

SENATE AGRICULTURE COMMITTEE MINUTES:

- Jan. 22: p. 1 & 2 (No tape recording)
(Note: states only 5 bills introduced at request of Agric. Dept., no bill nos. cited)
Feb. 24: p. 1, 2 & 3 (No tape recording)
(Note: SB 10, 11, 12 & 13 disc. as package)
Feb. 26: p. 1, 2 & 3
(Note: SB 10, 11, 12 & 13 disc. as package) (No tape recording)
Mar. 5: p. 1 & 2 (No tape recording)
(Note: SB 10, 11, 12 & 13 disc. somewhat as a package)

Separate Exhibit file contains:

1. Special message by Governor Tom McCall, with covering ltr, dated Feb. 7, 1969, re land-use planning and zoning. 8 pages.
2. Resolution against compulsory zoning of agricultural lands in Oregon by Roger Fegles, Jasper Grange #532, Lane County, with ltr. from Sen. Stadler dated Feb. 25, 1969. 3 pages.
3. Testimony of Mrs. Jim Banks, Salem, Legis. Rep., Ore. Environmental Council, presented Feb. 24 & 26, 1969. 3 pages.
4. Testimony of Cyril Chambers, Ore. City, rep. Clackamas Co. Farm Bureau, Feb. 26, 1969. 3 pages.
5. Testimony of Arnold Cogan, Planning Coord., Governors Office, re SB 10, 11, 12 & 13, dated Feb. 24, 1969. 4 pages.
6. Proposed amendment to SB 10 from Edwin Welsh, Trailer Coach Assn, with covering ltr. dated Feb. 26, 1969. 2 pages.
7. Statistics re 1962-2000 Population change, Salem area, with attachment (marked presented by Rodney Stubbs, Ore. Environmental Council 2/26/69). 2 pages.
8. Ltr. from Mrs. Lee James, Albany to Sen. Raymond, Feb. 27, 1969. 7 pages.
(probably 4 pages to xerox)
9. Ltr. from Senate Agric. Committee members to Gov. McCall, Mar. 12, 1969, re meeting of Mar. 5, 1969. 1 page.
10. Resolution against compulsory zoning of agricultural lands in Oregon, undated, signed by W. C. Harris, Master and Margaret Bower, Sec. 1 page.
11. Ltr. from Michael Shannon of M. Shannon Co., Bend, to Sen. Raymond, 25 Feb. 1969. 1 page.

HOUSE PLANNING AND DEVELOPMENT COMMITTEE MINUTES:

- Mar. 18: p. 2 (Also on Tape 18)
Mar. 27: p. 1 (Also on Tape 21)

Exhibits attached:

1. Testimony of Arnold Cogan, Planning Coord., Governors Office. 4 pages.
2. Dupe of Exh. 1 cited in Sen. Agric. Exhibits, above, except lacks cover ltr. 7p
3. Statement of Mrs. Frank W. Anderson, League of Women Voters. 1 page.

Apr. 1: p. 1

(Also on Tape 22)

Exhibits attached:

1. Opinion presented by Robert W. Lundy, Legis. Counsel (Charles W. Wilson, Deputy,) to Sen. Willner, Mar. 13, 1969. 4 pages.
2. Suggested amendments to SB 10 by Stanley R. Church, Ore. Assn. of Realtors, undated. 1 page.

continued...

HOUSE PLANNING AND DEVELOPMENT COMMITTEE MINUTES, continued...

Apr. 3: p. 1

(Also on Tape 23)

Exhibits attached:

1. Statement(?) / memo(?) from Edwin J. Welsh, Atty., Portland, dated Apr. 1, 1969 (article mentioned is not attached). 1 page.

Apr. 8: p. 1

(Also on Tape 25)

7:30PM

Exhibits attached:

1. Testimony of Thomas Fisher, "Dalles". 1 page.
2. Testimony of Mrs. Jim Banks, Ore. Environmental Council. 2 pages.
3. Testimony of Thomas D. Telford, Commissioner, Clackamas Co. 2 pages.
4. Testimony of Cyril Chambers, Clackamas Co. Farm Bureau. 3 pages.
5. Testimony of Paul C. Ramsay, private citizen. 3 pages.
6. Article "Homes That Come Off the Assembly Line", condensed from Harvest Years. 2 pages.
7. Ltr. from Roger W. Emmons, Govt. Affairs Comm., Chamber of Commerce, Salem, to Rep. Hartung, Mar. 27, 1969. 1 page.

Apr. 17: p. 1

(Also on Tape 27)

Exhibits attached:

- * 1. Proposed amendments by Stanley Church (appears to be from newspaper article). 1 page.

(Note: this hearing not cited in clerks index)

Apr. 22: p. 3

(Also on Tape 28)

Exhibits attached:

1. The Need for An Interim Zoning Ordinance (marked Rep. Hartung). 2 pages.
2. Interim Zoning Ordinance, Columbia Co. (may be from Rep. Hartung). 2 pages.

Apr. 24: p. 2 & 3

(may or may not be on Tape 29; clerk's index does not indicate that work session was taped).

Exhibits attached:

1. Suggested amendments, Stanley R. Church, Ore. Assn. of Realtors. 1 page.
2. Committee report dated Apr. 25. 2 pages.

Separate exhibit file contains (some may dupe exhibits attached to minutes):

1. Testimony of Paul C. Ramsay, private citizen, undated. 3 pages.
2. Ltr. from members of Sen. Agric. Comm. to Gov. McCall dated Mar. 12, 1969. 1 page.
3. Ltr. from B. M. Keith, Keith-Peterson & Associates, The Dalles, to members of legislature, Mar. 28, 1969. 1 page.
4. Ltr. from members of Ore. State Bd. of Health to Rep. Hartung, Mar. 19, 1969. 1 page.
5. Ltr. from Sen. Willner to Rep. Hartung, Mar. 24, 1969, enclosing copy of Legislative Counsel opinion dated Mar. 13, 1969. 5 pages.
6. Appears to be series of ltrs. from concerned citizens to Rep. Hartung, with his replies. 9 pages.
7. Map of Marion Co. : generalized zoning map, not including the Salem peripheral zoned areas, Feb. 1969 prepared by Mid-Willamette Valley Council of Governments, 1968. OVERSIZED. Estimate 4-6 pages to xerox.

Prepared by: M. McQuade, Technical Archivist and M. Keillor, Reference Archivist
1/12/79M - 19 pgs.
E - 76 pgs.

Senate Committee on Agriculture

January 22, 1969

3:00 p.m.

309 State Capitol

Members Present: Bateson, Inskeep, Willner, Jernstedt,
Ireland, Dement

Excused: Raymond

The meeting was called to order by Vice-Chairman Bateson. Two new appointees to the Committee, Senators Ireland and Dement, were introduced.

With the change in committee structure from five to seven members, Vice-Chairman Bateson suggested the rules adopted on January 20, 1969 should be reviewed. Senator Inskeep made the motion that Rules 2 and 3 be changed as follows:

2. QUORUM: Four members present constitute a quorum.

3. ACTION: A favorable vote of four members is required to TABLE, REMOVE FROM TABLE or PASS OUT a bill in Committee.

Motion carried unanimously.

Vice-Chairman Bateson read a letter from Mr. Walter Leth, Director, State Department of Agriculture, asking that all requests for assistance on legislative matters from the Department be directed through his office for proper channeling to staff members. (copy of letter attached.)

Mr. Walter Leth was introduced to the Committee, and he in turn introduced Ken Sawyer, Assistant Director, whose responsibility is the supervision of the milk stabilization program and all the livestock division including meat inspection; Ben Allen, Assistant Director, responsible for consumer services work with the exception of meat inspection; Ed Bamford, who was not present, Assistant Director in charge of personnel and administration and also the wheat inspection program; and Don Parker, Legal Counsel, assigned to the Department from the Attorney General's Office.

The Department of Agriculture presented five bills they wished introduced by the Committee.

(Senator Dement excused at 3:15)

Senator Willner asked if the Department had studied the bills submitted by the Interim Committee on Agriculture before submitting their bills. When the subject matter is related, such as in meat inspection and milk, the study of bills will be coordinated.


Mr. Leth will write a letter to the Committee telling of anticipated legislation to be submitted from the industry people.

Vice-Chairman Bateson announced that Senator Atiyeh has written Mr. Virgil Freed at OSU inviting him to speak to the Air and Water Quality Control Committee, but has not yet received an answer. Besides the Senate Agriculture Committee, Senator Atiyeh plans to invite House Natural Resources and House and Senate Fish and Game Committees.

Senator Jernstedt introduced his intern student, George McLean. Senator Bateson introduced his Intern, Bruce McLeod, and Senator Raymond's intern, Margaret MacGruder was also introduced.

There being no further business to come before the Committee, the meeting was adjourned.

Respectfully submitted,



Vice-Chairman



Clerk

SENATE COMMITTEE ON AGRICULTURE

February 24, 1969

3:00 p.m.

309 State Capitol

Members Present: Raymond, Bateson, Inskeep, Ireland, Jernstedt

Late: Dement, Willner

Witnesses: Arnold M. Cogan, Governor's Office
Mrs. Jim Banks, Oregon Environmental Council
Edwin Welsh, Trailer Coach Association
Norman W. Wilson, Polk County property owner
Paul C. Ramsay, Deschutes, Crook, Jefferson,
and Klamath Counties Property Owners Assn.
Albert Palmer, Clatsop County Citizens Group
Eldon Austin, Clackamas County property owner
Mrs. Marvin Fausett, Clatsop County property owner
Allen Propst, Linn County Rural Property Owners Assn.

Chairman Raymond called the meeting to order.

HJM 12

Chairman Raymond stated that HJM 12 asks the federal government not to impose recently proposed increases in grazing fees on public lands. He mentioned that in Albuquerque, New Mexico a judge turned down an appeal for a temporary injunction on grazing fees, but the final hearings on the case will resume on March 17, and this is the reason for prompt action on this memorial. Senator Bateson moved that HJM 12 be reported out with a DO PASS recommendation. Motion carried unanimously, with Senators Dement and Willner not present at the time of voting. Senator Raymond will lead the floor discussion.

(3:07 Senators Dement and Willner arrived)

SB 10, 11, 12, 13

Senator Bateson, who was Chairman of the Land Use Committee of the Interim Committee on Agriculture, spoke on these bills. He stated that SB 13 would appropriate money to do soil classification studies to determine what kind of land we have so we can know how it will best serve our needs. The other three bills deal with land use. The Interim Committee was concerned because prime agricultural land was being put to other uses and taken out of production. He further explained that since the bill was printed, an amendment was proposed that would take the jurisdiction from the State Land Board and put it in the Governor's Office. He also mentioned that there would be some amendments presented by the utility companies which would make SB 12 less laborious on the utility companies but still preserve agricultural and timber lands.

Mr. Arnold Cogan, Planning Coordinator in Governor McCall's Office, explained that they have proposed a Department of Environmental Quality with land-use planning responsibilities. They would like to see SB 10 amended to read "Department of Environmental Quality" wherever the State Land Board is mentioned. (copy of testimony on file.)

Senator Jernstedt asked Mr. Cogan if there is any attempt at zoning of areas across state lines. Mr. Cogan answered that at the present time there is no cooperative interstate land-use planning, but in certain instances such as the area around Portland and Vancouver there was a study done by the Columbia Region Association of Governments.

Senator Dement asked if the State has any control over the federal lands. Mr. Cogan answered that legally they do not, however, the federal government has developed the practice that they will, wherever possible, conform to the local wishes expressed in these codes. He believes the federal government would be happy to cooperate with zoning.

Mrs. Jim Banks, representing the Oregon Environmental Counsel and the Polk County Planning Commission, appeared in favor of SB 10. (copy of testimony on file.)

Mr. Edwin Welsh, Trailer Coach Association, stated they feel zoning is essential to our state. They would appreciate it if somewhere in the study of statewide zoning there be provisions considered for mobile home parks, subdivisions or condominiums.

Mr. Norman W. Wilson, Polk County property owner, who stated he was a certified real estate appraiser and works for the Polk County Assessors Office. He does not represent the Assessors Office but speaks only for himself. He opposes SB 10 and illustrated on the blackboard how he believes it makes an inequity in the tax distributions on property owners.

Mr. Paul Ramsey, representing Deschutes, Crook, Jefferson and Klamath County Property Owners Association, expressed their opposition to zoning. They feel the enabling legislation should be changed so that the owner of the land can say what his land is used for.

(4:25 Senator Willner excused)

Mr. Albert Palmer, Chairman of a Clatsop County Citizens Group, expressed their opposition to SB 10. They believe it should be up to each county to make these decisions.

Mr. Eldon Austin, Clackamas County property owner, spoke in opposition to SB 10. He does not like to have the State have jurisdiction over all the land and specifically the Governor, who possibly changes every four years. He believes the pollution problems should be under the State Sanitary Authority.

Mrs. Marvin Fausett, Clatsop County property owner, spoke in opposition to SB 10. She stated it is a constitutional right of a citizen to own property and to do with that property as he sees fit.

Mr. Allen Propst, President of the Linn County Rural Property Owners Association, opposes this type of bill. He is a farmer, but feels they should have a right to decide for themselves what to do with their land.

Since the hearing had continued for two hours and fifteen minutes, Chairman Raymond announced the meeting would be adjourned and hearing would continue on Wednesday on these bills.

Respectfully submitted,

Chairman

A handwritten signature in cursive script, appearing to read "Raymond", written over a horizontal line.

Clerk

A handwritten signature in cursive script, appearing to read "Phyllis Elgin", written over a horizontal line.

SENATE COMMITTEE ON AGRICULTURE

February 26, 1969

3:00 p.m.

309 State Capitol

Members Present: Raymond, Bateson, Jernstedt, Dement, Inskip,
Willner, Ireland

Witnesses: Agnes James, Linn County property owner
Lucille Bosch, Linn County Property owner
Cyril Chambers, Clackamas Co. Farm Bureau
Rodney R. Stubbs, Oregon Environmental Council
and American Institute of Planners
John McCulley, Mayor of Springfield, Ore.
Ralph Coan, Oregon Assn. of Realtors
Richard P. Tolleson, ZAMO Inc., Clackamas Co.
Jack McIsaac, Pacific Power and Light
Ralph Boese, Deschutes Co. property owner
Thomas Fisher, Polk County property owner
Georgia Tolleson, Mulino, Oregon
Mrs. Marvin Fausett, Clatsop Co. property owner

Chairman Raymond called the meeting to order. He asked Senator Bateson, who had been Chairman of the Land Use Committee of the Agricultural Interim Committee, to again give a brief explanation on these four bills that had been prepared by the Interim Committee.

Since there were some witnesses who had not been heard on Monday, Chairman Raymond explained that he would call on them first.

Agnes James, Linn County property owner, appeared in opposition to SB 10, stating that she opposes planning and zoning and taking away the individual rights of property owners.

Lucille Bosch, Linn County property owner, stated she opposes SB 10 and any type of zoning. She feels it is a duplication of governing bodies. These purposes are already accomplished in present organizations.

Cyril Chambers, representing the Clackamas County Farm Bureau, spoke in opposition to SB 10. He stated that zoning should be accomplished by many public hearings. The people will not have an opportunity to vote on state-wide zoning. He further stated that ORS 215.203 provides for agricultural zoning. (copy of testimony on file.)

Senator Willner asked Mr. Chambers if he is objecting to the procedure followed in accomplishing zoning in Clackamas County. Mr. Chambers answered yes, that the wording was changed from shall to may and so it was no longer necessary to hold public hearings before zoning.

Rodney Stubbs, representing the Oregon Environmental Council and the Willamette Chapter of the American Institute of Planners, testified in favor of SB 10. He discussed the growth factor and how good planning was necessary. He distributed charts showing the projected growth. (copy in file) He further stated the control of zoning should be at the county level. This bill allows the counties to adopt their own zoning and land-use ordinances. There is a time allowed for the counties to do this before the state would step in and do it.

John McCully, Mayor of Springfield, Oregon, a member of the Central Lane County Planning Council and also representing the Oregon Association of Realtors, stated he favors SB 10 except for the December 1971 deadline. He feels that date will force planning to be done on a crash program. Good planning requires a great deal of cooperation between agricultural, industrial and residential areas. He feels the soonest a good plan could be enforced would be December 1975 instead of 1971. He believes an amendment should be included to hold public hearings in each county prior to any enforcement of zoning.

Ralph Coan, a realtor from Portland and representing Oregon Association of Realtors, stated they oppose SB 11. It appears to him that this would be a back-door approach as a means of extending the subdivision act to single sales of a parcel of 10 acres or less instead of the present permissible sales of three parcels of 5 acres or less in any one year. It would probably make it impossible to sell a 10 acre tract or a smaller parcel without first drilling a well and having it tested, as well as testing to see if the land could accommodate a septic tank. Senators Jernstedt and Inskeep questioned the witness as to why this would be a bad requirement. Mr. Coan answered it would cost too much.

Richard P. Tolleson, representing ZAMO (Zoning Adjustment Modification Organization), spoke in opposition to SB 10. He asked why state-wide zoning can't be presented to the people for a vote of approval. He also questioned the necessity of SB 13 since he felt the desired information was already accumulated in the State Engineer's Office. Senator Bateson answered that he had checked this source, and that this information was not adequate.

Senator Bateson presented some amendments to SB 12 because he felt that SB 12 as printed presented some administrative problems that went beyond the intent of the Interim Committee. The proposal would not deal with highway or roads, but would deal only with people who provide electrical service or telephone or telegraph messages. It deals only with the cases where they are condemning a right of way, but not when they are buying the land. It sets out the things the Public Utilities Commissioner shall consider before he grants a certificate of convenience and necessity which allows the condemnation and construction of the lines.

Senator Bateson moved that the Proposed Engrossed SB 12 be adopted by the committee for study instead of the original SB 12. Motion carried unanimously.

Jack McIsaac, representing Pacific Power and Light, testified that the original SB 12 was almost unlivable. The present bill is limited to condemnation only and in Pacific Power's 59 years they have only condemned once and it is his belief that the telephone company has never condemned. Referring to subsection (b), they would have to run cost analysis on every alternate route, and this would be very costly for them. The Public Utilities Commission functions to protect the people and they will continue to do this. The Bureau of Reclamation requires watershed protection. He is against the bill because he does not feel it is needed.

Ralph Boese, Deschutes County property owner, spoke in opposition to SB 10. He stated the citizens of Deschutes County have voted down any land-use control whenever it has come to a vote.

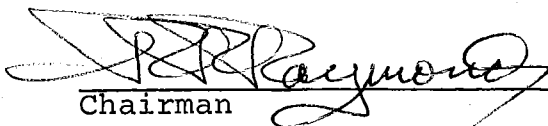
Mr. Thomas Fisher, Polk County property owner, who also works for the Polk County Assessors Office, although he was speaking only for himself, spoke in opposition to SB 10. He stated that if zoning goes into effect, the price of farm land will decrease and he thinks the farmer should be compensated for this loss. He feels that rural zoning is a necessary evil, but it should never be instituted without full knowledge and consent of the majority of the property owners involved and not by county ordinance.

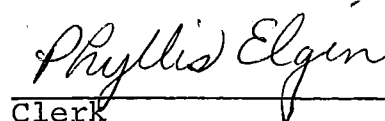
Mrs. Georgia Tolleson, Mulino, Oregon property owner, spoke in opposition to SB 10. She stated that they had no particular quarrel with ORS 215, but they feel this bill should provide the privilege of voting. She also made a point that after zoning goes into effect, the private citizens, even when they protest proposed action, have no control over the decisions of the county commissioners. Zoning does not protect the property owners.

Mrs. Marvin Fausett, Clatsop County property owner, spoke again in opposition to SB 10.

All those wishing to testify had been heard, and the meeting was adjourned at 5:30 p.m.

Respectfully, submitted,


Chairman


Clerk

SENATE COMMITTEE ON AGRICULTURE

March 5, 1969

3:00 p.m.

309 State Capitol

Members Present: Raymond, Bateson, Inskeep, Dement, Ireland,
Jernstedt, Willner

Chairman Raymond called the meeting to order. He explained that this was a work session and no testimony would be received, but if a committee member desired to ask someone in the room a question pertaining to a bill, it would be acceptable.

SB 10

Senator Bateson presented amendments prepared by Legislative Counsel which substituted the word "Governor" in the bill wherever "State Land Board" appeared. Senator Bateson moved the adoption of these amendments.

