

## SENATE COMMITTEE ON WATER AND LAND USE

**February 9, 1999 Hearing Room B**

**1:00 PM Tapes 17 - 18**

**MEMBERS PRESENT: Sen. Veral Tarno, Chair**

**Sen. Tony Corcoran, Vice-Chair**

**Sen. Gary George**

**Sen. Marylin Shannon**

**Sen. Thomas Wilde**

**MEMBER EXCUSED:**

**STAFF PRESENT: Raymond J. Kelly, Administrator**

**Diana Bronson, Administrative Support**

**ISSUES HEARD: SB 131 Work Session**

**SB 127 Public Hearing**

**SB 94 Public Hearing and Work Session**

**SB 444 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
<b>TAPE 17, A</b>		
005	Chair Tarno	Opens public hearing at 1:05pm. and opens work session on SB 131.
<b><u>SB 131 WORK SESSION</u></b>		

011	Sen. Corcoran	<b>MOTION: Moves SB 131 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on JOINT STREAM RESTORATION AND SPECIES RECOVERY.</b>
		<b>VOTE: 3-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 2 - Wilde, George</b>
Chair Tarno		<b>The motion CARRIES.</b>
<b><u>SB 127 PUBLIC HEARING</u></b>		
029	Ray Kelly	Committee Administrator. Reads SB 127.
044	Judson Parsons	Presents <b>(EXHIBIT A)</b> . Reads written testimony in opposition to SB 127, as it would allow more homes on Oregon's resource lands.
077	Charlie Swindells	1000 Friends of Oregon. Presents <b>(EXHIBIT B)</b> . Reads testimony in opposition to SB 127 as it is unclear as to how it will conflict with current floodplain management, groundwater protection, and other resource programs.
131	Swindells	Continues with testimony stating that SB 127 is mandatory, contradictory development authorization will assure confusion and delay for landowners, planning departments and other affected communities..
187	Diana Gardener	Presents <b>(EXHIBIT C)</b> . Reads testimony in opposition to SB 127 and states that by increasing the numbers of non-farmers living in commercial farming areas will eventually squeeze out the commercial farmer because the problems created or more trouble than they are worth.
230	Gardener	Continues with testimony and states that part time and hobby farmers are more likely to convert their land to higher density residential use.
289	Amy Schoener	States she and her husband own a 63 acre farm in Benton County. Gives testimony in opposition to SB 127 as it is detrimental to farming.
323	Sen. George	Questions farming operation and use of pesticides. Asks what is raised on her farm.

332	Schoener	States they raise various kinds of fruit and lamb. Notes they are as close to organic as they can be and are state registered.
333	Sen. George	Asks about smells.
333	Schoener	Answers the sheep create smells.
356	Ann Hanus	Oregon Department of Forestry. Presents <b>(EXHIBIT D)</b> in opposition to SB 127 as there is concern this bill would reintroduce uncertainty and increase general frustration with the land use program..
<b>TAPE 18, A</b>		
047	Sen. Wilde	Would like it on record that he likes SB 127.
054	Sen. Corcoran	States the biggest issue is availability of water.
066	Robert E. Poublon	States he purchased 40 acres in 1984 and that all he wants is to live on his own property in peace. States he has no intention of vandalizing anyone's property.
097	Chair Tarno	Explains that SB 127 is written for him.
121	Sen. Corcoran	Asks if he would allow an examination of circumstances.
126	Poublon	Responds that he has no paperwork.
160	Poublon	Continues with testimony.
202	Clif Kenagy	Long time farmer in Benton County. Reads testimony in opposition to SB 127, stating that there are too many houses in agricultural areas and more would compound the farmers' problems.
255	Kenagy	States that agricultural and industrial zones are hazardous to both children and adults and SB 127 will result in putting more people at risk.
267	Sen. George	Responds that Kenagy's testimony is exactly why people come in asking for pesticide legislation.
285	Kenagy	Responds that pesticides are safe if used properly, but not if children have access to them.
286	Chair Tarno	Comments that passing on the ability to farm to family members is an issue that needs to be dealt with.

299	Kenagy	Continues with testimony.
353	Jim Johnson	Department of Agriculture. Presents <b>(EXHIBIT F)</b> . Reads testimony in opposition to SB 127 as a proliferation of non-farm dwellings tends to conflict with and impair the ability of farms and ranches to operate efficiently.
402	Sen. George	Asks if Johnson thinks farm zones are a dangerous place for children.
409	Johnson	States that farm zones should be looked at as industrial zones.
426	Sen. George	Asks if there is a need for special protections to keep children safe.
435	Johnson	States it is not just a matter of protecting children, but also protecting the farms.
446	Ronald Eber	Department of Land Conservation and Development (DLCD). Presents <b>(EXHIBIT G)</b> to state concerns DLCD has with SB 127.
<b>TAPE 17, B</b>		
049	Eber	Continues reading testimony.
103	Jeff Watkins	Oregon Sierra Club. States the club wants to be on the record in opposition to SB 127.
118	Don Schellenberg	Oregon Farm Bureau. States the Farm Bureau is in opposition to SB 127. Presents <b>(EXHIBIT H)</b> .
165	Dean McGregor	States that he and his wife had gone to Clackamas County and were denied a permit to build a home on the 1.9 acre parcel he and his wife had purchased. Gives testimony in favor of SB 127.
201	Sen. Corcoran	Asks if he was denied the permit due to the \$80,000 rule.
202	McGregor	Responds, "Yes, sir, I was."
<b><u>SB 94 PUBLIC HEARING</u></b>		
237	Kelly	Reads description of SB 94.
250	Bob Clay	City of Portland, Bureau of Planning. Presents <b>(EXHIBIT I)</b> . Testifies in opposition to SB 94, in that this bill would be asking local government to turn over detailed and complex zoning decisions on parklands to the voters.

