

# SENATE COMMITTEE ON ENVIRONMENT & LAND USE

February 21, 2005  
3:00 P.M.

Hearing Room B  
Tapes 27 - 28

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

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

**MEASURES/ISSUES HEARD:**  
Report on Guest Ranching in Eastern Oregon – Informational Meeting  
SB 538 – Public Hearing  
Measure 37: Claims Process – Public Hearing

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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.

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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 27, A</b>		
005	Chair Ringo	Calls meeting to order at 3:10 p.m. Comments that Sen. Shields is present via telephone. Makes opening remarks. Opens informational meeting for a Report on Guest Ranching in Eastern Oregon as per SB 928 (2001).
<b><u>REPORT ON GUEST RANCHING IN EASTERN OREGON – INFORMATIONAL MEETING</u></b>		
015	John Jennings	Department of Land Conservation and Development. Introduces Jim Johnson, Oregon Department of Agriculture. Submits report on guest ranching in Eastern Oregon ( <b>EXHIBIT A</b> ). Highlights report.
065	Chair Ringo	Closes informational meeting for the Report on Guest Ranching in Eastern Oregon and opens public hearing on SB 538.
<b><u>SB 538 – PUBLIC HEARING</u></b>		
067	Chair Ringo	Asks if witnesses want to extend the sunset on the bill rather than just eliminating it.
069	John Jennings	Department of Land Conservation and Development (DLCD). Explains that eliminating the sunset would be somewhat premature.
070	Sen. Beyer	Asks about sunset and non-conforming uses.
075	Jennings	Explains that current guest ranch operators would not be required to shut down.
080	Jim Johnson	Oregon Department of Agriculture (ODA). Explains that there is a difference between a pre-existing conditional use and a non-conforming use.
085	Sen. Beyer	Asks about potential to file a Measure 37 claim.
090	Jennings	States that he is not the best person to answer that question.
095	Sen. Ben Westlund	Represents Senate District 27. Testifies in support of SB 538. Gives background information on Deschutes County and why SB

		538 is important.
140	Chair Ringo	Points out that DLCDC recommends extending the sunset. Asks for comment.
145	Sen. Westlund	Thinks extending the sunset is acceptable. Explains.
150	Rep. Gene Whisnant	Represents House District 53. Testifies in support of SB 538. Wants to permanently remove the sunset. Explains reasons why. States that agriculture tourism is a new industry. Urges committee to pass SB 538 and remove sunset completely.
175	Sen. Burdick	Asks what kind of agriculture is being done in conjunction with the guest ranches.
180	Rep. Whisnant	Describes crops. Defers to Sen. Westlund.
183	Sen. Westlund	Gives specifics of guest ranch operation. Talks about a specific piece of property.
195	Sen. Burdick	Talks about guest ranches in different counties. Believes there would be more conflict with guest ranches in Jefferson County. Asks how many guest ranches there are in Jefferson County.
200	Sen. Westlund	Believes there are none in Jefferson County.
201	Chair Ringo	Points to list in report <b>(EXHIBIT A, Page 6)</b> .
205	Sen. Beyer	Provides clarification.
215	Linda Swearingen	Resident, Deschutes County. Testifies in support of SB 538. Submits written testimony <b>(EXHIBIT B)</b> .
240	Chair Ringo	Addresses potential concern that guest ranches could become too big which would take farm land out of production. Asks if this is the concern people have.
245	Swearingen	Replies no.
250	Chair Ringo	Asks witness to articulate what the concern is.
251	Swearingen	Explains. Gives an illustration. Believes there isn't enough flexibility.
275	Gary Blake	Deschutes River Ranch. Gives background information on the Deschutes River Ranch. Explains intent in acquiring the ranch and gives details of costs for maintaining ranch.
350	Craig Morton	Deschutes River Ranch. Submits and refers to map titled "Deschutes County Guest Ranch Study" <b>(EXHIBIT C)</b> . Describes location of Deschutes River Ranch. Discusses criteria and intent of guest ranches and explains that this ranch meets all of the criteria.
400	Swearingen	Explains changes that occur in SB 538. Discusses DLCDC's concerns.
<b>TAPE 28, A</b>		
005	John Gill	Rock Springs Guest Ranch and President, American Dude Ranching Association. Gives background information on Rock Springs Guest Ranch. Mentions non-conforming use.
025	Sen. Burdick	Wonders why it is called a guest ranch instead of a dude ranch.
030	Gill	Explains.
040	Sen. Burdick	Asks who bought the Indian Ford land.
041	Gill	Explains.
045	John Jennings	DLCDC. Explains concerns with SB 538.
055	Sen. Burdick	Clarifies that witness wants to extend the sunset.
056	Jennings	Confirms that extending the sunset to 2009 is appropriate.
060	Chair Ringo	Asks witness to articulate concern.
062	Jennings	Explains concern. Discusses land zoned for exclusive farm use (EFU) being used for other purposes.
075	Jim Johnson	ODA. Agrees with DLCDC's comments. Explains concerns with

SB 538.

