

SENATE COMMITTEE ON WATER AND LAND USE

March 18, 1999 Hearing Room B

1:00 p.m. Tapes 40 - 42

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

MEASURE/ISSUES HEARD: SB 91 Work Session

SB 99 Public Hearing

SB 87 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 40, A		
004	Chair Tarno	Opens meeting at 1:12 p.m. and opens work session on SB 91.
<u>SB 91 WORK SESSION</u>		
005	Ray Kelly	Committee Administrator. Summarizes the ñ3 amendments to SB 91. (EXHIBIT A).
013	Sen. Corcoran	MOTION: Moves to ADOPT SB 91-3 amendments dated 3/ 1/99.
		VOTE: 3-0  AYE: In a roll call vote, all members present vote Aye.  EXCUSED: 2 - Shannon, George
	Chair Tarno	The motion CARRIES.
	Sen. Corcoran	MOTION: Moves SB 91 to the floor with a DO PASS AS AMENDED recommendation.

		<p><b>VOTE: 3-0</b></p> <p><b>AYE: In a roll call vote, all members present vote Aye.</b></p> <p><b>EXCUSED: 2 - Shannon, George</b></p>
	Chair Tarno	<p><b>The motion CARRIES.</b></p> <p><b>SEN. TARNO will lead discussion on the floor.</b></p>
021	Chair Tarno	Closes work session on SB 91. Opens public hearing on SB 99. Asks witnesses to please limit testimony to three minutes.
<b><u>SB 99 PUBLIC HEARING</u></b>		
036	Richard Fugas	Medford. Testifies in support of SB 99. States that with the present land use issues, the urban boundaries are not protecting the
077	Rich Holcomb	Oakland. States that secondary lands are important as he has sheep, cows, and timber. States that most all of his lands that are opened for development. Testifies in opposition to SB 99, as it is not selective enough in identifying secondary lands, as oppo
140	Dale Saari	Florence. Presents <b>(EXHIBIT B)</b> . Testifies in support of SB 99 in that people are being forced to move into high density housing, with three story apartment flats, zero lot lines, and no back yards.
199	Sen. Corcoran	Asks if there is a mechanism to change the zoning described in <b>(EXHIBIT B)</b> .
201	Saari	States there is, but it is very lengthy and costly.
211	Duane Balcom	Powell Butte. States he lives on 1200 acres and runs cattle on his land. States the Bureau of Land Management said he could n
258	Sen. Corcoran	Asks how many acres Balcom owns.
260	Balcom	Replies he has 393 acres, but there are 1200 acres between a block of three neighbors.
268	Sen. Corcoran	Asks how long he has owned the land.
268	Balcom	Replies approximately three years. States that when he purchased the property, he could divide it into 40-acre parcels, but now
291	Merilyn Reeves	Friends of Yamhill County. Presents <b>(EXHIBIT C)</b> . Testifies that SB 99 is unnecessary. States that no land in Yamhill Count
365	Sen. George	Asks if every city is sitting on prime farmland.
371	Reeves	States there is another Senate Bill coming up regarding a 20 year buildable supply of land. If bills like that go through the legi
394	Sen. George	Asks, if the cities continue to grow in the "amoeba-type" fashion, as described by McPherson, how long before they will be to
394	Reeves	Replies that is why Friends of Yamhill County will not support the 20 year supply of buildable land for residential use and wo

