

**SENATE COMMITTEE ON WATER AND LAND USE**

**April 20, 1999 Hearing Room B**

**1:00 p.m. Tapes 65 - 66**

**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 467 Work Session**

**SB 675 Work Session**

**SB 832 Work Session**

**SB 1226 Public Hearing**

**SB 882 Public Hearing and Work Session**

**SB 656 Public Hearing**

**SB 863 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 65, A		

005	Chair Tarno	Opens meeting at 1:15 p.m. and opens work session on SB 467.
<b><u>SB 467 WORK SESSION</u></b>		
007	Sen. Corcoran	<b>MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote by which SB 467 was sent to the floor with a DO PASS AS AMENDED RECOMMENDATION.</b>
		<b>VOTE: 3-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 2 - George, Shannon</b>
Chair Tarno		The motion CARRIES.
Chair Tarno		The motion CARRIES.
017	Sen. Corcoran	<b>MOTION: Moves to ADOPT SB 467-2 amendments dated 04/13/99. (EXHIBIT A).</b>
		<b>VOTE: 3-0</b>  <b>EXCUSED: 2 - George, Shannon</b>
Chair Tarno		Hearing no objection, declares the motion CARRIED.
017	Sen. Corcoran	<b>MOTION: Moves SB 467 to the floor with a DO PASS AS AMENDED recommendation.</b>
019		<b>VOTE: 3-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 2 - George, Shannon</b>
	Chair Tarno	The motion CARRIES.

		<b>SEN. CORCORAN will lead discussion on the floor.</b>
<b><u>SB 675 WORK SESSION</u></b>		
026	Chair Tarno	Asks committee administrator to summarize SB 675.
030	Ray Kelly	Committee Administrator. Summarizes SB 675.
035	Chair Tarno	Inquires as to the ñ1 amendments. Submits <b>(EXHIBIT B)</b> .
041	Kelly	States the ñ1 amendments remove the policy statement.
050	Chair Tarno	States this is Sen. Georgeís bill and the committee will wait for him.
063	Sen. Wilde	<b>MOTION: Moves to ADOPT SB 675-1 amendments dated 03/30/99.</b>
		<b>VOTE: 3-0</b> <b>EXCUSED: 2 - George, Shannon</b>
	Chair Tarno	<b>Hearing no objection, declares the motion CARRIED.</b>
066	Sen. Wilde	<b>MOTION: Moves SB 675 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 3-1</b> <b>AYE: 3 - Shannon, Wilde, Tarno</b> <b>NAY: 1 - Corcoran</b> <b>EXCUSED: 1 - George</b>
	Chair Tarno	<b>The motion CARRIES.</b>  <b>SEN. GEORGE will lead discussion on the floor.</b>

072	Chair Tarno	Closes work session on SB 675 and opens work session on SB 832.
<b><u>SB 832 WORK SESSION</u></b>		
074	Kelly	Summarizes the 7 amendments to SB 832. Submits <b>(EXHIBIT C)</b> .
087	Sen. Corcoran	<b>MOTION: Moves to ADOPT SB 832-7 amendments dated 04/19/99.</b>
		<b>VOTE: 5-0</b>
	Chair Tarno	<b>Hearing no objection, declares the motion CARRIED.</b>
089	Sen. Corcoran	<b>MOTION: Moves SB 832 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 4-1</b> <b>AYE: 4 - Corcoran, George, Shannon, Tarno</b> <b>NAY: 1 - Wilde</b>
	Chair Tarno	<b>The motion CARRIES.</b>
		<b>SEN. TARNO will lead floor discussion.</b>
109	Chair Tarno	Closes work session on SB 832 and opens public hearing on SB 1226.
<b><u>SB 1226 PUBLIC HEARING</u></b>		
110	Kelly	Summarizes SB 1226.
117	Chair Tarno	Comments on reasons behind SB 1226.
142	Mike Collmeyer	1000 Friends of Oregon. Submits <b>(EXHIBIT D)</b> . Reads testimony in opposition to SB 1226.
226	Chair Tarno	Interrupts testimony of 1000 Friends and states the committee, and the Senate, has a sincere interest in the land use planning program.