In answer to Senator Dement's question of how the Governor will administer this bill, Senator Bateson answered that the Governor will tell the professionals on his staff to develop a comprehensive land-use plan. Senator Dement then asked how it would be financed. Senator Bateson answered that by the 1971 Legislative Session it will be known how much land will need to be zoned and how much it will cost.

Senator Willner commented that he hopes the Governor will not have to zone anywhere and that if the bill passes, each county will do their own zoning.

Senator Inskeep requested a letter be written by this Committee to the Governor expressing the importance of involving the people in each county in this zone planning.

To insure that public hearings would be held in each county on zoning plans, Senator Willner moved that on page 2 of the bill, line 16, "ORS 215.223" be deleted and "ORS 215.060" be inserted. The motion carried unanimously.

The motion of Senator Bateson for the adoption of the amendments prepared by Legislative Counsel was carried unanimously.

Senator Bateson moved the Committee not extend the deadline from December 1971 to 1975. The motion carried, with Senator Dement voting no.

The amendment prepared by the Trailer Coach Association was considered. Senator Bateson moved that the Committee not accept this amendment. Motion carried unanimously.

Senator Bateson moved SB 10 be reported out with a DO PASS AS AMENDED recommendation. The motion carried, with Senator Dement voting no. Senator Bateson will lead the floor discussion.

SB 11

In answer to a question by Senator Inskeep of how a person would be prevented from building on the low edge of his property which would give him proper drainage, but would send the sewage into his neighbor's land, Senator Bateson explained that the Board of Health would study this situation and would not issue a certificate if proper sanitation was not provided.

Senator Bateson moved SB 11 be reported out with a DO PASS recommendation. The motion carried unanimously. Senator Inskeep will lead the floor discussion.

Both SB 10 and SB 11 carried prior referrals to Air and Water Quality Control Committee. Senator Bateson stated that it was the pleasure of the Air and Water Quality Control Committee that this referral be rescinded and the bills go directly before the Assembly. The clerk was instructed to recommend this on the Committee Report.

SB 12

Senator Bateson moved that the Proposed Engrossed SB 12 be reported out with a DO PASS AS AMENDED recommendation. The motion failed, with Senators Raymond, Inskeep, Dement, Ireland, and Jernstedt voting no.

Senator Inskeep moved that SB 12 be TABLED. The motion carried unanimously.

SB 13

Senator Inskeep questioned why, since the Soil Conservation Service has made soil surveys throughout the state and are now going back over some of them, Oregon State University is being brought into the picture. Senator Bateson answered that the College and the Conservation Service have been working side by side in this study.

Senator Jernstedt questioned the purpose of this long range study to help land-use planning when the counties were required to have their plan by 1971 and this study was scheduled over the next few years. Senator Bateson answered that a certain amount of information about the ground is now known and they have done the best they could with what information they have, but the more information available, the better the job they can do.

Senator Bateson moved that SB 13 be reported out, with a prior referral to Ways and Means Committee, with a DO PASS recommendation. The motion carried unanimously.

HOME ADDRESS
GLEN M. STADLER
303 FAIRWAY LOOP
EUGENE, OREGON 97401

LANE COUNTY



OREGON STATE SENATE
SALEM, OREGON
97310

COMMITTEES
CHAIRMAN:
CONSTITUTIONAL REVISION AND
GOVERNMENTAL REORGANIZATION
VICE CHAIRMAN:
COMMERCE AND UTILITIES
MEMBER:
ALCOHOLIC CONTROL
NATURAL RESOURCES

SB10

February 25, 1969

Mr. Roger Fegles, Master
Jasper Grange #532, Lane County
Post Office Box 226
Lowell, Oregon 97452

Dear Mr. Fegles:

I have sent a copy of your resolution to Senator
Raymond, Chairman of the Senate Agriculture Com-
mittee.

Good luck.

Very truly yours,

Glen M. Stadler
State Senator

GMS:lm
cc/Dorothy H. Parks, Secretary

RESOLUTION AGAINST COMPULSORY ZONING OF AGRICULTURAL LANDS
IN OREGON.

~~WHEREAS;~~

~~THEREFORE BE IT RESOLVED;~~ That we of JASPER GRANGE #532 believe that the proposed compulsory zoning of agricultural land in the State of Oregon is not in the best interest of the people of the state, because it will discriminate against the individual farmer by taking away his right to follow his own planning. The Oregon farmer has too much initiative to become a willing cog in a political machine.

WHEREAS; This method of compulsory planning and control has been in force in Russia for many years and most years Russia has to import food stuff from the free nations to feed her people.

WHEREAS; We further believe that any zoning of agricultural lands should only be done by a vote of the land owners in the area concerned.

THEREFORE BE IT RESOLVED: by JASPER GRANGE #532 that we go on record as opposing statewide compulsory zoning of agricultural land.

AND FURTHERMORE BE IT RESOLVED: That copies of this resolution be sent to our State Senators and Representatives, and to Lane County Pomona Grange and to the Subordinate Granges in Lane County.

MASTER

Roger Fegles
Roger Fegles

SECRETARY

Dorothy H. Parks
Dorothy H. Parks

JASPER GRANGE #532 Lane County
P. O. Box 226 Lowell, Oregon 97452

001 -

RESOLUTION AGAINST COMPULSORY ZONING OF AGRICULTURAL LANDS
IN OREGON.

~~WHEREAS;~~
~~THEREFORE BE IT RESOLVED;~~ That we of JASPER GRANGE #532 believe that the proposed compulsory zoning of agricultural land in the State of Oregon is not in the best interest of the people of the state, because it will discriminate against the individual farmer by taking away his right to follow his own planning. The Oregon farmer has too much initiative to become a willing cog in a political machine.

WHEREAS; This method of compulsory planning and control has been in force in Russia for many years and most years Russia has to import food stuff from the free nations to feed her people.

WHEREAS; We further believe that any zoning of agricultural lands should only be done by a vote of the land owners in the area concerned.

THEREFORE BE IT RESOLVED: by JASPER GRANGE #532 that we go on record as opposing statewide compulsory zoning of agricultural land.

AND FURTHERMORE BE IT RESOLVED: That copies of this resolution be sent to our State Senators and Representatives, and to Lane County Pomona Grange and to the Subordinate Granges in Lane County.

MASTER

Roger Fegles
Roger Fegles

SECRETARY

Dorothy H. Parks
Dorothy H. Parks

JASPER GRANGE #532 Lane County
P. O. Box 226 Lowell, Oregon 97452



TOM McCALL
GOVERNOR

OFFICE OF THE GOVERNOR
STATE CAPITOL
SALEM 97310

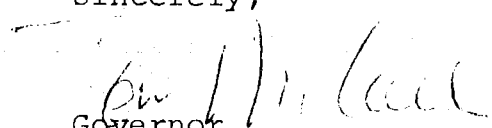
February 7, 1969

Honorable President and members of the 55th Legislative
Assembly:

Enclosed is a special message relating to
land-use planning and zoning.

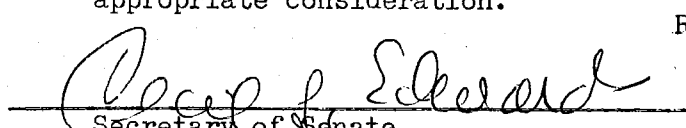
May I respectfully suggest that if the Senate
is so disposed it be referred to a committee for
informational purposes and appropriate consideration.

Sincerely,


Governor

February 7, 1969

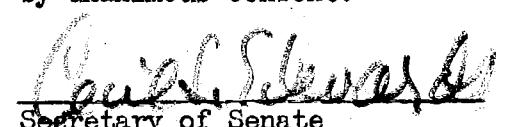
Read and referred to
Committee on Planning and Development
for informational purposes and
appropriate consideration.


Secretary of Senate

March 10, 1969

Recommendation: Be referred to
Committee on Agriculture

Referred to Committee on Agriculture
by unanimous consent.


Secretary of Senate

PRESENTATION TO SENATE AGRICULTURE COMMITTEE

By Arnold M. Cogan
Planning Coordinator
Office of the Governor
February 24, 1969

Re. Senate Bills 10, 11, 12, and 13

Mr. Chairman and Members of the Senate Agriculture Committee:

My name is Arnold Cogan. I am Planning Coordinator in Governor McCall's office. I am speaking to you today in that capacity about Senate Bills 10, 11, 12, and 13.

On February 7, 1969 Governor McCall submitted a special message to the legislature on the subject of state land-use planning and zoning. In that message the Governor vigorously defended the need for such planning and zoning and supported the basic philosophies embodied in Senate Bills 10 through 13.

In supporting these bills, Governor McCall said, "Overall, our 96,000 square miles are the most beautiful in the world. We have land studies and the forthcoming impressive water studies--due for release this spring--to give us further guidelines for sure-footed action to contribute to retention of Oregon's intrinsic quality through the balance of this century and beyond."

He went on to say, "For all these reasons--and most particularly because of my long-standing commitment to bequeath a liveable Oregon to today's children--I support statewide land-use planning and zoning."

There are, however, some modifications which we respectfully recommend be made to Senate Bill 10, the primary bill affecting state responsibilities, should the counties not act in time to establish a zoning ordinance. As this bill is presently drawn, responsibilities would be placed upon the State Land Board. Again, quoting from Governor McCall's message, he said, "I submit --that the land board is not staffed or equipped in the least degree to address this problem which has a potential for requiring a very substantial management effort. I speak with some knowledge of the board's potential, since I am its chairman. --I refer to my January 13 message to the legislature -- that statewide land-use planning and zoning, if approved by the legislature, become the responsibility of the proposed Department of Environmental Quality. --This assembly has no more vital obligation than to create this department --than to set up statewide land-use planning and zoning than to lodge planning and zoning within the new department."

It is our intent to provide the proposed Department of Environmental Quality with land-use planning responsibilities. Should it be impossible for the legislature to approve the organization of a Department of Environmental Quality, then it would be more logical for the land-use planning and zoning function to be undertaken under the auspices of the Governor's Office. We would be willing, therefore, to see Senate Bill 10 changed now with the Governor substituted wherever the State Land Board is mentioned. However, this

step would be with the understanding that if the Department of Environmental Quality is organized this session, then the land-use planning and zoning functions would be transferred to that department, and that appropriate amendments would be offered to Senate Bill 10 reflecting this shift.

We have other comments which we wish to submit regarding the conduct, timing, and organization of land-use planning and zoning. It is our understanding that these aspects are more appropriately raised under Senate Bill 195, also introduced by Senator Bateson, but to be heard by the Senate Local Government committee.

However, we wish to submit for the record the following principles under which state land-use planning and zoning should be conducted.

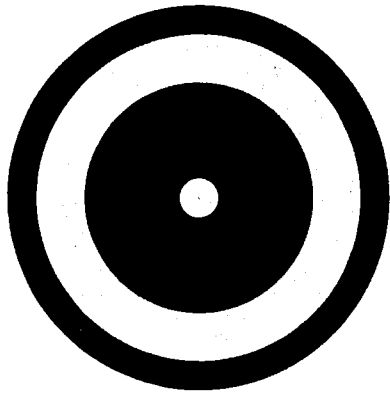
1. That the land-use plans upon which the zoning ordinances are based be developed on an administrative district basis to reflect areawide regional considerations of air and water pollution, floods, transportation development, and other related inter-jurisdictional problems.
2. That land-use planning and zoning should be undertaken on a cooperative basis between state and local government--rather than the adversary role assumed in the present bill which depends upon county inaction prior to state involvement. Since many

state agency plans often influence local land uses, and local land use plans are directly related to statewide environmental goals concerning natural resources and Oregon liveability, the task of planning should involve a partnership between both levels of government.

3. That all land-use planning and zoning --statewide, in the districts, and among the counties--be based upon a coordinated local government effort through the development of a standardized land-use classification system, common time periods for projections of land-use needs, and a common basic language in the land-use zoning ordinances. All of these would do much to ensure simplicity of the zoning code preparation and uniformity of fair enforcement.

To accomplish the various proposals I have expressed to you, we are currently preparing amendments to SB10 and will be submitting them to you in the very near future.

Thank you, gentlemen, for the opportunity to appear before you today. I will now be prepared to respond to questions.



OREGON ENVIRONMENTAL COUNCIL
POST OFFICE BOX 3371 • SALEM, OREGON 97302

Testimony presented to:

Senate Agricultural Committee
Senator Raphael Raymond, Chairman
State Capitol Building
Salem, Oregon

February 24 and 26, 1969

By: Mrs. Jim Banks
Route 1, Box 773C
Salem, Oregon

Legislative Representative
Oregon Environmental Council

Member of Polk County Planning Commission

Mister Chairman and Members of the Senate Committee on Agriculture:

I am Mrs. Jim Banks, Route 1, Salem. I am appearing here to represent the Oregon Environmental Council and also as a member of the Polk County Planning Commission. The Oregon Environmental Council is a non-profit organization formed last year to promote public awareness of our surroundings and to encourage preservation of Oregon's unique livability. The Council is made up of interested citizens and of conservation, planning and sportsmen's organizations from various parts of the state. We are supporting Senate Bill 10 for statewide zoning because we feel that the time has come to plan for future population needs. Land is no longer so plentiful that we can squander its quality on anything less than its best use. I believe that in the last session there was some proposed legislation which stated that our store of prime farm land, as classified by the Soil Conservation Service, is being depleted at the rate of 20% every ten years. As I'm sure you gentlemen are aware, much of the most suitable farm land is directly in the path of urban expansion.

The Polk County Planning Commission has been faced with this very problem. Much of our county is already zoned---the cities and the peripheral zones around them. We recently established a 10,000-acre exclusive farm use zone; and we are contemplating additional farm zones in an effort to keep some of these excellent soils in production and to encourage urbanization of lands less suitable for farm use.

Speaking to SB 10: I would like to describe the reactions of two of our planning commissioners. Our chairman said he felt that statewide zoning would be a definite help because then we wouldn't have to argue whether to zone---only how. Another member of our commission told me this legislation would benefit because it would be a way to control those non-conforming uses which now may go outside the peripheral zones of cities where they can acquire unzoned land. They may or may not put this land to its best use, and they also may present both themselves and eventually various governmental jurisdictions with problems of services such as water, sewage disposal, roads, etc.

My only concern with SB 10 is with the standards of comprehensive planning set forth. Since zoning is only the implementing tool to encourage optimum use of land, I would like to see the planning mechanisms strengthened. SB 195, which I realize is not before this committee, has stipulated certain standards, particularly in Section 3, which I would hope could be incorporated with this legislation.

I do not feel that a good overall plan of land use would be an insurmountable administrative problem even to smaller counties. Polk County has done some pioneering in the field of agricultural zoning. In December of 1961 we set up 25 square miles in an agriculture-grazing-timber zone. Now we are improving on that plan by proposing rezoning of this land in blocks of exclusive farm land, blocks of residential-agricultural for future city growth and some transitional zones in limited acreage blocks where percolation tests indicate an inadequate sewage capacity until city hookup is available. The various zones will be determined by an overlay of maps---one for topography, one for soil characteristics for farm use, one for soil capability for sewage disposal and one for current subdivision plate and projected urban expansion. Much of this information is already available from the Soil Conservation Service and the Extension Service, which, as I'm sure you know, has been very active in the field of planning in recent years.

It is this kind of projections for land use which I would hope could precede the zoning of any county. My chief concern is that the zoning tool not be blunted by inadequate planning.

We would like to recommend this committee's favorable consideration of SB 10, and to the amendment transferring authority to the proposed Dept. of Environmental ^{Quality} ~~Resources~~.

4205 Knox Butte Rd
Albany Oregon ⁹¹³²⁴
February 28, 1969
Honorable Senator Raymond:
House of Senate
Salem, Oregon.

Dear Senator Raymond:

I am writing you in regards to the hearing yesterday, and as I am a slow thinker these things didn't come to mind until later and for this I am very sorry.

But to me, this, is a sort of paternalistic movement. In other words not giving to man the credit he should have for having intelligence

-2-

or the knowledge to govern himself. Freedom of enterprise is what built our nation, and freedom taken from man sometimes takes away the incentive to work or do anything, for example Russia. I think it is an infringement on his dignity, and I firmly believe in the dignity of man.

I will say this, the behavior of some people could do with some restraint, but not in this our current problems, not the rural people or our farmers.

Once these controls

-3-

are put on they are never removed, as for instance the crop acreage control. They are still in effect, which was only to be an emergency war measure. There are hungry people in our country but still the controls are on. There's another one, "subsidies", are still being given by the Government that is keeping commodities butter, etc so high we can't afford it. That is (controls,) we should get government out of control and not pattern our state laws after it. The way it has been the last 30 yrs.

may I quote from the St. James version of the Bible? Acts 10:34

"God is no respecter of persons".

This I take it to mean all men are given intelligence from God.

No one man can monopolize it as it is infinite.

So when we don't let a man use his own knowledge and ingenuity we are depriving that man of something that is God given and rightfully belongs to him. Freedom to do what he pleases with his property so long as he is a law

abiding citizen and is morally responsible for what he does.

may I quote from another good book?

"Truth crushed to earth springs spontaneously upward and whispers to the breeze man's inalienable birthright, (Liberty.) where the Spirit of the Lord is, there is Liberty, God is everywhere, no crown nor sceptre, nor rule ~~can~~ rampant can quench the vital heritage of freedom

I firmly believe with any more controls will mean taking away the

freedom of the people as you and I know our country was founded & built on free enterprise which is fast disappearing, and I am afraid it will fall.

When you take ^{or leave} God out of your business social life, or home life you haven't anything left, nothing to build on or live with. I firmly believe in using Principle every minute of the day. In other words "Gods Government. a right & good Government very sincerely,
Mrs. Lee (Agnes) James
(over please) Albany.

Thank you for taking the
time to read this.

But I think you are
a good man and will
try to understand, not
condemn. That is my
opinion of you.

PORTLAND ADDRESS
DON S. WILLNER
900 CORBETT BUILDING
PORTLAND, OREGON 97204
—
MULTNOMAH COUNTY



OREGON STATE SENATE
SALEM, OREGON
97310

COMMITTEES
CHAIRMAN:
PLANNING AND DEVELOPMENT
MEMBER:
AGRICULTURE
AIR AND WATER QUALITY CONTROL
JUDICIARY

March 24, 1969

Representative Hartung
Chairman
Planning and Development Committee

Dear Tom:

Your committee has been assigned SB 10. During the course of the Senate debate Senator Fadelay raised the question of whether this bill was unconstitutional because it provided that in the event the counties do not zone, the Governor may establish zoning ordinances. It was my opinion then that the bill was constitutional in the form it passed the Senate. I did, however, believe that it might be safer to substitute the word "regulations" for the word "ordinances". I requested a formal opinion on this subject from Legislative Counsel and I am enclosing a copy of that opinion.

To avoid doubts about this question, it would be my suggestion that your committee amend SB 10 by substituting the word "regulations" for "ordinances". I believe the Senate would concur in this amendment.

Sincerely yours,

Don S. Willner

cc: Senator Raymond

cc: Senator Batason

Enclosure



STATE OF OREGON
LEGISLATIVE COUNSEL COMMITTEE
410 STATE CAPITOL
SALEM, OREGON 97310

March 13, 1969

Honorable Don Willner
State Senate
Salem, Oregon

Dear Senator Willner:

This is in response to your request for an opinion regarding the constitutionality of certain zoning functions that the Governor is authorized to perform by Engrossed Senate Bill 10, 1969 Regular Session.

You state that section 1 of the bill confers upon the Governor authority to prescribe, amend and administer zoning ordinances that are to apply to lands not otherwise meeting the planning and zoning requirements prescribed in the bill. You then state that the argument has been made that authorizing the Governor to prescribe an ordinance is the performance of a legislative function that violates the separation of powers provisions of section 1, Art. III of the Oregon Constitution, and you inquire whether substitution of the word "regulation" for the word "ordinance" eliminates the objection of unconstitutionality.

Our answer is that we do not think that the unconstitutionality argument is well taken, but that in any event, amending the bill to substitute "regulation" for "ordinance" should remove the basis for criticism of the bill on the grounds of improper terminology.

