 2021 and opens work session on HB 2021.
<u>HB 2021 WORK SESSION</u>		
095	Sen. Kintigh	MOTION: Moves to ADOPT HB 2021-6 amendments dated 5/23/97.
096	Chair Tarno	Hearing no objection, declares the motion CARRIED.
097	Sen. Kintigh	MOTION: Moves HB 2021 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Wilde
102	Chair Tarno	The motion CARRIES. SEN. KINTIGH will lead discussion on the floor.
112	Chair Tarno	Closes work session HB 2021, and opens public hearing on HB 2389.

<u>HB 2389 PUBLIC HEARING</u>		
114	Rep. George Eighmey	District 14, explains HB 2389. Changes the title of the current Chief Hearings Referee to Administrative Law Judge in Land Use Board of Appeals (LUBA) which more accurately reflects their responsibility.
140	Chair Tarno	Asks for any further discussion on HB 2389.
141	Chair Tarno	Closes public hearing on HB 2389, and opens work session on HB 2389.
<u>HB 2389 WORK SESSION</u>		
142	Sen. Nelson	MOTION: Moves HB 2389 to the floor with a DO PASS recommendation.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Wilde
144	Chair Tarno	The motion CARRIES. SEN. NELSON will lead discussion on the floor.
145	Chair Tarno	Closes the work session on HB 2389, and opens work session on SB 619.
<u>SB 619 WORK SESSION</u>		
150	Mark Volmert	Committee Administrator, gives background on SB 619.
155	Chair Tarno	Asks about the -2 proposed amendments. (EXHIBIT B)
156	Volmert	Says the -2 amendments replace the original bill, and describes the amendments.
200	Sen. Burdick	Explains the department's fiscal impact projection.
206	Bob Rindy	Department of Land Conservation and Development (DLCD). Supports the -2 amendments to SB 619. The department does want the study in the bill.
214	Chair Tarno	Asks if the fiscal is insignificant with the study.
218	Sen. Ferrioli	Asks about the provisions for pressures included in urban growth boundary (UGB).
		Says the lands surrounded by UGB or by other lower quality lands can

234	Rindy	bring in up to 80 acres under current version of the bill.
243	Sen. Ferrioli	Says the 1000 Friends had problems earlier that have been resolved in regards to urbanization of farmland within UGB.
252	Sen. Burdick	Says the bill was designed to recognize prime and unique soils are special but there are other considerations to take into account in urbanization.
280	Sen. Kintigh	Asks about Multnomah County nurseries, asks if they will be prohibited with this bill. Their soils are suited to nurseries.
288	Rindy	Says this bill only affects potential land coming into the boundary. It should not make it any harder to operate.
295	Sen. Nelson	Asks about page 2 of the -1 amendments, asks if the soils in eastern Oregon are under consideration.
302	Rindy	Says that provision probably would not come into affect in eastern Oregon.
313	Gary Conkling	Genstar and Sisters of St. Marys. Says the amendments are acceptable except for section 3 which would prevent the Sisters of St Marys from being added to the UGB in the next two years. Metro's last three years of work in urban reserve would be wiped out. Section three as written has an impact on St. Mary's property and does not recognize adding lands to an urban reserve reflecting that they are appropriately designated.
323	Jon Chandler	Oregon Building Industry Association (OBIA). Supports bill except for section 3. Metro is the only district looking at UGB expansion presently.
375	Chair Tarno	Asks committee what they want to do with this bill.
387	Chair Tarno	Says that prime farmland has to be saved.
397	Sen. Ferrioli	Says farmland and farm use has to be kept in perspective. Says Class 1 and Class 2 soils are being protected wisely.
TAPE 107A		
002	Sen. Kintigh	Disagrees with Sen. Ferrioli. Says that good farmland is being gobbled up.
021	Sen. Burdick	Says this bill is a safety measure in the Metro area.
028	Sen. Nelson	Asks if there was a reason that eastern Oregon was excluded.
028	Sen. Burdick	This bill provides protection of land on which the highest urbanization pressure is being exerted.
035	Chair Tarno	Asks for any further discussion. Hearing none, asks for a motion.
036	Sen. Burdick	MOTION: Moves to ADOPT SB 619-2 amendments dated 5/21/97.
		VOTE: 5-1

		AYE: 5 - Burdick, Ferrioli, Kintigh, Nelson, Tarno NAY: 1 - Fisher EXCUSED: 1 - Wilde
037	Chair Tarno	The motion CARRIES.
038	Sen. Burdick	MOTION: Moves SB 619 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-1 AYE: 5 - Burdick, Ferrioli, Fisher, Kintigh, Tarno NAY: 1 - Nelson EXCUSED: 1 - Wilde
040	Chair Tarno	The motion CARRIES. SEN. BURDICK will lead discussion on the floor.
041	Chair Tarno	Closes work session on SB 619, and recesses at 8:40 AM until 8:45 AM.
084	Chair Tarno	Reconvenes at 8:55 AM, and opens work session on SB 1137.
<u>SB 1137 WORK SESSION</u>		
087	Jon Chandler	Oregon Building Industry Association (OBIA), -9 amendments presented to SB 1137 as two separate issues: (1) ongoing viability of land use rules, and (2) concerns about growth that is too rapid. The -9 amendments allow any jurisdiction currently voting on annexation to continue. Says the governor has promised to convene a task force to study the costs and benefits of growth. (EXHIBIT C)
119	Phil Fell	League of Oregon Cities, agrees with the -9 amendments. Favors the local right to vote. Says apportionment of costs and benefits of growth during the interim will be studied.
146	Sen. Kintigh	Says the cities will rush to annex so that they can vote to get what they want.
152	Chair Tarno	Says the state has a responsibility to meet the growth needs in specific areas of the state.
	Chair Tarno	Asks the committee about the -9 amendments.
154	Sen. Burdick	MOTION: Moves to ADOPT SB 1137-9 amendments dated 5/29/97.
		VOTE: 5-1

		AYE: 5 - Burdick, Ferrioli, Fisher, Nelson, Tarno NAY: 1 - Kintigh EXCUSED: 1 - Wilde
156	Chair Tarno	The motion CARRIES.
158	Sen. Burdick	MOTION: Moves SB 1137 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-2 AYE: 4 - Burdick, Ferrioli, Fisher, Tarno NAY: 2 - Kintigh, Nelson EXCUSED: 1 - Wilde
160	Chair Tarno	The motion CARRIES. SEN. BURDICK will lead discussion on the floor.
161	Chair Tarno	Adjourns meeting at 9:00 AM.

Submitted By, Reviewed By,

Nancy Masee, Mark Volmert,

Administrative Support Administrator

EXHIBIT SUMMARY

A - HB 2021, -6 amendments, staff, 1 p

B - SB 619, -2 amendments, staff, 1 p

C - SB 1137, -9 amendments, staff, 1 p
