

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

January 18, 1999 Hearing Room D

01:00 PM Tapes 04 - 05

MEMBERS PRESENT: Rep. Jim Welsh, Chair

Rep. Jackie Taylor, Vice-Chair

Rep. Jason Atkinson

Rep. Richard Devlin

Rep. Juley Gianella

Rep. Deborah Kafoury

Rep. Jeff Kruse

Rep. Jeff Merkley

Rep. Susan Morgan

MEMBER EXCUSED:

STAFF PRESENT: Kristina McNitt, Administrator

Gene Newton, Administrative Support

MEASURE/ISSUES HEARD: Informational Overviews

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 04, A		

004	Chair Welsh	Calls meeting to order at 1:07 PM.
ORGANIZATIONAL MEETING		
015	Richard Benner	<p>Director of Land Conservation and Development (DLCD). Summarizes handout of agency and land use law (EXHIBIT A).</p> <ul style="list-style-type: none"> • Framework: principal elements in the law. • Comprehensive plans. • Statewide planning goals. • Programs and activities of department. <p>States that a summary of each of the goals is at the back of the Biennial Report (EXHIBIT B). Discusses the development and history of the goals.</p>
054	Benner	<p>Discusses changes in statewide planning goals and land use planning law since 1973. Stresses that urban growth and development should be contained within urban growth boundaries and that farm and forest land, the land base for commercial agriculture and forestry outside urban growth boundaries, should be protected for those two industries. Expands on this definition.</p>
082	Benner	<p>Defines programs and activities of the department.</p> <ul style="list-style-type: none"> • Periodic reviews. • Plan amendment review. • Grants. • Technical assistance.
128	Benner	<ul style="list-style-type: none"> • Research and policy development. • Enforcement. • Regional problem solving.
175	Benner	<ul style="list-style-type: none"> • Transportation and growth management program. • Budget.
197	Benner	<p>States issues that now face the agency:</p> <ul style="list-style-type: none"> • Rapid growth in some areas and less than rapid or no growth in other areas that would like growth. • Financial shortfalls for infrastructure. • Housing costs in some urban markets. • Salmon and steelhead listings and what that means for local governments.
211	Rep. Merkeley	Asks question regarding enforcement provisions and operations.
216	Benner	<p>States that commission's enforcement authority does not get used very often. Explains ways in which enforcement process is carried out.</p>

247	Rep. Kruse	Requests point of clarification regarding Coastal Program.
252	Benner	Defines the program and their work with the agency.
256	Rep. Kruse	States that it would be beneficial to the committee to have copies of documents regarding collaborative workings with other agencies. Also requests information regarding the land use dispute between the State of Oregon and the tri-county area.
280	Benner	Asks for clarification regarding the tri-county dispute.
286	Rep. Kruse	Summarizes and clarifies his initial request.
295	Benner	Clarifies working relationship between Metro and the Department of Land Conservation and Development (DLCD). Summarizes hierarchy of governing rules and gives examples.
322	Rep. Gianella	Asks for clarification regarding dispute resolution.
326	Benner	Provides summary of dispute resolution program within DLCD. Gives example of clarification and explains the process that is used to resolve the disputes.
369	Chair Welsh	Requests report on the administrative rules relative to ORS Chapter 215.
TAPE 5,A		
004	Jim Johnson	Department of Agriculture. Describes why the Department is interested in land use issues. States that the Department monitors the land use arena. Gives a slide presentation.
010	Johnson	Main topics of slide presentation: <ul style="list-style-type: none"> • State land use policy • Economic importance of agriculture
032	Johnson	Continues slide presentation <ul style="list-style-type: none"> • Value-added processing • Contribution to the state economy • Top commodities of the state • Value of production
081	Johnson	Continues slide presentation and summarizes Oregon's agriculture land base and water use.