272	Sen. Wilde	Objects to the testimony of Clay as being inappropriate.
281	Chair Tarno	Asks the witness to continue with his testimony and then Senator Wilde will have ample time to protest, rebut, or whatever he wishes.
282	Sen. Wilde	States he will return when the testimony is concluded.
285	Clay	States he was attempting to recount the background and motivation behind the bill that was introduced last session.
342	Clay	States that SB 94 would hurt the ability of local government to effectively respond to the need for passive or recreational land in the community.
393	Chair Tarno	Asks if Clay was involved in the process of developing the 20/40 plan or if he had any role to play in that process.
395	Clay	Answers he participated at the staff level on the Metro Technical Advisory Committee.
415	Sen. George	Notes the problem seems to be in identifying what is a public park. The bill indicates that there must be some kind of definition and, if so, an amendment could be written to make SB 94 workable.
426	Clay	Replies that this is a lot more complicated than simply adding a definition of park land. States it is unclear and vague as to what types of parcels would be identified. States the City of Portland is clearly opposed to SB 94.
442	Sen. George	Asks if the City of Portland has a definition of what a public park or public recreation area is.
445	Clay	Replies the city may have a definition, but is not sure it would satisfy the bill's definitions.
468	Sen. Wilde	Asks if Clay is aware of Madrona Park.
468	Clay	States he is not familiar with it.
472	Sen. Wilde	States he is not surprised. Cites other upheavals in Portland regarding parks in various areas. Underscores that in no way did his bill last session deal with Johnswood Park and that the city has tried to minimize the bill, based on a single instance. Emphasizes that the assets belong to the people, they do not belong to the currently elected officials.
<b>TAPE 18, B</b>		

056	Jon Chandler	Governmental Affairs, Oregon Building Industry Association. Testifies in opposition to SB 94. States that voting on land use decisions of any kind is a bad policy.
070	Phillip Fell	League of Oregon Cities. Testifies that the LOC is in opposition to SB 94.
089	Sen. Corcoran	Asks for a perspective of why voting on land use is bad public policy.
094	Chandler	Explains that in Oregon land use law, with the exception of the very narrow issue of annexation, the right of the people to vote on things extends no further than the power of their county commissioner or their city council. Continues to explain voting decisions raised last session. States he would be happy to work with Sen. Wilde to try to address parkland development.
<b><u>SB 94 WORK SESSION</u></b>		
147	Sen. Shannon	<b>MOTION: Moves SB 94 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 4-1</b>  <b>AYE: 4 - George, Shannon, Wilde, Tarno</b>  <b>NAY: 1 - Corcoran</b>
		<b>Chair Tarno</b>  <b>The motion CARRIES.</b>  <b>SEN. WILDE will lead discussion on the floor.</b>
<b><u>SB 94 WORK SESSION CLOSED AND OPENS PUBLIC HEARING ON SB 444</u></b>		
155	Phillip Fell	League of Oregon Cities (LOC). States SB 444 has language the LOC does not understand. States the LOC sees potential for a lot of litigation with the undefined portions of SB 444.
200	Fell	Continues reading written testimony in opposition to SB 444.
213	Sen. Wilde	States that subparagraph 5 is explicitly being eliminated.
218	Fell	Responds that he thinks that line is being eliminated subject to the next line, in that it does not apply if the person can render an objective decision on the law

		and facts of the application.
232	Sen. Wilde	States he would not mind amending SB 444 by eliminating the elected officials and dealing solely with the appointed officials, because that is the position that is appointed.
243	Chair Tarno	Appreciates comments from Sen. Wilde.
250	Sen. Corcoran	Asks if certain sections were removed, if most of LOC's concerns would disappear.
257	Fell	Responds that it would help, but he would need to go back and thoroughly reread the bill. Notes that he wishes to emphasize, for the record, the LOC's opposition to SB 444 is in recognition of the ethics requirements in SB 244 and that this is not opposition to public disclosure.
277	Charlie Swindells	1000 Friends of Oregon. Presents <b>(EXHIBIT J)</b> . Gives testimony in support of SB 444.
344	Swindells	Continues with testimony.
374	Chair Tarno	Closes public hearing. Adjourns at 2:53 p.m..

Submitted By, Reviewed By,

Diana Bronson, Raymond J. Kelly,  
Administrative Support Administrator

#### **EXHIBIT SUMMARY**

**A - SB 127, Written testimony, Judson Parsons, 1 p**

**B - SB 127, Written testimony, Charles Swindells, 3 pp**

**C - SB 127, Written testimony, Diana Gardener, 2 pp**

**D - SB 127, Written testimony, Ann Hanus, 2 pp**

**E - SB 127, Written testimony, Clif Kenagy, 2 pp**

**F - SB 127, Written testimony, Jim Johnson, 1 p**

**G - SB 127, Written testimony, Ronald Eber, 10 pp**

**H ñ SB 127, Written testimony, Don Schellenberg, 2 pp**

**I - SB 94, Written testimony, Bob Clay, 2 pp**

**J - SB 444, Written testimony, Charles Swindells, 2 pp**