

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 13, 1991Hearing Room E 1:15 p.m.Tapes 163 - 163

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) SB 66 (PPW) SB 242 (PPW)

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TAPE 181, SIDE A

06CHAIR PARKINSON: Calls the meeting to order at 2:08 p.m. Representative Burton not present and excused.

PUBLIC HEARING - HB 66 Witnesses:???????

?????

WORK SESSION

140 KATHRYN: Reviews new amendments (EXHIBIT A)

152 nor: Points out that ????

????

200 LAURIE YORK, LC: Explains dash 21 technical amendments.

>Lines 1-3 improves accuracy of cross reference.

>4-6 conform to Forest Practices Act.

>7-12 improve accuracy of cross references

>13-14 conform to forest practices act. If dash 20 amendments adopted, would conflict.

(bur: arrives)

>???

287 par: Appears no controversy. Hearing no objection, so orders.

308 JANE MYERS, OREGON FOREST INDUSTRIES COUNCIL: Explains the dash 18 amendments. Tighten up language for conditions for dwellings on secondary lands. ???

330 whi: On sub b, suppose you want gravity flow from a well to a non-forest dwelling. Is that covered under these amendments?

348 mye: There is vagueness about a related structure. The question is: is that a structure?

357 rep: Line 14: Who determines what constitutes fire fighting equipment?

367 mye: That would depend on what equipment is typically used in a specific district.

376 rep: Don't you think roads in place for concrete trucks to build structures would support fire equipment?

398 mye: Probably.

404 rep: This would leave standards to be determined by counties.

TAPE 182, SIDE A

01mye: Maybe there is some way to allow for rulemaking. It's been pointed out to me that there are private roads being built on Mount Hood that are not wide enough to accommodate fire equipment.

14rep: But those roads are big enough for concrete trucks needed to build houses served by those roads.

23cou: This language looks remarkably similar to language put into forest fire bill during last session. Have you checked that out?

40mye: Only familiar with that to extent that state Forester given authority to deal with fire fighting planning.

45whi: Is this amendment to protect the forest from homes or homes from the forest.

55MOSHOFISKY: Want to be sure adequate protection for forest dwellings, but this goes to far. Amounts to prohibition on any dwellings within 500 feet of commercial forests. On page 5, lines 26 and on, there are

provisions in the bill that address forest fire protection, and those provisions are better than this amendment. These high standard roads are designed for residential use, but forest industry doesn't have to build to same standard. OIA only aware of two incidents where dwellings caused forest fires. Dwellings aren't causing forest fires. The bill also has strong right to forest provision that accomplishes what amendments intended to do.

105 nai: moves dash 18. ?????

118 bur: Supports because amendment so vague it fits into this bill.

124 nor: Can't support because of vagueness.

fails 6-3, with burton, naito and courtney voting aye.

145 KELLY ROSS,: Explains dash 19 and dash 20 amendments. Crux of dash 19 is on line 4, which gives counties power to approve subdivisions for non-farm conditional uses on farm land. Counties and special districts have volunteered to support these amendments.

165 RUSS NEBON, AOC: ????

175 nai: ????

????

185 van: Is that all this amendment does?

187 vannatta: Remainder is to shore up cross references and conforming amendments.

200 whi: moves dash 19

211 nai: ??? Don't understand why doing bill at all

????

230 par: Currently, some uses are permitted in exclusive farm use zones. In Marion County, for example, if secondary lands law implemented, hardly any secondary lands would be designated.

240 nai: ??????

244 par: Marion County contains some of the best ag. land in the state.

248 neb: Even though a county designates secondary lands, this amendment contains most of the conditional uses currently allowed on exclusive farm use land.

264 bur: What do you think is the main thrust of this whole bill?

269 neb: The purpose is to recognize that right now we have EFU land that doesn't need current level of protection.

277 bur: Why do we want to restore language to the dash 14 amendments?

281 par: Nobody knows answer to that question.

???

288 ros: Appears to go back to one of early drafts from Vida conference, and nobody seemed to notice this.

296 bur: Pretty significant that nobody caught this through all of these amendments.

???

308 par: Confirms Ross.

314 bur: If we restore ????

321 neb: In the EFU zone, there are a number of ????

334 bur: Section 8 (3) ??? does that track back to statutes ????

346 neb: There is language in statute ??? When partitioning, must make sure criteria for use match.

354 bur: You're telling me this is all OK. But if restore this language, saying can only be done under this Act, but prohibit under existing statute.

370 neb: Recommends LC review language on line 5 of the amendments.

380 bur: ????? Putting a building on what is the question.

TAPE 181, SIDE B

03ros: Line 5 of the proposed amendment would make the sections you're concerned about consistent.

06bur: ?????

10ros: ?????

22bur: ?????

34vannatta: ????? So, ORS 215,213 and 215, 283 are repealed by the bill. ?????

48par: Rests on dash 19 pending study by LC.

????

71par: You and others have testified before that fringe provisions don't belong in this bill.

100 JON CHANDLER, COMMON GROUND: Urban fringe provisions of this bill are not only essential for Portland area, but also statewide, and they are very appropriate in secondary lands bill. ????? Once again dealing with land-use planning on macro level.

????

