

SENATE COMMITTEE ON WATER AND LAND USE

March 25, 1999 Hearing Room B

1:00 p.m. Tapes 46 - 47

MEMBERS PRESENT: Sen. Veral Tarno, Chair

Sen. Tony Corcoran, Vice-Chair

Sen. Gary George

Sen. Marylin Shannon

MEMBER EXCUSED: Sen. Thomas Wilde

STAFF PRESENT: Raymond J. Kelly, Administrator

Diana Bronson, Administrative Support

MEASURE/ISSUES HEARD: SB 580 Public Hearing and Work Session

SB 467 Public Hearing

SB 474 Public Hearing and Work Session

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 46, A		
004	Chair Tarno	Opens meeting at 1:14 p.m. and opens public hearing and work session on SB 580. Asks the people from Medford to please come forward while the Committee Administrator summarizes SB 580.
<u>SB 580 PUBLIC HEARING</u>		

008	Ray Kelly	Committee Administrator summarizes SB 580.
015	Brad Linder	Director, Southern Oregon Historical Society. Testifies in support of SB 580. States that SB 580 will allow the interpretation of historic agriculture on exclusive farm use property and it will also promote the preservation of farmland by educating the public about the valuable rural resources.
032	Margaret Watson	Curator of the Hanley Farm. Testifies in support of SB 580. Presents (EXHIBIT A) . States SB 580 is pro land, pro-farm, pro-economic development, pro-preservation, pro-education and pro-community and, as such, will be good for the whole of Oregon.
071	Reeve Hennion	Trustee of the Oregon Historical Society. Testifies in support of SB 580 as it enhances and preserves the history of Oregon.
099	Chair Tarno	Asks if this is an existing farm.
101	Watson	Replies that it is.
101	Chair Tarno	Asks if the land that the farm sits on will be altered other than changes necessary for visitors.
104	Watson	Asks if the chair means to encroach upon the lands that are already under agricultural production.
105	Chair Tarno	Asks what the historical society is going to do with the land.
106	Watson	Replies the lands will remain in agricultural production with heritage crops; things that are inherent to the Rogue Valley and, specifically, to the crops the Hanleys brought in.
108	Chair Tarno	Asks the age of the structures on the property.
109	Watson	Replies the structures range in date from 1855 to 1955.
110	Chair Tarno	Asks if the house itself is the oldest building.
111	Watson	Replies that the oldest building is probably the spring house which is one of two documented stone spring houses this side of the Mississippi.
116	Sen. Corcoran	States that 1000 Friends is opposing this bill.
123	Watson	States the society works under a conditional use permit that was grand fathered

		in.
125	Sen. Corcoran	Reads testimony from 1000 Friends regarding placing a parking lot on productive farmland and that the lands should not be converted for museum administration buildings and parking lots, particularly when Medford has such a vast amount of valuable farmland. Asks for a response.
134	Hennion	Replies that the society will not be taking any farmland out of production. States the society is looking at a very modest administration building that will be up on a hillside and it will not remove any farmland.
141	Sen. George	Asks if the society has given any consideration, as some of the historic farms have done, to going back and actually farming organically, as it was before pesticides.
149	Watson	Replies they have and they also hope to demonstrate horse-drawn techniques. The farmer currently leasing the property is all organic.
153	Chair Tarno	Asks if there will be stock on the farm.
154	Linder	Replies there are a few chickens right now, but anticipates beef cattle.
162	Ron Eber	Department of Land Conservation and Development (DLCD). Testifies the department does not oppose SB 580, but wonders if this could be approved locally through an exceptions process, so it just deals with this unique situation in Jackson County.
177	Chair Tarno	Asks Eber, if the committee moves the bill forward, if perhaps the department will have enough time to come back to the House side with the findings.
192	Sen. George	Asks what impact this will have as compared to other agricultural activities. Asks for reasons why this museum, on agricultural lands, is a problem.
210	Eber	Replies that he does not see this as a problem. States the concern is, why amend a statute when a situation like one can be dealt with locally.
234	Julie Curtis	Manager of Oregon Heritage Commission, representing the Oregon Parks and Recreation Department and the Oregon Tourism Commission. Testifies in support SB 580. States this bill ensures that the living history operations will be limited to authentic historic buildings and equipment.
284	Sen. George	Asks if it is Curtis' view that this museum is, in fact, going to produce a positive reaction towards Oregon agriculture.
301	Curtis	States people are losing touch as to where products come from. States that, in

		the tourism industry, visitors are more sophisticated as there is less leisure time and, when on vacation, some want to learn about culture and history, especially in Oregon.
326	Sen.George	Asks if she feels that is why the bed and breakfast idea has caught on so well.
332	Curtis	Agrees and states people are seeking the real thing and SB 580 allows the tourism industry to let the historical societies educate people in the rural areas and, frankly, bring economic benefit to those areas.
342	Randy Tucker	1000 Friends of Oregon. Clarifies the testimony presented (EXHIBIT C). States that Claire Batson has looked into the specifics of this case and the concern of 1000 Friends is in creating a statewide statute that could have unintended consequences elsewhere.
375	Chair Tarno	States that it just points out that work is needed somewhere along the line because every session we come back and "tweak" the state law to allow some kind of exception to the EFU and, sometime, we are going to need to address the issues of non-farm usage.
383	Tucker	Agrees and states that is also the concern of 1000 Friends.
403	Chair Tarno	Closes public hearing on SB 580 and opens work session.
<u>SB 580 WORK SESSION</u>		
406	Sen. George	MOTION: Moves SB 580 to the floor with a DO PASS recommendation.
		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 n Wilde
		The motion CARRIES. SEN. HANNON will lead discussion on the floor.
441	Chair Tarno	Opens public hearing on SB 467.
TAPE 47, A		

