

# SENATE COMMITTEE ON WATER AND LAND USE

April 09, 2003  
3:00 p.m.

Hearing Room D  
Tapes 44 - 46

**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 605 Public Hearing**  
                                  **SB 516 Public Hearing and Work Session**  
                                  **SB 538 Public Hearing**  
                                  **SB 257 Public Hearing**  
                                  **SB 293 Public Hearing**  
                                  **SB 295 Public Hearing**  
                                  **SB 755 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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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 44, A</b>		
003	Chair Ferrioli	Calls meeting to order at 3:33 p.m. and opens public hearing on SB 605.
<b><u>SB 605 - PUBLIC HEARING</u></b>		
010	Sen. Richard Devlin	District 19 State Senator. Provides testimony in support of SB 605 and explains that the bill would uphold the original intent of HB 3661. States that SB 605 restores balance to decisions on when houses can be built on forest zone lands and closes an unintended loophole.
043	Sen. Metsger	Asks for clarification on the loophole.
045	Sen. Devlin	Explains that in a single tract there could be multiple forest parcels and by manipulating those parcels, more houses could be built in a single forest tract.
055	Pat Zimmerman	Columbia County Citizens for Orderly Growth. Provides testimony in support of SB 605. Believes that building houses in forest tracts removes productive timber from the base. Provides an example of a contractor taking advantage of the loophole to create a tract with several parcels.
122	Chair Ferrioli	Discusses economic effects of house development on the local area and asks if a comparison between the value gained and the value lost exists.
136	Zimmerman	Replies that there is no cost benefit analysis and elaborates on economic benefits and losses. States that the economic loss to the county of a single family residence more than two miles outside the urban growth boundary is approximately -\$35,000.
143	Chair Ferrioli	Asks if the loss is for a one year period.
145	Zimmerman	Affirms.
146	Chair Ferrioli	Replies that the economic life of the house would be 50 to 60 years.
149	Zimmerman	Explains that the people who would reside in the types of houses at issue are commuters. Believes the homes do not contribute significantly to the local economic benefit of the county.
155	Chair Ferrioli	Requests a cost benefit analysis if any exists.
158	Zimmerman	Offers to research the subject.

166	Harlan Levy	Oregon Association of Realtors. Provides testimony in opposition to SB 605 and asserts the bill restricts dwellings in forest zones. Believes counties can disallow the template test for farm dwellings.
193	Charles Swindells	Multnomah County. Provides testimony in support of SB 605. Discusses his land in Yamhill County. Asserts that the template test is a liberal dwelling authorization that works poorly and elaborates.
249	Chair Ferrioli	Clarifies that the cost benefit inquiry was specific to high value timberland. Inquires if Multnomah County a template county.
270	Swindells	Replies that Multnomah County allows template development in some parts of the county.
273	Chair Ferrioli	Asks if Yamhill County a template county.
275	Swindells	Affirms.
285	Chair Ferrioli	Inquires what interest groups worked on the compromises reached in HB 3661 (93).
289	Levy	Believes many different interest groups worked on HB 3661 (93) including timberland owners, landowners and 1000 Friends of Oregon.
295	Carrie MacLaren	1000 Friends of Oregon. Provides testimony in support of SB 605 <b>(EXHIBIT A)</b> . Discusses forest template dwellings authorized by HB 3661 (93). Explains how SB 605 fixes an unintentional loophole by allowing only one dwelling per tract based on the configuration of the tract in 1993.
390	MacLaren	Concludes testimony on SB 605 and summarizes issues.
<b>TAPE 45, A</b>		
010	Chair Ferrioli	Inquires if 1000 Friends of Oregon participated in HB 3661 (93).
012	MacLaren	Replies that 1000 Friends of Oregon participated in HB 3661 (93) and had significant concerns regarding the bill.
013	Chair Ferrioli	Asks if HB 3661 (93) was supported by 1000 Friends of Oregon
015	MacLaren	Believes HB 3661 was not supported by 1000 Friends of Oregon.
020	Chair Ferrioli	Talks about the variability in applications of forest template dwellings.
022	MacLaren	Responds that counties can choose to disallow forest template dwellings, otherwise forest template dwellings will be allowed by default.
029	Chair Ferrioli	States that counties have control over how the forest template applies.
030	MacLaren	Reiterates concern that by default counties are left with the forest template dwellings.
036	Chair Ferrioli	Discusses the ability of counties to control whether they use the forest template.
048	Sid Friedman	Yamhill County. Provides testimony in support of SB 605 <b>(EXHIBIT B)</b> . Provides an example of landowners accessing the loophole for forest template approvals.
096	Chair Ferrioli	Asks why he has not worked towards changing Yamhill County's attitude regarding forest templates.
098	Friedman	Replies that the state should not allow the de facto subdivision conversion of the most productive forest lands.
109	Chair Ferrioli	Asks if "de facto subdivision conversion" depends on a platted subdivision having been grandfathered.
110	Friedman	Replies that it does not depend on a platted subdivision having been grandfathered.
113	Chair Ferrioli	Reiterates his concern regarding platted subdivisions.
116	Friedman	Discusses the loophole that SB 605 intends to address.
137	Dave Hunnicutt	Oregonians In Action. Provides testimony against SB 605. Believes the Legislature did not intend for ambiguity in HB 3661 (93) and states that HB 3661 (93) gave counties the flexibility to authorize or disallow forest template dwellings.
183	Mitch Rohse	American Planning Association. Provides testimony in support of SB