425	Sen. Corcoran	Asks how to answer the criticism of Yamhill County wanting to close the door to growth.
<b>TAPE 41, A</b>		
017	Reeves	Replies Sen. Corcoran's question is legitimate, but wants the committee to be aware of the \$170 million dollar economy that c
033	Chris Spanbawer	Deschutes County. Testifies in support of SB 99. States he and his family live on a hobby farm and that land should be availab
062	John Engelbrecht	Testifies in opposition to SB 99. States the weakness in SB 99 is that there is no discrimination between the need for secondar
096	Peter Kenagy	States he is in front of the committee on behalf of his father, Clif Kenagy. Reads testimony in opposition to SB 99. <b>(EXHIBIT</b>
162	Don Schellenberg	Oregon Farm Bureau. Testifies in opposition to SB 99 as written. Presents <b>(EXHIBIT E)</b> .
227	Chair Tarno	Thanks Schellenberg for his willingness to work on SB 99.
232	John Shafer	Dallas. Testifies in opposition to SB 99.
265	Sen. George	States most of it is not being farmed and most is not very good land. Describes cities as having roots, in that when cities are pl
282	Shafer	States that, currently the land is growing a fine crop of trees.
284	Sen. George	States there are no trees.
285	Shafer	States he has been in Polk County since 1970 and states there are trees.
294	John Cooper	Beaverton. Presents <b>(EXHIBIT F)</b> . States he owns 50 acres of EFU lands. States much of the land has been misclassified. Tes
372	Judson Parsons	Presents <b>(EXHIBIT G)</b> . Reads testimony in opposition to SB 99.
420	Jim Watts	Presents pictures <b>(EXHIBIT H)</b> . States he purchased 40 acres in Deschutes County and, at that time, the land was septic and v or the area lacked enough precipitation.
<b>TAPE 40, B</b>		
011	Chair Tarno	Asks if he has been able to build on his property at all.
013	Watts	Replies that he cannot use the property for anything other than an overnight campsite and he is only allowed to stay on his lan
014	Chair Tarno	Reiterates that Watts owns 40 acres.
015	Watts	States that everything he and his family worked and struggled for has been taken away under the pretense that the state is prote
020	Sen. Wilde	States the pictures emphasize why the legislature is dealing with this issue. <b>(EXHIBIT H)</b> .
026	Bob Lindsey	Marion County. City of Salem councilman and Salem mayor from 1967 through 1977. Gives testimony in opposition to SB 95
082	Wayne Simmons	Presents <b>(EXHIBIT I)</b> . Reads testimony in support of SB 99. States that the current system would fill the valley floor with inc
131	Sen. Corcoran	Asks why farming is increasingly difficult.
133	Simmons	States that at 1000 foot elevations he has prunes and cherries that were planted when, in fact, the trees should not have been pl

153	Sen. Corcoran	Asks if it would be hard to sell Simmonsí 300 acres right now and get another piece of farmland.
155	Simmons	Replies he could not sell it as a farm. There are no houses and only one barn. States that the surrounding area is uncultivated b
161	Sen. Corcoran	Asks if it were classified as secondary lands it would be easier to rezone and parcel the land and then sell it.
165	Simmons	Replies that it would be much easier. States if it could be rezoned, it would be the best view property in the entire Willamette '
170	Sen. Corcoran	Asks if there is any other agriculture that could be planted at the higher elevations on Simmonsí farm.
171	Simmons	Replies that at this point there is not anything that would make money. States that grain does not do well as there is no irrigati
180	Sen. Corcoran	Asks Simmons if he sees SB 99 as giving him the capacity to divide the land into parcels and then have home sites.
181	Simmons	Replies that when the original zoning went in, Simmons was in EFU 20. States that zoning was lost over the years and by the r
206	Reuben Bergstrom	Clackamas County. States it is obvious that one plan does not fit the entire State of Oregon. States he was told that his soils we
254	Sid Friedman	Yamhill County. States he is alarmed by some of the testimony given today. Testifies in opposition to SB 99.
320	Ron Eber	Department of Land Conservation and Development (DLCD). Presents <b>(EXHIBIT J)</b> . Reads testimony in opposition of SB 99 <ul style="list-style-type: none"> <li>• The proposed inventory criteria will mis-identify commercial farm and forest lands as secondary lands;</li> <li>• The costs of the inventory will be high; and</li> <li>• The mapping is not needed because current land use laws include extensive provisions for identifying less productive or</li> </ul>
<b>TAPE 41, B</b>		
020	Jim Johnson	Department of Agriculture. Presents <b>(EXHIBIT K)</b> . Reads testimony in opposition to SB 99. States his department has conce <ul style="list-style-type: none"> <li>• SB 99 would not inventory nonirrigated hay lands.</li> <li>• SB 99 provides no protection for high quality grazing and rangelands outside of Tillamook County.</li> <li>• SB 99 does not consider potential commercial croplands.</li> <li>• A determination of capability based on only three crops could exclude some valuable agricultural land.</li> </ul>
076	Blair Batson	1000 Friends of Oregon. Reads testimony in opposition to SB 99. Presents <b>(EXHIBIT L)</b> . States that Oregon does not need a
124	Chair Tarno	Asks Batson to conclude testimony.
125	Batson	States that opening up more secondary lands to low density sprawl does not help Oregonís growth management problems.
158	Jon Chandler	Director of Government Affairs, Oregon Home Builders Association. Testifies that SB 99 must go forward. States there is a n
181	Chair Tarno	Closes public hearing on SB 99 and opens public hearing on SB 87.
<b><u>SB 87 PUBLIC HEARING</u></b>		
186	Bruce Herbert	Florence. Testifies in support of SB 87. States that it makes sense that one has needs for a 20 year buildable supply of resident
221	Chair Tarno	Apologizes for the interruption and states that the Committee Administrator will summarize SB 87.
223	Kelly	States SB 87 has been heard before and gives a brief summary. States the members of the committee received the ñ2 amendm

