

## SENATE COMMITTEE ON ENVIRONMENT & LAND USE

January 19, 2005  
3:00 P.M.

Hearing Room B  
Tapes 4 - 5

Revised 03/04/2005

**MEMBERS PRESENT:** Sen. Charlie Ringo, Chair  
Sen. Roger Beyer  
Sen. Ginny Burdick  
Sen. Frank Shields

**MEMBER EXCUSED:** Sen. Jason Atkinson, Vice-Chair

**STAFF PRESENT:** Matt Shields, Committee Administrator  
Katie Lowry, Committee Assistant

### **MEASURES/ISSUES HEARD:**

#### **Measure 37: Lot of Record – Informational Meeting**

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 4, A</b>		
005	Chair Ringo	Calls meeting to order at 3:05 p.m. Opens informational meeting on Measure 37: Lot of Record.
<b>MEASURE 37: LOT OF RECORD – INFORMATIONAL MEETING</b>		
010	Chair Ringo	Introduces committee staff. Makes opening comments regarding Measure 37 and Lot of Record issue.
045	Ron Eber	Department of Land Conservation and Development. Introduces himself. Submits written testimony and highlights contents <b>(EXHIBIT A)</b> . States background information and history on Lot of Record. Gives details about dwellings that have been approved and under what circumstances one can get a Lot of Record dwelling.
145	Eber	Makes closing statements.
150	Sen. Burdick	Asks how many dwellings have been established in Lane and Washington Counties under the Marginal Lands System.
155	Eber	Offers to return information to the committee.
165	Chair Ringo	Asks why other counties did not adopt the Marginal Lands System.
170	Eber	Discusses reasons why other counties did not adopt the Marginal Lands System. Discusses reasoning behind Lot of Record.
195	Chair Ringo	Verifies that the reason behind Lot of Record and the motivation to restrict the number of dwellings on farmland was to preserve farmland and a farm economy.
200	Eber	Clarifies reason for Lot of Record and restrictions on the number of dwellings on farmland. Discusses difficulty of determining whether a dwelling is directly related to farm or forestry purposes.
230	Harlan Levy	Senior Staff Attorney, Oregon Association of Realtors (OAR). Introduces himself. Submits and reads written testimony <b>(EXHIBIT B)</b> . Makes opening remarks regarding Lot of

		Record.
260	Levy	Relates personal experience with Lot of Record.
300	Levy	Makes comparisons between different states regarding land use restrictions.
335	Levy	Urges committee to pass a new Lot of Record bill that would allow people to build a home on their farmland. States that they will be bringing this bill forward.
355	Sen. Beyer	Asks whether that isn't what Measure 37 did.
356	Levy	Discusses uncertainty in Measure 37. States that they are looking for a simple law that would clarify uncertainty.
388	Chair Ringo	Clarifies that witness is speaking of current criteria and that witness would like to see a Lot of Record that is more flexible and broad.
390	Levy	Confirms this.
395	Sen. Beyer	Addresses the uncertainty of Measure 37 and discusses what Measure 37 will do.
405	Levy	Believes that some local governments will try to undermine what the Measure 37 says. Discusses concerns about the compensation law and the possibility of new taxes.
425	Sen. Beyer	Clarifies what he thinks Measure 37 says and asserts that passing a new Lot of Record would not completely fix the problem.
445	Levy	States concern about the transferability problem. Requests that a new Lot of Record bill be passed so there is not question of transferability to subsequent buyers.
465	Sen. Beyer	Sees this bill as redundant.
470	Levy	Expresses that the OAR sees this bill as parallel.
<b>TAPE 5, A</b>		
030	Chair Ringo	Addresses interpretation of statutes by local government and land use lawyers.
035	Levy	States that Measure 37 will take a lot of time in the courts. Urges legislature to pass a bill.
045	Chair Ringo	Asks where the bill will be introduced.
047	Levy	Says that it is being drafted.
050	Chair Ringo	Discusses the abuse he has heard of in Lot of Record. Asks Levy to address this issue.
055	Levy	Discusses minimum lot sizes and details proposal regarding this.
065	Chair Ringo	Asks for clarification about several tax lots on one farm.
066	Levy	Expresses purpose of proposal and offers to insert language into bill draft to prevent abuses.
070	Sen. Beyer	Expresses opinion about language and discusses how this affects value.
075	Levy	Clarifies purpose of bill. Comments about Measure 37.
090	Sen. Burdick	Asks if witness is willing to add right to farm provisions to bill.
095	Levy	Discusses position on the provisions and right to farm (ORS 30.930).
110	Sen. Burdick	Relates a story previously in the news. Asks about disclosure requirements for buyers.
120	Levy	Discusses what realtors must disclose to buyers required by state statutes.
135	Mike McCarthy	Pear farmer from Parkdale, Oregon in Hood River County. Introduces himself. Makes opening remarks regarding his farm.
150	McCarthy	Discusses his position on land use and farming and discusses parcel sizes.
180	McCarthy	Urges committee to help protect his right to farm.