605. Believes that HB 3361 did not intend to create a loophole and elaborates.

224 Chair Ferrioli Comments on legislative intent.

233 Rohse Believes that state policy should not allow overdevelopment in prime forest land.

242 Chair Ferrioli Asks why the counties are not exercising their authority to deal with the issue as they see fit.

256 Rohse Replies that counties should be allowed to make policy issues regarding the issue.

271 Marilyn Reeves Friends of Yamhill County. Provides testimony in support of SB 605 (**EXHIBIT C**) and states support for closing the loophole that adversely impacts timber production by allowing multiple dwellings on large tracts of productive forest land.

358 Glen Stonebrink Oregon Cattlemen Association. Provides testimony against SB 605. Believes land use decisions should be made by local governments.

**TAPE 44, B**

010 Randy Tucker 1000 Friends of Oregon. States that 1000 Friends of Oregon protects the land base for its resource uses by forestry and agriculture.

030 Chair Ferrioli Closes public hearing on SB 605. Opens public hearing on SB 516.

**SB 516 – PUBLIC HEARING**

046 Harlan Levy Oregon Association of Realtors (OAR). Provides testimony in support of SB 516 and -1 amendments.

050 Chair Ferrioli Comments that SB 516 and -1 amendments are a consensus of 1000 Friends of Oregon and OAR.

052 Randy Tucker 1000 Friends of Oregon. Comments that many interest group participated in the work group.

063 Dave Hunnicutt Oregonians in Action (OIA). Discusses the work group progress. Expresses support for SB 516-1 amendments but opposes SB 516 as a whole.

070 Chair Ferrioli Asks if the opposition comes from the change to the notification language.

075 Hunnicutt Affirms.

078 Tucker Remarks that the work group agreed to language modifications recommended by Senator Ferrioli and OIA.

080 Hunnicutt Comments that the proposed changes are substantially improved from the original bill

085 Chair Ferrioli Closes public hearing on SB 516 and opens work session on SB 516.

**SB 516 – WORK SESSION**

093 Judith Callens Committee Administrator. Provides overview of SB 516 and -1 amendments (**EXHIBIT D**).

135 Sen. Atkinson **MOTION: Moves to ADOPT SB 516-1 amendments dated 4/4/03.**

140 **VOTE: 4-0**

Chair Ferrioli **Hearing no objection, declares the motion CARRIED.**

145 Sen. Atkinson **MOTION: Moves SB 516 to the floor with a DO PASS AS AMENDED recommendation.**

150 **VOTE: 4-0**

Chair Ferrioli **Hearing no objection, declares the motion CARRIED.**

**SEN. ATKINSON will lead discussion on the floor.**

Closes work session on SB 516 and opens public hearing on SB 257.

**SB 257 – PUBLIC HEARING**

167 Judith Callens Committee Administrator. Provides overview of SB 257.

170 Chair Ferrioli Closes public hearing on SB 257 and opens public hearing on SB 293.

**SB 293 – PUBLIC HEARING**

173	Judith Callens	Committee Administrator. Provides overview of SB 293.
175	Chair Ferrioli	Opens public hearing on SB 295.
<b><u>SB 295 – PUBLIC HEARING</u></b>		
177	Judith Callens	Committee Administrator. Provides overview of SB 295.
179	Chair Ferrioli	Asks for presentations by participants in the work groups on SB 293 and SB 295.
192	Inga Deckert	Oregon State Treasury. Provides information on progress made by the work group. Gives feedback from the work group and explains they will regroup to work on another proposal which will be narrowed to the John Day River and will be a pilot project.
238	Phil Donovan	Association of Northwest Steelheaders. Supports the navigability work group and believes that a legislative compromise will provide the best solution.
260	Jean Wilkinson	Oregon Farm Bureau. Supports a resolution to maintain private property ownership of the beds and banks of rivers and allow some public access for recreation. Elaborates on work group progress.
302	Chair Ferrioli	Requests the work groups continue to work on SB 293 and SB 295 and summarizes issues. Closes public hearings on SB 293 and SB 295 and opens public hearing on SB 755.

