

HOUSE COMMITTEE ON NATURAL RESOURCES ENVIRONMENT AND ENERGY SUBCOMMITTEE

February 17, 1993 Hearing Room D 1:30 p.m. Tapes 26 - 27

MEMBERS PRESENT: Rep. Bob Repine, Chair Rep. Marilyn Dell Rep. Sam Dominy Rep. Bill Fisher Rep. Carl Hosticka Rep. Dennis Luke Rep. Nancy Peterson Rep. Ray Baum

MEMBER EXCUSED: Rep. Bill Markham

VISITING MEMBER: Rep. Tim Josi

STAFF PRESENT: Kathryn Van Natta, Committee Administrator Karen McCormac, Committee Clerk

MEASURES CONSIDERED: Public Hearing on Land Use Concerns

WITNESSES: DOUGLAS McLAIN, Holcomb Outlet Community Planning Organization, Clackamas, Oregon THOR A. BERG, Citizen SAM ANDERSON, Destination Resorts THOMAS GALLAGHER, Destination Resorts GEORGE GORDON, Citizen LIZ FRENKEL, Sierra Club, Oregon Chapter REP. FRED GIROD RICHARD ANGSTROM, Oregon Concrete & Aggregate Producers Association, Inc. DON MINER, Oregon Manufactured Housing Association BURTON WEAST, Special Districts Association of Oregon

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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. [--- Unable To Translate Graphic ---]

TAPE 26, SIDE A

005 CHAIR REPINE: Calls the meeting to order at 1:34 p.m.

OPENS PUBLIC HEARING ON LAND USE CONCERNS

035 KATHRYN VAN NATTA, Committee Administrator: Reads into record materials provided for the committee, including a letter addressed to Rep. Repine dated February 12, 1993 from the Douglas County Planning Department

signed by Keith Cubic (EXHIBIT A), a letter addressed to Kathryn Van Natta dated February 17, 1993 from Keith Cubic of the Douglas County

Planning Department (EXHIBIT B), a letter addressed to Rep. Repine from the Morrow County Court dated February 3, 1993 signed by Judge Carlson, Commissioner French and Commissioner McElligott (EXHIBIT C). Also reads

into the record an undated position paper on Goals 3, 4 and 5 Resource Use from the Oregon Department of Geology and Mineral Industries (EXHIBIT D), comments from the League of Women Voters to Rep. Baum dated February 17, 1993 (EXHIBIT E), an outline from the Oregon Concrete and Aggregate Producers Association dated February 17, 1993 from Dick Angstrom (EXHIBIT F), and a letter addressed to Rep. Repine from the Echo Hill Vineyard from Bob and Kris Williams dated February 12, 1993 (EXHIBIT G).

060 DOUGLAS McLAIN, Holcomb Outlet Community Planning Organization, Clackamas County: Secondary lands plan would eliminate most of the

timberland in our area. Questions secondary land designation on timberland. Encourages public input in land-use planning. Agrees to furnish copy of testimony by mail.

085 REP HOSTICKA: Requests clarification of the "elimination" of timberland.

088 McLAIN: To avoid the secondary lands designation, Clackamas County requires that twenty-seven acre parcels with top grade soil produce a

specific amount of timber. Currently, timber on five-acre and even two-acre parcels is being harvested. These smaller parcels are not considered valuable enough to be designated forestland. By designating them secondary lands, the county allows residential usage, which we are trying to avoid.

103 THOR A. BERG, Citizen: Provides written testimony (EXHIBIT H) in support of LCDC recommendations for problems of urban sprawl.

137 REP. LUKE: What is your definition of urban sprawl? Do you object to five-acre and ten-acre parcels outside an urban growth boundary?

142 BERG: Describes concern with the granting of variances by Linn County Land Use Planning Commission and the County Board of Commissioners,

which have allowed land with Class I and II soils to be divided into smaller parcels on which dwellings are built. Expresses frustration at having to appeal these decisions to the board or to the Oregon Supreme Court.

175 REP. LUKE: When you refer to urban sprawl, are you referring to

housing built on five acres or less?

176 BERG: Twenty-acre lots eventually become five-acre lots, then one-acre lots.

189 REP. FISHER: Are you saying that it is all right to build on land within a city but not outside the city? 192 BERG: There continues to be pressure to expand the urban growth boundaries. Expansion must occur in a reasonable fashion. The bottom

line is greed.

234 REP. DELL: Do you support LCDC's proposal for three new land designations? How does that proposal help the problem you've discussed?

