

HOUSE COMMITTEE ON  
NATURAL RESOURCES  
SUBCOMMITTEE ON ENERGY & ENVIRONMENT

Hearing Room  
Tapes - 39

MEMBERS PRESENT:  
Rep. Leslie Lewis, Chair  
Rep. Lisa Naito, Vice-Chair  
Rep. Bill Fisher  
Rep. Dennis Luke  
Rep. Chuck Norris  
Rep. Terry Thompson  
Rep. Judy Uherbelau

STAFF PRESENT:  
Mark Bauer, Committee Administrator  
Sandy Ceballos, Committee Assistant

MEASURES HEARD:  
HB 2782 PUBLIC HEARING

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE , A

005 CHAIR LEWIS: Calls the meeting to order at 1:37 PM.

051 Opens PUBLIC HEARING on HB 2782

Witnesses:

Kelly Ross, Oregon Assn. of Realtors  
Laurel Prairie-Kuntz, Assistant Director of Planning, Jackson County  
Bob Rindy, Department of Land Conservation and Development  
Charles Swindells, 1000 Friends of Oregon  
Stuart Carson, Legal Intern for Oregonians in Action  
Arthur J. Schlack, Assn. of Oregon Counties

052 MARK BAUER, COMMITTEE ADMINISTRATOR: Summarizes HB 2782.

070 KELLY ROSS, OREGON ASSN. OF REALTORS: Testifies in support of HB 2782.

(EXHIBIT A)

120 -Continues to testify in support of HB 2782.

170 -Continues to testify in support of HB 2782.

197 -Clarifies changes to HB 2782 to REP. UHERBELAU.

217 REP. UHERBELAU: Comments on correctly applying land use laws.

235 ROSS: Responds regarding applicants being able to appeal.

251 -Responds to REP. THOMPSON regarding frequency of this problem reoccurring.

264 REP. FISHER: Is there room for a little punitive language in here.

265 ROSS: Open to suggestion.

286 -Responds to REP. NAITO regarding how the process works.

294 REP. UHERBELAU: Comments regarding how the statutes do not prevent LCDC from doing anything.

326 LAUREL PRAIRIE-KUNTZ, ASSISTANT DIRECTOR OF PLANNING, JACKSON COUNTY: Testifies in support of HB 2782.

TAPE 39, SIDE A

046 REP. LUKE: Did Jackson County believe that they were enforcing the land use laws as they were intended to be enforced?

053 Prairie-Kuntz: "Absolutely." Continues with explanation.

071 REP. LUKE: You were told by LCDC that you were not to assist citizens  
in this process?

Prairie-Kuntz: Explains.

093 REP. LUKE: Asks for clarification on retroactive portion of HB 2782.

097 Prairie-Kuntz: Responds.

101 REP. NORRIS: What did LCDC think you were doing wrong that you thought  
you were doing right?

104 Prairie-Kuntz: Outlines the allegations with which Jackson County was  
charged.

116 REP. UHERBELAU: Where were you told that you had to stop assisting the  
citizens.

136 Prairie-Kuntz: Responds.

152 REP. NAITO: Even if citizens aren't raising issues, it's the Planning  
Departments job to see that the land use laws are being obeyed..

186 REP. LUKE: Clarifies county planning rules.

174 BOB RINDY, DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT: Speaks in  
opposition to HB 2782.

208 -Does not want the provisions of HB 2782 to be made retroactive.

245 REP. LUKE: If LCDC had never made these provisions retroactive (in the  
past), why did they do so in this instance.

250 RINDY: Responds.

263 REP. LUKE: Do you believe that in going retroactive that you have taken  
value away from that person?

RINDY: Responds.

274 REP. UHERBELAU: Asks for clarification regarding these 195 approvals.

RINDY: Responds.

282 CHAIR LEWIS: Asks if it is now a State law that the time limit is two  
years.

RINDY: Responds "yes" it was adopted in the 1993 Legislative Session.

285 CHARLES SWINDELLS, 1000 FRIENDS OF OREGON: Testifies in opposition to  
HB 2782. (EXHIBIT B)

TAPE 38, SIDE B

040 SWINDELLS: Continues to testify in opposition to HB 2782.

070 STUART CARSON, LEGAL INTERN FOR OREGONIANS IN ACTION: Speaks in support  
of HB 2782. ( EXHIBIT C)

120 ARTHUR J. SCHLACK, ASSN. OF OREGON COUNTIES: Speaks in support of HB  
2782. In resource zones, a permit has a total life of three years.

163 REP. LUKE: Do you support the amendments?

165 SCHLACK: Concurs.

169 CHAIR LEWIS: Do you know what prior to 1993 what the practices were  
in terms of time limits.

170 SCHLACK: States practices varied greatly.

181 CHAIR LEWIS: Was that changed in HB 3661?

SCHLACK: "Yes."

190 REP. UHERBELAU: Asks how many of applications were approved after Judge  
Deneke's order in December.

200 PRAIRIE-KUNTZ: Responds.

234 REP. UHERBELAU: Continues.

241 PRAIRIE-KUNTZ: Responds.

256 Closes PUBLIC HEARING on HB 2782

Opens WORK SESSION on HB 2782

259 MOTION: REP. LUKE: Moves to adopt the conceptual amendments to HB 2782

as submitted by Kelly Ross. (EXHIBIT D)

265 KELLY ROSS: Explains the conceptual amendments.

299 CHAIR LEWIS: Hearing no objection, the amendments are ADOPTED.

304 MOTION: REP. LUKE: Moves to adopt the HB 2782-1 amendments. (EXHIBIT E)

CHAIR LEWIS: Hearing no objection, the amendments are ADOPTED.

321 MOTION: REP. LUKE: Moves HB 2782 as amended by dash 1 and conceptual amendments to the full committee with a DO PASS recommendation.

332 REP. NORRIS: Would like to see the bill as LC completed

346 SUE HANNAH, LEGISLATIVE COUNCIL: Responds the amendments have been seen and approved.

379 REP. NORRIS: Withdraws his objections.

385 REP. NAITO and REP. LUKE: Discusses HB 2782.

479 REP. LUKE: Got permits in good faith.

418 REP. UHERBELAU: Discusses HB 2782.

452 CHAIR LEWIS: There is a contract. The Legislators are here to uphold the laws.

TAPE 39, B

VOTE: 6-1  
AYE: Fisher, Luke, Norris, Thompson, Uherbelau, Lewis  
NAY: Naito

CHAIR LEWIS: The motion CARRIES.

049 Meeting adjourned.

Submitted by, Reviewed by,

Sandy Ceballs Mark Bauer  
Committee Assistant Committee Administrator

EXHIBIT LOG:

A - Testimony on HB 2782, Kelly Ross, 5 pages  
B - Testimony on HB 2782, Charles Swindells, 4 pages  
C - Testimony on HB 2782, Stuart Carson, 3 pages  
D - Proposed conceptual amendment to HB 2782, Kelly Ross, 1 page  
E - Proposed HB 2782-1 amendment, staff, 4 pages