114	Johnson	Continues slide presentation and describes agricultural infrastructure including roads, farm implement dealers, chemical dealers and processors.
130	Johnson	Continues slide presentation and summarizes effects of urban sprawl on agriculture lands. Urban populations then deal with issues such as dust, road use, chemicals, and noise.
160	Johnson	Continues slide presentation and explains how agricultural land is lost. Defines four components of land use planning with respect to agriculture in Oregon: inventory; zoning; establishment of urban growth boundaries; and farm assessment taxation.
191	Johnson	Continues slide presentation: explains land divisions, exclusive farm use zones and nonfarm uses. Describes dwellings allowed in exclusive farm use zones. Summarizes statewide planning goal #14 regarding urbanization.
235	Johnson	Continues slide presentation and explains farm-use assessment and property taxes. Gives summary of how the program is working in Oregon.
270	Johnson	Explains what Oregon does to protect farm land compared to other northwest states.
277	Rep. Taylor	Asks if farm land reverts to agricultural use once it is used for other purposes.
282	Johnson	Responds to questions and elaborates on the details of lost agricultural land in Oregon.
290	Chair Welsh	Asks if DLCD knows the specific number of acres lost.
292	Johnson	States that he does not have the specific number of acres but will provide them at a later time. Completes slide presentation.
322	Rep. Merkley	Asks question regarding clarification of allowing subdivision versus partitions
326	Johnson	References ORS Chapter 215 regarding subdivisions and partitions.
334	Rep. Atkinson	Asks question regarding low cost loans to convert gravity feed irrigation into sprinklers.
338	Johnson	Responds that the information is not at hand but offers to provide it.
340	Rep. Devlin	Asks if there is any evidence that the overall rate of loss of agricultural land in Oregon is any higher in the Willamette Valley.

345	Johnson	Responds that most of the loss is indeed in the Willamette Valley.
354	Rep. Gianella	References value taxes and asks for clarification.
360	Johnson	Defines terms used and understood by the farmers as opposed to those used by the Internal Revenue Service.
366	Rep. Morgan	Requests further clarification of a commercial farm and specifics as to growth numbers in Oregon.
372	Johnson	Defines commercial farm and provides actual numbers regarding commercial farms.
404	Rep. Morgan	Follow-up question inquiring if farms have been broken up into smaller units.
TAPE 4, B		
001	Johnson	Responds to question in the negative and clarifies numbers.
010	Rep. Morgan	Asks how commercial farms are related to the apparent increase in the number of farms in Oregon.
011	Johnson	States that the increase is in commercial farms but that the actual total number of farms in Oregon is decreasing.
017	Rep. Taylor	Comments regarding the loss of farm land in California over the last 10 years.
019	Rep. Kruse	Explains that the loss of land in California during the 10 year period is put into perspective when compared to the population increases in California and Oregon during the same period.
026	Art Schlak	Association of Oregon Counties. Passes out policy paper (EXHIBIT C). References and summarizes paper. Gives history surrounding comprehensive planning.
059	Schlak	Gives examples of partnerships now in use. References and summarizes page 4 of the handout. Gives examples.
080	Schlak	Continues to read from document and explains four of the bulleted items on page 4. <ul style="list-style-type: none"> • (#1) Ensures true partnerships between counties and state. • (#2) Ensures local jurisdictions have primary responsibility for land use planning not involving statewide concerns.

		<ul style="list-style-type: none"> • (#5) Ensures flexibility to recognize differences between counties. • (#8) Assures state agencies maintain active participation and support for local planning efforts. <p>Summarizes interest of counties in upcoming legislation.</p>
106	Rep. Taylor	Asks if counties have benefited from the 1995 legislation on regional problem solving.
110	Schlak	Answers in the affirmative and briefly expounds.
118	Phillip Fell	<p>League of Oregon Cities. Summarizes what the League of Cities has determined to be the key issues in land use planning at this time:</p> <ul style="list-style-type: none"> • Growth. • Infrastructure. • Housing costs. • Salmon listing. <p>States that the cost of infrastructure is the area of most concern.</p>
146	Fell	States that land use will be a major component in dealing with pollution. Discusses problems for both high and low growth areas and how they can or cannot comply with land use law.
178	Larry George	Executive Director of Oregonians in Action. Provides overview of Oregonians in Action and how they interface with land use issues. Defines membership. Defines agenda.
220	George	Continues summary of overview of agency. Compares loss of land with the per person population growth and concludes that Oregon has lost 10 times more agricultural land than California. Discusses the growth pattern in the state since 1980.
270	George	Discusses the problems of urban growth and its affect on suburbs and loss of farm land. Comments on the diversity of Oregon agriculture. Discusses standards required to obtain a farm dwelling.
311	George	<p>Explains and outlines the effects of zoning on farmland. Outlines other areas of concern:</p> <ul style="list-style-type: none"> • Wetlands. • Agency access to private property. • Condemnation process. • Lack of economic analysis on new regulations.
318	Rep. Merkley	Asks if there is a grandfather clause for people who owned property prior to 1978.

