

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.

HOUSE COMMITTEE ON ENVIRONMENT AND ENERGY

May 06, 1991Hearing Room E 1:00 p.m.Tapes 151 - ?

MEMBERS PRESENT:Rep. Parkinson, Chair Rep. Whitty, Vice-Chair Rep. Burton Rep. Courtney Rep. Naito Rep. Norris Rep. Repine Rep. Van Leeuwen Rep. Watt

MEMBER EXCUSED: ?Sen./Rep. Name

VISITING MEMBER:?Sen./Rep. Name

PRESENT: Kathryn VanNatta, Committee Administrator Andy Sloop, Committee Assistant ?Name, Legislative Counsel

MEASURES CONSIDERED: HB 3570 (WRK) HB 3247 (PPW) SB 190 (WRK) HB 3347 (WRK) HB 2087 (WRK)

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TAPE 151, SIDE A

06CHAIR PARKINSON: Calls the meeting to order at 1:07 p.m. Representatives Repine and Burton not present and excused.

WORK SESSION - HB 3570

10KATHRYN VANNATTA, COMMITTEE ADMINISTRATOR: Reviews dash 3 amendments (EXHIBIT A) and hand-engrossed bill (EXHIBIT B).

(bur: arrives 1:10)

(rep: arrives 1:11)

99par: What will effect of lines 8a-8d, page 25 be?

102 vannatta: When secondary land designated, it would have to go through income test for farm assessment, page 24, starting line 20 (ex b).

112 nor: ????

118 vannatta: This amendments gives landowners seven years until subject to provisions of ????

128 par: ??? Could that be a misprint.

131 vannatta: Line 8c ORS 308.370 or 308.372? Will check.

140 par: ????

152 par: ????? Assume that's supposed to be "real market value".

160 cou: ????

164 par: ????

166 cou: So, you just pick and choose what goes in

????

171 cou: Trying to get a feel where interest groups coming from.

175 par:

??????

242

245 par: Want to adopt dash 2 and dash 3 and then have testimony.

?????

290 cou: Are you going to make him speak to specific versions of this bill?

295 GREG WOLF, DLCD: ????

300 par: How often do you meet and approve official positions on bills?

302 wol: ???

306 wol: Hope to bridge gaps between senate and house sec. lands versions.

>Concerned that designation criteria too general

?????

326 wol: Bill should define sec. lands using as clear criteria as possible to maximize certainty about what sec.lands are and to minimize litigation. Should be min. block size.

343 par: Commission is on record favoring very precise criteria, and that is a major decision point for the committee. I have said state too diverse for precise state criteria.

360 wol: While LCDC supports clear criteria, agree need flexibility to deal with diversity. ????

377 bur: When you talk about criteria, are you referring only to geography, or are you taking other factors into consideration.

390 wol: There are many factors in various regions.

399 par: Are you saying you can have clear criteria that take climatic conditions into account?

?????

408 nor: ??????

412 wol: "Sure" one set of criteria can't be applied statewide.

426 par: "He's starting to get more subjective as we go along."

TAPE 152, SIDE A

05wol: Support specific min. block size.

18par: So block must be bigger than 320 acres to be designated as secondary land? In other words, a 310 block of land couldn't be designated secondary under any circumstances?

22wol: Have to draw line somewhere.

?????

36wol: Commission concerned about some aspects of arbitration. Arbitration may break down when dealing with really significant and vague criteria. ??

46par: If have really strict, clear criteria, why need arbi?

48wol: Believe need for some arb. no matter what.

54wol: ???? Commission on record as favoring legislative protection for farm and forest lands, and this proposal doesn't strengthen protection. Farm dwellings should only be allowed when directly connected to farm operation ?????

73nai: ???

84wol: Right to farm and forest portions of bill valuable, but they won't ensure farm and forest operations will be protected because of legal problems implementing some of these provisions. Necessary to add some regulatory provisions.

96wol: ???? Numeric lot sizes in exclusive farm use zones.

110 van: There's a tremendous variation in what lots ?????

117 wol: Would like to see counties establish min. lot sizes.

121 par: Do you want a statewide min. lot size?

124 wol: Count by county.

133 wol: Existing provisions of gola 4 should be retained to protect

farm and forest lands, based on theory that good sec. lands prog. will satisfy need for non-farm forest dwellings on sec. land.

140 par: ????

?????

156 wol: That is correct as it applies to land in forest zones.