240 BERG: There has been increased pressure to develop prime farm, forest and EFU zones. I know about the uncontrolled growth which has been

allowed to occur in Florida and California, and I would hate to see this occur in Oregon.

260 REP. LUKE: Do you support LCDC's secondary lands proposal?

266 BERG: Yes.

280 SAM ANDERSON, Destination Resorts: Presents written testimony (EXHIBIT I) recommending changes in land-use planning.

344 REP. LUKE: One of the controversies in central Oregon is the building of destination resorts on irrigated farmland. Are you proposing this?

347 ANDERSON: Not at this point.

353 REP. LUKE: Currently Deschutes County policies would not allow another Sun River or Black Butte because of forestlands. Are you addressing

this issue?

355 TOM GALLAGHER, Destination Resorts: Now we are concentrating more on water issues.

366 REP. FISHER: Requests explanation of the financial problems counties may face regarding destination resorts.

372 ANDERSON: There may be extraordinary costs attached to a county project evaluation, such as ethnographic or endangered species questions. We

would like to assist in providing counties with the information they need to make good planning decisions.

394 GALLAGHER: Some county planning staffs are so small, they cannot afford mapping or other necessary activities which are needed even before a

potential site can be located. We would cooperate to enable this process to move forward.

437 GEORGE GORDON, Citizen: Presents written testimony (EXHIBIT J) recommending LCDC proposal for long-term agricultural planning.

TAPE 27, SIDE A

015 LIZ FRENKEL, Sierra Club, Oregon Chapter: Presents written testimony (EXHIBIT K), urging committee to not weaken existing land-use program.

062 REP. DOMINY: Are you referring to the existing laws as submitted in the secondary lands proposals, or do you recommend not supporting the

administrative rules because they weaken the laws?

065 FRENKEL: We took no position on the secondary lands issue. We support Agriculture for Oregon's position regarding land use.

082 REP. FISHER: Questions "Tom McCall" reference regarding special interest groups.

088 FRENKEL: His vision of land-use planning transcends special interests.

091 REP. FRED GIROD: Provides written testimony (EXHIBIT L), urging a change in administrative rules which do not currently require owner

consent for historic preservation.

106 REP. DOMINY: Are you saying the right of the people to determine a landmark should not supersede the right of the property owner?

115 REP. GIROD: Yes.

124 RICHARD ANGSTROM, Oregon Concrete & Aggregate: Refers to written testimony read into record at meeting commencement (EXHIBIT F).

226 REP. FISHER: We have a letter from Echo Hill Vineyard which indicates a problem with asphalt and concrete batch plants. Would you like to

comment on that?

233 ANGSTROM: Several years ago, all farmlands were closed to asphalt or Redi-Mix plants. We came to the legislature with the problem, and

compromised by agreeing that no batch plants would be located within two miles of a commercial vineyard. LCDC defined a "commercial vineyard" as a vineyard which is over 40 acres. The Winegrowers Association will be

meeting with the Asphalt Association to develop statutory standards

regarding new asphalt plants and delete the two-mile reference.

281 REP. PETERSON: Can you give a specific example of how periodic review has hurt businesses?

286 ANGSTROM: Linn County's land-use plan mandated that there could be no adverse effects due to mining. "Adverse effects" was meant to mean

total disregard for habitat or the pollution of nearby streams.

However, the courts ruled that mining cannot be done without an adverse impact, and denied all mining. Periodic review is the kidney of the

system because it allows the injection of clear and objective standards into the plan.

312 REP. DOMINY: What is your opinion regarding land use laws and the proposed new administrative rules?

321 ANGSTROM: I have a hard time understanding the rules. Because no one has presented an alternative, they should be given a chance to work.

337 REP. DOMINY: Is LCDC's underfunding a concern? 345 ANGSTROM: My first priority during the last two sessions has been to fund LCDC so they can complete their task.

353 REP. LUKE: I understand that counties are being told by the state which rules will be acceptable and which will not.

360 ANGSTROM: With the new periodic review system, LCDC notifies counties and other interested parties of specific problems.

375 DON MINER, Oregon Manufactured Housing Association: Presents written testimony (EXHIBIT M) regarding manufactured housing and zoning

restrictions.

TAPE 26, SIDE B

092 REP. DOMINY: Are modular homes in the same category as manufactured homes?

094 MINER: Manufactured homes are built to comply with federal building codes. Modular homes are built to comply with Oregon building codes,

and can be placed anywhere. Federal standards generally exceed state standards regarding structural and electrical requirements.

128 REP. FISHER: What happens to owners of older manufactured homes when their mobile home park is shut down?

137 MINER: This law would only apply to new homes. Other homes would be at the mercy of local zoning laws.

142 REP. DOMINY: So you would like manufactured houses to be

treated the same as regular "stick-built" homes?

