

HOUSE COMMITTEE ON NATURAL RESOURCES ENVIRONMENT AND ENERGY SUBCOMMITTEE

May 11, 1993           Hearing Room F 1:30 p.m.   Tapes 92 - 93

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

MEMBER EXCUSED:    Rep. Ray Baum

VISITING MEMBER:   Rep. Tim Josi Rep. Chuck Norris Rep. Liz VanLeeuwen

STAFF PRESENT:           Kathryn Van Natta, Committee Administrator  
Catherine Fitch, Committee Administrator Sue Nichol, Committee Clerk  
Karen McCormac, Committee Clerk

MEASURES CONSIDERED:           Public Hearing and Possible Work Session -  
HB 3661

WITNESSES:           Ed Sullivan Kate McCarthy, Hood River Valley  
Residents Committee, Inc. Kermit McCarty Bill Moshofsky, Oregonians in  
Action

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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 92, SIDE A

005   CHAIR REPINE:   Calls meeting to order at 1:17.

019   KATHRYN VAN NATTA: Gives summary of work done on the bill to  
this point. Submits for the record general outline of HB 3661 (Exhibit  
A);

explanation of amendments (Exhibit B); section by section analysis  
(Exhibit C); HB 3661 - Resource Land Classifications (Exhibit D).

064   VAN NATTA: LC has simplified the amendments adopted by printing  
up an engrossed version of the bill (Exhibit E).

PUBLIC HEARING HB 3661

099   ED SULLIVAN: Reads testimony suggesting additional amendments  
(Exhibit F).

182   REP. HOSTICKA: You'd rather we didn't have Section 32, but if we

do, it ought to be technically correct?

184 SULLIVAN: Yes.

190 Continues with explanation of suggested amendments.

228 REP. LUKE: Are you saying the rights of the property owner to do with his property as he wishes is irrelevant?

230 SULLIVAN: Making significant use of the resource does not depend on the owner's desires.

240 REP. LUKE: Gives example of a working dairy that they want to designate as a historical place and so then it won't be able to expand or make any improvements without permission.

243 SULLIVAN: If a good analysis is done, you can get permission to expand built into the designation.

253 REP. LUKE: You could also buy it and then you wouldn't have the problem.

255 REP. VanLEEuwEN: I disagree with your statement that they can get permission to change it. That depends on the authority of the local

committee.

264 SULLIVAN: You have to decide whether you want local control or not.

275 Continues with testimony on amendments.

313 REP. MARKHAM: What is your concern with common school land?

314 SULLIVAN: If there is something going on next to state lands, there is no ability for the state to take care of it's property interest.

329 KATE MCCARTHY, Hood River Valley Residents Committee, Inc.: We don't have room for encroachment of non-farm uses into the area. Land use

planning must encourage efficient growth patterns. Urges rejection of

HB 3661 because it's ambiguous and destructive. It destroys protections for farm and forest lands. It allows conflicting development, nullifies previous court decisions. Reads testimony from (Exhibit G).

TAPE 93, SIDE A

009 HB 3661 causes counties to remap lands with unconventional methods. It eliminates future vision. It would threaten the resource base of Hood

River County. It creates rural sprawl.

032 CHAIR REPINE: One of the options is to endorse the rules that are in place. There's a choice.

043 McCARTHY: It seems there were penalties.

046 CHAIR REPINE: You might review the engrossed bill. It may respond to some of your concerns.

058 KERMIT McCARTY: Reads testimony in opposition to HB 3661 (Exhibit H).

099 Development should be planned so that it doesn't produce competition for water with agricultural lands.

112 REP. LUKE: Do you know you can take prime farmland out of EFU use under current law? Do you know 75% of EFU land in Deschutes County will be

opened up for development under current law?

123 McCARTY: I know one golf course that was going to be built in Hood River Valley that is not being built on agricultural land due to the

planning process we are currently using as law.

125 REP. LUKE: Under HB 3661 you wouldn't be able to do it either.

129 McCARTY: That's good, that's what I want insured.

132 CHAIR REPINE: You might want to review the -1 amendments. They may answer some of your concerns.

164 BILL MOSHOFSKY, Oregonians in Action: Testifies against HB 3661 as it is only a small step toward redressing the massive miszoning problem in Oregon. Reads testimony (Exhibit I).

TAPE 92, SIDE B

116 REP. LUKE: There is a statewide building code. States do tell cities how to build and what restrictions will be on those buildings.

123 MOSHOFSKY: That's correct. We don't see a rational basis for detailed state control of land use.

137 Economics need to be considered in this land use planning process. There has been no study of the economic opportunities that have been

passed up with these land use plans.

370 REP. LUKE: Regarding fire standards in forest areas, do you agree with local jurisdictions that people shouldn't have to take certain

requirements out there in the forested areas, if they're going to live there, so people aren't risking their lives to save their homes unnecessarily?

384 MOSHOFSKY: We don't object to reasonable regulation relating to forest areas. We took that as applying to all areas.

400 We believe it applies to too many areas. The number of forest fires caused by those who live in the forest is very small.

445 CHAIR REPINE: Closes public hearing.

450 CHAIR REPINE: Submits letter from Barbara Roberts responding to letter from the committee inviting her to testify (Exhibit J).

TAPE 93, SIDE B

040 CHAIR REPINE: We need to approve the proposed engrossed HB 3661.

WORK SESSION ON HB 3661

049 REP. PETERSON: These are the amendments that we approved yesterday?

050 CHAIR REPINE: Yes.

053 VAN NATTA: There are minor technical changes also included. An emergency clause has been included.

077 REP. VanLEEUEWEN: The -1 amendments are in there?

079 VAN NATTA: Yes, along with the emergency clause.

080 MOTION: REP. VanLEEUEWEN: Moves that the Proposed Engrossed HB 366 1 amendments be adopted as the working document.

081 CHAIR REPINE: Repeats the motion.

082 REP. NORRIS: Suggest that only members of the environment and energy subcommittee be permitted to vote.

083 REP. VanLEEUEWEN: Then I can't make the motion.

087 MOTION: REP. LUKE: Moves that the Proposed Engrossed HB 366 1 amendments be adopted as the working document.

090 CHAIR REPINE: Repeats motion.

095 VOTE: On a roll call vote, all members present vote AYE. REPS. BAUM, DELL and FISHER are EXCUSED. 100 CHAIR REPINE: The motion CARRIES.

103 CHAIR REPINE: Closes work session.

Meeting adjourned at 2:50.

Submitted by:

Reviewed by:

Sue Nichol  
Administrator

Kathryn Van Natta Assistant

EXHIBIT LOG:

A - HB 3661 - Information - Staff - 4 pages B - HB 3661 -  
Information - Staff - 7 pages C - HB 3661 - Information - Staff - 14  
pages D - HB 3661 - Information - Staff - 1 page E - HB 3661 -  
Proposed engrossed amendments - Staff - 55 pages F - HB 3661 -  
Testimony - Ed Sullivan - 4 pages G - HB 3661 - Testimony - Kathy  
McCarthy - 2 pages H - HB 3661 - Testimony - Kermit McCarty - 3 pages  
I - HB 3661 - Testimony - Bill Moshofsky - 13 pages J - HB 3661 -  
Letter - Governor Roberts - 2 pages