240	Chair Tarno	States all the issues cannot be presented today and states SB 87 will need to be brought back, however, there is time for further
244	Merilyn Reeves	Friends of Yamhill County. Testifies in opposition to SB 87. States SB 87 would force over 100 cities to engage in a beaurauc
274	Bob Lindsey	Testifies in opposition to SB 87. States that 20 year projections are unrealistic.
313	Sen. Corcoran	Asks Lindsey if he describes himself as pro-growth or no-growth.
317	Lindsey	Replies he is neither of those.
318	Sen. Corcoran	Asks if he is somewhere in the middle.
319	Lindsey	Replies he is not and states there is a lot to be thankful for and there is a lot worth saving. When the economic base is looked a
375	John Englebrecht	Testifies in opposition to SB 87. States there will be no urban growth boundaries when the cities run together.
413	Sid Friedman	Yamhill County. States that, as a member of the Farm Bureau, he shares Lindsey's and Englebrecht's opposition to SB 87.
<b>TAPE 42, A</b>		
014	Sen. George	Asks if Friedman thinks the Department of Land Conservation and Development (DLCD) is protecting Oregon's resource gro
021	Friedman	Replies that DLCD could do a better job of protecting the resource ground.
032	Sen. George	Asks if Friedman has approached the DLCD with his complaint against this position.
034	Friedman	Replies that there should be an adequate supply of land for the full range of land needs. States the bill needs to be rewritten to
046	Chair Tarno	Closes meeting at 3:07 p.m.
		Testimony from Mike Kerr on SB 99 ( <b>EXHIBIT N</b> ) is submitted into the record.
		Testimony from Pat Egan on SB 99 ( <b>EXHIBIT O</b> ) is submitted into the record.
		Testimony from Susan Muir of American Planning Association on SB 99 ( <b>EXHIBIT P</b> ) is submitted into the record.
		Testimony from Jim Ludwick on SB 99 ( <b>EXHIBIT Q</b> ) is submitted into the record.
		Testimony from Richard Stevens Company on SB 99 ( <b>EXHIBIT R</b> ) is submitted into the record.
		Testimony from Tom Crosby of Oregon State Grange on SB 99 ( <b>EXHIBIT S</b> ) is submitted into the record.
		Testimony from Bob Clay on SB 87 ( <b>EXHIBIT T</b> ) is submitted into the record.

Submitted By, Reviewed By,

Diana Bronson, Raymond J. Kelly,

**EXHIBIT SUMMARY**

**A ñ SB 91, proposed amendment, staff, 1p**

**B ñ SB 99, written testimony, Dale Saari, 4pp**

**C ñ SB 99, written testimony and maps, Marilyn Reeves, 9 pp**

**D ñ SB 99, written testimony, Clif Kenagy, 3 pp**

**E ñ SB 99, written testimony, Don Schellenburg, 3 pp**

**F ñ SB 99, written testimony, John A. Cooper, 5 pp**

**G ñ SB 99, written testimony, Judson Parsons, 1 p**

**H ñ SB 99, pictures, Jim Watts, 4 pp**

**I ñ SB 99, written testimony, Wayne Simmons, 2 pp**

**J ñ SB 99, written testimony, Ron Eber, 8 pp**

**K ñ SB 99, written testimony, Jim Johnson, 2 pp**

**L ñ SB 99, written testimony, Blair Batson, 6 pp**

**M ñ SB 87, written testimony, Marilyn Reeves, 1 p**

**N - SB 99, written testimony, Mike Kerr, 1 p**

**O ñ SB 99, written testimony, Pat Egan, 1 p**

**P ñ SB 99, written testimony, Susan Muir, 1 p**

**Q ñ SB 99, written testimony, Jim Ludwick, 6 pp**

**R ñ SB 99, written testimony, Richard Stevens Company, 2 pp**

**S ñ SB 99, written testimony, Tom Crosby, 1 p**

**T ñ SB 87, written testimony, Bob Clay, 5 pp**