

HOUSE COMMITTEE ON NATURAL RESOURCES

July 21, 1993          Hearing Room D 2:00 p.m.      Tapes 100

MEMBERS PRESENT:    Rep. Ray Baum, Chair Rep. Carl Hosticka, Vice-Chair  
Rep. Marilyn Dell Rep. Sam Dominy Rep. Bill Fisher Rep. Dennis Luke Rep.  
Chuck Norris Rep. Nancy Peterson Rep. Liz VanLeeuwen

MEMBERS EXCUSED:                Rep. Tim Josi Rep. Bill Markham Rep. Bob Repine

STAFF PRESENT:                Kathryn Van Natta, Committee Administrator Sue  
Nichol, Committee Clerk

MEASURES CONSIDERED:                SB 315-A Engrossed - Work Session

WITNESSES:                        Olivia Clark, DEQ Dick Matthews, Sen. Dwyer's  
Office Phillip Fell, League of Oregon Cities Gordon Fultz, Association  
of Oregon Counties

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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 100, SIDE A

005      CHAIR BAUM:    Calls the meeting to order at 2:05.

WORK SESSION ON SB 315-A ENGROSSED

019 KATHRYN VAN NATTA:    Included for the record are: SB 315-A3  
amendment from Sen. Dwyer, Senate Staff Measure Summary, the Senate  
Vote Sheet,

Revenue and Fiscal Impact Statements, and testimony from Sen. Dwyer at  
the May 24 meeting (Exhibit A).

037 CHAIR BAUM:    Are we mandating to the counties that if DEQ  
happens to draft an ordinance for them that they have to adopt it.

041 OLIVIA CLARK, DEQ:    My reading of the bill is that we are  
just developing a model ordinance that we would make available to the  
cities and counties and it would be their choice as to whether or not  
they

wanted to take that to their city council and enact something like that.

047 REP. LUKE:    Is there anything of that nature available to them  
now? How many cities and counties don't have ordinances regulating  
storage and

treatment of petroleum contaminated soil?

049 CLARK: I would estimate that very few cities have ordinances that deal with aeration of contaminated soil.

052 REP. LUKE: According to others, there are very few of those cities and towns that have service stations anymore.

053 CHAIR BAUM: Normally, what the cities do is that they contact The League of Oregon Cities and ask them for an ordinance form that the

League of Oregon Cities provides on this issue. What we're doing here is having the State of Oregon through the Department of Environmental Quality do an ordinance that they may choose to adopt or not to adopt or to modify in any way they choose. I guess the map has got to be a zoning map rather than a site map.

069 REP. PETERSON: If cities wanted to develop an ordinance, they could it on their own, couldn't they?

070 CLARK: Yes.

071 REP. PETERSON: How much time and money will it take for DEQ to develop this?

073 CLARK: Local government representatives would work on this with us. It would take a certain amount of time.

090 REP. NORRIS: Maybe the representatives from cities and counties can address Rep. Peterson's question.

095 REP. LUKE: Is the due date of January 1, 1994, too short of a time frame?

096 CLARK: I think that's possible.

098 REP. LUKE: What other projects would you put off because you're going this?

100 CLARK: I can't think of anything.

103 DICK MATTHEWS, Sen. Dwyer's Office: Submits testimony from Sen. Dwyer explaining the intent of the Section 3 requirement to provide a map of

land uses within 1,000 feet of the site (Exhibit B).

129 CHAIR BAUM: I thought the -A3 amendment designated a zoning map?

136 MATTHEWS: It could be a proposed land use map. It may be a zoning map, or it could be a map from the existing residential inventory. The

intent is to make it as easy as possible.

149 The benefit of this approach is that by providing this technical assistance of the model ordinances, you get some conformity

so that

interests who work state-wide aren't dealing with different ordinances in every single jurisdiction.

158 REP. DELL: If I am an applicant I will be asking the local jurisdiction for the most up-to-date workable map. They will provide that to me, I

will copy it and turn back in to them with my application. Why are we taking this circular route when they already have the maps?

160 MATTHEWS: I think it would also accompany a DEQ application.

174 PHILLIP FELL, League of Oregon Cities: In some cases, this bill will be particularly helpful. This is a model ordinance. We can adopt it or

tailor one more closely to our needs. I think for smaller communities,

model ordinances are extremely useful. Regarding the issue of the map,

if you strike the language "the acknowledged comprehensive plan" on line 2 of the -3 amendments and insert "a current zoning map from", it will

get around your major problem.

190 REP. LUKE: Do you have any model ordinances or model language already written?

193 MATTHEWS: We do not.

194 REP. LUKE: What would happen if you went to DEQ and asked them to help you?

196 MATTHEWS: I think that's a question for DEQ.

197 GORDON FULTZ, Association of Oregon Counties: I would agree with what Mr. Fell has just said. We could use the bill, but it's not necessary.

210 REP. LUKE: This bill affects the area 1,000 feet around the contaminated site. Are there similar provisions in the cities or

counties now?

213 FULTZ: That is a big area to take into account. I don't know what the current status is.

217 CLARK: It's not clear to me why we would get a map. I think the land use compatibility statement which is currently required would be

adequate for the future.

237 REP. LUKE: Could your Department do this now?

241 CLARK: If this was a concern of local government, they could bring this in and we could work on it. It hasn't been brought to our attention

that this has been a problem.

263 REP. NORRIS: This will apply to more than just service stations?

272 CLARK: Yes, it would include petroleum contaminated soil, whatever the source.

278 MOTION: REP. NORRIS: Moves to delete Section 3 from SB 315-A.

279 CHAIR BAUM: Restates motion.

280 VOTE: CHAIR BAUM: Hearing no objections, the AMENDMENTS are ADOPTED. 284 MOTION: REP. NORRIS: Moves SB 315-A, as amended, to the floor with a DO PASS recommendation.

286 CHAIR BAUM: Restates motion.

290 VOTE: On a roll call vote, REPS. DOMINY, FISHER, HOSTICKA, NORRIS, PETERSON, VanLEEUEWEN and CHAIR BAUM vote AYE. REPS. DELL and LUKE

vote NAY. REPS. JOSI, MARKHAM and REPINE are EXCUSED.

303 CHAIR BAUM: The motion CARRIES.

305 REP. DOMINY will carry the bill.

320 CHAIR BAUM: Closes work session on SB 315-A.

Meeting is adjourned at 2:28.

Submitted by:

Reviewed by:

Sue Nichol  
Administrator

Kathryn Van Natta Clerk

EXHIBIT LOG:

A - SB 315 - Staff Measure, Senate Vote Sheet, Revenue and Fiscal Impact Statements, -A3 amendments, Testimony from Sen. Bill Dwyer from May 24, 1993 meeting - Staff - 9 pages B - SB 315 - Testimony - Sen. Bill Dwyer - 2 pages