163 wol: New amendments to section 9 appropriate with respect to ?????

170 wol: ????? Concerned that Section 11 (3) would prevent more intense use of rural property.

212 wol: Bill limits urban reserve areas to Portland metro area. Believe other metro areas that face growth problems, and this provision should apply statewide. Medford is an example of a metro area where growth pressures have forced expansion onto resource lands.

229 par: City of Eugene testified that their intergovernmental agreement to deal with this issue has worked well.

230 wol: ??

237 bur: ????

243 wol: Urban fringe sections in 3570 came out of discussions. Secondary lands designation will allow some additional development in neighborhood of urban growth boundaries.

260 par: Portland metro area has intergovernmental problems because of multiple layers of government.

265 bur: Understand need for coordination, but not sure that this is necessary.

??????

280 wol: Believe there are differences between house and senate bills. Department wants to assist in closing the gap.

290 whi: On page 25 (ex b) ????? comparing that provision ???

307 wol: ???????

315 whi: ???

317 wol: That's correct, if disqualified from the program.

????

344 whi: There are lands in farm or forestlands that don't meet income test, but because they're zoned rural residential, they are taxed as if a residence could be dropped on them at any time. It's a fairness issue.

355 wol: Goal is to provide balance.

364 cou: ????? Are you regularly meeting with interest groups before testifying here, or are you just getting "mibbles" here and there?

390 wol: Working with all Vida participants.

398 cou: So not working with ongoing consensus group?

401 wol: No.

404 cou: So possible you won't support either bill?

408 wol: ???

411 cou: ???

413 wol: Like and dislike some things about both bills.

TAPE 151, SIDE B

05cou: "It's a perpetual earthquake ?????

22wol: We really want agreement. Believe criteria in SB 91 closer to approach we're looking for, but 3570 not far off. Criteria going to be toughest part of this discussion. Ought to focus on Sections 3 and 4, which are where big differences are.

33par: ?????

34wol: Would like specific criteria, but haven't been asked if should be on regional basis.

37nor: What happens in a situation with a guy who has five acres of good forest land but there is absolutely no income?

44wol: ?????

64bur: ????????

66wol: Commission believe taxes and land-use should be more closely linked than they are. Automatic assessment ?????

76van: ?????

81bur: My question simply how should taxing and land-use be related?  
????

95whi: Can't have designation of sec land ?????? Can't start assessing prop at higher value when construction starts.

111 par: Don't think the commission is in the middle on this. One commissioner on record this morning as saying if he had his way would not have one inch of western Oregon zoned secondary.

???????

129 sch: Nothing that says there can't be EFU zones in secondary lands. Arguing wrong issue. Need to talk about general areas, not zoning every inch of the state. As far as taxes, don't know that (145) ????. Want to know why commission wants to link farm assessment to land-use (155) ????

157 par: After Mearue 5, new developments are automatic money to cities and counties. ?????

166 wol: Not have lot of discussion about Measure 5, other than obvious impacts on our ability to provide services to local governments. (175) ????

179 bur: ??????

196 wol: Rep. Schoon correct that there is EFU zoning in urban growth boundaries now. Good tool to hold land until ready for development. In those areas do favor automatic tax break. (205) ????? Lot of creative ways to use EFU in secondary lands.

211 van: That's already in law, isn't it?

215 wol: ????

220 van: That has a bearing on this because ????

224 par: Commission hasn't moved at all on this since discussions started. Still on far left "and I'm disappointed" by that.

230 wol: ????

235 par: Commission is going to have to move with us as these bills move.

245 DON ?????, OREGON FARM BUREAU:

256 nai: Support concept of ???

262 LARRY TROSI, OREGON FARM BUREAU: ????? Different degree of protection on sec. lands, and current practices within urban growth boundaries. Bill changed recently, so our legal counsel drafted this amendment to allow ag. ops. within urban growth boundaries to continue, while holding urban land in reserve until ready for dev.

287 cou: Curious, is a sewage treatment plant

?????

314 tro: ????

324 cou: Why wouldn't you want to protect it?

326 tro: Could do that, but never really looked at that.

????

340 van: ????

367 DON SCHULLENBERG, OREGON FARM BUREAU: Explains proposed amendments (EXHIBIT D) Concerned that if use of farm land doesn't change, automatic assessment should continue until use changes. Under this proposal, land would have to continue to be farmed to continue to qualify for special assessment.

410 whi: What's the difference between not requesting and requesting?

?????

