

HOUSE COMMITTEE ON
ENVIRONMENT AND LAND USE

February 06, 2003 Hearing Room HR E
8:30 AM Tapes 14-15

MEMBERS PRESENT: Rep. Bill Garrard, Chair
 Rep. Dennis Richardson, Vice-Chair
 Rep. Cliff Zauner, Vice-Chair
 Rep. Robert Ackerman
 Rep. Dan Doyle
 Rep. Mitch Greenlick
 Rep. Diane Rosenbaum

STAFF PRESENT: Ray Kelly, Committee Administrator
 David Peffley, Committee Assistant

MEASURES HEARD: **HB 2369 – Public Hearing**
 HB 2208 – Public Hearing and Work Session

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.

TAPE/#	Speaker	Comments
TAPE 14, A		
003	Chair Garrard	Calls the meeting to order and opens a public hearing on HB 2369.
<u>HB 2369 – PUBLIC HEARING</u>		
009	Ray Kelly	Summarizes HB 2369.
022	Rep. Tootie Smith	Submits (EXHIBIT A) and testifies in favor of HB 2369 in order to correct unfairness to land owners in asking LCDC to establish new standards for the \$80,000 test.
052	Rep. Ackerman	Asks for clarification on the parcels lot size owned by the land owner.
061	Rep. Smith	Asserts that she is referring to the parcel owned by the owner.
066	Rep. Ackerman	Asks for a clarification of the capability and what it relates to.
070	Rep. Smith	States the intention to mean the capability to produce crops for the purpose of forestry.
075	Rep. Ackerman	Asks for a clarification of the meaning of the word <i>adjacent</i> .
078	Rep. Smith	Responds that the term is open to interpretation due to varying lot sizes.
084	Rep. Ackerman	Questions the meaning of agricultural activities.
088	Rep. Smith	Responds that it is not defined.
095	Rep. Ackerman	Asks if there is an amendment which would address the starter castle situation.

097 Rep. Smith Responds that there isn't and that she wouldn't know how to address that issue.

107 Rep. Richardson Asks if this bill will actually solve the \$80,000 rule issue.

112 Rep. Smith Responds that this bill will not eliminate the \$80,000 rule. States that it just asks for considerations when the rule is applied.

120 Rep. Rosenbaum Asks if Rep. Smith is seeking changes only in the high-value farm land.

129 Rep. Smith Elaborates on the 80K\$ rule in relation to the land owner.

150 Chair Garrard Recesses the hearing on HB 2369 opens a public hearing on HB 2208.

HB 2208 – PUBLIC HEARING

155 Michael Carrier Director, Oregon Parks and Recreation. Explains the -1 amendment (**EXHIBIT J**) to HB 2208 and testifies in favor of its passage.

200 Chair Garrard Closes the public hearing HB 2208 and opens a work session on HB 2208.

HB 2208 – WORK SESSION

214 Rep. Zauner **MOTION: Moves to ADOPT HB 2208-1 amendments dated**

215 **VOTE: 7-0**

217 Chair Garrard **Hearing no objection, declares the motion CARRIED.**

224 Rep. Richardson Requests clarification of the amendments to HB 2208 on lines 21-26.

238 Carrier Explains the striking of the exemption in the -1 amendment as a corrected mistake by Legislative Counsel.

264 Rep. Greenlick Reaffirms that the strike is from the amendment, not the existing statute.

268 Rep. Zauner **MOTION: Moves HB 2208 to the floor with a DO PASS AS AMENDED recommendation.**

270 **VOTE: 7-0**

272 Chair Garrard **Hearing no objection, declares the motion CARRIED.**
REP. ROSENBAUM will lead discussion on the floor.

299 Chair Garrard Closes the work session on HB 2208 and reopens a public hearing on HB 2369.

HB 2369 – PUBLIC HEARING

320 Clif Kenagy Submits (**EXHIBIT B**) and testifies in opposition to HB 2369, due to the proliferation of conflicts it would bring to the agricultural community. Gives examples of past and potential conflicts.

TAPE 15, A

032 Kenagy Continues anecdotal testimony in opposition of HB 2369.

065 Marcus Simantel Retired farmer from Washington County submits (**EXHIBIT C**) and testifies in opposition to HB 2369 as he does not believe that it serves the rights of farmers, but rather impinges upon their rights.

140 Rep. Greenlick Asks Simantel to talk about how farmers have a tough time maintaining Washington County's agricultural heritage.

151 Simantel Testifies as to the homes and speculators usurping prime farmland.

176 Rep. Greenlick Asks Simantel to elaborate on the problem of farm roads being converted into commuter roads.

184 Simantel Confirms that this is a major problem for the agricultural community.

199 Chad Johnson Polk County property owner. Testifies in support of HB 2369. States that property rights will add to the taxes paid to support education. Affirms his belief that the \$80,000 rule is too stringent.

245 Glen Stonebrink Speaks in favor of HB 2369 in order to spur business. Testifies that land use laws don't work. States that we don't have any more places that we can build.

342 Harlan Levy Submits **(EXHIBIT D)** in support of HB 2369. States that the \$80,000 rule discriminates against some farmers. States that HB 2369 would address the inequity which does not enable farmers to build farm dwellings on their own land.

TAPE 14, B

012 Rep. Rosenbaum Asks Levy to clarify his position on distinctions.

016 Levy Reiterates that his position isn't static, but that there should be some flexibility.

022 Rep. Rosenbaum Points out that her constituents have stated that the \$80,000 rule isn't perfect, but that a better solution has not come about. Asks Levy if he knows of a more workable solution.