It seems to be well settled Oregon law and practice that the Legislative Assembly can grant to an administrative agency or officer the power to regulate if adequate standards are established to serve as a guideline for the exercise of that power. Demers v Peterson, 197 Or. 466, 254 P2d 213 (1953). A more recent case on legislative delegations, Warren v Marion County, 222 Or. 307, 353 P2d 257 (1960), states that "... the important consideration is not whether the statute

Honorable Don Willner
March 13, 1969
Page 2

delegating the power expresses standards, but whether the procedure established for the exercise of the power furnishes adequate safeguards to those who are affected by the administrative action." (222 Or. 314)

Engrossed Senate Bill 10 meets both these tests. Section 2 (2) of the bill provides:

"Any zoning ordinances prescribed or amended by the Governor pursuant to section 1 of this Act shall be in accordance with the standards provided in ORS 215.055 and the notice and hearing requirements provided in ORS 215.223."

ORS 215.055 provides:

The plan and all legislation and regulations authorized by ORS 215.010, 215.030, 215.050 to 215.060, 215.104 to 215.233 and 215.460 shall be designed to promote the public health, safety and general welfare and shall be based on the following considerations, among others: The various characteristics of the various areas in the county, the suitability of the areas for particular land uses and improvements, the land uses and improvements in the areas, trends in land improvement, density of development, property values, the needs of economic enterprises in the future development of the areas, needed access to particular sites in the areas, natural resources of the county and prospective needs for development thereof, and the public need for healthful, safe, aesthetic surroundings and conditions.

ORS 215.223 provides:

(1) No zoning ordinance enacted by the county governing body may have legal effect unless prior to its enactment the governing body or the planning commission conducts one or more public hearings on the ordinance and unless 10 days' advance public notice of each hearing is published in a newspaper of general circulation in the county or, in case the ordinance applies to only a part of the county, is so published in that part of the county.

Honorable Don Willner
March 13, 1969
Page 3

(2) The notice provisions of this section shall not restrict the giving of notice by other means, including mail, radio and television.

(3) In effecting a zone change the proceedings for which are commenced at the request of a property owner, the governing body shall in addition to other notice give individual notice of the request by mail to the record owners of property within 250 feet of the property for which a zone change has been requested. The failure of the property owner to receive the notice described shall not invalidate any zone change.

In addition to the detailed standards and provisions for notice and hearing, any zoning provisions promulgated by the Governor could be subjected to court tests for procedural and substantive regularity.

"But the assertion that authority as to what the law shall be is not delegable is clearly false. Virtually every statute creating an administrative agency delegates authority to determine what the law shall be." 1, Davis, Administrative Law Treatise, § 2.02 (1958).

The legislative delegation is a delegation of the power to regulate, to prescribe the rule, the required course of conduct. Use of what might be considered inappropriate or unconventional terminology in referring to that power should not be considered a fatal defect. The evil seems to be the delegation of uncontrolled power "to determine what the law shall be", and it has been demonstrated above that the provisions of this bill do not make an uncontrolled delegation of regulatory power. That "ordinance," rather than some other term, is used to refer to the delegated power should not make the delegation unconstitutional when standards and safeguards controlling exercise of the power have been provided, as they have in this bill.

However, to avoid further difficulty on this point, we agree that it would be appropriate to substitute the word "regulation" for the word "ordinance" when referring in the bill to the Governor's duties and powers regarding zoning. The provisions of Oregon law granting to executive and administrative agencies the power to adopt "rules" or

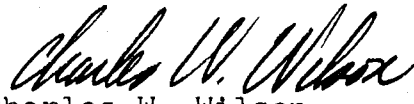
Honorable Don Willner
March 13, 1969
Page 4

"regulations" subject to appropriate standards are too numerous to require citation.

In accordance with the functions of the Legislative Counsel's office, the opinions written by this office are intended only for the information and guidance of members of the Legislative Assembly and are not intended as guides for executive officials in their administration of the law. For this reason, whenever an opinion written by the Attorney General, a district attorney or a city attorney is within the scope of his specific authority to provide opinions for the guidance of executive officials, that opinion, in so far as it conflicts with an opinion rendered by this office, will control.

Very truly yours,

ROBERT W. LUNDY
Legislative Counsel

By 
Charles W. Wilson
Deputy

CWW:bf

RESOLUTION AGAINST COMPULSORY ZONING OF AGRICULTURAL LANDS IN OREGON.

WHEREAS: We, of Lane County Pomona Grange believe that the proposed compulsory zoning of agricultural land in the State of Oregon is not in the best interest of the people of the state, because it will discriminate against the individual farmer by taking away his right to follow his own planning, The Oregon farmer has too much initiative to become a willing cog in a political machine.

WHEREAS: We further believe that any zoning of agricultural lands should only be done by a vote of the land owners in the area concerned.

THEREFORE BE IT RESOLVED: by Lane County Pomona Grange that we go on record as opposing statewide compulsory zoning of agricultural land.

Seal

W.C. Harris Master

Margaret Bauer Sec.

MICHAEL SHANNON COMPANY

P.O. Box 1187 Bend, Oregon 97701 Phone 382-3638

25 February 1969

Dear Senator Raymond,

Those of us in Central Oregon, who are sensitive to the extraordinary pressures of irresponsible developers, support statewide zoning.

We have an incredible economic potential as the Nation's leading recreation area. We must not destroy our countryside before its potential is assessed and properly realized.

Sincerely yours
Michael Shannon

5010
 presented by
 Rodney Stuckler,
 Oregon Environmental
 Council 2-26-69

TABLE _____
 1962 - 2000 POPULATION CHANGE

AREA	1960	1965	1970	1975	1980	1985	1990	1995	2000
Salem SMSA	147,411	175,800	195,800	217,900	242,700	270,400	301,500	336,000	375,000
Salem Planning Area	85,767	97,100	113,200	131,800	153,500	178,800	205,500	236,000	271,000
City of Salem	49,142	64,000	73,750	87,580	104,000	123,490	146,700	174,730	206,950
East Salem	10,755*				31,172**				51,107

*1962

**1982

SOURCE:

Water Distribution System
 Master Plan
 Salem Metropolitan Area

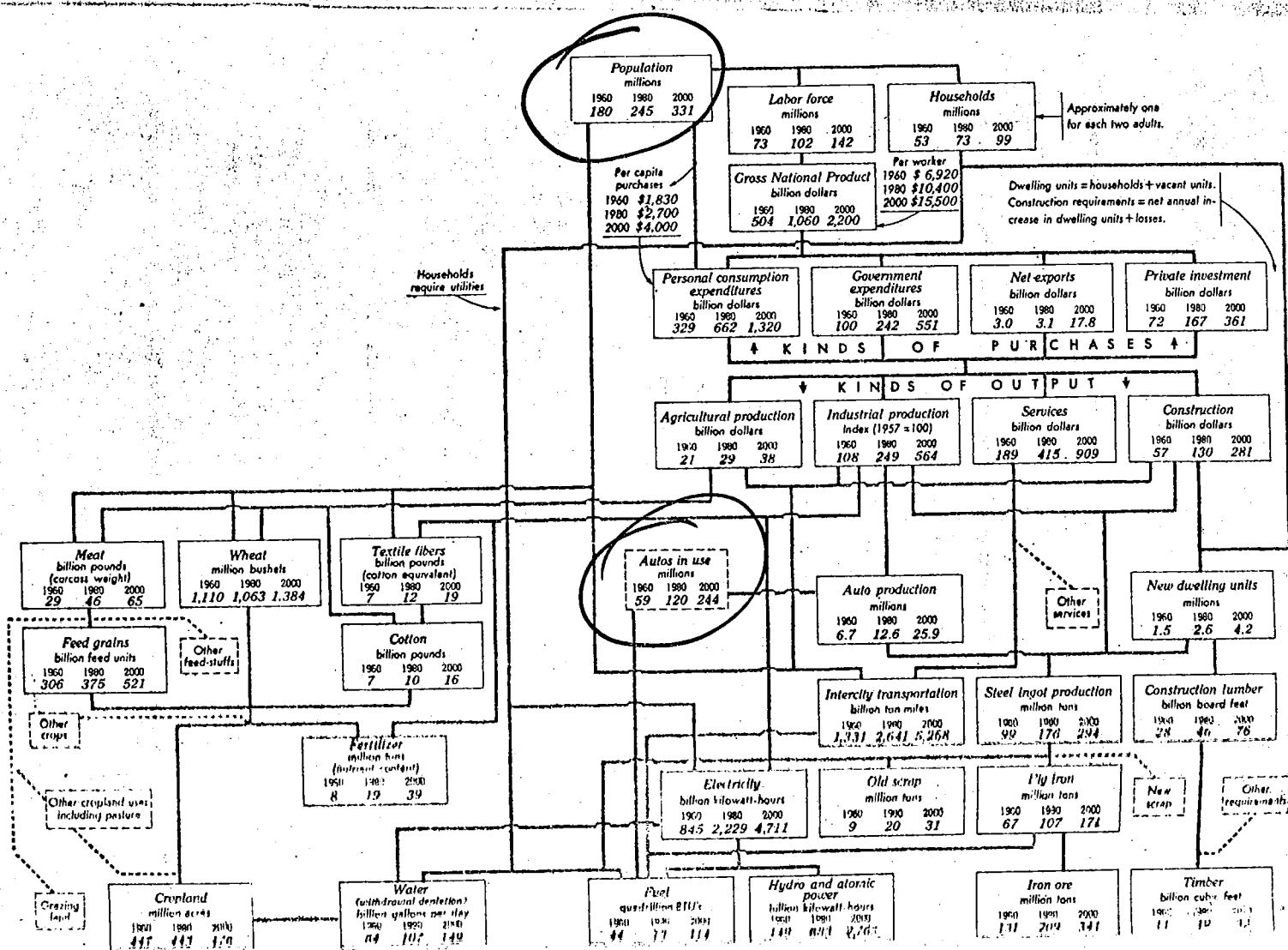
Population Prospect
 MWVPC - January 1965

facing:

Resources and Economic Growth: Some examples of resource/output relationships, 1960, 1980, and 2000.

The selected items in the chart illustrate how (1) the estimated future demand for various consumption items on the basis of population and general economic growth, (2) the demand for key materials, and (3) the demand for basic resources were derived in this study. The chart also indicates the numerous cross-relationships that must be investigated in a study of this sort, and how very different elements in the economy combine to create the level of demand for particular resources. It does not attempt to show all of the interrelationships investigated even for the items selected, nor the exact lines of derivation, which ordinarily involve many steps intermediate to those shown.

From Hans H. Landsberg, Leonard L. Fischman, and Joseph L. Fisher, *Resources in America's Future* (Baltimore: Johns Hopkins Press, 1963).



EDWIN J. WELSH
JAMES K. BELKNAP

EDWIN J. WELSH
ATTORNEY AT LAW
COMMONWEALTH BUILDING
PORTLAND, OREGON 97204
February 26, 1969

TELEPHONE
222-1351

Senate Agriculture Committee
State Capitol Building
Salem, Oregon

Attention: Senator Willner

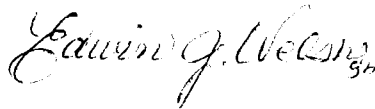
Gentlemen:

I erred in my testimony of February 24, 1969, on
Senate Bill 10 in this respect:

In careful reading of the bill, it appears that
Section 4 (4) lays on some building code require-
ments.

Therefore, the attached amendment is recommended
to create a Section 4 (5) because mobile homes al-
ready meet the building requirements laid on by
state authorities, and an addition of this amend-
ment is requested.

Very truly yours,



EDWIN J. WELSH

EJW:cjh

Encl.

cc: Each member of the Senate Agriculture Committee

PROPOSED AMENDMENT TO SENATE BILL 10

Section 4, add the following language:

(5) If the land upon which a mobile home is placed is subject to a zoning ordinance prescribed by the State Land Board, and such mobile home complies with the standards prescribed by the State Fire Marshall, Labor Commissioner and State Bureau of Health, no further building regulations shall be required, provided, however, that all exterior sanitary installations, water supply and electrical installations shall meet all the requirements of the appropriate state authorities.

(From Edwin Webb)
Trailer Coach Assn.

Mr. Chairman, and Members of the Senate Agriculture Committee:

My name is Cyril Chambers and I live at Route 5 Box 412, Oregon City. I represent the Clackamas County Farm Bureau and served on the Land Use Advisory Committee to the Clackamas County Planning Commission during 1961 to 1963 and have personally spent many hours listening at the monthly Planning Commission meetings, so have a working knowledge of their actions.

The legislature in 1963 amended ORS Chapter 215 to the point that a three year interim zoning ordinance could be enacted by a county governing body without a public hearing and without any consultation with the people affected by the interim zoning, which to my notion, violates the very foundation of our democratic society.

Zoning, as such, limits the full rights of property to that of the zoning ordinance and its accompanying regulations which are not drawn by the people. It is my opinion that when an area is to be zoned that the property owners within the boundaries of such zoning district should be allowed the right to vote on whether or not they want zoning and its accompanying ordinance with its accompanying rules and regulations.

Until 1964 zoning in Clackamas County was largely done by petition and there was no real problem. Three years ago the Clackamas County Commissioners, without even one public hearing, interim-zoned the remaining 500 square miles of the county. The rural people took offense at this lack of democratic process and from that time on there has been a bitter fight-to-the-finish by the rural people with their local government over zoning. In the end the people won by way of the ballot box and we now have a new County Board of Commissioners.

(2)

Senate Bill #10 is a jet age zoning bill intended to zone the remainder of the state of Oregon within the next two years. This is not sufficient time to sell zoning to our people and this speed-up shows a lack of confidence that a selling job could be done that would permit the people some degree of determining their own attitude toward permanent zoning by way of the ballot box since at no time will the people have an opportunity to vote on state-wide zoning.

The contents of Senate Bill #10 as now written will become effective before any interim zoning done now will be up for a vote of the people so we may have a state-wide condition similar to that in Clackamas County where unfortunately much misunderstanding arose. I don't think that state-wide zoning can be achieved for several years without bearing bitter fruit.

At the February 24th meeting of this committee we were told how Marion County was recently zoned. The county was divided up into districts, with public hearings held in each of these several districts and the people present indicated that more than two-thirds of those present wanted zoning. What was not stated is that a so-called "Citizen's Committee" was formed and they recommended to the County Commissioners that the entire county be zoned without vote of the people.

Hand-picked "Citizen's Committees" that favor zoning are as phoney as a three-dollar bill and are no substitute for the Democratic process of holding an election which permits the voters to decide the issue.

I am in accord with the preservation of our better soil areas for agriculture by using exclusive agriculture zoning as now permitted by ORS chapter 215.203. Senate Bill #10 is not necessary to save our best agricultural land for future generations. What is really needed

(3)

is a better price at the market place for the farmer. Senate Bill #10 gives on page 3, line 7 through line 23, a long list of objectives ^{most of} which are already on the statute books and don't need re-affirming.

State-wide zoning as such is a ridiculous ~~and~~ imposition of ~~police state~~ ^{strong arm} methods on the rural areas of our state and has the effect of using the legislature to force zoning upon people regardless of their wishes and will alienate ~~the~~ ^{the} faith ^{People have} in their state or local government. Actually this bill is deliberately using police state methods by taking protective custody over all the unzoned land in our state and is in direct conflict with Article 1, Section 18 of our State constitution. Such arbitrary action can only incite stubborn resistance and bitterness between the people and all the elected officials of our counties and state.

I would suggest that a better method to eventually meet your objective would be to amend ORS Chapter 215 so that it will be true to our democratic tradition by letting the people decide on their own free will as to whether or not they wish their area zoned.

What does it profit this great nation to shed the blood of its youths to save democracy and the right to self-determination for the peoples in distant lands and then permit our zoners to be given legislation totally devoid of the most elementary rudiments of a democratic society.

I respectfully request this Committee ~~to~~ ^{to} ~~not~~ ^{not} table Senate Bill #10 but instead to ask the full Senate to refer it to the Senate Committee on State and Federal Affairs so that it won't be accidentally be taken from the table and passed in the closing hours of this legislative session.

Thank you, Members of the Senate Agriculture Committee. *Byrd Chambers*



State of Oregon
OFFICE OF THE GOVERNOR

February 7, 1969

SPECIAL MESSAGE TO THE 55TH LEGISLATIVE ASSEMBLY
ON LAND-USE PLANNING AND ZONING

Mr. President, Mr. Speaker, and Members of the 55th Legislative
Assembly:

This special message is one of several promised to the
Legislature in my address to the joint session January 13, 1969.

The urgency of implementing its purpose--state-wide
land-use planning and zoning--has been dramatized by the flooding
associated with the recent heavy snowfall. If adequate zoning
restricted flood plain use to nonresidential needs such as
agriculture and recreation, the discomfort of hundreds of lowland
residents, including the elderly occupants of a nursing home,
would not have occurred.

This, of course, is not the only valid premise for
supporting state land-use planning and zoning. But it is cited
since our society's reflexes are remedial, causing decisions to
be made away from ills rather than toward goals.

An urban explosion of environmental pollution is
threatening the livability of Oregon in such a manner that
effective land-use planning and zoning have become of state-wide--
not merely local--concern.

The added costs to local government imposed by uncontrolled urban sprawl are no longer a local prerogative. Reflected as increased expenses in local-assistance state programs, these burdens are transferred to all Oregonians.

The unnecessary or premature urbanization of prime farmlands can no longer be viewed as an impersonal economic upgrading to a "higher and better use" for some city's or county's tax assessment rolls. It is a direct personal threat to the economic livelihood of every Oregon farmer and employee of our growing food-processing industry at a time when Oregon is bidding to become a vital grocery basket for the Far East and American Southwest.

The steady scatteration of unimaginative, mislocated urban development is introducing little cancerous cells of unmentionable ugliness into our rural landscape whose cumulative effect threaten to turn this state of scenic excitement into a land of aesthetic boredom.

For all of these reasons--and most particularly because of my long-standing commitment to bequeath a livable Oregon to today's children--I support state-wide land-use planning and zoning.

But these are largely negative reasons--reasons underlining the weakness of our timid, fragmented, disjointed, reactive and pitifully inadequate response to the strident call for state-wide land-use planning and zoning.

What we must have is a system that is courageous and comprehensive to the point that, at a minimum, it should achieve the planning goals as set forth last year by the Legislative Interim Committee on Agriculture.

These goals would provide for:

1. Preservation of the quality of: water, air, prime farmlands and forests, scenic open space.
2. Provision for: recreation, transportation, economic diversity, and future urban growth commensurate with the physical limitations of the land and the availability of community facilities.
3. Public protection from loss of life and property due to natural disasters.

Zoning standards tailored to achieve these goals have been prepared by the same interim committee, and I endorse them.

As Oregon's first governor whose staff includes state planners, I can hardly be accused of having an antiplanning bias when I say that I believe our planning has been proceeding on a false premise: We have assumed that our historic concept of a separation of powers demands that state program planning should be the exclusive concern of state agencies and that land-use planning should be the exclusive responsibility of local government.

The results have been disappointing. Too often roadways rather than highways have been constructed with little or no appreciation or understanding of their effect on local communities and farming practices. Too often industrial tracts have sprung up without regard for the immediate environment. Too little emphasis has been placed upon encouraging the growth of new towns and the revitalization of old so as to stem the tide of people to the metropolis, and too many of our city and county plans have been uncoordinated with their neighbors' and unrelated to new state facilities. Through better agency and intergovernmental coordination and a more aware citizenry, we hope to repair the breakdowns which in the past have impaired the effectiveness of our planning.

The 14 state administrative districts were designed to ensure that state agencies would coordinate their program planning and define their goals in response to the differing needs of each district.

But, they were also established to provide local government an opportunity to plan together with the state in deciding what our state goals in each district should be for social services, health, public safety education, transportation and natural resources.

I have asked my staff to prepare a district planning work program which will, over the ensuing biennium, enlist the help of local government in every Oregon district in defining local problems in all of these areas and collaborating with the state in finding the best solutions.

Since our greatest natural resource is the land itself, and one of our shared goals its proper future use, I am also requesting local government to provide, among its other contributions to state planning, its best judgment about future patterns of district land use.

To defray the local staff costs and ensure that this planning proceeds on a cooperative area-wide basis, I have proposed state financial assistance for district planning and intergovernmental coordination. To help make every professional resource available to local government in preparing these district-wide, I am requesting the University of Oregon's Bureau of Governmental Research and Oregon State University's Cooperative Extension Service to collaborate in providing a technical planning assistance service. The service is to be available on call to every district group which wishes outside help in resolving the problems involved in long-range physical planning.