152 MINER: We are willing to agree to stricter standards plus any other standards which apply to site-built homes.

159 REP. LUKE: Manufactured homes in Deschutes County must be built to same standards as stick-built homes.

165 BURTON WEAST, Special Districts Association of Oregon: Presents written testimony (EXHIBIT N) outlining recommendations for LCDC.

329 REP. LUKE: Are you recommending enforcement of state policy through periodic review instead of the appeal process?

330 WEAST: Yes. Initially, the state was to establish goals and guidelines, cities and counties would adopt comprehensive plans, and

there would be coordination agreements among service providers to

implement those plans. What has actually happened is that LCDC attends

public hearings and appeals local decisions, which has resulted in a

tremendous negative public reaction. It would be like DEQ requiring a

hearing for every septic tank permit and then appealing when they did

not agree with the local sanitarian. 366 REP. DOMINY: Is it fair to assume that you are in favor of more funding for LCDC to enable them to conduct periodic reviews?

370 WEAST: We support increasing the number of staff involved in periodic review.

383 REP. DOMINY: Do you recommend the suspension of rule-making for at least three years before or after secondary lands rules?

387 WEAST: We have not taken a position on that.

392 REP. DOMINY: Who should be appointed to the LCDC Board?

412 WEAST: We suggested there continue to be at least three citizen representatives.

450 REP. HOSTICKA: Which groups are not currently represented on the board?

455 WEAST: There are no representatives from the building community, real estate or forestry. These are the major industries in Oregon, and the

board has no representatives from those interests.

467 REP. HOSTICKA: I doubt whether the addition of industry representatives would affect the decisions of the board.

TAPE 27, SIDE B

045 CHAIR REPINE: Committee members were encouraged to bring

their recommendations regarding land use planning to today's meeting.

Introduces his suggestions (EXHIBIT O), as well as recommendations from Rep. Dell (EXHIBIT P).

080 REP. DELL: Because of the tremendous number of proposals before us, I fear we may be tempted to take a shotgun approach in resolving these

issues.

149 CHAIR REPINE: Complies with request of earlier witness to continue testimony.

151 DOUGLAS McLAIN: Special interest groups were well-represented here. Citizens were not. Encourages committee to ensure citizen involvement

in land-use planning decisions.

170 REP. PETERSON: Why do you think citizens did not receive information about this meeting?

178 McLAIN: Citizen action groups which are on the mailing list did not receive the literature. When the secondary lands issue came through,

the county failed to notify us. I only found out about this meeting because I happened to talk to somebody today.

188 REP. PETERSON: Is there a communication problem within the county?

190 McLAIN: Only three counties were given the task of looking at the secondary lands issue. Citizens were not involved in any of the

decision-making processes.

205 CHAIR REPINE: CLOSES PUBLIC HEARING ON LAND USE CONCERNS

Adjourns meeting at 3:13 p.m.

Submitted by:

Reviewed by:

Karen McCormac
Administrator

Kathryn Van Natta Assistant

EXHIBIT LOG:

A - Letter to Rep. Repine Regarding Secondary Lands - Keith Cubic
- 1 page B - Letter to Kathryn Van Natta Regarding LCDC - Keith
Cubic - 4 pages C - Letter to Rep. Repine Regarding LCDC Rules -

Morrow County Court - 2 pages D - Position Paper on Goals 3, 4 and 5
- Oregon Dept. Geology & Mineral Industries - 1 page E - Letter to
Rep. Baum Regarding Land Use Planning - Oregon League of Women
Voters - 1 page F - Land Use Concerns Testimony - Oregon
Concrete & Aggregate Producers Association, Inc. - 2 pages G - Letter
to Rep. Repine Regarding LCDC Rules - Echo Hill Vineyard - 4 pages
H - Land Use Concerns Testimony - Thor A. Berg - 1 page I -
Land Use Concerns Testimony - Sam Anderson - 2 pages J - Land Use
Concerns Testimony - George Gordon - 1 page K - Land Use Concerns
Testimony - Liz Frenkel - 1 page L - Land Use Concerns Testimony -
Rep. Fred Girod - 1 page M - Land Use Concerns Testimony - Don
Miner - 5 pages M-1 - Informational Material [Oversized Exhibit] N
- Land Use Concerns Testimony - Burton Weast - 1 page O - Suggestions
and Proposals to Lands Use Process - Rep. Repine - 2 pages P
- Notes on Land Use Planning - Rep. Dell - 7 pages