322	George	Responds that there is a limited law but that it is not comprehensive.
334	Robert Liberty	<p>1000 Friends of Oregon. Gives history and describes purpose including:</p> <ul style="list-style-type: none"> • Advocacy • Education • Research <p>Defines what 1000 Friends tries to accomplish:</p> <ul style="list-style-type: none"> • Compact , livable cities with transportation choices for all. • Affordable housing. • Conserving farm, forestlands and natural resources. <p>Explains who governs 1000 Friends.</p>
366	Liberty	Emphasizes bipartisan makeup the group. Describes population growth patterns in state.
400	Liberty	Summarizes what is important for Oregon today: Protection of farm and forestland is a vital issue for 1000 Friends of Oregon.
TAPE 5, B		
001	Liberty	<p>Explains that the main obstacle to farming is not the ability to build a house but the ability to acquire land without houses on it. Defines definition of commercial farms. States that 1000 Friends of Oregon is very concerned with value of farmland and forestland. Suggests the need for better protection of forest land. States a need to help government with cost of planning. Defines costs that are incurred to fund some of the needs. Hands out agenda and 1000 Friends of Oregon Questions and Answers publication (EXHIBIT D).</p> <p>Summarizes three categories:</p> <ul style="list-style-type: none"> • Protecting taxpayers interest. • Protection of farm, forest and rangelands. • Wise use of urban land.
052	Liberty	States need to promote economic development in distressed areas and describes other issues.
093	Liberty	Defines "less productive" land. Summarizes land use and how it relates to building exceptions and the growth of residential lands. Gives examples of land use exceptions such as regional differences.
125	Liberty	Discusses economic development and explains fundamental problems regarding land use. Discusses problem of equating urban sprawl with economic development. Continues to summarize growth and residential/ urban sprawl. States that rural brown fields are a concern due to contamination problems.

167	Rep. Taylor	Asks whether or not "urban splatter" is a real term.
175	Liberty	Defines term. Clarifies conversion of land from commercial to residential areas and its ultimate effect on urban growth.
195	Rep. Kruse	Comments that he is amazed to hear that secondary lands issues have been solved.
204	Liberty	Responds to comment. References non-resource, marginal and secondary lands as all being the same thing.
209	Chair Welsh	Makes comments regarding what is happening and why it is happening in the land use arena. Speculates on areas of resolution. Comments regarding freedom of people to use the land as they want to.
233	Liberty	States that he will be glad to provide any information that might be helpful.
239	Don Schellenberg	Associate Director of Governmental Affairs for the Oregon Farm Bureau. Reads directly from handout (EXHIBIT E). Defines organization. Gives overview of agriculture in Oregon. Defines the Farm Bureau's interests.
289	Schellenberg	Continues reading from handout. Quotes paragraph 4 on page one of handout. Defines what is considered a "sufficient" amount of land use for agricultural purposes.
329	Schellenberg	Continues to read from document regarding the need for better use of land. Defines how property rights are still protected under land use regulations.
376	Schellenberg	Continues reading from document. Defines property taxes and their impact. Describes farm-use assessment.
426	Schellenberg	Continues reading from document and concludes testimony.
463	Rep. Taylor	Makes comment regarding terminology such as less productive soils.
492	Chair Welsh	Adjourns meeting at 2:58 PM.

Submitted By, Reviewed By,

Gene Newton, Kristina McNitt,

Administrative Support Administrator

EXHIBIT SUMMARY

A - Outline of testimony, Richard Benner, 2 pp

B - Biennial report from Department of land Conservation, 54 pp

C - Publication from Association of Oregon Counties, 4 pp

D - Publications from 1000 Friends of Oregon, 38 pp

E - Written testimony, Don Schellenberg, 4 pp