With this state assistance, we may feel certain that every county will be provided an opportunity to base its own zoning on locally prepared area-wide plans.

This procedure is constant with the basic philosophy of the legislature and the executive, that problem-solving should take place as close as possible to the governed themselves.

At the same time we recognize that all of us are guilty of a sometimes fatal narrowness of viewpoint.

It is to anticipate this perfectly human deficiency that the Agriculture Interim Committee recommends that the State Land Board step in and act when a county refuses to zone or zones in a manner inimical to the best interests of its residents or the general citizenry of the state.

I submit, however, that the land Board is not staffed or equipped in the least degree to address this problem which has a potential for requiring a very substantial management effort. I speak with some knowledge of the Board's potential since I am its chairman.

Again I refer to my January 13 message to the Legislature and its plea that state-wide land-use planning and zoning, if approved by the Legislature, become the responsibility of the proposed Department of Environmental Quality.

This assembly has no more vital obligation than to create this department. . . than to set up state-wide land-use planning and zoning. . . than to lodge planning and zoning within the new department.

Overall, our 96,000 square miles are the most beautiful in the world. We have land studies and the forthcoming impressive water studies--due for release this spring--to give us further guidelines for sure-footed action to contribute to retention of Oregon's intrinsic quality through the balance of this century and beyond.

Let us never be charged by our inheritors that in 1969 we failed the test, that we buckled and floundered, when everything rode on our grace as leaders who valued our state sentimentally but who knew it took much more than loving platitudes to preserve it.

taxpayers are going to foot the bill." His testimony is recorded on Tape # 18.

Chairman Hartung closed the hearing on HB 1738 and opened the hearing on HB 1570.

HB 1570

Mr. Keith Hanson then gave his testimony, a copy of which is attached. A question and answer period followed Mr. Hanson's testimony. (Tape # 18)

Chairman Hartung then closed the hearing on HB 1570, and opened the hearing on HB 1758.

HB 1758

Former Senator Morgan then took the stand and testified on HB 1758. Mr. Morgan wanted to present some amendments to the committee and will have them prepared for the next hearing on this bill. A question and answer period followed Mr. Morgan's testimony. His testimony and answers are recorded on Tape # 18.

Mr. Nordyke then testified jointly with Mr. Morgan concerning the amendments they will present to the committee at a later date.

Chairman Hartung then closed the hearing on HB 1758 and opened the hearing on HB 1760.

HB 1760

Chairman Hartung presented amendments to HB 1760. Rep. Mann explained the amendments. Rep. Mann moved to adopt the proposed set of amendments to HB 1760. All in favor. Motion carried.

Mr. Dic Braman then testified. He stated, "The term 'State Health Officer' on page 3, line 2 is used differently than the definition of Health Officer on Page 2, line 21." Rep. Kennedy moved to delete "State" on page 3, line 2. There were 7 Aye and 2 No votes. Rep. Wingard was excused for a portion of the meeting. Chairman Hartung then stated that we would have another work session on HB 1760 before final action would be taken. He then closed the hearing on HB 1760.

Chairman Hartung informed the committee that we would be having a hearing on SB 10 in Room 6, Thursday, March 27 at 1:00 p.m.

House Planning and Development Committee

March 27, 1969

1:00 p.m.

Room 6 State Capitol

Members Present: Hartung, Chairman; Kennedy, Vice Chairman;
Bradley, Ingalls, Mann, Roberts, Rogers, Willits,
Wingard

Witnesses: Rep. Joe Rogers
Rep. Wallace Carson, Jr.
Senator Fadeley

Taped: Tape # 21 Arnold Cogan, Planning Coordinator, Governor's Ofc.
Dorothy Anderson, League of Women Voters of Ore.
Stanley R. Church, Oregon Assn. of Realtors
Pat McCarthy, Marion County Commissioner
Albert Palmer, Rural Zoning Adjustment Organization
Larry Dean, Astoria, Oregon
Paul A. Ramsay, Deschutes, Crooks, Jefferson and
Klamath Falls Property Owner

SB 10

Rep. Joe Rogers gave a brief description of the bill in its present form. A question and answer period followed.

Rep. Wallace Carson, Jr. then presented the committee with a set of amendments for SB 10, a copy of which is attached. A question and answer period followed.

Senator Fadeley then testified. Senator Fadeley further explained the amendments.

Dorothy Anderson, League of Women Voters of Oregon then gave her testimony in favor of SB 10. A copy of her testimony is attached.

Stanley Church, Oregon Assn. of Realtors, testified on SB 10. He testified in favor of SB 10.

Mr. Arnold Cogan, Planning Coordinator from the Governor's Office then testified in favor of SB 10 and a copy of his testimony is attached.

Mr. Pat McCarthy, Marion County Commissioner then gave his testimony. He testified in favor of SB 10.

Mr. Albert Palmer, Rural Zoning Adjustment Organization, testified in opposition to SB 10.

Mr. Larry Dean, Astoria, Oregon, testified in opposition to SB 10.

Mr. Paul Ramsay, property owner, testified in opposition to SB 10. A worksheet was presented, which is attached.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Nancy Lawton

Nancy Lawton, Clerk

PRESENTATION TO
HOUSE PLANNING AND DEVELOPMENT COMMITTEE

By Arnold M. Cogan
Planning Coordinator
Office of the Governor
March 27, 1969

Re. Senate Bill 10

Mr. Chairman and Members of the House Planning and
Development Committee:

My name is Arnold Cogan. I am Planning Coordinator
in Governor McCall's office. I am speaking to you today in
that capacity about Senate Bill 10.

On February 7, 1969 Governor McCall submitted a
special message to the legislature on the subject of state
land-use planning and zoning. In that message the Governor
vigorously defended the need for such planning and zoning
and supported the basic philosophies embodied in Senate
Bill 10.

In supporting this bill, Governor McCall said,
"Overall, our 96,000 square miles are the most beautiful in
the world. We have land studies and the forthcoming impressive
water studies--due for release this spring--to give us further
guidelines for sure-footed action to contribute to retention
of Oregon's intrinsic quality through the balance of this
century and beyond."

He went on to say, "For all these reasons--and
most particularly because of my long-standing commitment to
bequeath a liveable Oregon to today's children--I support

statewide land-use planning and zoning."

There was, however, a modification which we respectfully recommended be made to the original draft of Senate Bill 10, the primary bill affecting state responsibilities, should the counties not act in time to establish a zoning ordinance. As this bill was drawn, responsibilities would be placed upon the State Land Board. Again, quoting from Governor McCall's message, he said, "I submit--that the land board is not staffed or equipped in the least degree to address this problem which has a potential for requiring a very substantial management effort. I speak with some knowledge of the board's potential, since I am its chairman. --I refer to my January 13 message to the legislature--that statewide land-use planning and zoning, if approved by the legislature, become the responsibility of the proposed Department of Environmental Quality. --This assembly has no more vital obligation than to create this department --than to set up statewide land-use planning and zoning --than to lodge planning and zoning within the new department."

It is our intent to provide the proposed Department of Environmental Quality with land-use planning responsibilities. Should it be impossible for the legislature to approve the organization of a Department of Environmental Quality, then it would be more logical for the land-use planning and zoning function to be undertaken under the auspices of the Governor's Office. We were willing, therefore, to see Senate Bill 10 changed to its present form with the Governor substituted

wherever the State Land Board was mentioned. However, this step would be with the understanding that if the Department of Environmental Quality is organized this session, then the land-use planning and zoning functions would be transferred to that department, and that appropriate amendments would be offered to Senate Bill 10 reflecting this shift.

We have other comments which we wish to submit regarding the conduct, timing, and organization of land-use planning and zoning. It is our understanding that these aspects are more appropriately raised under Senate Bill 195, also introduced by Senator Bateson, but now under consideration by the Senate Local Government committee.

However, we wish to submit for the record the following principles under which state land-use planning and zoning should be conducted.

1. That the land-use plans upon which the zoning ordinances are based be developed on an administrative district basis to reflect areawide regional considerations of air and water pollution, floods, transportation development, and other related inter-jurisdictional problems.
2. That land-use planning and zoning should be undertaken on a cooperative basis between state and local government--rather than the adversary role assumed in the present bill which depends upon county

inaction prior to state involvement.

Since many state agency plans often influence local land uses, and local land-use plans are directly related to statewide environmental goals concerning natural resources and Oregon liveability, the task of planning should involve a partnership between both levels of government.

3. That all land-use planning and zoning-- statewide, in the districts, and among the counties--be based upon a coordinated local government effort through the development of a standardized land-use classification system, common time periods for projections of land-use needs, and a common basic language in the land-use zoning ordinances. All of these would do much to ensure simplicity of the zoning code preparation and uniformity of fair enforcement.

To accomplish the various proposals I have expressed to you, we have prepared amendments to SB 195 and submitted them to the appropriate committee.

Thank you, gentlemen, for the opportunity to appear before you today. I have copies of my remarks and of the Governor's message. I will now be prepared to respond to questions.

AMC:an

League of Women Voters of Oregon

STATEMENT TO THE HOUSE PLANNING AND DEVELOPMENT COMMITTEE

ON SB 10

March 27, 1969

I am Mrs. Frank W. Anderson, legislative chairman for the League of Women Voters of Oregon. I am here today to speak in support of SB 10.

The 2200 members of the League of Women Voters of Oregon have been studying specifically the problems of air and water pollution in Oregon for the past two years. After our studies, in which we identified the major sources of air and water pollution in the state, we agreed on the need for certain policies and procedures that we believe would lead to more effective pollution abatement.

Among these are comprehensive planning and zoning. Again and again League members stressed the importance to air and water pollution control of guiding urban growth patterns so that undue strain will not be placed on any one area's air and water resources. League members are concerned not only with the location of new industries that are potential sources of air and water pollution, but also with haphazard residential developments that too often occur with little or no consideration of the inadequacy of septic tanks for urban purposes nor of the feasibility of providing sewage facilities to the area.

League members believe that comprehensive planning is an essential first step towards air and water pollution abatement and that it can only be effective when done on an areawide basis. Neither air nor water recognizes geographical or governmental boundaries. The adoption by Benton County of a comprehensive plan and zoning ordinances to protect its air and water resources, for example, is of little benefit to its residents unless Lane County, upstream, and Polk County, upwind, adopt plans and ordinances also.

It is for this reason that the League of Women Voters supports SB 10 which would require all counties to adopt comprehensive plans and zoning ordinances that would have as one of the goals the preservation of the quality of the air and water resources of the state. We urge your favorable consideration of this bill.

Thank you.



OFFICE OF THE GOVERNOR

February 7, 1969

SPECIAL MESSAGE TO THE 55TH LEGISLATIVE ASSEMBLY
ON LAND-USE PLANNING AND ZONING

Mr. President, Mr. Speaker, and Members of the 55th Legislative
Assembly:

This special message is one of several promised to the
Legislature in my address to the joint session January 13, 1969.

The urgency of implementing its purpose--state-wide
land-use planning and zoning--has been dramatized by the flooding
associated with the recent heavy snowfall. If adequate zoning
restricted flood plain use to nonresidential needs such as
agriculture and recreation, the discomfort of hundreds of lowland
residents, including the elderly occupants of a nursing home,
would not have occurred.

This, of course, is not the only valid premise for
supporting state land-use planning and zoning. But it is cited
since our society's reflexes are remedial, causing decisions to
be made away from ills rather than toward goals.

An urban explosion of environmental pollution is
threatening the livability of Oregon in such a manner that
effective land-use planning and zoning have become of state-wide--
not merely local--concern.

The added costs to local government imposed by uncontrolled urban sprawl are no longer a local prerogative. Reflected as increased expenses in local-assistance state programs, these burdens are transferred to all Oregonians.

The unnecessary or premature urbanization of prime farmlands can no longer be viewed as an impersonal economic upgrading to a "higher and better use" for some city's or county's tax assessment rolls. It is a direct personal threat to the economic livelihood of every Oregon farmer and employee of our growing food-processing industry at a time when Oregon is bidding to become a vital grocery basket for the Far East and American Southwest.

The steady scatteration of unimaginative, mislocated urban development is introducing little cancerous cells of unmentionable ugliness into our rural landscape whose cumulative effect threaten to turn this state of scenic excitement into a land of aesthetic boredom.

For all of these reasons--and most particularly because of my long-standing commitment to bequeath a livable Oregon to today's children--I support state-wide land-use planning and zoning.

But these are largely negative reasons--reasons underlining the weakness of our timid, fragmented, disjointed, reactive and pitifully inadequate response to the strident call for state-wide land-use planning and zoning.

What we must have is a system that is courageous and comprehensive to the point that, at a minimum, it should achieve the planning goals as set forth last year by the Legislative Interim Committee on Agriculture.

These goals would provide for:

1. Preservation of the quality of: water, air, prime farmlands and forests, scenic open space.
2. Provision for: recreation, transportation, economic diversity, and future urban growth commensurate with the physical limitations of the land and the availability of community facilities.
3. Public protection from loss of life and property due to natural disasters.

Zoning standards tailored to achieve these goals have been prepared by the same interim committee, and I endorse them.

As Oregon's first governor whose staff includes state planners, I can hardly be accused of having an antiplanning bias when I say that I believe our planning has been proceeding on a false premise: We have assumed that our historic concept of a separation of powers demands that state program planning should be the exclusive concern of state agencies and that land-use planning should be the exclusive responsibility of local government.

The results have been disappointing. Too often roadways rather than highways have been constructed with little or no appreciation or understanding of their effect on local communities and farming practices. Too often industrial tracts have sprung up without regard for the immediate environment. Too little emphasis has been placed upon encouraging the growth of new towns and the revitalization of old so as to stem the tide of people to the metropolis, and too many of our city and county plans have been uncoordinated with their neighbors' and unrelated to new state facilities. Through better agency and intergovernmental coordination and a more aware citizenry, we hope to repair the breakdowns which in the past have impaired the effectiveness of our planning.

The 14 state administrative districts were designed to ensure that state agencies would coordinate their program planning and define their goals in response to the differing needs of each district.

But, they were also established to provide local government an opportunity to plan together with the state in deciding what our state goals in each district should be for social services, health, public safety education, transportation and natural resources.

I have asked my staff to prepare a district planning work program which will, over the ensuing biennium, enlist the help of local government in every Oregon district in defining local problems in all of these areas and collaborating with the state in finding the best solutions.

Since our greatest natural resource is the land itself, and one of our shared goals its proper future use, I am also requesting local government to provide, among its other contributions to state planning, its best judgment about future patterns of district land use.

To defray the local staff costs and ensure that this planning proceeds on a cooperative area-wide basis, I have proposed state financial assistance for district planning and intergovernmental coordination. To help make every professional resource available to local government in preparing these district-wide, I am requesting the University of Oregon's Bureau of Governmental Research and Oregon State University's Cooperative Extension Service to collaborate in providing a technical planning assistance service. The service is to be available on call to every district group which wishes outside help in resolving the problems involved in long-range physical planning.

With this state assistance, we may feel certain that every county will be provided an opportunity to base its own zoning on locally prepared area-wide plans.

This procedure is constant with the basic philosophy of the legislature and the executive, that problem-solving should take place as close as possible to the governed themselves.

At the same time we recognize that all of us are guilty of a sometimes fatal narrowness of viewpoint.

It is to anticipate this perfectly human deficiency that the Agriculture Interim Committee recommends that the State Land Board step in and act when a county refuses to zone or zones in a manner inimical to the best interests of its residents or the general citizenry of the state.

I submit, however, that the land Board is not staffed or equipped in the least degree to address this problem which has a potential for requiring a very substantial management effort. I speak with some knowledge of the Board's potential since I am its chairman.

Again I refer to my January 13 message to the Legislature and its plea that state-wide land-use planning and zoning, if approved by the Legislature, become the responsibility of the proposed Department of Environmental Quality.

This assembly has no more vital obligation than to create this department. . . than to set up state-wide land-use planning and zoning. . . than to lodge planning and zoning within the new department.

Overall, our 96,000 square miles are the most beautiful in the world. We have land studies and the forthcoming impressive water studies--due for release this spring--to give us further guidelines for sure-footed action to contribute to retention of Oregon's intrinsic quality through the balance of this century and beyond.

(Let us never be charged by our inheritors that in 1969 we failed the test, that we buckled and floundered, when everything rode on our grace as leaders who valued our state sentimentally but who knew it took much more than loving platitudes to preserve it.

House Planning and Development Committee

April 1, 1969

1:00 p.m.

106B State Capitol

Members Present: Hartung, Chairman; Kennedy, Vice Chairman; Bradley Ingalls, Mann, Willits, Wingard

Members Excused: Roberts

Members Delayed: Rogers, Arrived at 1:50 p.m.

Witnesses: Cyril Chambers, Clackamas County Farm Bureau
Chuck Wilson, Legislative Council
Stanley R. Church, Oregon Assn. of Realtors
Jack Clopper, Economic Development Division

This meeting was a work session for SB 10, HB 1694 and HB 1695. Since Mr. Chambers had requested to speak on SB 10 quite some time ago, Chairman Hartung asked him to testify at this time.

SB 10 - Work Session

Mr. Chambers gave his testimony in opposition to SB 10. His testimony is recorded on Tape # 22. A question and answer period followed.

Chairman Hartung related that all of the county courts and commissioners have been notified of the hearings on SB 10. Jerry Orick representing Associated Oregon Counties will publish the information in his Legislative Report to the counties on April 4, 1969.

Chairman Hartung then opened the work session on SB 10.

Mr. Chuck Wilson, Legislative Council explained the impact of the amendments dated March 24, 1969 presented by Rep. Carson at the last meeting of March 27, 1969. Also he explained an opinion that Legislative Council developed for Senator Fadeley based on his comments on the floor debate in the Senate about a constitutionality to SB 10. A copy of this opinion is attached.

Mr. Stanley Church then presented proposed amendments to SB 10. A copy of these amendments are attached.

Rep. Ingalls moved that we adopt the March 24, 1969 proposed amendments presented by Rep. Carson. All in favor with Rep. Roberts and Rogers excused. Motion carried.

HB 1694 - Work Session

Mr. Jack Clopper of the Economic Development Division presented the committee with an amendment to HB 1694, which is attached. A question and answer period followed.

March 13, 1969

Honorable Don Willner
State Senate
Salem, Oregon

Dear Senator Willner:

This is in response to your request for an opinion regarding the constitutionality of certain zoning functions that the Governor is authorized to perform by Engrossed Senate Bill 10, 1969 Regular Session.

You state that section 1 of the bill confers upon the Governor authority to prescribe, amend and administer zoning ordinances that are to apply to lands not otherwise meeting the planning and zoning requirements prescribed in the bill. You then state that the argument has been made that authorizing the Governor to prescribe an ordinance is the performance of a legislative function that violates the separation of powers provisions of section 1, Art. III of the Oregon Constitution, and you inquire whether substitution of the word "regulation" for the word "ordinance" eliminates the objection of unconstitutionality.

Our answer is that we do not think that the unconstitutionality argument is well taken, but that in any event, amending the bill to substitute "regulation" for "ordinance" should remove the basis for criticism of the bill on the grounds of improper terminology.

It seems to be well settled Oregon law and practice that the Legislative Assembly can grant to an administrative agency or officer the power to regulate if adequate standards are established to serve as a guideline for the exercise of that power. Demers v Peterson, 197 Or. 466, 254 P2d 213 (1953). A more recent case on legislative delegations, Warren v Marion County, 222 Or. 307, 353 P2d 257 (1960), states that "... the important consideration is not whether the statute

Honorable Don Willner
March 13, 1969
Page 2

delegating the power expresses standards, but whether the procedure established for the exercise of the power furnishes adequate safeguards to those who are affected by the administrative action." (222 Or. 314)

Engrossed Senate Bill 10 meets both these tests. Section 2 (2) of the bill provides:

"Any zoning ordinances prescribed or amended by the Governor pursuant to section 1 of this Act shall be in accordance with the standards provided in ORS 215.055 and the notice and hearing requirements provided in ORS 215.223."

