

HOUSE COMMITTEE ON
NATURAL RESOURCES
SUBCOMMITTEE ON ENERGY & ENVIRONMENT

Hearing Room
Tapes - 69

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 2785 Work Session
HB 3356 Work Session
HB 2561 Work Session
HB 3065 Work Session
HB 2709 Work Session

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 , SIDE A

008 CHAIR LEWIS: Calls meeting to order at 2:42 PM.

HB 2785 WORK SESSION

MARK BAUER, COMMITTEE ADMINISTRATOR: Submits staff measure summary, LC-1
and LC-2 amendments, fiscal and engrossed bill. (EXHIBIT A)

013 DICK ANGSTROM, OREGON CONCRETE & AGGREGATE PRODUCERS ASSOCIATION:
Supports the bill, it takes care of their concerns regarding wording.

049 REP. NAITO: Asks if they've discussed the amendments with the Division
of State Lands.

067 EARL JOHNSON, DIVISION OF STATE LANDS: The Division is satisfied with
the amendments

074 MOTION: REP. NAITO: Moves to adopt HB 2785 -1 dated 3/6/95 and HB 2785
-2 amendments dated 4/17/95.

VOTE: Hearing no objections, the motion CARRIES.

078 MOTION: REP. NAITO: Moves HB 2785 as amended to the full committee
with a DO PASS recommendation.

VOTE: In a roll call vote all members are present and vote AYE.

Closes the WORK SESSION on HB 2785.

HB 3356 WORK SESSION

095 MARK BAUER, COMMITTEE ADMINISTRATOR: Summarizes HB 3356.

107 ROY BURNS, INTERGOVERNMENTAL RELATIONS COORDINATOR, LANE COUNTY: There
are two counties this would effect, Washington County and Lane County.

119 RICHARD BENNER, DIRECTOR, OREGON DEPARTMENT OF LAND CONSERVATION AND
DEVELOPMENT: Speaks in opposition to HB 3356 from written testimony.
(EXHIBIT B)

161 REP. LUKE: Explains conditions in Deschutes County.

190 REP. UHERBELAU: Questions the language in Section 2. We are ust
talking about Washington and Lane counties.

MOTION: REP. NORRIS: Moves HB 3356 to the full committee with a DO

PASS

recommendation.

223 REP. NAITO: Speaks in opposition to HB 3356. Will not vote in favor.

232 REP. UHERBELAU: Comments on the testimony received on the gross income test. Can't vote for this because we are exempting out some high value farm land.

253 CHAIR LEWIS: Speaks in favor of the bill. Believes the \$80,000 income test is too high. Feels we should be encouraging people to get into farming.

VOTE: In a roll call vote REP. FISHER, LUKE, NORRIS, LEWIS vote AYE.

REP.

NAITO, THOMPSON, UHERBELAU vote NAY.

CHAIR: The motion CARRIES.

Closes the WORK SESSION on HB 3356.

HB 2561 WORK SESSION

310 MARK BAUER, COMMITTEE ADMINISTRATOR: Summarizes HB 2561.

330 REP. LUKE: Comments on the amendments and is satisfied with them.

Closes WORK SESSION on HB 2561 until later in the meeting.

HB 3065 WORK SESSION

354 JON CHANDLER, CHIEF COUNSEL, METROPOLITAN PORTLAND HOME BUILDERS ASSOCIATION: Submits amendments to HB 3065. (EXHIBIT C)

404 -Continues to explain the provisions of the proposed amendments.

450 -Continues to explain and review the proposed amendments.

TAPE 68, SIDE A

054 REP. UHERBELAU: Questions language in Section 6.

058 CHANDLER: The intention is to provide two courses of action at the first hearing.

076 REP. FISHER: Questions B under Section 6.

084 REP. NAITO: Has some concerns with the 120 day rule and dumping issue.

Questions subsection E.

093 CHANDLER: It's a valid concern.

131 REP. UHERBELAU: Nothing wrong with one person having the last word, but has some problems with language in the bill. Feels there should be written arguments for both sides.

150 CHANDLER: Attempting to deal with the language so it's suitable for both attorney's and lay people. Continuing dialog with other interested parties.

198 - Would like the bill moved to the full committee while they continue to work on the language.

242 -There are problems we're trying to fix.

257 REP. FISHER: Discusses language on line 32, page 3. Discussed changing the "shall" to "may".

277 CHANDLER: Still need to take a look at that.

289 REP. UHERBELAU: Understands he has been discussing this with different parties, this is still an on going process.

294 CHANDLER: Hopes when this reaches hearing in full committee they will be able to present their case.

308 REP. UHERBELAU: Knows they have been working very hard on this and would send it to the full committee in hopes they will have it worked out by then.

330 REP. NAITO: Questions advisability of moving the bill to full committee without having the LC amendments.

343 MOTION: REP. LUKE: Moves HB 3065 to the full committee with no recommendation.

345 CHAIR LEWIS: Shouldn't that include the conceptual amendments.

350 REP. NORRIS: Questions language on page 3, line 22 and the problems in

Pendleton.

367 CHANDLER: Responds he was not aware Pendleton had a problem.

410 REP. NAITO: Would favor voting it out without the conceptual amendments.

415 REP. LUKE: My motion did not include the conceptual amendments.

425 VOTE: In a roll call vote all members are present and vote AYE.

438 Closes the WORK SESSION on HB 3065.

HB 2561 WORK SESSION RE-OPENED

455 FRED VAN NATTA, LOBBYIST: Addresses the HB 2561-2 amendments. States that Legislative Counsel re-wrote the bill so it would be easier to read. (EXHIBIT E)

TAPE 67, SIDE B

040 -The standards for home occupation are simply the same as the ones that exist today, but have been clarified.

