

SENATE COMMITTEE ON WATER AND LAND USE

February 26, 2003
3:00 pm

Hearing Room D
Tapes 18 - 19

MEMBERS PRESENT: **Sen. Ted Ferrioli, Chair**
 Sen. Charlie Ringo, Vice-Chair
 Sen. Jason Atkinson
 Sen. Rick Metsger

STAFF PRESENT: **Judith Callens, Committee Administrator**
 Megan Jensen, Committee Assistant

MEASURE/ISSUES HEARD: **SB 418 Public Hearing**

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 18, A		
005	Chair Ferrioli	Calls meeting to order at 3:15 p.m. and opens public hearing on SB 418.
<u>SB 418 – PUBLIC HEARING</u>		
010	Judith Callens	Committee Administrator. Gives overview of SB 418.
030	Don Schellenberg	Oregon Farm Bureau. Gives testimony against SB 418 (EXHIBIT A) . Discusses land use planning and zoning.
060	Chair Ferrioli	Asks if farmland is being traded at rates commensurate with the production of agricultural commodities.
065	Schellenberg	Affirms and elaborates.
080	Chair Ferrioli	Comments on market values for farmland.
085	Schellenberg	Continues testimony against SB 418. Believes that to prevent land use conflicts and to maintain the farm value of the land, facilities that serve urban populations should be sited inside the urban growth boundary.
105	Sen. Atkinson	Asks about the definition of the term “rural”.
107	Schellenberg	Remarks that he would be open to other wording to indicate that churches and schools allowed in a farm zone are there specifically to serve the people living in the farm zones.
116	Sen. Atkinson	Comments on the definition of the term “rural” as related to SB 418.
131	Chair Ferrioli	Asks if outdoors schools or rock climbing should be limited only to urban zones.
143	Schellenberg	Responds that there may be certain instances where schools could be located in a farm zone, but would require specific legislation.
155	Chair Ferrioli	Asks if schools defined as public or private K-12 schools are acceptable in farm zones.
158	Schellenberg	Affirms.
160	Chair Ferrioli	Discusses the definitions of driver training, career and commercial schools as applied to SB 418.
165	Schellenberg	Expresses his concern with allowing those types of schools in farm zones.

174	Chair Ferrioli	Asks if boarding schools should be allowed in rural areas.
177	Schellenberg	Responds that boarding schools could be allowed in rural areas.
184	Ron Eber	Department of Land Conservation and Development. Provides testimony against SB 418 (EXHIBIT B). Expresses concern about the types of schools that would be allowed in a farm zone.
200	Chair Ferrioli	Asks for the specific statutory restrictions on schools in rural areas.
213	Eber	Responds that urban uses are not allowed outside urban growth boundaries.
222	Chair Ferrioli	Asks for clarification.
227	Eber	Elaborates on the ambiguity of the law.
234	Chair Ferrioli	Asks about agriculture experimental stations in exclusive farm use areas.
238	Eber	Replies that experimental stations are sometimes located in farm use zones.
242	Chair Ferrioli	Inquires whether agriculture experimental stations serve only rural populations.
245	Eber	Responds that agriculture experimental stations provide a service to the agricultural community.
254	Chair Ferrioli	Asks for specific statutes regarding agriculture experiment stations and the definition of a school.
259	Eber	Replies that the Oregon Court of Appeals defined a school as K-12 education and expresses concern that the definition in the statute has allowed other types of schools.
276	Chair Ferrioli	Inquires if any outdoor schools that exist on land zoned for farming.
278	Eber	Offers to research the issue.
279	Chair Ferrioli	Clarifies that if there was a natural connection between the location and the type of school, he would have no objection to a school located in a farm zone.
287	Eber	Affirms.
288	Chair Ferrioli	Asks for his recommendations on the definitions of alternative schools.
300	Eber	Offers to provide that information.
304	Chair Ferrioli	Inquires if there is a statute that differentiates between vocational and K-12 schools..
308	Eber	Clarifies that they are now called career schools and offers to provide information at a later date.
324	Chair Ferrioli	Comments on the definitions of schools.
340	Martin Taylor	Oregon Chapter Sierra Club. Testifies against SB 418 (EXHIBIT C). Believes that the expanded definition of schools on exclusive farm use zoned lands erodes the protections originally sought for farm land.
TAPE 19, A		
005	Sen. Atkinson	Discusses an example of a historic school existing on farm land in southern Oregon.
013	Taylor	Replies that once a structure is built, that land is rarely recovered.
017	Chair Ferrioli	Asks where the Sierra Club operates educational facilities.
024	Taylor	Offers to research information.
030	Carrie MacLaren	1000 Friends of Oregon. Provides testimony against SB 418 (EXHIBIT D). Believes that SB 418 undermines Oregon's compelling state interest to preserve agricultural lands for farm use and removes farmland from the agricultural land base.

100	Chair Ferrioli	Confirms that vocational or career schools on farm land are the primary concern of 1000 Friends of Oregon.
112	MacLaren	Affirms.
119	Chair Ferrioli	Asks whether boarding schools pose a concern.
123	MacLaren	Replies that boarding schools do not pose a concern.
140	Chair Ferrioli	Asks about vocational skill centers.
143	MacLaren	Offers to research the subject.
146	Chair Ferrioli	Requests information on the definition of vocational agricultural centers.
158	MacLaren	Clarifies that part of the concern is that accessory structures may be permitted in addition to the school building.
170	Chair Ferrioli	Further discusses the definition of schools.
183	Randy Tucker	1000 Friends of Oregon. Believes that one distinction between K-12 schools and other schools located on farm land is that K-12 schools directly serve students who live in the area.
202	Chair Ferrioli	Requests information on rules or statutes that limit school facilities to people who live in the community.
212	Sen. Metsger	Asks for the current legal definition of a school.
221	Judith Callens	Explains the legal definition of a school.
263	Chair Ferrioli	Summarizes SB 418. Closes public hearing on SB 418 and adjourns meeting at 3:57 p.m.

EXHIBIT SUMMARY

A – SB 418, written testimony, Don Schellenberg, 3 pp.

B – SB 418, written testimony, Ron Eber, 2 pp.

C – SB 418, written testimony, Martin Taylor, 1 p.

D – SB 418, written testimony, Carrie MacLaren, 3 pp.