ORS 215.055 provides:

The plan and all legislation and regulations authorized by ORS 215.010, 215.030, 215.050 to 215.060, 215.104 to 215.233 and 215.460 shall be designed to promote the public health, safety and general welfare and shall be based on the following considerations, among others: The various characteristics of the various areas in the county, the suitability of the areas for particular land uses and improvements, the land uses and improvements in the areas, trends in land improvement, density of development, property values, the needs of economic enterprises in the future development of the areas, needed access to particular sites in the areas, natural resources of the county and prospective needs for development thereof, and the public need for healthful, safe, aesthetic surroundings and conditions.

ORS 215.223 provides:

(1) No zoning ordinance enacted by the county governing body may have legal effect unless prior to its enactment the governing body or the planning commission conducts one or more public hearings on the ordinance and unless 10 days' advance public notice of each hearing is published in a newspaper of general circulation in the county or, in case the ordinance applies to only a part of the county, is so published in that part of the county.

Honorable Don Willner
March 13, 1969
Page 3

(2) The notice provisions of this section shall not restrict the giving of notice by other means, including mail, radio and television.

(3) In effecting a zone change the proceedings for which are commenced at the request of a property owner, the governing body shall in addition to other notice give individual notice of the request by mail to the record owners of property within 250 feet of the property for which a zone change has been requested. The failure of the property owner to receive the notice described shall not invalidate any zone change.

In addition to the detailed standards and provisions for notice and hearing, any zoning provisions promulgated by the Governor could be subjected to court tests for procedural and substantive regularity.

"But the assertion that authority as to what the law shall be is not delegable is clearly false. Virtually every statute creating an administrative agency delegates authority to determine what the law shall be." 1, Davis, Administrative Law Treatise, § 2.02 (1958).

The legislative delegation is a delegation of the power to regulate, to prescribe the rule, the required course of conduct. Use of what might be considered inappropriate or unconventional terminology in referring to that power should not be considered a fatal defect. The evil seems to be the delegation of uncontrolled power "to determine what the law shall be", and it has been demonstrated above that the provisions of this bill do not make an uncontrolled delegation of regulatory power. That "ordinance," rather than some other term, is used to refer to the delegated power should not make the delegation unconstitutional when standards and safeguards controlling exercise of the power have been provided, as they have in this bill.

However, to avoid further difficulty on this point, we agree that it would be appropriate to substitute the word "regulation" for the word "ordinance" when referring in the bill to the Governor's duties and powers regarding zoning. The provisions of Oregon law granting to executive and administrative agencies the power to adopt "rules" or

Honorable Don Willner
March 13, 1969
Page 4

"regulations" subject to appropriate standards are too numerous to require citation.

In accordance with the functions of the Legislative Counsel's office, the opinions written by this office are intended only for the information and guidance of members of the Legislative Assembly and are not intended as guides for executive officials in their administration of the law. For this reason, whenever an opinion written by the Attorney General, a district attorney or a city attorney is within the scope of his specific authority to provide opinions for the guidance of executive officials, that opinion, in so far as it conflicts with an opinion rendered by this office, will control.

Very truly yours,

ROBERT W. LUNDY
Legislative Counsel

By
Charles W. Wilson
Deputy

CWW:bf

SUGGESTED AMENDMENTS TO SENATE BILL NO. 10

On Page 2, Line 6 of the Engrossed Corrected Senate Bill, delete "December 31, 1971" and insert: "December 31, 1973".

On Page 2, Line 11 of the Engrossed Corrected Senate Bill, after "lands." insert the following: "If any county shall have under consideration a comprehensive land use or zoning ordinance, and shall have shown satisfactory progress toward the final enactment of such plan or ordinance, the ~~Governor~~ Governor may grant a ~~reasonable~~ reasonable extension of time after the date set in Section 1 of this Act for completion of said plan or ordinance"

On Page 2, Line 28 of the Engrossed Corrected Senate Bill after the word "Governor", delete the "." and insert: ", and all such hearings shall be held in the county seat of the county in which said comprehensive land use plan or zoning ordinance is to be prescribed"

Stanley R. Church
Oregon Assn. of Realtors

Rep. Hartung

Here are the suggested amendments to
SB10. I will be there this P.M. Perhaps
your girl can make copies of this for all
members of the committee

Stan Church

House Planning and Development Committee

April 3, 1969

1:30 p.m.

Room 6 State Capitol

Members Present: Hartung, Chairman; Kennedy, Vice Chairman; Bradley Ingalls, Mann, Rogers, Willits, Wingard

Members Excused: Roberts

Witnesses: Charles Hecht, Kingston Irrigation Co.
Patricia Kelsh, Lower Tualatin Valley Chapter
Homeowner's Preservation League
Hector Macpherson, Linn County Planning Commission
Rodney R. Stubbs, N.W. Chapter AIP, Oregon
Environmental Council
Dick Magruder, Columbia County Demo. Cent. Comm.
Mark P. O'Donnell, Trailer Coach Assn.
Bert Figles, Lane County
Joe Spenner, Stayton, Oregon
Eldon Austin, Clackamas County
Roberta Maben, State Organization of ZAMO
Yates Sherer, Tangent, Oregon
Lucile Bosch, Albany, Oregon
Rogers W. Emmons, Governmental Affairs Committee,
Salem Area Chamber of Commerce

In Favor
Opposed

SB 10

Charles Hecht, Patricia Kelsh, Hector Macpherson,
Rodney R. Stubbs all testified in favor of SB 10. Tape # 23.

The remaining witnesses testified in opposition
to SB 10.

A letter was given to each member of the committee
concerning a Reader's Digest article entitled "Homes That Come Off the
Assembly Line". A copy of the letter and the article are attached.
The letter came from Mr. Edwin J. Welsh, Attorney, Regional Trailer
Coach Association Counsel.

Mr. Roger W. Emmons, Governmental Affairs Committee,
Salem Area Chamber of Commerce presented his prepared testimony to
the committee, but did not make a public statement. A copy of this
testimony is attached.

There being no further business, the meeting was
adjourned.

Respectfully submitted,



Nancy Lawton, Clerk

EDWIN J. WELSH
JAMES K. BELKNAP

EDWIN J. WELSH
ATTORNEY AT LAW
COMMONWEALTH BUILDING
PORTLAND, OREGON 97204

TELEPHONE
222-1351

April 1, 1969

Although you already may have read it, I respectfully call your attention to the article on Page 23 of the April Reader's Digest, a copy of which is enclosed.


As you know, mobile home manufacturing is a rapidly growing industry in Oregon. Land use, and particularly relative to Senate Bill 10, is very important for this low-cost, efficient type of housing.

Maintaining adequate standards which are consistent with nationally recognized standards is very important as indicated in House Bill 1687.

The House Taxation Committee has now almost completed its study and recommendations for improvements in taxation of mobile homes which is also significant.

This article is sent you only as background information as to some of the current recognized statistical information.

Very truly yours,


EDWIN J. WELSH
Regional Trailer Coach
Association Counsel

EJW:cjh
Enclosure

House Planning and Development Committee

April 8, 1969

7:30 p.m.

Room 6 State Capitol

Members Present: Hartung, Chairman; Kennedy, Vice Chairman;
Bradley, Ingalls, Mann, Roberts, Rogers,
Willits, Wingard

Witnesses: Bill Fitzpatrick, Marion County Farm Bureau
Chester MacMillan, Bend, Oregon
Maxine Banks, Oregon Environmental Council
Floyd Fox

In FavorOpposed

Thomas D. Telford, Commissioner, Clackamas County
Cyril Chambers, Clackamas County Farm Bureau
Allen Propst, Linn County Rural Property Owners
Protective Association, Inc.
Frank R. Williams, Canby, Oregon
Albert Palmer, Rural Zoning Adjustment Organiza-
tion, Clatsop County
Norman Wilson, Polk County
Lester Bosch, Albany, Oregon
Paul T. Erb, Molalla, Oregon
Georgie Tolleson, Mulino, Oregon
Marvin Fausett, Astoria, Oregon
Maxine Fausett, Astoria, Oregon
Paul Ramsay
Harvey Burns, Coos County
Richard P. Tolleson, Vice President of ZAMON
William C. Grant, Washington County
Iona Tuples, Clackamas County
Sid Gasser, Clackamas County
Eldon Austin, Clackamas County
Merle F. Campbell, Clackamas County
Earl Moore, Oregon State Grange
Grace Lien, Estacado, Oregon

The testimonies of the above witnesses is recorded
on Tape # 25.

Mr. Bill Fitzpatrick, Mr. Chester MacMillan, Mrs.
Maxine Banks, and Mr. Floyd Fox all testified in favor of SB 10.

The rest of the witnesses testified in opposition
to the bill.

Mr. Cyril Chambers, Mr. Thomas Telford, Mr. Thomas
Fisher, Mr. Paul Ramsay, Mrs. Maxine Banks presented the committee
with prepared testimonies, copies of which are attached.

There being no further business, the meeting was
adjourned.

Respectfully Sumbitted,

Nancy Lawton

Nancy Lawton, Clerk

Testimony from Thomas Fisher
April 8, 1969
Evening Meeting

Mr. Chairman and members of the Planning and Development Committee:

My name is Thomas Fisher. I own a 400 acre farm four miles south of Dalles.

I oppose Senate Bill 10, because I think it is unnecessarily restrictive of our state. I would also like to mention a quotation that Mr. Palmer made eariler for Mr. Dennis O'Hara, Executive Director of the American Society of Planning Officials. Mr. O'Hara stated, "In all too many instances zoning has failed because it has become a market book commodity. And you can buy with money any kind of zoning you want." The value of our land may be defined because it is synonymous with the present right to use our land forever. Therefore, it follows that if the right to use our rural land to its most profitable potential is taken away, the value of the land will diminish. And any legislation or local ordinance that reduces the right to use our land to farm use only must lessen the value.

I would like to quote part of the Polk County Ordinance. "Further, the exclusive farm use 20 district is intended to conserve and preserve the area so classified as farm use and to assure the owners of the property in the district and the community that farm uses will be maintained for a long duration of time. Also that such district will be maintained free of conflicting urban influences and uses. To zone subject to change only in those instances where there is substantial evidence that such land is no longer suitable for agriculture or that there has been a significant change in the land needs of the county which clearly demonstrates that such land is needed for other uses in agriculture. Such determination shall not be based upon the difference in the value of the land."

Now, I have read the entire paragraph as I didn't want to quote anything out of context. But I repeat, such determination shall not be based upon the difference in the value of the land. If land is zoned agriculture, the value is restricted to that of agricultural land only.

We have found in the application of assessment procedures in accordance with the Farm Deferral Tax Law enacted by the 1967 Legislature that the economic value of farm land is usually less than half of the market value. The economic value is found by capitalizing the income from farming. Good farm land in the Willamette Valley without irrigation would show a figure of \$200 or less per acre. Whereas the market value of

Mrs. Jim Banks, Rt. 1, Salem Oregon Environmental Council
and member, Polk County Planning Commission

The Oregon Environmental Council is a non-profit organization made up of conservation and sportsmen's groups and interested citizens from various parts of the state. We are supporting Senate Bill 10 because so many of those features that enrich our environment must be preserved through planning and proper use of land.

Some of our members represent such organizations as C²E, Citizens for a Clean Environment, and PURE, Preserve our Urban and Rural environment. These groups are concerned with not only regulation but location of pollutant-producing industries. County zoning in cooperation with other agencies can help to establish this control.

Other members of our council represent Eugene and Portland chapters of the Oregon Wildlife Federation, Sierra Club and others who are concerned with preservation of wildlife habitats and our recreational resources. County zoning can help protect these areas by early identification before the urban sprawl engulfs them.

Here in the Willamette Valley, we are feeling the pressures of land use diversification, and much of our best farm land is directly in the path of urban expansion. Every 10 years we lose 20% of our class 1 and 2 farm land--it could all be gone in 50 years.

Following enabling legislation, Polk County in 1961 set aside 25 square miles in an agricultural-grazing-timber zone. We were pioneering, and our efforts were not without problems. But we have worked to improve our agricultural zoning. Last year I was chairmandof an AGT study committee of citizens who recommended a number of changes in compliance with ORS. As a result the AGT zones of Polk County are going to be completely revamped based on in-depth studies of land capability and population needs.

Such comprehensive planning and zoning in this area and in other areas of Polk County we hope will be adopted after informational meetings in the areas involved. The work done by the Marion County Extension Service with their citizen advisory committees gives people a chance to participate in the discussions and make decisions involving their area.

If Senate Bill 10 becomes law, the county extension service certainly has an invaluable public education agency which already has much of the information required to plan optimum use of land and the qualified staff to do it.

We recommend favorable consideration of this bill so that the entire state could benefit from a well-ordered environment.

SB 10 has other interesting aims such as pure air and water, scenic, recreational and other uses for which we now have other state agencies. I don't see the need for duplication.

ORS Chapter 215 deals with our planning and zoning law. First, we interim zone a new area for three years, during which time comprehensive planning takes place, after which we put permanent zoning to a vote of the people.

SB 10, as now written, will bypass the established planning and zoning procedures, which must mean that this bill simply is not interested in sound planning and zoning practices because the 27 million acres involved couldn't be properly processed with several times the few professional planners available in less than ten years time. Yet, we find a totally unrealistic deadline of December 31, 1971. Such haste amounts to compulsory zoning without planning, and at no time will the people be allowed to vote on submitting nine-tenths of all privately-owned property in this state to some new Board in which the people will not have confidence because it is created by compulsory legislation primarily aimed to place our state's entire private property under protective custody.

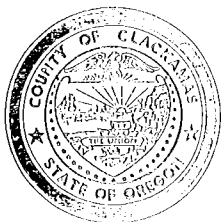
The callous disregard of private property rights involved in SB 10 will leave the probable land use of most of our state in utter confusion and indecision. Industrial or commercial expansion will be impossible because no one will know for many years what the final land use will be. Instead of fostering a diversity and improved economy of the state, the opposite will be true because our economy will be froze until proper planning is completed some ten years hence.

Zoning is not an END in itself. It must have the cooperation of the property owners.

I will cite Boston as an example. It was first zoned in 1692, which was before the Declaration of Independence, and is now reported to have many unsatisfactory conditions.

SB 10, if passed, will increase the tension between our local governing bodies and their citizens.

What we should do is to take this bill number and write a new bill promoting badly needed unity and good will between our local governing body and its citizens instead of trying to goad our citizens into rebellion.



COUNTY OF CLACKAMAS
BOARD OF COMMISSIONERS

OREGON CITY, OREGON 97045

656-2641

FRED STEFANI, CHAIRMAN

THOMAS D. TELFORD, COMMISSIONER

ROBERT SCHUMACHER, COMMISSIONER

April 8, 1969

House Planning and Development Committee
State Capitol Building
Salem, Oregon

Gentlemen:

Clackamas County is rich in history since it was one of the original four counties of the Oregon Territory. The original Clackamas County as established on July 5, 1843 included portions of what is now Canada, Oregon, Washington, Idaho and Montana. The present area of Clackamas County is 1,893 square miles, of which 961 square miles is in government ownership leaving 932 square miles owned by private individuals, corporations, etc. Of the 932 square miles, 470 are zoned leaving 462 square miles unzoned as of this date.

Clackamas County is the fourth largest county in population in the State estimated at approximately 161,000 people as of January 1, 1969.

The principle industries of Clackamas County are lumbering, manufacturing, agriculture and warehousing. The 5,300 farms cover approximately 475 square miles or 51% of the land not owned by the government. Due to the high tax structure the farmers can hardly exist on an individual basis.

Interim zoning in a small area first appeared in north Clackamas County on June 5, 1957. Permanent zoning for portions of Clackamas County was adopted May 17, 1960. On March 10, 1966 by Commission Order No. 13596 the zoned area was expanded to include all of Clackamas County. Prior to the General Election of November 5, 1968 certain people throughout the County circulated petitions to repeal Commission Order No. 13596 and were successful in securing the required amount of signatures to place the measure on the ballot as Measure No. 8. The vote was "yes" 30,206, "no" 25,233 and the Measure passed by 4,973 votes, repealing 462 square miles of land previously zoned.

As a result of this vote in the General Election on November 5, 1968, Clackamas County was sued by the Clackamas County Home Builders' Association and the petition and ballot title for the local initiative measure

relating to County zoning submitted to the voters of Clackamas County as Measure No. 8 were found valid as was the repealing of County Commissioners' Order No. 13596 and the effective date of February 10, 1969.

It is hoped that together the Commissioners and the people in the 462 square miles of unzoned area can work out some practical solution to the problem of ZONING. Any future planning or zoning in Clackamas County must reflect the desires and needs of the majority of the people affected -- and not the wishes of a few or any individual or political party in power at the time.

I believe Clackamas County has enough know-how to take care of its own problem of zoning without the help of the Governor or the State.

Thank you for the opportunity of expressing my views on Senate Bill #10.

Respectfully submitted,


THOMAS D. TELFORD
Commissioner

TDT/dab

Clackamas Co. Farm Bureau

Mr. Chairman, and Members of the House Planning and Development Committee:

My name is Cyril Chambers and I live on Route 5, Box 412, Oregon City. I represent Clackamas County Farm Bureau and I served on the Land Use Advisory Committee to the Clackamas County Planning Commission from 1961 to 1963.

SB 10's most important concern is to zone our better agricultural land so that future generations of Oregonians will have an adequate food supply.

Our agricultural production at present is producing 25% more food than we consume in our United States and the surplus is being exported. It is also a fact that we have hungry people in America that should be fed from our bountiful food supply.

Our present large agricultural output is being supplied from our present farms only one-fourth of which have full-time operators. Three fourths of our farms are operated by farmers who work at other employment.

Recently the president of a nationwide fertilizer and chemical association has stated that with our present farms using our present technology our national farm output could be increased 300%.

If we consumed all of our present agriculture production in the U.S., which would leave no one of our 200 million population without adequate food we could support a population of 600 million people if we worked our present farms at maximum capacity.

Future family planning will probably stabilize our population at 250 million people so our real problem is to conserve our better farm land and to set aside enough promising undeveloped land in reserve for future use.

We have also supplied food to help other nations which are not self-sufficient in all necessary foods, but most important, the Ford and Rockefeller foundations have sent agricultural scientists and plant breeders for many years to help our emerging nations to develop their agricultural output. The 1968 Yearbook of Agriculture tells of a recently developed wheat that will produce 50% more grain than Oregon's previous best wheat varieties. Our plant breeders in other nations have for twenty years been busy crossing our improved wheat varieties with the various foreign wheats, with the result that Mexican farmers have tripled their wheat production. Mexico is now self-sufficient in wheat; Pakistan is expected to be in 1970; sixteen other nations have achieved improved yields.

In southeast Asia rice normally yields 1400# per acre. Our plant breeders have succeeded in perfecting new varieties, raising this yield on land under their supervision to 6000# rice per acre. Rice production in southeast Asia is expected to double in the next ten years when the new varieties are in general use. Other food crops are also receiving attention. It appears our future food outlook is satisfactory.

this farm land is usually twice this figure. Obviously then the market is recognizing something other than in addition to the economic farm value. This other is what people are willing to pay for the privilege of collecting the unearned increment, which accrues because of the law supplying the map. However, if exclusive farm zoning is applied to our land and if it is found to be impractical, there is no reason to pay more than farm economic prices for land so zoned. In other words \$200 and not \$400. So, if you are a farmer or if your estate is in farm property, you will likely see the value of your property cut in half. It is just the same as if they had compensated half your savings for the local bank. Therefore, it would seem to follow that the farm owner is entitled to just compensation because the market would adjust to zoning restrictions and would actually be at farm economic values only for about one half of what the farm is worth today. Farm land would be bought and sold like commercial and industrial property based strictly upon its earning facet at the present farm market prices. And as you all know, we have been in farm production since shortly after World War II. What would be just compensation in return for our loss of our property values. It might well be in the form of interest at the current rate of the difference between farm use value and market value - say \$200 at set tax percent for \$15 per acre. If your land is so situated near urban center, it might become \$1,000 an acre. This difference might be \$800 at 7 and 1/2 percent or \$58 an acre. It's ridiculous. The point is you cannot take peoples' property away from them without compensation. The very nature of real property value is subjective. Land has no value of itself, only to the extent that the owner has the right to use it. I think that rural zoning at best is a necessary evil and should be instituted without the knowledge of the majority of the property owners concerned and not by county ordinance or state assessors. President Nixon said in 1967, "They have made America great. It's not what the government has done for the people, but what the people have done for themselves." And please recall that the state belongs to the people. We own the state and operate it. If we wish to zone or not to zone, that is the business of the property owners in the local community, not the state and not the federal government. If we profess a democratic society on one hand and on the other conclude that people are not responsible enough to run their own affairs, then we are sick indeed.

