HOUSE COMMITTEE ON WATER AND ENVIRONMENT

March 09, 2001 8:30 am Hearing Room E Tapes 39 - 40

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 2548 Work Session HB 2714 Public Hearing HB 2890 Public Hearing

These minutes are in compliance with Senate and House Rules. <u>Only text enclosed in quotation marks</u> reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 39, A		
003	Chair Close	Convenes meeting at 8:43 a.m., opens work session on HB 2548.
HB 2548 WO	ORK SESSION	
017	Megan Palau	Administrator explains bill and the amendments.
041	Rep. Butler	District 60, explains the amendments to the bill.
088	Rep. Hass	Asks where in the rules assurances are.
090	Rep. Butler	Responds with the statute number and administrative rules.
104	Rep. Lee	States there is a precedent from Calfornia.
117	Rep. Monnes	States her appreciation for the amendment and asks what kind of
	Anderson	enforcements exist now.
123	Rep. Butler	Responds the department should discuss the enforcements.
207	Rep. Kruse	States his support and comments that it is unfortunate that the scope is narrowed as people need to live where they work.
228	Rep. Butler	Expresses the potential of expanding the scope to include onion and potato operations and continues with overview.
263	Rep. Kruse	Follows with example of starting an apple farm and the intensive care required for ten years before reaching the income test level.
274	Rep. Butler	Appreciates the concern but the bill is limited to dairy farms.

288 310	Rep. Jenson Rep. Jenson	Points out the issue is important in his district. MOTION: Move the –2 amendments to HB 2548
	-	VOTE: 8-0
		AYE: In a roll call vote, all members present vote Aye.
315	Chair	The motion CARRIES.
320	Rep. Jenson	MOTION: Moves HB 2548 to the floor with a DO PASS AS
		AMENDED recommendation. VOTE: 6-0
		AYE: 6 - Hass, Jenson, Kruse, Lee, Monnes
		Anderson, Close
		EXCUSED: 3 - Kafoury, King, Morgan
	Chair	The motion CARRIES. Rep. Butler will carry the bill on the
		floor.
340	Chair Close	Closes work session on HB 2548 and opens pubic hearing on
		HB 2714.
	BLIC HEARING	
348	Jim Welsh	Oregon Family Farm Association presents testimony in support
TAPE 40, A		of the bill. (EXHIBIT A)
1AFE 40, A 054	Rep. Lee	Asks if we are going to have farms that gross less than \$10,000
054	Rep. Lee	we are breaking up the land to smaller sizes of parcels there
		won't be commercial farms managing continuous properties.
060	Welsh	Responds no.
078	Rep. Monnes	Requests a definition of farmer.
	Anderson	
083	Welsh	Replies he doesn't have the definition.
086	Chair Close	Suggests the requirements of Schedule F.
090	Rep. Kruse	States he also doesn't know.
105	Chair Close	Surmises that our statutes define a farmer by producing a certain
		amount of money and asks if it would be fair to say our statutes
110	Welsh	favor corporate farmers over small family farmers. Concurs.
110	Rep. Monnes	Relates that the number of farms is decreasing and asks if this
115	Anderson	will this expand that opportunity and will we see more farms.
124	Welsh	Replies it's a possibility there are property owners that want to
		use their property for a farm but are not allowed to establish a
		dwelling.
129	Rep. Hass	Asks if this is a housing issue rather than agricultural issue, if the
		number of farms is decreasing why do we need more houses.
135	Welsh	Replies by comparing small farmers and larger farmers and the
		potential income for a small farm.
156	Palau	Present definition of a farmer.
160	Chair Close	States the Department of Agriculture has been requested to
160	Morilum Figure	provide their definition.
162	Marilyn Fiscus	Farmer from Jefferson County presents testimony in support of the bill, recounts that she has farm property that had a house at
		one time but was destroyed by fire and cannot rebuild.
228	Chair Close	Asks what is produced on her land.
231	Fiscus	Replies potatoes, mint and alfalfa hay.
243	Chair Close	Asks how long she has owned the land.
245	Fiscus	Replies she's owned ten acres for ever the parcel she wants to
		build on she's owned a few years.
260	John Shafer	Polk County, presents testimony in opposition to the bill.
326	Chair Close	Asks if the report lists the amount of income for the separate

330 Shafer Responds no. 340 Chair Close Asks what his guess would be on the income. 350 Shafer Responds he is not a farmer and couldn't answer. 375 Rep. Jenson Questions the other elements in farming and the risks involved by not living on the farm. 415 Shafer Concurs that at some times of the year there are risks. 330 Mitch Rohse Oregon Chapter of American Planning Association presents testimony in opposition the bill. (EXHIBIT B) TAPE 39, B 071 Chair Close Asks about folks that live on a farm but are unable to meet the income test if they are phony farms because of basing it solely on income. 083 Rohse Explains definition of phony farm dwellings. 112 Chair Close Suggrest and describes other standard. 113 Rohse Disagrees and describes other standard. 114 Rep. Kruse Comments on the charts in the testimony and addressing the specialization of small farming. Addresses the community benefits from small farmers. 120 DeBates Replices he did not. 121 Chair Close How the doctor in his testimony in opposition to bill. 122 DeBates Resplies he did not. 126			entities.
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Anderson	· · ·	Pan Monnas	Quartiene what protections are there for small parcels
	034	-	Questions what protections are there for small parcels.
	057	Eber	Asks for clarification.
	060		
Anderson Asks for explanation of the process and would there be Anderson protection of high quality farmlands.	000		
	066		
does not distinguish between high value and non-high value			
farmland.			