116 par: Is there anything in this amendment that doesn't affect the fringe provisions?

118 cha: Don't think so.

123 GREG WOLF, DLCD: Concurs with Common Ground.

127 cou: So if we take out ?????

????

135 par: All this does is take out Sections 21 and 22?

139 cou: Is that all there amendment does, or part of what it does?

141 cha: ?????

144 RICH CARSON, METRO: Testifies in support of retaining urban reserve provisions of the bill.

151 ?????

????

170 ros: This goes beyond the urban growth boundary concept.

179 cou: ?????

185 ros: There are valid concerns within the urban growth boundary concept. Don't believe legislation required to deal with growth in metro area.

196 par: Notes that rural communities violently opposed to urban reserves and that the demand for it seemed to be coming from the metro area.

207 cou: So the bill only applies to the metro area, but you still want to get this out of the bill?

???? (215)

247 bur: Moves previous question.

249 whi: Withdraws motion on dash 19.

251 par: Entertains motion on dash 20.

253 nor: Moves dash 20.

260 bur: Don't understand what scares the real estate industry about
????

fails 1-8, with nor: voting yes.

285 par: Entertains further discussion on dash 19 amendments.

293 SUE HANNAH, LC: All amendments drafted on very short notice, and I may not be able to explain what they do or what their intent is. ?????
Ross wants to restore that whole concept, to restore ????

320 bur: ?????

324 han: Recall that ORS 215.213 and 215.283 are same scheme. ?????
Section 8 is now identical to ORS 215.283, but couldn't put numbers back

in without chaos on computer system. ORS 215 .213 is repealed completely because secondary lands will supercede marginal lands.

354 bur: ????

358 han: Yes. That language was cut and pasted on the computer.

366 vanata: ?????

377 neb: Page 18, line 5, sub 3: ????. This section eliminates a couple of the criteria, that, through practice and interpretation, have proved to be superfluous. So criteria have been boiled down into what appears in this amendment. (410) ????

TAPE 182, SIDE B

02bur: I'd say ORS 215.283 is different.

14han: ORS 215.283 have been modified in the dash 14.

29par: We'll let dust settle on this amendment. Recesses for five minutes. Reconvenes at 3:55. Entertains discussion on dash 22 amendments.

46vannatta: Explains dash 22 technical amendments, which specifies "commercial" forestland with respect to forest dwellings.

64mos: ???

75par: Intent of this is to repeal ????. Calls on wol: to explain significance of this amendment.

85wol: You were trying to adopt a provision ????. Makes sense to insert the word "commercial" in front of forestland to accomplish what you want.

98nai: Don't understand why this amendment is set up the way it is.

100 wol: ????

107 mos: Withdraws amendment.

115 van: Thought it was a good amendment.

120 par: ????. Entertains discussion on dash 24 amendment.

131 mos: Explains amendments, which pertain to LCDC review of land-use regulations. The applicable goals are already in LCDC goals, so language in bill is redundant. (145) ????. Provisions that would be deleted by amendment are just another way for LCDC to restrict development.

169 par: Trouble understanding significance of these amendments.

173 mos: Whenever anybody objects to an application, LCDC can find a provision to frustrate an applicant.

185 par: This is like adopting a mini comprehensive plan, isn't it?

189 mos: ????

192 cou: ????

194 mos: ????

200 par: Greg, what is a draft amendment in context of this bill?

202 wol: ?????

204 par: Is a draft amendment the same as a plan amendment?

206 wol: ????

211 nor: Seems to me goals should flow from statutes, not vice versa. Should we even make reference to goals in statute?

220 mos: Maybe could get Dave Smith, OIA counsel who wrote opinion on this amendment, to discuss it on Wednesday when this bill is given further consideration.

225 par: ????

228 mos: ????

236 par: Defers consideration of dash 23 and dash 24. Entertains presentation of dash 27 amendments.

258 cou: Thought this bill was going out today.

260 par: Complications this morning. Expect chair will push this out next Wednesday.

271 wat: ????

282 par: On line 20, after "if", insert ????

297 mos: Testifies in support of the amendment, which give credibility to county designation proposals. Statement was made on Senate side that there would be "no secondary lands in Western Oregon" and that's long ways from what many have been working for on secondary lands. Need this amendment to ensure some secondary land designated in Western Oregon.

315 cou: ????

????

340 mos: Our initial request was to have specific criteria, and this is another way to achieve the same end. If going to go with general criteria, this at least is an effort to carry out what planning directors are recommending and to avoid endless litigation.

363 cou: Courts need guidance if you use vague legal standards like "substantial evidence".

376 bur: ????

386 mos: Assume counties will build records as basis for designation proposals ????

TAPE 183, SIDE A

02bur: ????

09mos: Planning directors want to get away from findings because everybody gets knitpicky over findings. ?????

15par: Committee will want to defer on this amendment pending further advice.

24nai: Does subsection 4 have interplay with subsection 2? Will Ag. and Forestry be required to determine if there is substantial evidence in the record?

?????

42par: Entertains testimony in opposition to the dash 27 amendments.

46wol: Testifies in opposition because "substantial evidence" test is too vague in conjunction with already vague designation criteria.

54par: Adjourns at 4:28.