So what's wrong with zoning? Plenty. It diminishes freedom. It places an unfair property tax burden on the public. It startles us with even more regulations. It is arbitrary. It diminishes property rights. It reduces property values. It will lead to unrest, graft and corruption. It is an invitation to bribery. Who shall get a zone change and who shall be denied.

Thank you for your attention.

SB 10 promises to have the state zone all land not zoned by the counties by the end of 1971. I have checked the cost of zoning in Clackamas County and find that we have some 300,000 acres zoned and the total of our county and cities planning commissions' budgets for the current year is \$191,319, which is approximately 65¢ for each zoned acre.

If the state is willing to zone all unzoned land by the end of 1971, or even at a later date, I don't see why our county governments should waste local funds for this purpose.

The estimated privately-owned unzoned land in our state is 27,000,000 acres, which at the rate of the Clackamas County zoning cost of 65¢ an acre this current year would cost the state \$18,000,000 annually to administrate.

Yet SB 10 carries no appropriation, or even money for preliminary planning which should start immediately. This raises the question of the enforcement of SB 10 if it should become law. Do we have in SB 10 a law which will be on the books but not enforced, or will the legislature appropriate \$18,000,000 annually for this doubtful adventure when the property owners are demanding property tax relief?

Our Clackamas County Farm Bureau policy requires that in the zoning of land that the people shall be allowed to vote on the issue.

SB 10 does not meet Clackamas County Farm Bureau policy and I must register our opposition to SB 10.

I wish to thank the Committee for its kind attention.

Thank you, Mr. Chairman, and Members of the Committee.

Testimony re Senate Bill #10 by Paul C. Ramsay, private citizen of the State of Oregon, given before the House of Representatives Planning and Development Committee, Room 106B, Salem, Oregon, April 8, 1969 at 7:30 P.M., Representative William F. Gwinn, Chairman.

Mr. Chairman, I have two questions.

No. 1. When the record of this meeting is published could I obtain a copy? Yes or no. (Thank you, Mr. Chairman.)

No. 2. Will a copy of this testimony be furnished to all members of the House? Yes or no. (Thank you, Mr. Chairman.)

I would like to limit my testimony to the involvement the Federal Government has and is participating in with regard to Senate Bill 10 and related activities.

I have over the past three years made a comprehensive study of Federal activities in persuading local and State governments to adopt the so-called Standard Federal Plan. First, let me say Senate Bill 10 and zoning are inseparable with comprehensive planning, building codes, subdivision laws, sanitation, regional government and other Federal programs. Senate Bill 10 vaguely refers to all these entities. However, the Federal approved zoning ordinances all dovetail all these entities together and further make the mentioned entities a condition for receiving Federal grants. I will attempt to limit my testimony to Senate Bill 10 and zoning. However, occasionally I may refer to Regional Government only to prove a point that it is inseparable.

I think we all know that Senate Bill 10 is not the first step toward controlling the use, and thereby the value, of private property by the Federal bureaucrats. Senate Bill 195, telling us how we are to be zoned, would be the second step.

The third step would then be by Federal demand that before grants could be obtained the comprehensive plan would have to be completed or well on the way. The next demand would be Regional Government throughout the State. The next steps would be to demand interstate Regional Government--then Federal Regional Government would be complete and we would all be living under a Federal Administrative Government.

We can readily see that Senate Bill 10 is the first purge. The Governor purges the legislative authority from the State legislators. I wonder how long the Governor thinks it will be before the interstate Regional Government will purge the authority from him. I realize, gentlemen, that I have made some strong statements. I know that we are good, responsible citizens and I further know that it grieves us deeply to be told that the Federal Government we have fought and died for, supported with our taxes when we couldn't afford to, and loved and cherished through these many years is lost in a bureaucracy that only we as good citizens and legislators can stand firm against and demand that we not lose our citizens' city, county and State legislative rights.

I offer to lend you gentlemen a copy of the record of a public hearing by the Subcommittee of the Senate Committee on Local Government, California State Legislature, held in Room 5007, State Capitol, Sacramento, California, February 19, 1968. If you will read this record you can satisfy yourselves that I am giving a true and accurate testimony. You will also become aware that time will not allow me to get into the details of how and why.

After this testimony and reference I am now entering, no legislator can say in future time that he or she voted for this Senate Bill 10 without full knowledge of the dangers therein.

My conclusion I trust will be more understandable after you have read the reference.

My conclusion is:

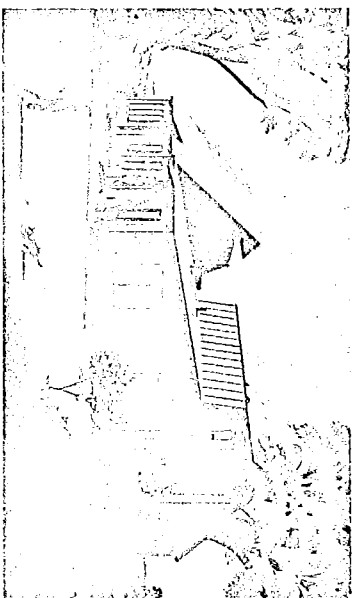
In the previous hearing on Senate Bill 10 testimony was given that if you scratch a farmer long enough, you will find a subdivider. I say that if you scratch a professional planner long enough, you will find either a bureaucratic sociologist, an American Socialist, or an American Communist. I have yet to meet a practical minded planner.

Thank you for letting me testify, and thank you for this extended hearing.

Paul C. Ramsay,
57 Greeley Ave.,
Bend, Oregon.

Traditionally, these "mobile homes" have been cheaper, easier to maintain, more neighborly than standard homes. But now the industry is about to enter an entirely new field in the low-cost-housing market

Homes That Come Off the Assembly Line



LAST FALL, newlyweds John and Mary Doe went shopping for a place to live. After looking at a wide choice of attractive, inexpensive houses, they selected a spick-and-span, new two-bedroom cottage with an ample living room, modern kitchen and bath. Carpeted, curtained and completely furnished, the house cost \$6,000.

The Does made a \$1,200 down payment and, a few days later, moved in.

This is not fantasy. Last year more than 130,000 young couples all over the United States made similar transactions.

Each couple bought a house by going to a salesroom or lot and looking over the models, lined up like new cars. Then the house was hauled over the highways to a site they had rented or bought. Wires and pipes were hooked up; the couple brought

*Condensed from HARVEST YEARS
HART AND MANNING
HARVEST YEARS (APRIL, 1961), © 1960 BY HARVEST YEARS PUB. CO.,
104 E. 40 ST., NEW YORK, N.Y. 10018*

23

24

HOMES THAT COME OFF THE ASSEMBLY LINE

linen and groceries and were in residence.

Called "mobile homes," these houses are one of the fastest-growing businesses in the United States. Over the last 20 years they have evolved from the humble camping trailer into trim, labor-saving living units with every modern convenience. Today, there are about two million mobile homes in the United States, housing about five million people. Last year, one out of every four families who bought a new house bought a mobile home. Even more impressive, about three out of four families who spent less than \$15,000 chose mobile homes. Last year's sales ran close to 317,000 units, about 30-percent higher than 1967.

Mobile-home owners insist that their houses are not trailers. Trailers, they explain, are designed to be used only as temporary vacation dwellings, and can be towed by a passenger car. The mobile home, which is larger and more elaborate, can be defined as a "relocatable" house, designed for year-round living. Because of its size and weight—today's most popular unit is 12 feet wide by about 60 feet long—it is towed to its site by a truck, or shipped on a railroad flatcar. It is often set upon a prepared base, and then its wheels and axles are taken away.

Although most units have a basic "boxcar" shape, many are almost indistinguishable from suburban ranch houses. With living room, dining and kitchen areas, two bedrooms, bath and closets, they are as roomy

as many city apartments. Two or more of these units are often joined together to make larger houses. Hauled separately (highway regulations bar structures more than 12 feet wide), they are united on the spot so neatly that the junction line cannot be seen. An expandable mobile home is shipped with a telescoped room inside it which can be pulled out like a bureau drawer to form a bay or an ell. Mobile-home exteriors are usually aluminum with a baked-enamel finish which can be hosed down, and inside surfaces of Formica and vinyl are easy to clean. All units have full insulation and central heating.

Who lives in these movable houses? According to U.S. Census figures, 43 percent of the owners are 34 years old or younger, and 25 percent are over 55. An estimated 81 percent of mobile-home families have no school-age children. For people of transient status and modest income—military men and students—they are an ideal solution.

As the business has grown, mobile-home parks—upgraded versions of the old trailer parks—have developed. For example, when war-plum workers invaded Columbus, Ohio, at the start of World War II, Floyd Younkin and his wife established a trailer camp as emergency housing. "When the war ended, we thought they would all go away," says Younkin. "But 65 trailers stayed. Bigger trailers were built, and they needed parking spaces. Since then we have had to move fast to keep up

with the demand." They now operate three mobile-home parks.

There are now about 22,000 of these parks in the United States, with anywhere from 15 to several hundred sites. Monthly space rentals run from \$25 to \$100, and location and services vary accordingly. A few parks sell lots instead of renting them. The resident owns his site, subject to certain restrictions, and pays a fee for services and park maintenance. There are also cooperative mobile-home parks, which operate like co-op apartment houses. The average mobile-home park has a valuation of about \$250,000, and some have cost several millions. Existing parks are expanding, and new ones are being created at the rate of about 2000 a year.

Most mobile homes are financed like automobiles, often by the dealer. Minimum down payments range from 20 to 30 percent, and seven years is the most common payment period. Some homes are built to meet Federal Housing Administration standards, and are approved for financing under the FHA mortgage-insurance program. As owners trade up to better homes, a used-home market has developed, and there is a Blue Book similar to the annual guide to used-car prices. One expert estimates mobile-home depreciation at 20 percent the first year and 7 percent per year thereafter.

Not all mobile-home owners are budget-conscious. Most of them in the 500 units of Guernsey City, Tampa, Fla., could afford conventional

houses, but are lured by the many attractions of this luxury bayside colony for people over 50. Palm trees line its wide, paved streets. Spread out over 400 acres, it has a long private beach, a yacht basin, a fishing dock and swimming pool. There is a "Friendship House," with an auditorium, game rooms and community kitchen, where a social director arranges a variety of entertainment. Completely landscaped and furnished homes range in price from \$8850 to more than \$30,000.

Mobile-home dwellers gave me various reasons for their choice. Said a retired Philadelphian, "I looked at a house, but there were four children and a dog next door, and I wanted quiet." The easy-to-clean feature has a definite appeal. Many couples who retire to warm climates say that it takes too long to meet people in conventional neighborhoods, and they like the informality and friendliness of the parks. Said one widow, "If they don't see me around, someone always drops in to make sure I'm all right. It makes you feel safe."

Portable units have revolutionized the once primitive living conditions of many work crews in remote locations. At a refinery in northern Alberta, Canada, where winter temperature goes to minus 50 degrees Fahrenheit, a mobile community with heated dormitories, offices and recreational facilities was brought in to house 300 men. Similar instant towns housing a thousand or more workers have been built all the way

from an Alaskan logging camp to a Near East oil field.

The secret of the mobile homes' economy is, of course, their rapid-fire assembly-line production. To one accustomed to the leisurely pace of on-the-site construction, the mechanized zip of these house factories is a revelation. All heavy lifting is done by power; overhead hoists set whole walls in place. Some assembly lines start with a steel-floor frame and end up with a complete, furnished home 20 minutes later.

Now the factory-built house is entering its third phase. When mobile-home builders noticed that every year fewer units were moved from their original sites, they reasoned: Why not build all kinds of houses in "modules," or portable sections that can be assembled on a prepared site in a few hours?

The University of Massachusetts at Amherst ran short of living space for faculty members and married students, and asked Magnolia Homes, of Vicksburg, Miss., a leading builder of mobile homes, to design some transportable units with a low price tag but without spartan sameness. At its Virginia factory Magnolia produced sections 12 feet wide, 56 feet long and 11 feet high, installed furnace, air conditioning,

kitchens and baths, shipped them over the road to Amherst and assembled them into small apartment houses of six units apiece. The cluster of low-lying, two-story houses, with outer walls of stained cedar and attractively irregular roof lines, conforms to the local building codes and to FHA-loan standards.

This new departure in "building-block" houses may also play an important role in combating urban decay. In an experimental housing project in Vicksburg, 13 squalid slum houses were razed and replaced with a neat two-story complex of 28 apartments. It is an assemblage of factory-built modules, with the second-floor units hoisted into place by a crane. One hundred of these "stacked" town houses have been set up in various dilapidated sections of Chicago. Similar projects are under way in Baltimore, Atlanta, Washington and Detroit.

As the industry expands, architects and planners are coming up with all sorts of new ideas. They are even talking about stacking the modular units in steel frames to make low-rental, high-rise apartment houses. One thing is clear: attractive low-cost housing, long a frustrating dream, is now within the reach of millions of families.

March 27, 1969

Representative Hartung, Chairman
House Committee on Planning and Development
Room 106B
State Capitol Building
Salem, Oregon 97310

Dear Representative Hartung:

Re: Senate Bill 10

The Governmental Affairs Committee of the Salem Area Chamber of Commerce unanimously endorses Senate Bill 10 providing for state-wide zoning. We believe that state-wide zoning is necessary to:

(1) Regulate land development in Oregon. With the rapid growth of investment within the state and from out of state, particularly in the vulnerable areas along the Oregon Coast and in inland scenic and recreational and agricultural areas, we must set up a reasonable land use pattern. Without positive zoning controls established by elected representatives at the local level, we will find that the future of much of our state and local areas being determined by out of state developers.

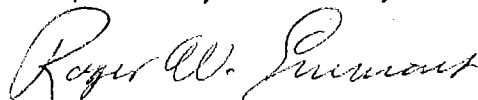
(2) To establish zoning at the local level. Unless we adopt this measure to encourage zoning at the local level, there will be an increasing demand for statewide zoning under a state board or commission. The demands will come from those who are spearheading the drive to protect our environment. A good example is a decision on where to locate industries that have any potential for increasing air pollution. We favor keeping the zoning decisions at the local level.

(3) To protect our farm lands. Our agricultural lands are irreplaceable resource upon which a considerable part of the economy of the state of Oregon is built. We must find some way of protecting our high potential farm lands from being ground under by the suburban bulldozer. We have only to look to California for an example of what can happen to productive agricultural valleys which have now almost literally disappeared underneath urban development.

We must realistically face the fact that we have a vast increasing population and a fast rising demand for land for many uses. Without sound planning at the local level under responsible elected officials, we may well see development that will do serious damage to our economy, our environment and our future in Oregon.

We join in asking your favorable consideration of Senate Bill 10.

Respectfully submitted,



Roger W. Emmons, Member
Governmental Affairs Committee
Salem Area Chamber of Commerce

RWE/lrt

House Planning and Development Committee

April 17, 1969

1:00 p.m.

106B State Capitol

Members Present: Hartung, Chairman; Kennedy, Vice Chairman;
Bradley, Ingalls, Mann, Roberts, Rogers,
Willits, Wingard

Witnesses: Rep. Elliott
Rep. Cole
Edward Branchfield, Governor's Office
Stanley Church
David Duniway, State Archivist
Jack Clopper, Economic Development Division

HB 1314 - Public Hearing

Rep. Elliott first testified on this bill. He went through the bill and explained it. A question and answer period followed his testimony. The testimony and question and answer period are recorded on Tape # 27.

Chairman Hartung closed the hearing on HB 1314 and opened a work session on SB 10.

SB 10 - Work Session

Chairman Hartung stated that during the testimony on SB 10 there was some conflicting information on what had happened in Clatsop County as far as the development of the land use planning zoning and building regulations. Rep. Cole then gave the information concerning this. Tape # 27. A question and answer period followed which is also recorded on Tape # 27.

Mr. Branchfield then answered a question by Rep. Mann a few days before as to whether Section 4 of the bill authorizes the Governor to put building codes into effect. He stated that in his opinion it does not. He stated, "On page 2 of the bill, line 22 and 23, it says flatly, 'The Governor may not prescribe building regulations.'" A question and answer period followed which is recorded on Tape # 27.

Stanley Church then presented some additional amendments to SB 10 for the committee to consider. These amendments are attached in the form of a newspaper article.

Chairman Hartung then closed the work session on SB 10 and opened the work session on HB 1314.

HB 1314 - Work Session

Rep. Ingalls presented a letter from Mr. Winton Hunt, Chief Clerk concerning present cost factors for service to the Legislative Assembly in relation to HB 1314. This letter is attached.

David C. Duniway, State Archivist, then again explained the amendments which he presented to the committee on February 27, 1969. His testimony is attached. A question and

locks in the Columbia Slough was considered, but it was objected to for two reasons. The Federal Government couldn't afford it and they couldn't afford it either. He said that the problem in making the Slough useable is who is going to pick up the tab for these costs.

Chairman Hartung then closed the hearing on SJR 11 and opened the work session on SB 10.

SB 10 - Work Session

Chairman Hartung asked Mr. Seawright to give the committee the information he had concerning SB 10. He presented material to the committee including "The Interim Zoning Ordinance" and a report entitled "The Need for an Interim Zoning Ordinance." He gave a presentation of the zoning problems that came about in Columbia County. He feels that SB 10 is a workable bill and would be beneficial to the state. A question and answer period followed. His testimony and the question and answer period followed. Tape # 28.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Nancy Lawton, Clerk

Rep Hartung -

THE NEED FOR AN INTERIM ZONING ORDINANCE

1. For the past three years, Columbia County has had a 701 planning assistance grant with the Federal Government, under the Bureau of Municipal Research at the University of Oregon, for which the county pays 25% and the Federal Government pays 75%, for the necessary planning staff to develop a comprehensive plan for land use in Columbia County.
 2. These are funds that are needed to develop a comprehensive plan, along with the work of the planning commission, by holding hearings, and working with the people of Columbia County to develop such land use maps and other information.
 3. A school for planning will be held in February 1967, and conducted by the Bureau of Municipal Research, in Columbia County, for the education of the population, planning commissions, and all others interested in long range planning, in order to better inform the public, prior to any election on the comprehensive plan which is required by law to be presented to the people within three years after an Interim Zoning Ordinance, as an administrative act, is put into force by the County Court.
 4. In other words, we have to make applications for funds for our planning commission to be able to develop the data for a comprehensive plan before it could ever be referred to the people of Columbia County for a vote.
 5. There is a need for the dissemination of information regarding our planning activity in the county for future needs of the county, for the effective use of county land, which includes water resources, economic resources, sanitation resources, concern for property owners to stabilize their investment, to give all property owners the right to a hearing on any item of land use in the future. This is a tool which we do not now have to protect the people in their investment in their property, and to encourage new investment in Columbia County.
 6. As things now stand, our hands are tied, and we cannot in any way protect peoples' investment by the right of a hearing unless there is an Interim Zoning Ordinance in effect until such time as a comprehensive program for zoning is voted on.
 7. In the past year and a half, city councils, mayors, planning commissions, and the County Court have met on many occasions to discuss and define overall water, sewage, growth and economic problems as it was felt, through the rapid expansion of Columbia County, the people have the right to some protection before an unsuitable investment or development was made that we could not correct without great expense.
 8. It was also decided, out of these many meetings, in order to comply with the Federal laws in regard to Federal Funds available to correct these problems, we would have to have planning on a regional basis so problems could be solved with regional solutions, or the money would not be available to us.
 9. We have provided in the budget for a city-county regional planning group, for joint assistance so the funding from the Federal government could be accomplished to resolve these many problems, which has been done, and are prepared to accomplish this with a technical staff.
- Your concern and assistance to us in bringing a well-developed comprehensive plan to the people of Columbia County would be a fruitful, tax-saving public service.

FUNDING AGENCIES

- HUD - FHA - PHA -
- AGA - BPR - HEW -
- Office of Education
- PHS - BLM -
- Urban Renewal
- Urban Planning
- PHA

member - each city

- " Port Commission
- " County Court
- " OTHER (?)