231	Collmeyer	States that, in the opinion of 1000 Friends, SB 543 dishonors the initial intent and purpose of SB 100.
246	Sen. Corcoran	States the tone of 1000 Friends' testimony causes concern. States it is clear that 1000 Friends has missed the point of SB 1226. States any law is a changing process.
280	Collmeyer	States he did not intend to be off-putting to the chair of this committee.
285	Chair Tarno	Says it is alright.
294	Art Schlack	Association of Oregon Counties (AOC). Testifies in support of SB 1226. States it would do everyone good to have a discussion regarding planning. Urges support of the ñ1 amendments.
330	Jon Chandler	Oregon Building Industry Association. Testifies in support of SB 1226. States this study is long overdue and it is imperative to review it now. Supports the ñ1 amendments.
347	Chair Tarno	States more needs to be done on SB 1226 before it goes any further. Closes public hearing on SB 1226 and opens public hearing on SB 882.
<b><u>SB 882 PUBLIC HEARING</u></b>		
354	Kelly	Summarizes SB 882.
373	John Spicer	Gold Beach. States that eco-tourism is the only viable source of income for the people of Gold Beach. Presents <b>(EXHIBIT E)</b> . States the reason for requesting SB 882 is that the forest industries and fishing industries are gone. States that yurts fit the whole idea of providing housing, in the form of camping.
<b>TAPE 66, A</b>		
002	Sen. Corcoran	States a person cannot place a yurt on privately owned land at the present time. Supports Spicer's position and SB 882.
003	John Spicer	States they are not looking for a self-contained unit, but just a place to house people in bad weather with restrooms outside, similar to what the state parks have now.
013	Ron Eber	Rural Land Specialist, Department of Land and Conservation Development (DLCD). Presents <b>(EXHIBIT F)</b> . States the department has concerns with SB 882, as drafted, and some of the rationale behind the rulemaking that the commission made in effecting the yurts and other structures. Reads testimony in opposition to SB 882 in that SB 882 does not include any definitions or standards

		regarding the size or siting of the yurts or other lodging and commercial facilities.
067	Chair Tarno	Asks if a double standard has inadvertently been set, due to past legislation.
068	Eber	States he does not think it is a double standard. States there is a distinction that the public parks are owned by a public entity and they are protecting public resources. States that private parks has put into statute statewide, people will declare all kinds of things as "parks" and have the ability to put in not only yurts, but all kinds of structures consistent with that type of park.
085	Chair Tarno	Asks Eber to meet with Spicer and work on an amendment to address the need of establishing yurts in a private setting.
086	Eber	States it is worth exploring.
092	Sen. Corcoran	Asks that when an application is submitted to build a park, and the owner asks for hookups and required permits, if the intended purpose is clear at that time.
106	Eber	States, as far as he knows, the application in Curry County was for a campground and not for a park.
118	Sen. Corcoran	States that Bullards Beach has yurts. States it does appear to be a double standard.
128	Eber	States he appreciates that position.
142	Sen. Wilde	Inquires as to the time restrictions on staying in parks.
143	Eber	Reads restrictions.
154	Sen. Wilde	Comments that the restrictions are not part of statute, but administrative rules. Asks why DLCDC could not put the same language into statute.
161	Eber	States that if the bill passes in some form, it would apply. States the concern is that this deals with parks, not campgrounds.
168	Sen. Wilde	Asks if Eber's primary concern is in parks, as opposed to campgrounds.
169	Eber	States the primary concern is that it is tied to parks and not campgrounds and the other language that talks about "other structures" consistent with park use is very open ended.
175	Sen. Wilde	States there appears to be a tremendous double standard. States it is absurd that a