070	Chair Close	States if 97% of the private land is zoned either EFU or
		exclusive forest use and ask if everyone one that wants to build a
000	Thee	house (up to the 97%) has to follow those guidelines.
080	Eber	Responds there are different provisions for dwellings in forest zones but replies yes.
086	Chair Close	Asks is it reasonable to expect that all of those people have to be
000	chun close	farmers or foresters.
089	Eber	Replies yes its reasonable.
094	Chair Close	Asks if it would be fair to say our laws force people to live
		within the urban growth boundary.
095	Eber	Replies no and continues with explanation of choices.
103	Chair Close	Asks if those are the exceptions, the average person has the
		choice of either living within the urban growth boundary or
		being a farmer or a forester.
106	Eber	Replies that there are more non-resource related dwellings
		occurring in the resource zone than the primary farm dwellings
117	Dan Laa	and continues.
117	Rep. Lee	Questions if 20% of the new homes are replacement homes why
125	Eber	Ms. Fiscus can't get her home replaced. States he would need more information about the particular
123	LUCI	situation.
136	Rep. Lee	Follows by suggesting Ms. Fiscus work with her county to get
150	Rep. Dee	an exception.
140	Eber	Agrees that could be the case.
143	Rep. Kruse	Observes some points for perspective: where the best farmland
	1	is; where the biggest gobbling of farmland is happening; and that
		there is not a lot of balance.
155	Carrie Kuerschner	1000 Friends of Oregon, presents testimony in opposition to the
		bill. (EXHIBIT G)
199	Rep. Jenson	Asks how many farms is it going to take to replace equal the
200	17 1	volume of sales by a large corporate farm in eastern Oregon.
209	Kuerschner	Responds she doesn't have the information but will be glad to
211	Don Jongon	provide it. Questions the statistics and remarks on the difficulty of using the
211	Rep. Jenson	statistics for policy making.
229	Kuerschner	Concurs and continues.
250	Chair Close	Asks about the term hobby farms, you could also have a poor
200	chun crost	person who's only source of income is the hobby farm.
255	Kuerschner	Explains the income test.
260	Chair Close	Asks if she concurs that they could be poor people.
263	Kuerschner	Concurs.
280	Chair Close	Asks if they could be people that have great agricultural loses for
		one year.
283	Kuerschner	Replies the income test is based on gross income. Losses would
		not be considered in gross income for the graphs. Further
201		explains the test and graphs.
296	Chair Close	Comments that is someone wants to live on a farm and they
		make less than \$10,000, we don't make light of that we respect
304	Kuerschner	their choice and not assume it's a hobby.
504		Concurs and adds if their income is only \$10,000 they probably do not have the ability to build a house.
310	Rep. Jenson	Reiterates his concern with statistics and suggests the equation
210	rop. venson	may not be accurate.
349	Larry George	Executive Director for Oregonians in Action, presents testimony

		in support of the bill. (EXHIBIT H)
054	Chair Close	Asks for clarification on the graphs in his testimony.
056	George	Gives explanation of formula.
064	Rep. Monnes Anderson	Asks where the figures to figure the average production per acre were obtained.
066	George	Replies from the Census of Agriculture and explains the formula.
075	Rep. Monnes Anderson	Follows by asking if he is just taking into account land already designated as farmland.
078	George	Concurs and continues with explanation.
085	Rep. Monnes Anderson	Follows by asking if this is all exclusive farm use land or high value or low value lands.
089	George	Explains the classification of lands.
110	Rep. Monnes	Asks if the lands in Wheeler County could be compared to the
	Anderson	lands in Hood River County.
115	George	Suggests that soil classification not be the only determination of what makes good farmland.
127	Rep. Hass	Asks if there is a housing shortage in farm land in Oregon
130	George	Responds no and explains.
150	Rep. Jenson	Asks about the possibility of a doctor owning a farm and living on the farm but never farm.
156	George	Responds yes.
168	Rep. Jenson	Follows by comparing the doctor scenario and Ms. Fiscus's scenario.
174	George	Concurs and summarizes the income standard is not an effective tool. Suggests rechecking the zoning models.
187	Chair Close	Closes public hearing on HB 2714 and adjourns meeting at 10:30 a.m.

Submitted By,

Reviewed By,

Megan Palau, Administrator

Shannon Relaford, Administrative Support

EXHIBIT SUMMARY

- A HB 2714 written testimony, Jim Welsh, 1p.
- B HB 2714 written testimony, Mitch Rohse, 4 pp.
- C HB 2714 written testimony, Larry Debates, 1 p.
- D HB 2714 written testimony, Don Schellenberg, 2 pp.
- E HB 2714 written testimony, Chuck Craig, 2 pp.
- F HB 2714 written testimony, Ron Eber, 9 pp.
- G HB 2714 written testimony, Carrie Kuerschner, 5 pp.
- H HB 2714 written testimony, Larry George, 6 pp.

I – HB 2714 written information, John Shafer, 2 pp.