STATE
FEDERAL

COUNTY COURT

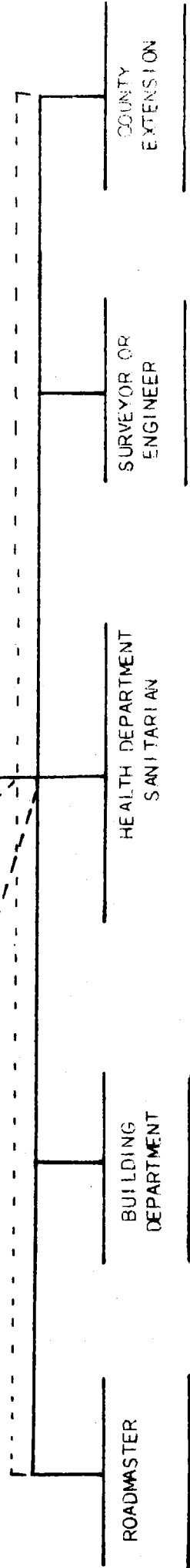
REGIONAL PLANNING BOARD

CITY AND COUNTY
PLANNING
COMMISSIONS

INTERIM ZONING OR
COMPREHENSIVE ZONING
ORDINANCE

OFFICIAL BODIES -
COUNTY, CITY, PORT,
DISTRICTS, ETC.

BUILDING PERMIT



INTERIM ZONING ORDINANCE

IN THE COUNTY COURT OF THE STATE OF OREGON

FOR THE COUNTY OF COLUMBIA

RE: An Ordinance to provide zoning protection for)
an interim period during which a comprehensive plan)
for the use of all of the land in the county may be)
prepared and adopted; to encourage the orderly)
growth of the county by guiding, regulating, and) ORDER
controlling the location and the use of the buildings,)
structures and land for residential, business,)
industrial and other uses in the county and to promote)
the public health, safety and general welfare.)

WHEREAS, pursuant to the provisions of ORS Chapter 215, the Columbia County Court has appointed a Columbia County Planning Commission for the purpose of adopting a comprehensive plan for the use of lands in this county, and

WHEREAS, the Commission intends within a reasonable time to adopt a comprehensive plan of land use and to recommend to the County Court a zoning ordinance to carry out the plan, and has conducted preliminary studies in connection with the proposed ordinance, and

WHEREAS, the Columbia County Planning Commission has requested that the Columbia County Court adopt an Interim Zoning Ordinance in substantially the form herein contained pending adoption of the ordinance, and

WHEREAS, the Columbia County Planning Commission has complied with the requirements of ORS Chapter 215 concerning zoning ordinances,

NOW THEREFORE, the County of Columbia, Oregon, does ordain as follows:

Section 1. This ordinance shall be known as "Columbia County Interim Zoning Ordinance."

Section 2. Subject to any limitation provided for in ORS 215.130, this ordinance shall apply to all the unincorporated and unzoned areas of Columbia County, Oregon.

Section 3. Within the boundaries of the areas affected by this ordinance no land shall be hereafter used for a purpose for which it is not presently being used, and no building or structure shall be constructed, reconstructed, altered or enlarged that in the determination of the Columbia County Planning Commission is reasonably expected to conflict with the proposed comprehensive plan of land use and proposed ordinance. In all such cases, except for single family residential or farm uses, the approval of the Columbia County Planning Commission shall be required and a zoning permit obtained. Columbia County shall adopt and impose such procedures, regulations and standards and fees as it deems necessary to accomplish the purposes of this ordinance.

Section 4. Except as hereinafter provided, the following standards and specifications shall be used by Columbia County as a basis for the issuance of permits within areas affected by this ordinance:

(a) For the purpose of this section a farm means the use of land for raising and harvesting crops or for the feeding, breeding and management of livestock or for dairying or any other agricultural or horticultural use or any combination thereof.

(b) Minimum setbacks for all buildings shall be 20 feet at the front and 5 feet at the sides, except on a corner lot there shall be a minimum of 10 feet setback on the side abutting the street.

Section 5. The Columbia County Court may vary the standards and specifications required for the issuance of a permit from those specifications and standards set forth in Section 4 of this ordinance where the granting of such a variance shall be in the public interest.

Section 6. A fee of \$5.00 shall be charged for the issuance of a zoning permit, which fee shall be payable at the time of application. No permit shall be required and no fees shall be charged for the construction, reconstruction, alteration or enlargement of any farm building or structure not intended for human habitation or for any single family dwelling.

Section 7. The provisions of this ordinance are hereby declared to be severable. If any section, sentence, clause or phrase in this ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not effect the validity of remaining portions of this ordinance.

Section 8. Violations of this ordinance shall be punishable as provided for in ORS 215.180 and ORS 218.185.

Section 9. This Interim Ordinance shall take effect from and after its passage and shall remain effective for not more than three (3) years from date of passage and shall be subject to amendment at any time by the County Court.

Regularly passed and adopted by the County Court of the County of Columbia for the State of Oregon, this 14 day of September, 1966.

COLUMBIA COUNTY COURT

By EARL N. SEAWRIGHT, County Judge

By LOUIS J. WASSER, County Commissioner

By O. D. CLARK, County Commissioner

Chairman Hartung closed the work session on SJR 11 and opened a work session on HB 1719.

HB 1719 - Work Session

Chairman Hartung presented proposed amendments to this bill for Rep. Martin. These amendments are attached. Rep. Willits moved for adoption of the proposed amendments. A discussion followed. The committee decided to wait on the adoption of the amendments until Rep. Martin was here to explain them. Rep. Willits withdrew his motion.

Chairman Hartung closed the work session on HB 1719 and opened a work session on HB 1314.

HB 1314 - Work Session

Rep. Ingalls presented proposed amendments to HB 1314. A copy of these amendments are attached. Rep. Kennedy moved adoption of the proposed amendments. All in favor with Rep. Bradley excused. Motion carried. The committee reviewed a letter from Mr. Winton J. Hunt, Chief Clerk which is attached. Rep. Rogers moved that HB 1314 be sent to the floor with a do pass recommendation and be referred to Ways and Means. A roll call vote was taken. All in favor with Rep. Bradley excused. Motion carried.

Chairman Hartung closed the work session on HB 1314 and opened a work session on HJR 18.

HJR 18 - Work Session

Rep. Rogers moved to table HJR 18. A roll call vote was taken. Ayes: 5 Nos: 4 - Rep. Ingalls, Rep. Kennedy, Rep. Roberts, Rep. Willits. Motion carried.

Chairman Hartung closed the work session on HJR 18 and opened a work session on HB 1738.

HB 1738 - Work Session

Rep. Mann moved to table HB 1738. A roll call vote was taken. All in favor. Motion carried.

Chairman Hartung closed the hearing on HB 1738. He opened a work session on SB 10.

SB 10 - Work Session

Rep. Ingalls moved adoption of the second paragraph of Mr. Stanley Church's proposed amendments that were presented to the committee earlier. All in favor. Motion carried.

Rep. Mann moved adoption of the third paragraph of Mr. Church's amendments. A copy of these amendments are attached. All in favor. Motion carried.

Rep. Ingalls presented an additional amendment to SB 10 which reads: "On page 3, line 25, after "walls", insert "or columns"." Rep. Ingalls moved adoption of the amendment. All in favor. Motion carried.

Rep. Rogers moved to send amended SB 10 to the floor with a do pass recommendation. A roll call vote was taken. All in favor. Motion carried.

There being no further business, the meeting was adjourned.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Nancy Lawton".

Nancy Lawton, Clerk

SUGGESTED AMENDMENTS TO SENATE BILL NO. 10

On Page 2, Line 6 of the Engrossed Corrected Senate Bill, delete "December 31, 1971" and insert: "December 31, 1973".

ADOPTED { On Page 2, Line 11 of the Engrossed Corrected Senate Bill, after "lands." insert the following: "If any county shall have under consideration a comprehensive land use or zoning ordinance, and shall have shown satisfactory progress toward the final enactment of such plan or ordinance, the ~~Governor~~ Governor may grant a ~~reasonable~~ reasonable extension of time after the date set in Section 1 of this Act for completion of said plan or ordinance"

On Page 2, Line 28 of the Engrossed Corrected Senate Bill after the word "Governor", delete the "." and insert: ", and all such hearings shall be held in the county seat of the county in which said comprehensive land use plan or zoning ordinance is to be prescribed"

Stanley R. Church
Oregon Assn. of Realtors

HOUSE COMMITTEE REPORT

Salem, Oregon, April 25, 1969

Mr. Speaker:

Your Committee on Planning and Development to whom was referred SB 10, having had the same under consideration, respectfully report it back with the recommendation that it:

☐ Do pass.

☒ Do pass with the following amendments to the engrossed corrected bill:

☐ (Referred to Ways and Means by prior reference)

☐

On page 2 of the printed engrossed corrected bill, line 11, delete "ordinances" and insert "regulations".

On page 2, line 11, after "lands." insert: "If any county shall have under consideration a comprehensive land use or zoning ordinance, and shall have shown satisfactory progress toward the final enactment of such plan or ordinance, the Governor may grant a reasonable extension of time after the date set in Section 1 of this Act for completion of said plan or ordinance.".

On page 2, line 16, delete "ordinances" and insert "regulations".

On page 2, line 20, delete "ordinance" and insert "regulation".

On page 2, line 23, after "however," insert "cause to be instituted an appropriate proceeding to".

On page 2, line 26, delete "ordinance" and insert "regulation".

On page 2, line 28, after the second "Governor", delete the period and insert ", and all such hearings shall be held in the county seat of the county in which said comprehensive land use plan or zoning regulation is to be prescribed.".

On page 3, line 25, after "walls" insert "or columns".

2 copies if no amendments
Submit. 4 copies if amendments
5 copies if to be printed engrossed

Retain: 1 copy for committee files

Tom Hartung,

Chairman

Rep. Hartung will lead floor discussion on this measure.

On page 3, line 30, delete "a" and in that same line delete "ordinance" and insert "regulations".

On page 4, line 8, delete "a" and in that same line delete "ordinance" and insert "regulations".

On page 4, line 13, delete "(2)" and insert "(3)".

On page 4, line 16, delete "ordinance" and insert "regulation".

On page 4, line 25, delete "ordinances" wherever it appears in that line, and in each place insert "regulations".

HOME ADDRESS
RAPHAEL R. RAYMOND
VANSYCLE CANYON ROAD
HELIX, OREGON 97835

UNION, WALLOWA, UMATILLA
COUNTIES



5B10

COMMITTEES
CHAIRMAN:
AGRICULTURE
MEMBER:
HIGHWAYS
LABOR AND INDUSTRY
NATURAL RESOURCES

OREGON STATE SENATE

SALEM, OREGON

97310

March 12, 1969

To the Honorable Tom McCall
Governor of Oregon

The Senate Committee on Agriculture at its meeting on March 5, 1969 included the following paragraph in its minutes:

"Senator Inskeep requested a letter be written by this committee to the Governor expressing the importance of involving the people in each county in this zone planning. The matter of planning prior to zoning is very important."

It has been the experience of members of this committee who have been well acquainted with zoning along with its successes and, at least limited successes, in several counties in Oregon, that lack of outstanding success has been due to failure of county zoning officials to involve the people affected in the planning process beginning with the first planning steps.

The big difference is "our plan" or "the bureaucratic plan." It is our belief that this proposition is self-evident and needs no detailed explanation.

However, even when people are involved, it becomes important that the county in question be wisely divided into neighborhoods with common community interest and large enough so that the plan of one community does not work to the detriment of adjoining communities. The breakdown at times may include definite watersheds or other well-defined borders.

We, as legislators, are elected representatives of the people, seeking to find the best solution to the use of our land.

Sincerely,

A handwritten signature in cursive script, reading "Raphael R. Raymond".

cc: President of the
Senate
Speaker of the
House

RAPHAEL R. RAYMOND, Chairman
CORNELIUS C. BATESON, Vice-Chairman
JOHN J. INSKEEP
SAM DEMENT
ARTHUR P. IRELAND
KENNETH A. JERNSTEDT
DON S. WILLNER

Testimony re Senate Bill #10 by Paul C. Ramsay, private citizen of the State of Oregon, given before the House of Representatives Planning and Development Committee, Room 106B, Salem, Oregon, April 8, 1969 at 7:30 P.M., Representative William F. Gwinn, Chairman.

Mr. Chairman, I have two questions.

No. 1. When the record of this meeting is published could I obtain a copy? Yes or no. (Thank you, Mr. Chairman.)

No. 2. Will a copy of this testimony be furnished to all members of the House? Yes or no. (Thank you, Mr. Chairman.)

I would like to limit my testimony to the involvement the Federal Government has and is participating in with regard to Senate Bill 10 and related activities.

I have over the past three years made a comprehensive study of Federal activities in persuading local and State governments to adopt the so-called Standard Federal Plan. First, let me say Senate Bill 10 and zoning are inseparable with comprehensive planning, building codes, subdivision laws, sanitation, regional government and other Federal programs. Senate Bill 10 vaguely refers to all these entities. However, the Federal approved zoning ordinances all dovetail all these entities together and further make the mentioned entities a condition for receiving Federal grants. I will attempt to limit my testimony to Senate Bill 10 and zoning. However, occasionally I may refer to Regional Government only to prove a point that it is inseparable.

I think we all know that Senate Bill 10 is not the first step toward controlling the use, and thereby the value, of private property by the Federal bureaucrats. Senate Bill 195, telling us how we are to be zoned, would be the second step.

The third step would then be by Federal demand that before grants could be obtained the comprehensive plan would have to be completed or well on the way. The next demand would be Regional Government throughout the State. The next steps would be to demand interstate Regional Government--then Federal Regional Government would be complete and we would all be living under a Federal Administrative Government.

We can readily see that Senate Bill 10 is the first purge. The Governor purges the legislative authority from the State legislators. I wonder how long the Governor thinks it will be before the interstate Regional Government will purge the authority from him. I realize, gentlemen, that I have made some strong statements. I know that we are good, responsible citizens and I further know that it grieves us deeply to be told that the Federal Government we have fought and died for, supported with our taxes when we couldn't afford to, and loved and cherished through these many years is lost in a bureaucracy that only we as good citizens and legislators can stand firm against and demand that we not lose our citizens' city, county and State legislative rights.

I offer to lend you gentlemen a copy of the record of a public hearing by the Subcommittee of the Senate Committee on Local Government, California State Legislature, held in Room 5007, State Capitol, Sacramento, California, February 19, 1968. If you will read this record you can satisfy yourselves that I am giving a true and accurate testimony. You will also become aware that time will not allow me to get into the details of how and why.

After this testimony and reference I am now entering, no legislator can say in future time that he or she voted for this Senate Bill 10 without full knowledge of the dangers therein.

My conclusion I trust will be more understandable after you have read the reference.

My conclusion is:

In the previous hearing on Senate Bill 10 testimony was given that if you scratch a farmer long enough, you will find a subdivider. I say that if you scratch a professional planner long enough, you will find either a bureaucratic sociologist, an American Socialist, or an American Communist. I have yet to meet a practical minded planner.

Thank you for letting me testify, and thank you for this extended hearing.

Paul C. Ramsay,
57 Greeley Ave.,
Bend, Oregon.

OREGON STATE ARCHIVES
RECORDS OF

House Planning & Development Committee, 1969
Exhibits re SB 10, 1969

KEITH-PETERSON & ASSOCIATES
PROPERTY CONSULTANTS
RESIDENTIAL APPRAISERS

MAR 24 1969

120 East Fourth Street • The Dalles, Oregon 97058

March 28, 1969

Hon. Cornelius Bateson
Hon. Kenneth Jernstedt
Hon. Tom Hartung
Hon. William Dielschneider

Gentlemen:

Wednesday evening I had the privilege of seeing the presentation of Senate Bill 10, county wide zoning, on station KOAP-TV. Due to some of the statements made on the program regarding county wide zoning it would seem that a review of progress in at least some of Oregon's "wide open spaces", sometimes referred to as the "land of sage brush and jack rabbits" is in order.

Early in 1968 the local extension service began exploring the subject and in May our local Community Congress I adopted the following resolution.

"The Congress would recommend that the County Court and County Planning Commission develop a comprehensive land use plan for the entire county and provide the financial support to reach this goal.

It is the sense of this panel that zoning and land use regulations should include, specifically, city, county and Chenoweth areas."

Following Community Congress I several Wasco County groups, including the Farm Bureau, Wheat League, Cattlemen's Association and Extension Advisory Council, started working on the program.

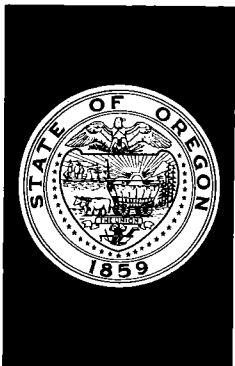
The County Court has organized seven district committees and this morning I was informed by Judge Kortge that the Court has a problem of keeping up with the progress being made by these groups.

It appears that some feel that even jack rabbit hutches need to be zoned in the interests of the general welfare.

Sincerely



B. M. Keith



OREGON STATE BOARD OF HEALTH

STATE OFFICE BUILDING • P. O. BOX 231 • PORTLAND, OREGON • 97207

TOM McCALL
GOVERNOR

Members of the Board

B. Brandt Bartels, M.D.
President
Medford

Charles S. Campbell, M.D.
Vice President
Salem

Edward M. Anderson
Eugene

Robert I. Daugherty, M.D.
Lebanon

Arthur Huber, D.M.D.
Astoria

A. V. Jackson, D.O.
Forest Grove

Conrad N. McConnell, R.Ph.
Portland

Beatrice K. Rose, M.D.
Portland

Robert O. Spiekerman
Pendleton

Frederick H. Torp
Portland

Edward Press, M.D.
Portland
Secretary and
State Health Officer

March 19, 1969

Representative Tom F. Hartung, Chairman
Planning and Development Committee
House of Representatives
Capitol Building
Salem, Oregon

Dear Representative Hartung:

The Advisory Board to the State Board of Health at its meeting March 12, 1969 voted unanimously to support Senate Bill 10 now being considered by your committee. This bill requiring zoning of land use is in the best interest of the people of Oregon. The uncontrolled development of land areas leads to many health hazards such as inadequate sewage disposal facilities, inadequate and unsafe water supplies, poor separation of residential and industrial areas and numerous other problems. Much of Oregon is in the unique position to reap immediate benefits from land use zoning because of being undeveloped. This will not be always true. Many areas have already been injured by lack of land use zoning.

We urge your committee's favorable action on Senate Bill 10. Thank you for your consideration.

Sincerely,

R. E. Koenig
JMB

R. E. Koenig, D.V.M., Chairman
Advisory Board to the State
Board of Health

Members:

Vincent S. Bartos, D.C.
Lloyd K. Clark
Muriel S. David, R.N.
Don Erwin Jones, O.D.
Vance McNish, D.S.C.

cg

March 12, 1969

To the Honorable Tom McCall
Governor of Oregon

The Senate Committee on Agriculture at its meeting on March 5, 1969 included the following paragraph in its minutes:

"Senator Inskeep requested a letter be written by this committee to the Governor expressing the importance of involving the people in each county in this zone planning. The matter of planning prior to zoning is very important."

It has been the experience of members of this committee who have been well acquainted with zoning along with its successes and, at least limited successes, in several counties in Oregon, that lack of outstanding success has been due to failure of county zoning officials to involve the people affected in the planning process beginning with the first planning steps.

The big difference is "our plan" or "the bureaucratic plan." It is our belief that this proposition is self-evident and needs no detailed explanation.

However, even when people are involved, it becomes important that the county in question be wisely divided into neighborhoods with common community interest and large enough so that the plan of one community does not work to the detriment of adjoining communities. The breakdown at times may include definite watersheds or other well-defined borders.

We, as legislators, are elected representatives of the people, seeking to find the best solution to the use of our land.

Sincerely,

cc: President of the
Senate
Speaker of the
House

RAPHAEL R. RAYMOND, Chairman
CORNELIUS C. BATESON, Vice-Chairman
JOHN J. INSKEEP
SAM DEMENT
ARTHUR P. IRELAND
KENNETH A. JERNSTEDT
DON S. WILLNER

May 21, 1969

Mrs. Alice Elshoff
Rt. 3, Box 605
Bend, Oregon 97701

Dear Mrs. Elshoff:

Thank you for your letter of March 25, 1969 and your comments on SB 10. In our House Planning and Development Committee we held public hearings at five different times and had a considerable number of work sessions on this important bill. The House passed the bill slightly amended from the form in which it came to us from the Senate and the Senate concurred in the House amendments on May 7, 1969. The Governor will sign the bill shortly which will make this important concept law of this state.