028 Levy States his belief that the capability test would be the proper manner and would return the process to local control.

035 Rep. Greenlick Gives his understanding for reasons of \$80,000 rule. Asks for Levy's definition of a bonafide farmer.

044 Levy Defines a farmer as one who contributes to the agricultural community, whether agriculture is their primary income or not.

057 Rep. Greenlick States his understanding that the rule makes a distinction, that you must make \$10,000 in profit, not just earn \$10,000.

062 Levy Agrees with Rep. Greenlick. States his belief that the present law is elitist.

066 Rep. Greenlick Asks if there's a provision which states that all of one's income must be from farming.

068 Levy Responds that there is not.

070 Rep. Zauner Asks for clarification as to where most of the high-value farmland falls, geographically.

079 Levy Answers that most of the high-value farmland is in the Willamette Valley and north of Eugene.

083 Rep. Ackerman Asks Levy to clarify the language of capability in the amendment.

089 Levy Clarifies what capability means to the law.

090 Rep. Ackerman Asks how we measure capability.

095 Levy States that land use consultants do analyses on the land.

102 Rep. Ackerman Expresses his concern with the measurements and their interpretation.

106 Levy Responds that a commissioner would decide based on the available information.

112 Chair Garrard Asks for the average income figure for the 11,000,000 acres of non high-value farmland.

117 Levy States that he really doesn't know.

125 Don Schellenberg Introduces **(EXHIBIT E)** in opposition to HB 2369. Gives an overview of the predecessors to this bill introduced during the last session. Testifies that the changes made over the last two years have adequately addressed the iniquities, thus HB 2369 is not justified.

224 Rep. Doyle Asks why these changes should not be codified.

227	Schellenberg	States that he would support a legislation codifying these laws, but that HB 2369 does not do that.
234	Rep. Ackerman	Asks about the rule changes in relation to the Administrative Procedures Act.
244	Schellenberg	Responds to those changes.
250	Rep. Rosenbaum	Asks Schellenberg how the distinction between high and low-value farmland has benefited agriculture in the state..
259	Schellenberg	Refers to previous testimony regarding the difference between high and low value farmland. Readdresses the concerns of disappearing farm land, a la California.
298	Chair Garrard	Gives personal testimony about Klamath Falls farmers not being able to get water. Points out that the land which was once considered high-value, is no longer so, due to the inability to obtain an adequate water supply.
310	Schellenberg	Concurs with Chair Garrard.
339	Dave Hunnicutt	Responds to Rep. Rosenbaum on the difference between high and low-value farm land. Testifies that the problem is that we have is in the distinction between what is farm land and what is not.

TAPE 15, B

018	Hunnicutt	Continues testimony. Reiterates that Oregon is the only state in the union with income guidelines.
026	Art Schlack	Association of Working Counties. Testifies in support of HB 2369. Suggests that it is an important time to reevaluate laws pertaining to this issue.
076	Carrie MacLaren	Staff attorney, 1000 Friends of Oregon. Submits (EXHIBIT F) in opposition to HB 2369. Cites farm dwellings, use, and income in support of her testimony. Concludes that additional rural residential development on Oregon's farmland will compromise agricultural land.
188	Randy Tucker	Responds to earlier concerns by stating that farming brings more benefits than costs to Oregon. Reiterates that the present method is not perfect, but that it is the best system we have.
240	Rep. Ackerman	Asks what class of farms are affected by this legislation.
258	MacLaren	Responds to the uniqueness of Oregon farms in relation to class.
263	Rep. Ackerman	Asks about the new LCDC rules about aggregate incomes.
265	MacLaren	Responds to the changes made by LCDC and the rationale for these changes.
286	Chair Garrard	Asks how the bill is interpreted for dwellings other than homes.
305	MacLaren	States that agricultural dwellings are not affected.
322	Chair Garrard	Observes that dwellings are acceptable for horses but not for people.
326	MacLaren	Clarifies the current law as it relates to farm dwellings.
331	Chair Garrard	States his concern that we're denying people the right to inhabit a home in order to farm.
342	MacLaren	Reaffirms the involved criteria.
353	Chair Garrard	Reasserts what he considers to be a duplicitous standard.
356	Tucker	Responds that horses don't cause the kinds of problems that people do. Farm operations is the key here as opposed to dwellings.

The following prepared testimony has been submitted for the record without public testimony for HB 2369.

	Carrie MacLaren	Submits the written testimony of Mike McCarthy (EXHIBIT G).
	Stephen Bosak	Submits (EXHIBIT H).
	Ted Lorensen	Submits (EXHIBIT I).
400	Chair Garrard	Adjourns the meeting at 10:29 AM

EXHIBIT SUMMARY

- A – HB 2369, written testimony, Rep. Tootie Smith, 1 p.**
- B – HB 2369, written testimony, Clif Kenagy, 2 pp.**
- C – HB 2369, written testimony, Marcus Simantel, 2 pp.**
- D – HB 2369, written testimony, Harlan Levy, 1 p.**
- E – HB 2369, written testimony, Don Schellenberg, 2 pp.**
- F – HB 2369, written testimony, Carrie MacLaren, 4 pp.**
- G – HB 2369, written testimony of Mike McCarthy, Carrie MacLaren, 1 p.**
- H – HB 2369, written testimony, Stephen Bosak, 1 p.**
- I – HB 2369, written testimony, Ted Lorensen, 3 pp.**

The following exhibit is listed out of order in the body of the tape log:

- J – HB 2208, -1 amendments, Michael Carrier, 1 p.**