185	Chair Ringo	Asks how many acres he has.
190	McCarthy	1000 acres which consists of 50 lots.
193	Sydney Blaine	Farmer in two counties. Introduces herself. Makes opening remarks. Explains her position on Lot of record.
210	Blaine	Urges committee to think it through before passing a Lot of Record law.
212	Chair Ringo	Asks witnesses if they would find the Lot of Record Law presented previously by Harlan Levy objectionable.
220	McCarthy	Explains that the impact should be looked at before a Lot of Record bill is passed.
230	Carrie MacLaren	Staff Attorney, 1000 Friends of Oregon. Introduces herself. Submits written testimony <b>(EXHIBIT C)</b> .
285	Chair Ringo	Clarifies the minimum lot size to build a house on high value farm land.
287	MacLaren	Discusses lot sizes and other factors.
290	Chair Ringo	Clarifies that if it is not high value farmland then there is no minimum lot size.
295	MacLaren	Confirms this. Displays visual aid map and explains visual aid.
325	Chair Ringo	Questions witness regarding the idea of building a single dwelling on a lot of land brought up by Harlan Levy.
335	MacLaren	Discusses provisions for this and details of provisions.
390	MacLaren	Explains that farm income standards for farm dwellings do not prohibit farmers from building a dwelling on their lot. Talks regarding the income of farmers and the agricultural economy in Oregon and how that is possible. Makes closing remarks.

**TAPE 4, B**

020	Chair Ringo	Asks question regarding the classification of high value farm land.
025	MacLaren	Points out that today there is the ability to get soil classified, although that doesn't produce perfect results. Discusses reclassification.
060	Dave Vanasche	Vanasche Family Farms in Washington County. Responds to earlier question by Sen. Burdick. Discusses the conflicts encountered.
075	Vanasche	Discusses his position on Measure 37.
085	Vanasche	Discusses the agricultural economy in Oregon. Discusses the climate in Oregon and how that is beneficial for the agricultural economy.
100	Vanasche	Discusses the addition of dwellings to farmland. Discusses the conflict issues that will arise from Measure 37 and what will happen if neighbors begin to develop their land.
125	Vanasche	Discusses the \$80,000 dwelling standard and adding tracts together.
135	Ellyn McNeil	Farmer in Washington County. Introduces herself. Makes opening statements regarding her farms.
145	McNeil	States concern about more houses being built in her area and how this will affect the ability to farm. Expresses concern about land being parceled because this means that there will be less land to farm.
175	McNeil	Discusses issue of fairness. Expresses concern about farming next to non-farming houses.
195	Sen. Beyer	Asks witnesses if they have had any action taken against them.
200	Vanasche	Relates personal story about previous action taken. Discusses the agricultural dealerships in Washington County. Discusses losing

235	Sen. Beyer	the infrastructure in his county and how that would affect him.
237	McNeil	Reiterates question to other witness.
255	Vanasche	Relates personal story.
		Discusses the number of dwellings that could be built on the farm land his family owns. Discusses the movement of farm equipment.
280	Peter Kenagy	Farmer in Benton County. Introduces himself. Makes opening comments. States his opinion on the Lot of Record issue. Discusses his observations of lack of farmland preservation in other states.
305	Kenagy	Brings up the point of extra cost for building more houses. Believes that this is not a wise use of resources.
320	Kenagy	Discusses the responsibility of property owners and property rights.
335	Kenagy	Discusses his experience with Lot of Record in Benton County, believes “loopholes” should be cleared up.
345	Kenagy	Discusses the issue of transferability.
355	Kenagy	Discusses the issue of allowing additional dwellings on farm land.
380	Art Schlack	Association of Oregon Counties. Introduces himself. Makes opening remarks regarding Lot of Record.
425	Schlack	Discusses zoning, lot sizes and the changes that have occurred over the years. Comments on a standard date with a Lot of Record bill.
<b>TAPE 5, B</b>		
030	Schlack	Discusses property rights. Discusses Lot of Record. Suggests Tract of Record instead of Lot of Record that was discussed.
055	Schlack	Offers assistance of Association of Oregon Counties for an effort to bring the counties together for a discussion about a Tract of Record.
060	Chair Ringo	Closes informational meeting. Adjourns meeting at 4:34 p.m.

## **EXHIBIT SUMMARY**

- A. Measure 37, written testimony, Ronald Eber, 17 pp**
- B. Measure 37, written testimony, Harlan Levy, 3 pp**
- C. Measure 37, written testimony, Carrie MacLaren 4 pp**