SB 467 PUBLIC HEARING

010	Dave Hunnicutt	Oregonians In Action (OIA). States there are amendments, but they are not ready. States all agree on the concept of providing a closure period that is shorter than three years.
025	Chair Tarno	Asks if they will be ready next week.
030	Art Schlack	Association of Oregon Counties (AOC). Indicates their interest in providing some finality in a reasonable timeframe.
037	Ron Eber	Department of Land Conservation and Development. States they, too, share an interest in providing a finality.
084	Charles Swindells	1000 Friends of Oregon. Presents (EXHIBIT D) . States his testimony is to give input to the amendments being drafted.
138	Swindells	Continues testimony regarding issues to deal with when drafting the amendments for SB 467.
161	Chair Tarno	Closes public hearing on SB 467 and opens public hearing on SB 474.

SB 474 PUBLIC HEARING

164	Kelly	Summarizes SB 474.
174	Dave Hunnicutt	Oregonians In Action (OIA). Testifies in support of SB 474. Submits (EXHIBIT E) . States it is a policy statement and does not mandate any changes in Oregon law.
223	Chair Tarno	Asks Kelly to read the policy statement for SB 474 (EXHIBIT E) .
242	Hunnicutt	States OIA strongly supports SB 474. States there is no need to have a work group, as there is no problem with SB 474.
281	Hunnicutt	Continues testimony on SB 474. Relates instances of persons stating SB 474 will increase litigation and gives examples in support thereof.
313	Sen. George	Asks if this type of concept has been tried before.
342	Hunnicutt	States he is not able to address the navigability issues, but once you tell people, "You can't do this," or "These are the things you can do," the first thing that happens is those people sue. Discusses the litigation aspects that opponents to

		SB 474 will argue.
372	Chair Tarno	Asks where OIA sees this bill going.
373	Hunnicut	States this statement applies to the legislature as a whole. Legislative Counsel will then determine where to place this bill in the ORS.
405	Sen. Corcoran	Asks if this is identical to a bill in 1997.
409	Hunnicut	Replies it is.
409	Sen. Corcoran	Asks was happened to that bill.
409	Hunnicut	Replies that in a work group, with some of the opposition, a consensus was never reached. States the amendments did not satisfy proponents.
427	Sen. Corcoran	Asks if Hunnicutt's position is that SB 474 will have no impact on litigation in the state.
427	Hunnicut	Replies that, in certain cases, SB 474 may be mentioned as a statement of the legislature's intent.
436	Sen. Corcoran	Asks if he is sure.
437	Hunnicut	States he would not litigate a case under a policy statement because he would not win.
439	Sen. Corcoran	Quick conversations between Hunnicutt and Sen. Corcoran regarding litigation possibilities.
TAPE 46, B		
25	Charles Swindells	1000 Friends of Oregon. Testifies in opposition to SB 474 as it is limiting. Submits (EXHIBIT F) . States 1000 Friends urges the proponents of SB 474 to pursue similar efforts in lieu of SB 474 which has little practical effect to help landowners.
090	Bob Rindy	Department of Land Conservation and Development (DLCD). Testifies as to the concerns the DLCD has with SB 474. States the effect of this legislation is difficult to estimate. States that without specific guidance to implement the provisions, DLCD does not support SB 474. Submits (EXHIBIT G) .
145	Sen. Corcoran	Asks if land use planning in Oregon can operate solely on the basis of

		incentives and cooperative programs.
150	Rindy	Replies the DLCD strongly urges incentives or cooperative programs be given before using regulatory methods.
200	Sen. Corcoran	Asks, if Rindy would participate in a work group to develop language that would be acceptable.
212	Rindy	Replies he would. States DLCD participated in 1997, and recommends a work group wherein the participants sit across a table and work, instead of one where the new proposals came by mail or fax, as in 1997.
225	Jon Chandler	Governmental Affairs, Oregon Building Association. Testifies in support of SB 474. States that SB 474 attempts to say that it is a good idea to respect property rights.
250	Sen. Corcoran	Short conversations between Chandler, Sen. Corcoran, and Sen. George concerning the litigation question.
402	Chair Tarno	Closes SB 474 and opens work session on SB 474.
<u>SB 474 WORK SESSION</u>		
402	Sen. Shannon	MOTION: Moves SB 474 to the floor with a DO PASS recommendation.
		VOTE: 3-1 AYE: 3 - George, Shannon, Tarno NAY: 1 - Corcoran EXCUSED: 1 - Wilde
		Chair Tarno The motion CARRIES. SEN. SHANNON will lead discussion on the floor.
440	Chair Tarno	Closes meeting at 2:37 p.m.

Submitted By, Reviewed By,

Diana Bronson, Raymond J. Kelly,

Administrative Support Administrator

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EXHIBIT SUMMARY

A ñ SB 580, written testimony, Margaret Watson, 11 pp

B ñ SB 580, written testimony, Julie Curtis, 2 pp

C ñ SB 580, written testimony, Randy Tucker, 1 p

D ñ SB 467, written testimony, Charles Swindells, 2 pp

E ñ SB 474, written testimony, Dave Hunnicutt, 1 p

F ñ SB 474, written testimony, Charles Swindells, 2 pp

G ñ SB 474, written testimony, Bob Rindy, 1 p