		park cannot put in a yurt on a temporary basis.
191	Ryan Spicer	States he would like to make observations on marketing the environment.
200	Chair Tarno	Asks if the idea of these yurts is to provide camping and enjoyment of the outdoor environment for tourists.
209	Ryan Spicer	States a yurt is a great compromise to a tent or a motel and is environmentally friendly.
217	Sen. George	Thanks Ryan Spicer for clarification. States that the farmers are surviving on tourism sales and not so much on their farming sales.
236	Ryan Spicer	States we need to promote the beauty of Oregon.
247	Chair Tarno	Asks Eber to come forward. Asks if there is a way to salvage this bill.
251	Eber	States he hopes so, but needs to talk to the Governor's office. Speaks on behalf of himself and states that if the wording were tailored to having yurts in campgrounds, as opposed to any park, someone would want to create, it may be reasonable. States it might be okay in private campgrounds.
265	Sen. Wilde	Asks for further definition of the 30 days in the six month period.
275	Eber	States it will be outside the rules to pull up stakes in one spot and merely move to another within the same campgrounds.
278	Chair Tarno	Closes public hearing on SB 882 and opens work session on SB 882. Asks Spicer and Eber to work together and get some amendments drafted for the House.
<b><u>SB 882 WORK SESSION</u></b>		
<b>298</b>	<b>Sen. Corcoran</b>	<b>MOTION: Moves SB 882 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 4-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 1 n Shannon</b>
<b>Chair Tarno</b>		<b>The motion CARRIES.</b>

		<b>SEN. TARNO will lead discussion on the floor.</b>
308	Chair Tarno	Opens public hearing on SB 656.
<b><u>SB 656 PUBLIC HEARING</u></b>		
309	Kelly	Summarizes SB 656.
331	Debbie Case	Submits <b>(EXHIBIT G)</b> . Testifies in support of SB 656. States the bill does not cover the 21-day rule appropriately.
394	Chair Tarno	States that on page 2, lines 3 to 7 extends that time to three years.
395	Case	States this happened in 1988 and 1989 and she and her neighbors became aware of it in 1998.
405	Sen. Wilde	States that in other parts of statute, there are provisions for when a person knows, or should have known, when a statute has run.
419	Dave Hunnicutt	Oregonians In Action. States SB 656 is in conflict with SB 467.
463	Sen. Shannon	Asks if they have a solution.
463	Hunnicutt	States that a solution can probably be worked out.
468	Sen. Corcoran	Asks why it took so long for Case to find out about this rezoning problem.
<b>TAPE 65, B</b>		
021	Case	States that in 1988 ñ 1989, a piece of land was rezoned without anyone knowing about it, so when it went up for sale, 10 years later, it was being sold as a multi-family development.
037	Sen. Corcoran	Asks if the land was ever used as a multi-family parcel.
038	Case	Replies no, that it was always farmland until it was put up for sale.
047	Chair Tarno	Asks Case and Hunnicutt to work on these issues. Closes public hearing on SB 656 and opens work session on SB 863.



**SB 863 WORK SESSION**

052	Kelly	States that SB 863 was pulled back into committee by Oregonians In Action because DLCD reached a compromise on an amendment. A reconsideration is needed on SB 863.
068	Sen. Corcoran	<b>MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote on SB 863.</b>
		<b>VOTE: 5-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b>
	Chair Tarno	<b>The motion CARRIES.</b>
077	Sen. Corcoran	<b>MOTION: Moves to RECONSIDER the vote by which SB 863 is sent to the floor with a DO PASS RECOMMENDATION.</b>
		<b>VOTE: 5-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b>
	Chair Tarno	<b>The motion CARRIES.</b>
086	Hunnicut	OIA. States the amendments are not quite ready, but there should not be any opposition.
100	Bob Rindy	States they are very satisfied with the amendments.
105	Chair Tarno	Closes work session on SB 863 and adjourns meeting at 2:17 p.m.
		Testimony from 1000 Friends of Oregon on SB 882 ( <b>EXHIBIT H</b> ) is submitted into the record.

Submitted By, Reviewed By,

Diana Bronson, Raymond J. Kelly,  
Administrative Support Administrator

**EXHIBIT SUMMARY**

**A ñ SB 467, proposed amendments, staff, 13 pp.**

**B ñ SB 675, proposed amendments, staff, 2 pp.**

**C ñ SB 832, proposed amendments, staff, 4 pp.**

**D ñ SB 1226, written testimony, Michael Collmeyer, 2 pp.**

**E ñ SB 882, written testimony and brochures, John Spicer, 8 pp.**

**F ñ SB 882, written testimony, Ron Eber, 2 pp.**

**G ñ SB 656, written testimony, Debbie Case, 1 p.**

**H ñ SB 882, written testimony, Blair Batson, 1 p.**