090 Sen. Beyer Asks about non-conforming uses. Wonders where in the statute it talks about pre-existing conditional use.

095 Johnson Believes it is somewhere in ORS 215.

100 Chris Crean Counsel. Believes that it would be a non-conforming use under ORS 215.130(5). Explains.

**The following prepared testimony is submitted for the record without public testimony:**

Swearingen Submits written testimony on behalf of Izzy and Nancy Oren in support of SB 538 **(EXHIBIT D)**.

Swearingen Submits written testimony on behalf of Eric Sande in support of SB 538.

Swearingen Submits written testimony on behalf of Mary Arnstad in support of SB 538.

105 Chair Ringo Informs that SB 538 will not be moved today. Closes public hearing on SB 538 and opens public hearing on Measure 37: Claims Process.

**MEASURE 37: CLAIMS PROCESS – PUBLIC HEARING**

110 Chair Ringo Announces that a meeting will be held on Wednesday, 03/23/2005 at 8:00 a.m. in the Democratic caucus room.

140 Chris Crean Counsel. Submits draft of proposed legislation **(EXHIBIT G)**. Explains draft proposal. Details and explains changes in language.

250 Crean Continues detailing and explaining changes in language **(EXHIBIT G, Page 2, subsection 7)**.

300 Crean Continues detailing and explaining changes in language **(EXHIBIT G, Page 3, subsection 9)**.

340 Sen. Burdick Asks if there could be more than two claims.

350 Crean Explains. States that it is a little unclear when it comes to annexation. Explains.

380 Crean Continues detailing and explaining changes in language **(EXHIBIT G, Page 3, subsection 10)**.

375 Sen. Burdick Provides a scenario regarding Measure 37 claims. Asks question regarding landowner rights.

385 Crean Explains.

400 Sen. Burdick Asks about circuit court.

401 Crean Explains. Continues detailing and explaining changes in language **(EXHIBIT G, Page 3, subsection 11)**.

**TAPE 27, B**

025 Crean Continues detailing and explaining changes in language **(EXHIBIT G, Page 4, subsection 13)**.

035 Sen. Burdick Asks if someone who has already filed a claim under the existing language will need to re-file a claim under the new language.

036 Crean Explains.

045 Lane Shetterly Director, Department of Land Conservation and Development. Wants to defer comment until he has had a chance to review draft submitted by Crean.

065 Chair Ringo States that one of the issues flagged by Mr. Crean was whether a local entity can waive a state regulation and whether a state entity can waive a local regulation. Asks if witness has an opinion on this.

067 Shetterly Discusses waiving of regulations. Asks who has authority to waive a state statute.

085 Chair Ringo Remarks that currently the state is not requiring an application fee. Asks if it makes sense to ask for a reasonable fee.

088	Shetterly	Discusses cost associated with evaluating Measure 37 claims. Gives illustration.
100	Crean	Refers to <b>(EXHIBIT G, Page 2, subsection 7)</b> . Discusses intent of this language.
110	Elon Hasson	Legislative Affairs Director, 1000 Friends of Oregon. Submits written testimony on behalf of Bob Stacey <b>(EXHIBIT H)</b> and article titled "Measuring Compensation Under Measure 37: An Economist's Perspective" <b>(EXHIBIT I)</b> . Expresses support for proposed amendments. Highlights testimony <b>(EXHIBIT H)</b> .
150	Crean	Submits proposal for compensation mechanism <b>(EXHIBIT J)</b> .
160	Chair Ringo	Closes public hearing on Measure 37: Claims Process and adjourns meeting at 4:18 p.m.

### **EXHIBIT SUMMARY**

- A. Guest Ranching in Eastern Oregon, Report, John Jennings, 7 pp**
- B. SB 538, written testimony, Linda Swearingen, 2 pp**
- C. SB 538, map, Craig Morton, oversized**
- D. SB 538, written testimony of Izzy and Nancy Oren, Linda Swearingen, 1 p**
- E. SB 538, written testimony of Eric Sande, Linda Swearingen, 1 p**
- F. SB 538, written testimony of Mary Arnstad, Linda Swearingen, 2 pp**
- G. Measure 37, draft of proposed legislation, Chris Crean, 4 pp**
- H. Measure 37, written testimony of Bob Stacey, Elon Hasson, 1 p**
- I. Measure 37, article, Elon Hasson, 15 pp**
- J. Measure 37, proposal, Chris Crean, 2 pp**