The following prepared testimony is submitted for the record without public testimony for SB 295

Ann Hanus	Submits written testimony <b>(EXHIBIT E)</b>
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**SB 755 – PUBLIC HEARING**

354	Judith Callens	Committee Administrator. Provides overview of SB 755.
358	Sen. Ringo	States the bill will not be necessary. Talks about Forest Park and asserts SB 755 will limit expansion in private holdings in Forest Park.
377	Chair Ferrioli	Closes public hearing on SB 755 and opens public hearing on SB 538.

**SB 538 – PUBLIC HEARING**

380	Judith Callens	Committee Administrator. Provides overview of SB 538.
390	Sen. Gary George	District 12 State Senator. Provides testimony in support of SB 538 <b>(EXHIBIT F)</b> .

**TAPE 45, B**

005	Sen. George	States that counties are prepared to do their own land use planning and elaborates.
049	Ferrioli	Asks about his occupation.
050	Sen. George	States he is a life-long farmer.
060	Stonebrink	Provides testimony in support of SB 538 <b>(EXHIBIT G)</b> . Discusses constitutional issues relating to SB 538. Believes that Oregon's land use laws and policies place people who own property under servitude.
230	Sen. George	Believes that local jurisdictions should manage land use policies.
268	Stephen Kafoury	American Planning Association. Provides testimony against SB 538. States the bill simply changes who does land use planning from state to county management.
282	Chair Ferrioli	Asks about the history of land use planning in Oregon and wonders if land use planning was intended be a state system that would eventually be taken over by counties.
293	Kafoury	States that the original goal was for counties to implement policies based on state guidelines.
300	Chair Ferrioli	Asks if an overarching goal of protecting prime farmland has been accomplished.
307	Kafoury	Believes the goal has been partially attained.
315	Reeves	Provides testimony against SB 538 <b>(EXHIBIT H)</b> . Believes the

statewide land use planning system has enabled Yamhill County to maintain a strong agricultural and forest economy.

**TAPE 46, A**

005	Randy Tucker	1000 Friends of Oregon. Provides testimony against SB 538 ( <b>EXHIBIT I</b> ). States SB 538 would abandon three decades of work that has made Oregon the envy of the nation for its success in managing growth and discusses evidence of the success of Oregon's land use laws. Discusses Oregon Association of Realtors. Provides testimony on SB 538. Asserts a neutral stance but believes that some public dissatisfaction exists with land use policies.
070	Harlan Levy	
100	Chair Ferrioli	Comments on the need to address some aspects of land use management.
115	Don Schellenberg	Oregon Farm Bureau. Provides testimony against SB 538 ( <b>EXHIBIT J</b> ). Talks about the development of farmland and explains that his written testimony contains a series of typographical errors in which SB 538 is shown as SB 358.
165	Clif Kenagy	Benton County. Provides testimony against SB 538. Discusses Oregon's land use program and states the program has been successful.
197	Chair Ferrioli	Closes public hearing on SB 538 and adjourns meeting at 5:40 p.m.

**EXHIBIT SUMMARY**

- A – SB 605, written testimony, Carrie MacLaren, 6 pp.**
- B – SB 605, written testimony, Sid Friedman, 2 pp.**
- C – SB 605, written testimony, Marilyn Reeves, 2 pp.**
- D – SB 516, SB 516-1 amendments dated 4/4/03, staff, 3 pp.**
- E – SB 295, written testimony, Ann Hanus, 15 pp.**
- F – SB 538, written testimony, Sen. Gary George, 9 pp.**
- G – SB 538, written testimony, Glen Stonebrink, 2 pp.**
- H – SB 538, written testimony, Marilyn Reeves, 3 pp.**
- I – SB 538, written testimony, Randy Tucker, 4 pp.**
- J – SB 538, written testimony, Don Schellenberg, 2 pp.**