TAPE 152, SIDE B

05whi: Don't understand. Let's say sec. lands passes and a property owner's land is rezoned as secondary, and farmer builds on part of his land zoned secondary. What happens with assessment then? Can't deal with this without considering taxes and assessed value.

28schi: Can't explain that.

35whi: ?????

39par: In defense of schi:, I asked him to draft this. Will rn by LC.

44van: Think whi: question answered in this

????

70BILL MOSHOFSKY, OIA: "Strongly object" to concept of blocking, as LCDC advocating. Yet to see any empirical evidence supporting need for this. If there is a problem, it ought to be quantified. Before the state gets involved in how land should be divided and used, need to have "compelling need".

146 > Page 3, line 29g (ex b): People who are real reason for this leg. aren't represented on TACs.

?????

176 >Page 4, line 22

200 sch: What if local citizens want a min. lot size? Should their thoughts be taken into consideration?

208 mos: Yes, but within the framework of local government. Shouldn't have LCDC looking at every bit of land-use in the state. If going to put a min. lot size in, five acre better than 20.

224 sch: When I proposed five acre min. assumed local governments would establish appropriate mins.

235 par: If leg. doesn't specify min. lot, counties could make min. 20 acres.

237 mos: More flexibility, the better.

250 mos: Page 4, item 11: Look at obligating LCDC to adopt review rules. This is unnecessarily time consuming.

272 mos: Item 12: Arbitration might be good if final step, but it's not. Should use existing process.

282 par: ?????

290 mos: Clearly.

292 mos: Item 13: Language that indicates counties are to apply goals as they adopt new regulations. This adds criteria and complicates development of use regulations. This language should be deleted, as should lines 9-10 on page 4b.

316 mos: Item 15: Delete lines ???? Concerned about setting up new

processes to deal with new problems.

334 mos: Item 16: Shouldn't be arbitrary time limits on review of decisions.

346 mos: Item 17: Line 43b, scope of court review of arb. expanded greatly, opening review to all detailed issues heard at local level. Review should be limited to cut down on time and expense.

370 mos: Item 18: ??? Suggest changing "and" to "or" to ensure that all suitability factors considered. Need clarification.

390 mos: Item 20: Line 15 insert "commercial" after "on" ?????

398 par: ?????

TAPE 153, SIDE A

04mos: ????? Secondary land carved out of forestland ought to have comparable latitude of uses as secondary farmland.

20mos: ????? Reluctant to support change until see compelling reason. This proposed change doesn't seem to do anything.

37mos: Page 12: ?????? Could be basis for litigation.

44mos: Item 25: Generally support this and Farm Bureau amendments.

48mos: Item 26: Opposed to incorporating urban fringe provisions.

56mos: Clear linkage between tax and land-use issues. Advocate not changing tax status of property until actual change of use of land. Seven year period in dash 3 amendments better than original proposal. Important not trigger immediate change in tax status when land rezoned. Some secondary may be designated but meaningless because uses might be so restrictive.

79par: Closes work session on HB 3570 and recesses at 3:05. Reconvenes at 3:25 and opens work session on HB 3247.

WORK SESSION - HB 3247

90vannatta: Introduces hand-engrossed version (EXHIBIT F).

110 JIM WHITTY, AOI: Testifies in support of the dash 1 amendments. ?????

129 nor: Would have to be talking about a lot of wood stoves to displace space in air shed large enough to preclude industrial expansion.

?????

141 rep: Business in my district recently invested \$2 million to replace their emission control devices. They can't expand now without spending \$4 million more to meet emission standards. This is question of economics. This would make it feasible for industry to survive.

169 STEVE GREENWOOD, DEQ:



172 par: Is there implicit rule making authority in this bill? Assume someone would have to police this. Who would do that?

184 gre: ????

190 par: I don't see where the EQC would have that authority.

197 gre: ????

213 par: Would this satisfy some requirements of the Clean Air act?

215 gre: Yes. Part of those amendments require control of PM 10 in non-attainment areas. Incentives for replacement of old, failing woodstoves would be "reasonable control measures" called for in HB 2175.

228 par: Could this be amended into HB 2175?

232 rep: ????

240 par: Directs gre: to work with staff to draft amendments reflecting concepts in HB 3247 into HB 217 5.

250 whi: Suppose someone is using wood in lieu of already available electric heating because wood cheaper.

268 rep: ????

270 whi: Don't want anybody coming in and saying they want to replace stove and saying: 'you already have alternative to heat" and then taking my stove away.