Many of us feel that this bill was one of the most important proposals before this session of the legislature. It was high on the priority list of the Governor. We feel that this bill will make it possible to retain the livability of the state and at the same time, allow for orderly, economic growth. The primary responsibility and control lies with the county courts and county commissions of our state.

Thank you for taking your time to write me on this important matter.

Sincerely,

TOM HARTUNG

TH:nll

MAR 31 1969

March 25, 1969


Honorable Tom F. Hartung
Chairman, Planning and Development
State Capitol
Salem, Oregon

Dear Mr. Hartung:

I am very interested in seeing the passage of Senate Bill # 10. I believe this would be a large step forward toward preserving the natural resources of our beautiful state. I am particularly interested in protective measures to ensure clear air, pure water, and clean land.

Thank you for any consideration given this letter.

Very truly yours,


(Mrs.) Alice Elshoff
Rt. 3 Box 605
Bend, Oregon 97701

May 21, 1969

Mrs. Shirley Ray
626 E. Emerson Street
Bend, Oregon 97701

Dear Shirley:

Thank you for your letter of March 25, 1969 and your comments on SB 10. In our House Planning and Development Committee we held public hearings at five different times and had a considerable number of work sessions on this important bill. The House passed the bill slightly amended from the form in which it came to us from the Senate and the Senate concurred in the House amendments on May 7, 1969. The Governor will sign the bill shortly which will make this important concept law of this state.

Many of us feel that this bill was one of the most important proposals before this session of the legislature. It was high on the priority list of the Governor. We feel that this bill will make it possible to retain the livability of the state and at the same time, allow for orderly, economic growth. The primary responsibility and control lies with the county courts and county commissions of our state.

We have gotten to know Neil quite well these past few months. He is our vet and a very good one we think for our nine horses. It is great to have him in our community.

Thank you for taking your time to write me on this important matter.

Sincerely,

TOM HARTUNG

TH:nll

MAR 26 1969

March 25, 1969

Representative Tom Hartung
Chairman Planning and Development Comm.
House of Representatives
Salem, Oregon

Dear Tom,

George and I have served on a county advisory committee for the past several months. We have become increasingly aware of the great need for land use planning throughout our state.

Because we do not feel that all counties will take the initiative to protect their resources, it seems essential to enforce planning from the state level.

We hope that your committee will be instrumental in passing SB 10 through the House.

'Hope you are having an interesting and productive session.

Yours truly,



Shirley Ray (Mrs. George D.)
626 E. Emerson St.
Bend, Oregon 97701

May 21, 1969

Mr. Michael Shannon
Michael Shannon Company
P. O. Box 1187
Bend, Oregon 97701

Dear Mr. Shannon:

Thank you for your letter of March 24, 1969 and your comments on SB 10. In our House Planning and Development Committee we held public hearings at five different times and had a considerable number of work sessions on this important bill. The House passed the bill slightly amended from the form in which it came to us from the Senate and the Senate concurred in the House amendments on May 7, 1969. The Governor will sign the bill shortly which will make this important concept law of this state.

Many of us feel that this bill was one of the most important proposals before this session of the legislature. It was high on the priority list of the Governor. We feel that this bill will make it possible to retain the livability of the state and at the same time, allow for orderly, economic growth. The primary responsibility and control lies with the county courts and county commissions of our state.

Thank you for taking your time to write me on this important matter.

Sincerely,

TOM HARTUNG

TH:nll

MICHAEL SHANNON COMPANY

MAR 26 1969

P.O. Box 1187 Bend, Oregon 97701 Phone 382-3638

24 March 1969

Dear Representative Hartung,

All strongly urge favorable action
on SB 10. Statewide zoning is
imperative for those areas whose local
governments are unaware of the true
dimensions of national land use problems.

Some kind of controls must be
exercised if our state is to escape
misuse of our basic resource - land.
Oregon has a vast potential as the
Nation's recreation area - cultural
as well as athletic. This potential
must not be lost through short-sighted
mis-

Sincerely yours,
Michael Shannon

May 21, 1969

Mrs. L. M. Mathisen
2305 Awbrey Road
Bend, Oregon 97701

Dear Mrs. Mathisen:

Thank you for your letter of March 25 and your comments on SB 10. In our House Planning and Development Committee we held public hearings at five different times and had a considerable number of work sessions on this important bill. The House passed the bill slightly amended from the form in which it came to us from the Senate and the Senate concurred in the House amendments on May 7, 1969. The Governor will sign the bill shortly which will make this important concept law of this state.

Many of us feel that this bill was one of the most important proposals before this session of the legislature. It was high on the priority list of the Governor. We feel that this bill will make it possible to retain the livability of the state and at the same time, allow for orderly, economic growth. The primary responsibility and control lies with the county courts and county commissions of our state.

Thank you for taking your time to write me on this important matter.

Sincerely,

TOM HARTUNG

TH:nll

Bend, Oregon
March 25, 1969

Honorable Tom F. Hartung
Capitol Building
Salem, Oregon

Dear Mr. Hartung,

I feel quite strongly that SB 10
is necessary for the State of Oregon.

Madras, Oregon is an example of
what happens when ~~the~~ a community
develops with no consideration of
a basic plan. There is no cohesive
feeling in the area because there
is very little area that is considered
just residential.

In the valley, the problem is also
a property tax problem because often
the farmer is forced to sell his land
for sub-division because his taxes
make it unfeasible to make a living
as a farmer. He needs food, orchards,
and livestock. The arable land will

be consumed by urban sprawl if
a law such as SB 10 is not
enacted soon.

Sincerely,

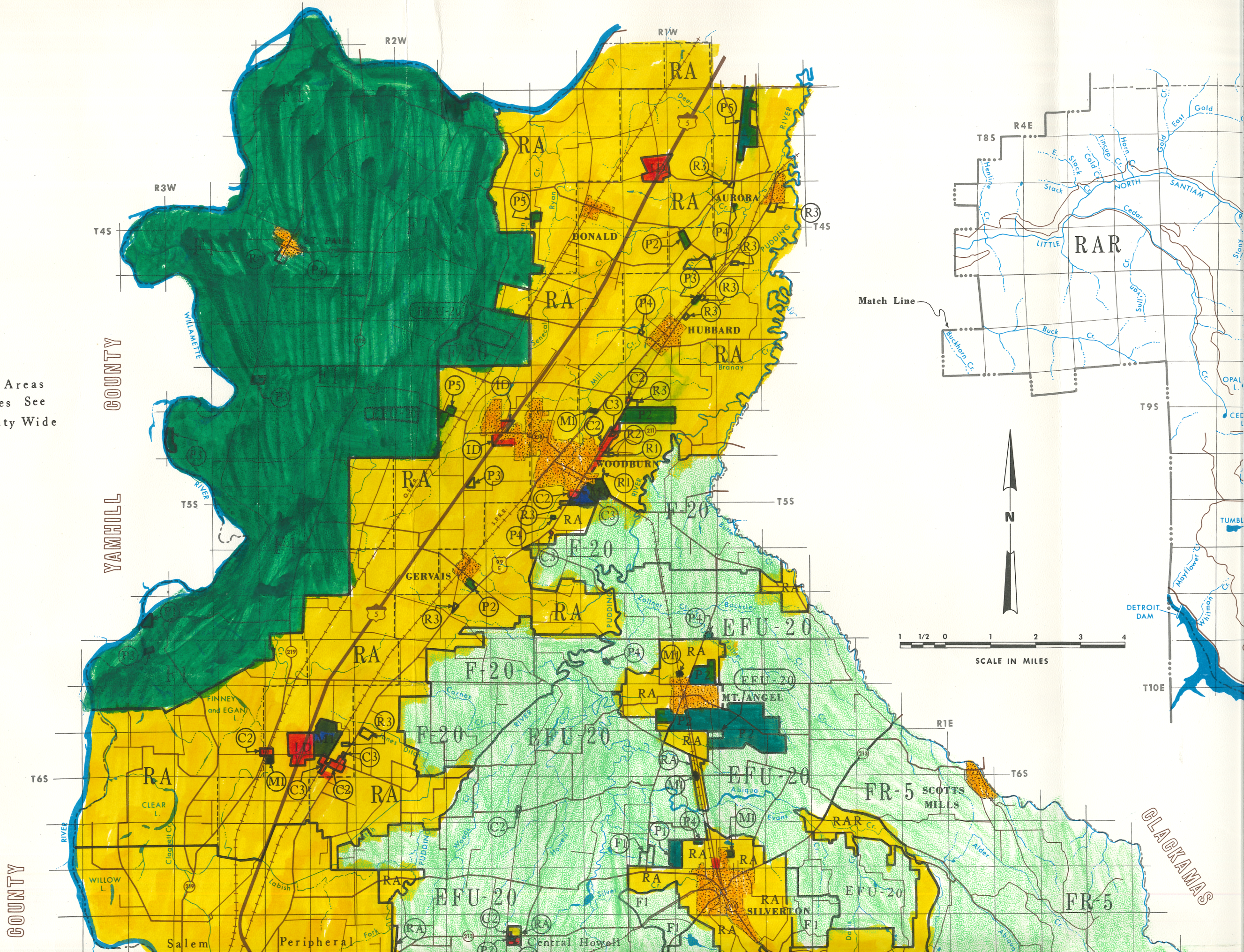
Mrs. L. M. Matheson

2305 Aubrey Rd.

Bend, Oregon 97701

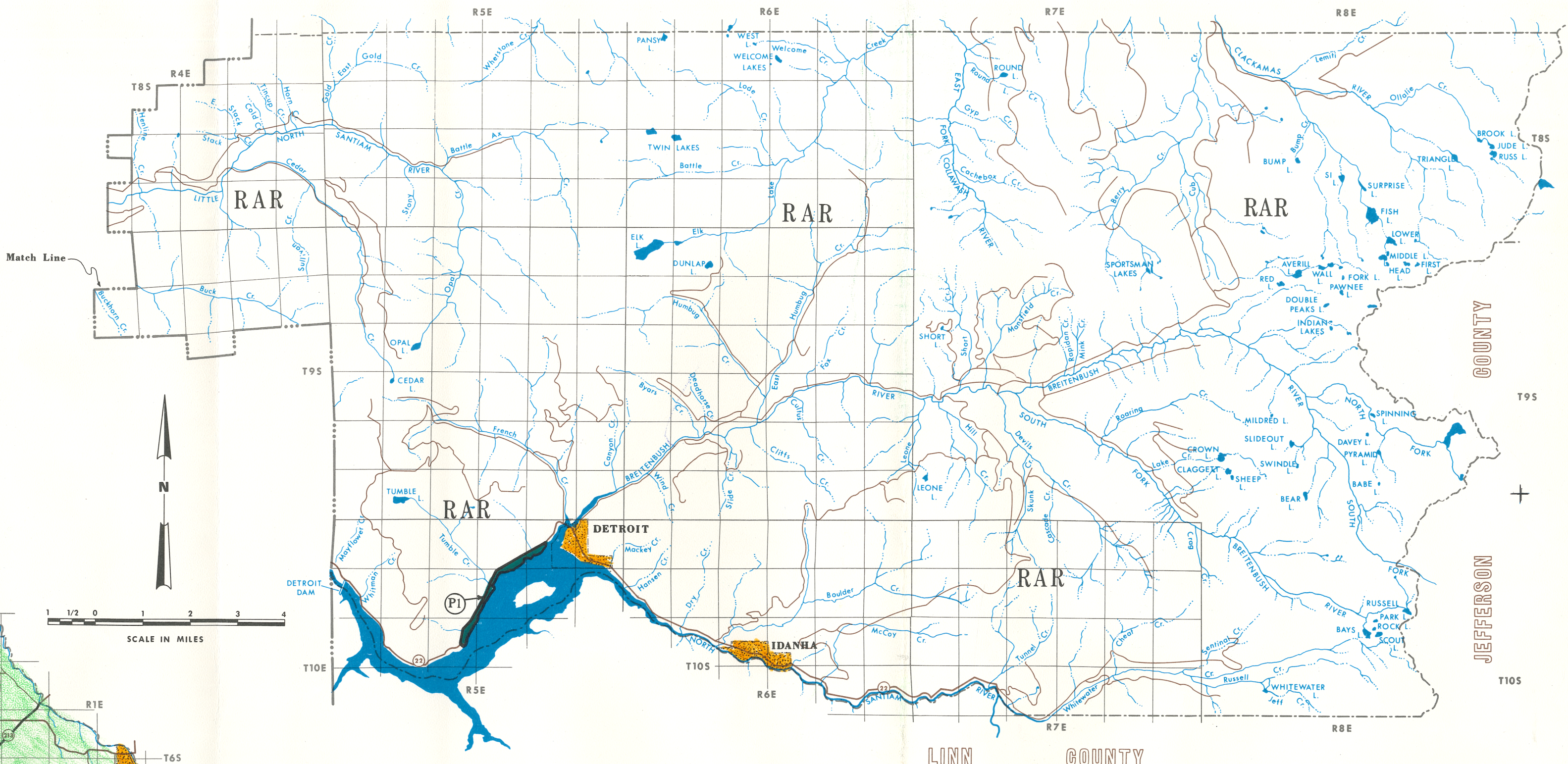
NOTE:

For Details of Areas
Surrounding Cities See
Appropriate County Wide
Zone Maps.



CLACKAMAS

COUNTY

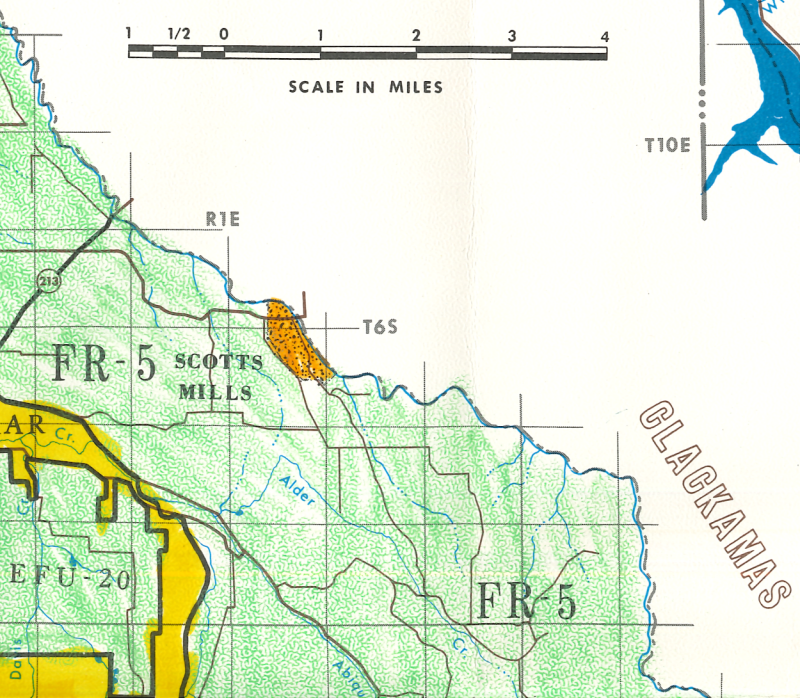


CLACKAMAS COUNTY

JEFFERSON COUNTY

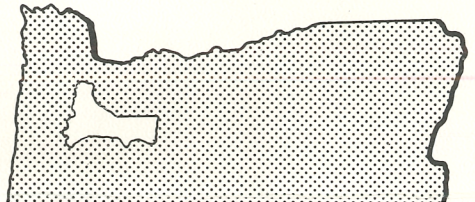
LINN COUNTY

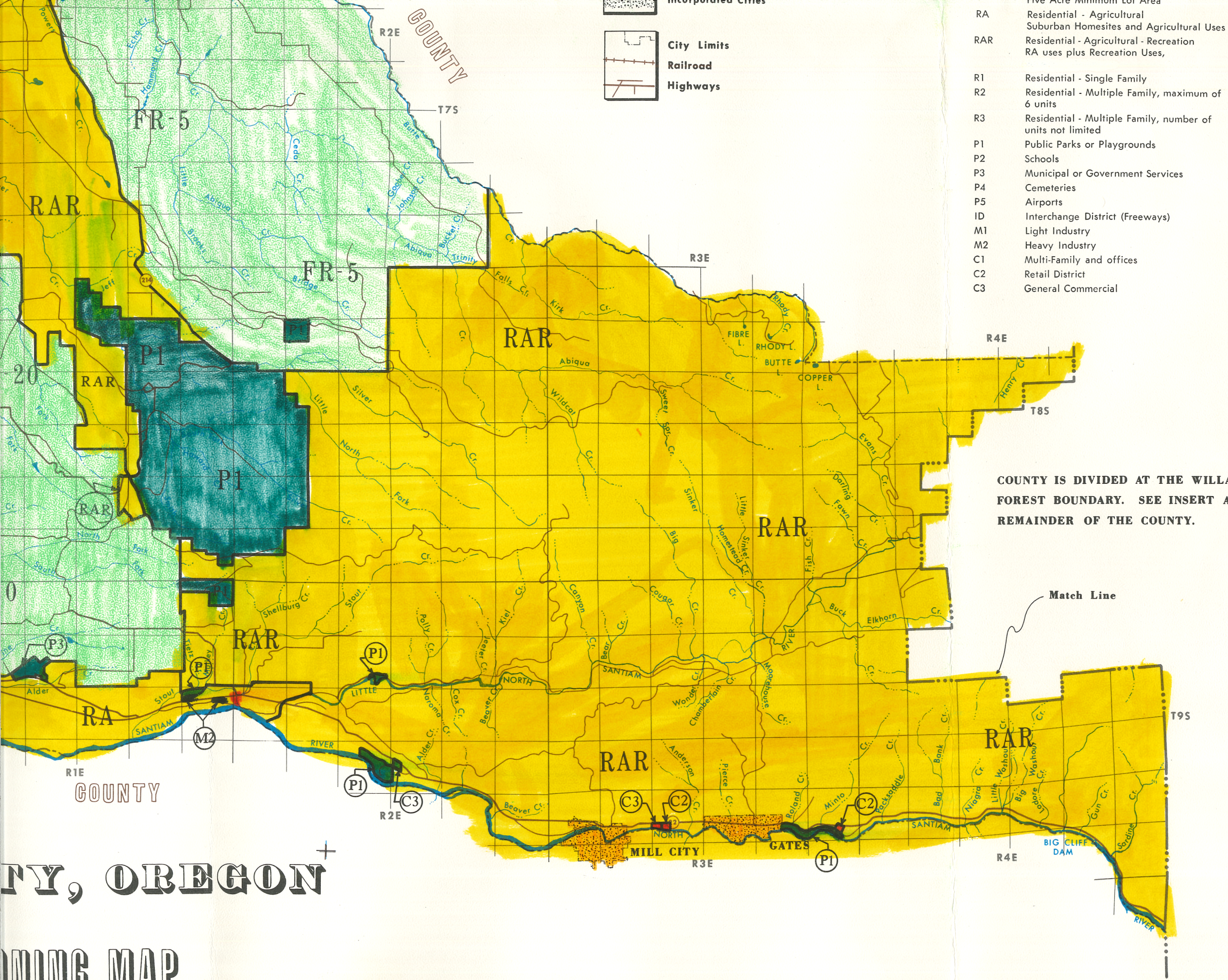
COUNTY



- Continuously Flowing Stream
- Existing Reservoir
- Intermittently Flowing Stream
- Zone Boundary
- North Freeway Corridor Zone Boundary

- ZONES LEGEND**
- EFU-20 Exclusive Farm Use - 20 Acres Minimum
 - F-20 Farm - 20 Acres Minimum
 - F-1 Farm - 1 One Acre Minimum Lot Size
 - FR-5 Farm - Recreation - 5





Existing highway and hydrography features were drawn from information obtained through the cooperation of the Oregon State Highway Department.

This map was prepared by the Mid Willamette Valley Council of Governments, Salem, Oregon, 1968.

COUNTY IS DIVIDED AT THE WILLAMETTE NATIONAL FOREST BOUNDARY. SEE INSERT ABOVE FOR THE REMAINDER OF THE COUNTY.

CLATSOP COUNTY, OREGON

OWNING MAP

IPHERAL ZONED AREAS

69)