

SENATE COMMITTEE ON WATER AND LAND USE

March 16, 1999 Hearing Room B

1:00 p.m. Tapes 37 - 39

MEMBERS PRESENT: Sen. Veral Tarno, Chair

Sen. Tony Corcoran, Vice-Chair

Sen. Gary George

Sen. Marylin Shannon

Sen. Thomas Wilde

STAFF PRESENT: Raymond J. Kelly, Administrator

Diana Bronson, Administrative Support

MEASURES HEARD: SB 461 Work Session

SB 503 Public Hearing and Work Session

SB 494 Public Hearing

SB 99 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 Tarno	Convenes meeting at 1:04 p.m. Opens work session on SB 461.
<u>SB 461 WORK SESSION</u>		

010	Sen. Wilde	MOTION: Moves SB 461 to the floor with a DO PASS recommendation.
		VOTE: 3-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Shannon, Corcoran
	Chair Tarno	The motion CARRIES. SEN. GEORGE will lead discussion on the floor.
		See tape 38, B #160 for Sen. Corcoran's vote of énayí on this bill.
014		Staff submits (EXHIBIT A) on behalf of Kathryn Beaumont.
015	Chair Tarno	Closes work session on SB 461. Opens public hearing on SB 494.
<u>SB 494 PUBLIC HEARING</u>		
017	Ray Kelly	Committee Administrator. Explains SB 494.
022	Dave Hunnicutt	Director of Legal Affairs, Oregonians in Action. Submits (Exhibit C) and testifies in support of SB 494. the elimination of scenic views
080	Sen. George	Comments on an area east of Carlton, which had a beautiful vista of pastureland and reforestation
080	Hunnicutt	Comments that it depends on what the local government prescribes for scenic views. Adds that in some jurisdictions all development would be prohibited.
095	Bob Rindy	Department of Land Conservation and Development (DLCD). Submits (Exhibit C) and testifies on the department's concerns with SB 494.
132	Chair Tarno	Says SB 494 will be brought back for further review by the committee.
140	Bob Clay	Chief Planner, Bureau of Planning, City of Portland. Submits (Exhibit D, OVERSIZED) and testifies in opposition to SB 494.

190	Chair Tarno	Asks if property owners have the ability to opt into the program.
193	Clay	States property owners did have an opportunity to respond.
194	Chair Tarno	Asks if the property owners had a chance to say ěnoġ at the beginning of the program.
201	Clay	Replies properties owners did.
211	Sen. Wilde	Asks if the City of Portland is required by the state to identify these scenic views under Goal Five or if the city took it upon itself to do so.
216	Clay	Responds the City of Portland had a number of scenic views to Mount Hood, but a major inventory of the views until the statewide land use planning program required it a as part of the periodic review.
227	Sen. Wilde	Asks what the defining terms were to set aside properties as scenic sites.
233	Clay	Replies.
244	Sen. Wilde	Asks if Clay is certain all property owners were notified.
248	Clay	Responds yes.
257	Sen. George	Asks how long the Goal Five was in place prior to the time the cityis threat of view required the new standard.
261	Clay	Says Goal Five was in place when the statewide land use-planning program was enacted.
261	Sen. George	Asks when the city of Portland decided it was going to do the scenic overlay relative to scenic vistas.
263	Clay	States the city started the process in 1988.
265		Exchanges between Sen. George and Clay about the process of the scenic overlay.
294	Olive Wooldridge	Curry County Resident. Testifies in opposition to SB 494.
330	Jim Lockwood	Government Relations Manager, Oregon Parks and Recreation Department (OPRD). Submits (Exhibit E) and testifies against SB 494.

371	Chair Tarno	Says he has the impression that SB 494 is to be narrowly focused.
383	Charlie Swindells	1000 Friends of Oregon. Testifies in opposition to SB 494.
TAPE 38, A		
040	Chair Tarno	Closes public hearing on SB 494. Opens public hearing on SB 503.
<u>SB 503 PUBLIC HEARING</u>		
046	Rep. Messerle	House District 48. Describes his district. Testifies in support of SB 503. Explains SB 503 corrects an error involving three landowners from Curry County. Says SB 503 is not intended to have any impact on access.
080	Nan Evans	OPRD. Submits (Exhibit F) and testifies on the possible changes to the statutory vegetation line.
130	Evans	States OPRD has not had the time to complete all the regulatory steps necessary for the department to make a formal recommendation to the Oregon Parks and Recreation Commission to request a legislative change to the statutory vegetation line.
173	Sen. Corcoran	States he cannot find the new language in the bill.
174	Evans	Points out section with the new language.
186	Chair Tarno	Asks if this is narrowly focused to one small area on the coastline.
190	Evans	Says it is focused to the new river spit.
197	Olive Woolridge	Comments that SB 503 is terribly confusing.
207	Chair Tarno	Explains a shift in property lines for two farmersí and that SB 503 is intended to rectify their situation.
224	Milton Nelson	Curry County resident. Asks when SB 503 was made available to the public. Asks why this takes legislation and is not just a matter of "doing it."
264	Chair Tarno	Responds SB 503 has been available to the public for some time.
267	Charlie Swindells	1000 Friends of Oregon. States he will have written testimony when it comes back before the committee.