280 rep: ????

289 par: Whi: seems to have a point.

294 gre: Not certain what you are suggesting we should add to this language. This proposal is a voluntary program.

303 whi: Want to ensure that first option is to trade up on old wood stove to new wood stove to preserve option of using inexpensive fuel.

????

335 van: Why not let this bill stand on its own?

339 par: Thought is that this would not stand long on its own.

342 nor: ?????

349 par: Directs Rep. Repine to work with staff and DEQ to amend HB 3247 into HB 2175.

378 PHIL FELL, LOC: Testifies in support of the measure. This would be major benefit to City of Klamath Falls. ?????

TAPE 154, SIDE A

10par: Any concern about amendments to the bill?

12fel: No.

13par: "Looks like we have something going." Closes work session on HB 324 7 and opens public hearing on SB 190.

PUBLIC HEARING - SB 190

25LT. OREGON CITY

39par:

42lt:

52nor: Have difficulty with rationale for population caps in this measure.

58lt:

???

110 whi:

117 lt: Would affect commercial vehicles with distinction between deisal and regular fuel.

122 bur: Want explanation if air pollution or visibility and traffic safety is the issue.

130 par: "Maybe we should stuff this into 2175." Closes public hearing on SB 190 and opens work session on HB 3347

WORK SESSION - HB 3347

?????

162 van: Proposes dash 2 amendments (EXHIBIT M).

198 par: Dash 2 amendments don't look like they change fiscal or revenue impacts of this bill at all. Entertains motion.

206 whi: Moves dash 2 amendments.

211 nai: Concerned about language in lines 11 and 12 without more testimony about need for this level of financial help. Suggests deleting that language.

222 van: Very expensive to built these plants and hope to secure matching funds. This is a response to city demands for solutions to rural practices that pollute. Is appropriate

243 nai: What you're saying is accomplished in lines 13-

248 par: Concurs with nai:

251 bur: Proposes friendly amendments:

257 whi: Withdraws motion and moves dash 2 amendments with deletion of lines 11-12 and renumbering lines consecutively starting with line 10.

267 par: Hearing not objection par: so moves.

270 whi: Moves as amended with do pass to Ways and Means.

293 par: Opens work session on HB 2087.

WORK SESSION - HB 2087

?????

383 par: Mr. Rodia, were you involved in drafting the dash 5 amendments?

387 rod: Yes.

390 bur: Does local gov. in these amendments include schools?

394 rod: ??? This amendment doesn't cover schools.

402 rep: ?????

417 par: Won't pass bill out today. Will have additional testimony next session.

TAPE 153, SIDE B

14rod: Agree to proposed deletion of sections referring to ????

?????

35QUINCY SUGARMAN, OSPERG: Concerned about category for every substance because there are so many.

>Supports deletion of portions referring to orphan site fund.

49DELL ISHAM, NW PROPANE GAS ASSOCIATION: Suggests revisions (EXHIBIT S)

75par: Assume you worked with work group on this and have not signed off yet. Directs to work with committee staff and to have LC amendments drafted for a committee vote.

83GEORGE RICHARDSON, PACIFIC POWER: ??? Testifies in support of the measure.

95JIM CRAVEN, AMERICAN ELECTRONICS ASSOCIATION: Testifies in support of the amendments. Prefer deletion of lines 10-13 of dash 5 amendments because redundant.

110 van: Why does there have to be a fee on the low hazard materials?

113 par: ????

117 cra: Lines 4-9 of dash 5 amendments in place now. \$2,000 statutory cap per program in overall scheme already.

129 par: Directs to work with staff on LC amendments for committee vote.

134 TERRY WITT, OREGONIANS FOR FOOD AND SHELTER: Participated in work group. Testify in support of the dash 5 amendments and all amendments proposed previously during this hearing. Notes that intent of the work

group is to prevent duplication of Fire Marshal programs.

164 par: Entertains motion to adopt dash 5 amendments.

?????

172 van: Moves to adopt dash 5 with deletion ???

174 par: Not comfortable with that. ???

177 wit: ??? What has been removed in dash 5 is separate and distinct determination on Orphan Site Account. ?????

192 par: We'll delete that, and if someone not comfortable with that, we can have a motion to restore it.

197 van: Moves dash 5 amendments with deletion of lines 10-13.

200 par: hearing no obj. par: so moves. Closes work session on HB 2087 and adjourns at 4:30.