071 REP. NAITO: Questions word "unreasonably" on line 7. Asks if they would have a problem deleting the word unreasonably.

079 VAN NATTA: It was the lawyers feeling that an absolute standard would make the bill more difficult.

094 REP. NAITO: Feels it would lead to more litigation if the word is left in.

100 REP. NORRIS: Are we talking strictly a rural setting.

104 VAN NATTA: Believes the home occupation applies to rural residential settings.

117 REP. NORRIS: This applies to unincorporated areas only.

142 VAN NATTA: Says he still thinks that determination has been turned over to the counties.

150 REP. NORRIS: Expresses concern over language.

175 REP. UHERBELAU: What problem are we trying to address with this change.

180 REP. LUKE: States LUBA said the counties did not have that power.

191 MARK BAUER, COMMITTEE ADMINISTRATOR: Some people thought that in the original bill the parking of log trucks was not covered.

210 REP. NORRIS: Says this is an old problem.

237 ART SCHLACK, MANAGEMENT SPECIALIST, THE OREGON ASSOCIATION OF COUNTIES:

Explains why changes were made to the original proposed bill. Explains they we're trying to clarify that when they have a home occupation they did

not have to park that vehicle in a structure.

280 -Also did not want a truck terminal allowed on personal property. Thinks the parking of a single log truck should be covered in another bill.

295 REP. UHERBELAU: But it was that situation you were trying to deal with in the original bill.

298 VAN NATTA: No.

311 REP. UHERBELAU: Would the asphalt truck be dealt with here.

315 VAN NATTA: Yes

337 REP. LUKE: Thought a literal reading by the court could outlaw parking of police cars at home.

350 SCHALCK: States they have crafted the bill so that local government could make those determinations.

360 REP. LUKE: Did you believe the counties already had this authority.

365 REP. UHERBELAU: Wants to be sure we're addressing all of the problems.

380 REP. FISHER: How do you separate a business run away from home and a home business.

405 REP. THOMPSON: Wants to be sure that the bill is clear that the county has the authority to regulate this.

435 VAN NATTA: Speaks to the committee about specific language in the bill.

TAPE 68, SIDE B

021 REP. UHERBELAU: Suggests language that would clarify the bill.

025 VAN NATTA: Needs the authorizing statute.

032 REP. NAITO: The counties would still have the authority to regulate a business that started parking all of the vehicles on the farm. Include language that it is operated by the resident.

059 VAN NATTA: They will get assistance in working over the language.

067 MOTION: REP. NAITO: Moves to conceptually amend HB 2561-2
with deleting the words "directly associated with the authorized home
occupation." and further delete the word "including" and substitute the
word "and" on line 18.

amendments

099 REP. LEWIS: Likes the word unreasonable.

108 REP. NORRIS: Suggests they allow the author's more time

112 REP. LEWIS: Under time constraints.

116 REP. LUKE: Wants LC to understand that the resident only need to own the property not the vehicle.

MOTION: REP. NAITO: Moves HB 2561-2 as conceptually amended.

VOTE: Hearing no objections, the motion CARRIES..

MOTION: REP. NAITO: Moves the HB 2561-2 as conceptually amended to the full committee with a DO PASS recommendation.

VOTE: In a roll call vote, all members are present and vote AYE.

CHAIR: The motion CARRIES.

Closes the WORK SESSION on HB 2561

HB 2709 WORK SESSION

164 JON CHANDLER, CHIEF COUNSEL, METROPOLITAN PORTLAND HOME BUILDERS
ASSOCIATION: Reviews HB 2707-2 and -3 amendments. (EXHIBIT D)
210 -Lines 18-24, page 2 language is in response to concerns raised at the
hearings coming from school districts regarding school placements.

233 REP. FISHER: Received a letter from Milton Freewater. In their urban growth boundary there is a large tract of land in which they're not interested in breaking up. 90% of their urban growth boundary tied in land

they can't expand in. They are looking for a way to bring buildable land into their urban growth boundary. Does this bill address their needs.

265 CHANDLER: Would like to talk to Mr. Fisher and get more information.

270 REP. LUKE: Talks about a land situation in Sisters.

278 CHANDLER: Discusses page 2, Section 3. Explains the amendment they are

proposing for this section.

320 -Participants in this process have all expressed agreements with HB 2709-2 amendments. Thinks most of the big policy decisions have been clarified.

370 -Continues to review HB 2709-2 amendments.

384 REP. NORRIS: Asks about farm or forest land inside the urban growth boundaries.

441 MOTION: REP. LUKE: Moves to conceptually adopt HB 2709-2 amendments.

VOTE: Hearing no objections, the motion CARRIES.

MOTION: REP. LUKE: Moves HB 2709 as conceptually amended to the full committee with a DO PASS recommendation.

456 REP. NAITO: Gives reasons why she will be voting against this bill.

VOTE: In a roll call vote REP. FISHER, LUKE, NORRIS, THOMPSON,
LEWIS vote AYE. REP. NAITO vote NAY.

UHERHELAU,

CHAIR: The motion CARRIES.

TAPE 69, SIDE A

032 CHAIR LEWIS: Adjourns the meeting at 3:40 p.m.

Transcribed by,

Reviewed by,

Shelley Jones
Committee Assistant

Mark Bauer
Committee Administrator

EXHIBIT LOG:

A- HB 2785, Staff measure summary, fiscal, LC-1 and LC-2 amendments- Staff-
5 pages
B- HB 3356, Testimony- Benner- 1 page
C- HB 3065, Testimony, Proposed Amendments- Chandler- 2 pages
D- HB 2709, LC-2 amendments and LC-3 amendments- Chandler- 9 pages
E- HB 2561, LC-2 amendments- VanNatta- 2 pages