

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

March 07, 2001
8:30 AM

Hearing Room E
Tapes 37 - 38

MEMBERS PRESENT: **Rep. Betsy Close, Chair**
 Rep. Laurie Monnes Anderson, Vice-Chair
 Rep. Susan Morgan, Vice-Chair
 Rep. Mark Hass
 Rep. Bob Jenson
 Rep. Deborah Kafoury
 Rep. Al King
 Rep. Jeff Kruse
 Rep. Jan Lee

STAFF PRESENT: **Megan Palau, Administrator**
 Shannon Relaford, Committee Assistant

MEASURE/ISSUES HEARD:
 HB 2463 Work Session
 HB 2548 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 37, A		
003	Chair Close	Convenes meeting at 8:41 a.m., opens work session on HB 2463.
<u>HB 2463 WORK SESSION</u>		
010	Larry Debates	Presents testimony in opposition to the bill. (EXHIBIT A)
052	Rep. Krummel	District 27 presents testimony in support of the bill and explains amendments.
080	Chair Close	Requests clarification of amendments
083	Harlan Levy	Oregon Association of Realtors presents testimony and explanation of amendments. (EXHIBIT B)
100	Joseph Schreiber	Presents explanation (visually) of lot division and lot of record requirements.
130	Levy	Continues with explanation.
152	Rep. Jenson	MOTION: Moves the –3 amendments to HB 2463. Hearing no objections it is so ordered.
160	Rep. Jenson	MOTION: Moves HB 2463 to the floor with a DO PASS AS AMENDED Recommendation.
165	Rep. Monnes Anderson	Comments on the letters and e-mails she has received on the bill and states her concerns and that she will not be able to vote for it as amended.
193	Rep. Lee	States her comfort with the bill and that she is prepared to vote

196	Rep. King	for it as it is.
200		States his support for the circumstance but not the bill.
		VOTE: 5-2
		AYE: 5 - Hass, Jenson, Kruse, Lee, Close
		NAY: 2 - King, Monnes Anderson
		EXCUSED: 2 - Kafoury, Morgan
	Chair Close	The motion CARRIES.
		REP. KRUMMEL will lead discussion on the floor.
221	Chair Close	Closes work session on HB 2463. Opens public hearing on HB 2548.
<u>HB 2548 PUBLIC HEARING</u>		
231	Megan Palau	Administrator, presents explanation of the bill pertaining to the use of the income requirement in the establishment of dairies.
244	Rep. Butler	District 60, presents explanation of –2 amendments and testifies in support of the bill.
370	Rep. King	Asks if the land can produce the quantities and qualities of grass so they are not all trucked in.
379	Butler	Replies ideally dairies today are dry lot dairies located adjacent to fields of alfalfa hay.
390	Rep. King	Follows with question regarding commitment to investment.
415	Rep. Butler	States he believes there are statutes that address those issues.
040	Rep. King	Follows by stating he still sees nothing that requires investment commitment in the bill.
057	Chair Close	Asks if the house could be written into a plan for a dairy.
062	Rep. Butler	Responds typically people purchase the ground and begin the construction of the dairy before they realize they are not going to be able to build a home on the site.
078	Rep. Jenson	Expresses appreciation for the bill and asks for clarification of current law.
097	Rep. Butler	Further explains his understanding of current law.
126	Rep. Jenson	Follows with remarks about waste disposal and the substantial investment.
140	Rep. Butler	Describes underground catch basin system of waste disposal and production of energy.
159	Marilyn Fiscus	Jefferson County, expresses her support for the bill and explains that she wants to build on her land where there once was a house but cannot because of the income test. (EXHIBIT C)
237	Chair Close	Asks what she produces on her land.
240	Fiscus	Replies alfalfa hay.
243	Chair Close	Asks what city in Jefferson County is nearest to her.
248	Fiscus	Replies Culver and continues with issue of the state being allowed to buy land in the EFU zone and not farm it.
266	Chair Close	Inquires if the state has put any buildings on the land.
267	Fiscus	Replies not yet and continues.
270	Mike McCarthy	Hood River County, presents testimony in opposition to the bill.
310	Chair Close	Asks if a farmer makes \$40,000 a year growing mint for a few years then the next year they make \$30,000 and the next year \$20,000, why should they not be allowed to have a house on the property.
319	McCarthy	Replies in a lot of cases there is an opportunity to have a house on the property.
328	Rep. Kruse	Asks how many acres of apples does it take to make \$80,000
330	McCarthy	Replies 20 acres.
332	Kruse	Follows by asking what would be the capital investment needed

		to maintain those 20 acres.
336	McCarthy	Replies \$50,000 or so.
338	Rep. Kruse	Comments that we've set up a system that prohibits people from getting into business.
345	McCarthy	Reiterates that there is lots of land to build on near to farms.
355	John Shafer	Polk County expresses concerns for bill and gives testimony in opposition to the bill.
385	Rep. Jenson	Explains the intent is in the amendments.
393	Shafer	Concurs.
406	Rep. Jenson	Clarifies the amendments further.
409	Shafer	Suggest using the language an operating commercial dairy farm.
423	Vice Chair Monnes Anderson	Acknowledges that there are some people that would try to get around the law but with the oversight of DLCDC it should be avoided.
438	Clif Kenagy	Retired farmer from Albany presents testimony in opposition to the bill.
TAPE 37, B		
055	Chair Close	Asks what his cropland is in.
058	Kenagy	Replies beans, sweet corn, strawberries and grass seed crops and vegetables.
062	Chair Close	Asks if they can gross \$300,000 on his land per year.
066	Kenagy	Replies yes.
070	Larry De Bates	States that he could support amendment but is opposed to opening more and more lands to development and believes the income test is essential.
089	Carrie Kuerschner	1000 Friends of Oregon presents testimony not in opposition to the amendments. (EXHIBIT D)
154	Chair Close	Comments that we need to look at the laws when citizens feel they are forced to deceive and to break the law in order to live.
158	Rep. Jenson	Asks if 1000 Friends would accept ten million dollars worth of underground development as being sufficient for the income.
165	Kuerschner	States that's a very high threshold and it needs to be directed specifically toward the dairy farms.
170	Rep. Jenson	Follows that the bill and amendment is addressing this specific industry.
175	Kuerschner	Concurs.
185	Ron Eber	Farm and Forest Land Specialist for the Department of Land Conservation and Development states support of the bill.
238	Chair Close	Describes a case where someone buys two llamas and sells them and asks if that's not breaking any regulations.
243	Eber	Explains rules regarding livestock.
255	Jim Welsh	Oregon Family Farm Association presents testimony in support of the bill.
313	Larry George	Executive Director of Oregonians in Action presents testimony in support of the bill.
354	Chair Close	Closes public hearing on HB 2548 and adjourns the meeting at 9:45 a.m.

Submitted By,

Reviewed By,

Shannon Relaford,
Administrative Support

Megan Palau,
Administrator

EXHIBIT SUMMARY

A – HB 2463, written testimony, Larry DeBates, 2 pp.

B – HB 2463, written testimony, Harlan Levy, 1 p.

C - HB 2463, written testimony, Joseph Schreiber, 4 pp.

D – HB 2548, written testimony, Marilyn Fiscus, 2 pp.

E – HB 2548, written testimony, Carrie Kuerschner, 3 pp.