275	Chair Tarno	Closes public hearing on SB 503. Opens public hearing on SB 99.
<u>SB 99 PUBLIC HEARING</u>		
292	Kelly	Summarizes SB 99.
301	Judy Princehouse	Submits (Exhibit G) and reads testimony in support of SB 99.
363	Sen. Corcoran	Asks how long she has owned the property.
369	Princehouse	Responds almost three years.
370	Sen. Corcoran	Asks how the land was zoned when she bought it.
372	Princehouse	Replies it was zoned Exclusive Farm Use (EFU).
373	Sen. Corcoran	Asks if she lives on the property.
374	Princehouse	Replies she does.
377	Sen. Corcoran	Asks how she can subdivide the land, if the watermaster only allows enough water for one-half acre for the homestead.
384	Princehouse	Replies the county suggests subdividing into 10-acre parcels.
390	Sen. Corcoran	Asks if she would have 30 subdivided rural residences.
395	Princehouse	Replies.
Tape 37, B		
010	Matt Cyrus	Triple C Farms. Submits (EXHIBIT H) and testifies in support of SB 99.
060	Cyrus	Says the only way to preserve the best farmland is to identify the poorest lands and direct development toward those areas.
078	Sen. George	Reads description of class four soils. Asks what class soil his farm has.
094	Cyrus	Replies class six and seven soils.

097	Sen. George	Comments that, with 62 million acres in the state, Oregon has more state land than 21 other states.
116	Cyrus	Agrees with Sen. George's analogy of prime acreage.
137	Sen. Corcoran	Asks how many acres his farm encompasses.
139	Cyrus	Replies.
146	Sen. Corcoran	Asks if there is a difference between multiple farm use (MFU) land and EFU land.
149	Cyrus	Responds.
152	Larry George	Oregonians in Action. Submits (Exhibit I) and testifies in support of SB 99.
112	George	Explains SB 632-B (1997) died on the House floor. States Governor Kitzhaber argued the bill defines "secondary lands" for purposes of state law and, therefore, did more than just map secondary lands.
230	Chair Tarno	Says he understands SB 99 pertains to mapping of lands.
234	George	Agrees.
252	Sen. Corcoran	Asks what the vote was on the House floor.
270	George	Responds the vote was 21-29.
310		Exchange between Sen. Corcoran and George about the vote on the House floor, explanations of the soil maps, whether the inventory included water, and what the cost of such mapping would be.
345	Sen. George	Expresses idea of beginning the secondary mapping process to stop building cities on class one soils.
360	George	Comments planning mistakes must be addressed.
375	Irina Just	Rural Linn County resident. Testifies in opposition to SB 99.
Tape 38, B		

035	Jim Just	Friends of Linn County. Testifies in opposition of SB 99.
088	Sen. Corcoran	Asks about prices for vineyard lands.
093	Jim Just	States they cost approximately \$1500 an acre in Linn County.
099	Sen. George	States people in his district pay \$10,000 an acre for vineyard lands.
115	Olive Woolridge	Testifies in opposition to SB 99
145	Chair Tarno	Says SB 99 will have a public hearing on Thursday, March 16, 1999. Closes public hearing on SB 99.
160	Sen. Corcoran	MOTION: Moves to SUSPEND the rules for the purpose of allowing SEN. CORCORAN to be recorded as voting NAY on the motion to move "SB 461 to the floor with a DO PASS recommendation."
		VOTE: 3-0 AYE: 3 - Corcoran, George, Tarno EXCUSED: 2 - Shannon, Wilde
Chair		The motion CARRIES.
170	Chair Tarno	Re-opens public hearing on SB 99.
<u>SB 99 PUBLIC HEARING</u>		
175	Jim Ludwick	Yamhill County. Testifies in opposition to SB 99.
237	Dave Eskeldson	Testifies in opposition to SB 99.
361	Marvin Ayres	submits (exhibit J) and testifies in support of SB 99.
441	Chair Tarno	States that LCDC will help him with his issues.
Tape 39, a		

021	Larry DeBates	Yamhill County. Testifies in opposition to SB 99.
050	Staff	Enters in to record [EXHIBIT K] on behalf of Larry Debates, [EXHIBIT L] on behalf of Pat Egan, [EXHIBIT M] on behalf of Dave Kammerman, [EXHIBIT N] on behalf of Rich Holcomb, [EXHIBIT O] on behalf of Nathaniel Wander, and [EXHIBIT P] on behalf of Ann Hanus.
059	Chair Tarno	Adjourns meeting at 3:02 p.m.

Submitted By, Reviewed By,

Diana Bronson, Raymond J. Kelly,
Administrative Support Administrator

Transcribed By,

Kristal Hatton-Nease,
Administrative Support

EXHIBIT SUMMARY

A ñ SB 461, written testimony, Kathryn Beaumont, 2 pp.

B ñ SB 461, written testimony, Dave Hunnicutt, 1 p.

C ñ SB 494, written testimony, Bob Rindy, 1 p.

D ñ SB 494, Scenic Resources Protection Plan, Bob Clay, OVERSIZED.

E ñ SB 494, written testimony, Jim Lockwood, 1 p.

F ñ SB 503, written testimony, Nan Evans, 6 pp.

G ñ SB 99, written testimony, Judy Princehouse, 1 p.

H ñ SB 99, written testimony, Mark Cyrus, 2 pp.

I - SB 99, written testimony, Larry George, 5 pp.

J - SB 99, Vicinity Map, Marvin Ayers, 1 p.

K ñ SB 99, written testimony, Larry DeBates, 2 pp.

L ñ SB 99, written testimony, Pat Egan, 1 p.

M ñ SB 99, written testimony, Dave Kammerman, 2 pp.

N ñ SB 99, written testimony, Rich Holcomb, 1 p.

O ñ SB 503, written testimony, Nathaniel Wander, 1 p.

P ñ SB 99, written testimony, Ann Hanus, 2 pp.