

SENATE COMMITTEE ON WATER AND LAND USE

April 16, 1997 Hearing Room C

5:00 PM Tapes 61 - 62

MEMBERS PRESENT:

Sen. Veral Tarno, Chair

Sen. Bob Kintigh, Vice-Chair

Sen. Ginny Burdick

Sen. Ted Ferrioli

Sen. Bill Fisher

Sen. David Nelson

Sen. Thomas Wilde

STAFF PRESENT:

Mark Volmert, Administrator

Nancy Masee, Administrative Support

MEASURE/ISSUES HEARD:

SB 1148 Public Hearing

SB 641 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 61, A		
004	Chair Tarno	Opens meeting at 5:00 PM
<u>SB 641 PUBLIC HEARING</u>		
005	Wayne	Farmer, West Salem, gives presentation in support of SB 641 and relates his family history and experience as a small farmer. States the \$80,000 income rule required to build a dwelling should be removed.

	Simmons	(EXHIBIT A)
075	Clif Kenagy	Commercial farmer, Benton County, gives background on his experience as a farmer. He is against SB 641 and says it will destroy agriculture. (EXHIBIT B)
143	Blair Batson	Attorney, 1000 Friends of Oregon, testifies against SB 641 and gives presentation on land use in the Willamette Valley. There are too many houses already in Exclusive Farm Use (EFU) zones. (EXHIBIT C)
195	Batson	Says the \$20,000 income test is a step in the wrong direction. * Shows Washington County map with one dwelling per 33 acres in primary EFU zones. * One dwelling per 30 acres in secondary EFU zone. * Density is increasing in farm zone, one dwelling per 16 acres.
199	Batson	Says if you adopt a \$20,000 income capability test, the competition is slanted for those people who want to live in the country. Shows a picture of a 50,000 square foot house on a 5-acre blueberry acreage. This was approved under the Clackamas County \$15,000 income capability test. In Washington County, there are about the same number of vacant parcels of 5 and 10-acre zones that are not in the farm zone. That is where those who want to live on small acreage should go.
223	Sen. Kintigh	Comments on a 6-acre tract that he could not sell for years.
229	Chair Tarno	Comments on the Willamette Valley being gobbled up into houses.
235	Batson	Comments on development in EFU; says there is not enough farmland for all who want to live there.
246	Sen. Kintigh	Comments on a small nursery operation in Washington County that is successful.
256	Batson	Comments on waiting for an existing house to appear on the market.
261	Sen. Kintigh	Comments on the five-acre nursery's success.
279	Batson	Responds that if he is grossing \$80,000, the exception area may be the place for him rather than EFU zone.
283	Sen. Ferrioli	Farm Bureau said with amendments they would support this bill.
287	Batson	Has not seen the amendments; 1000 Friends policy is different from Farm Bureau.
308	Chair Tarno	Closes public hearing on SB 461; opens work session on SB 461.
<u>SB 641</u> <u>WORK</u>		

SESSION		
310	Sen. Ferrioli	Says that Farm Bureau showed an interest in amendments to SB 461, and asks that they would bring these forth.
315	Sen. Kintigh	MOTION: Moves SB 641 to the floor with a DO PASS recommendation.
320		VOTE: 3-3 AYE: 3 - Fisher, Kintigh, Tarno NAY: 3 - Ferrioli, Nelson, Wilde EXCUSED: 1 - Burdick
325	Chair Tarno	The motion FAILS.
326	Chair Tarno	Closes work session on SB 461 and opens public hearing on SB 1148
<u>SB 1148</u> <u>PUBLIC</u> <u>HEARING</u>		
360	Sen. Wilde	Testifies for SB 1148 and describes the current system of appealing land use decisions by local government. (EXHIBIT D)
383	Sen. Wilde	Describes Land Use Board of Appeals' (LUBA) failure to properly arbitrate land use issues.
TAPE 62, A		
004	Sen. Wilde	Continues describing what kind of a system could be used to appeal land use decisions.
013	Sen. Wilde	Describes planning procedures needed. Does not want another layer of government created. Describes a new regionalization process that could be implemented.
041	Sen. Wilde	Describes two layers that could be efficient and cost effective to citizens.
046	Chair Tarno	Asks about the make-up of task force requested.
050	Sen. Wilde	Describes task force of legislative members and appointees by governor.
058	Sen. Wilde	Explains the -1 and -2 amendments; the land use system can be improved by regionalization of authority.
072	Sen. Kintigh	Asks what the -2 amendments do.
074	Sen. Wilde	Explains the appeal process indicated by the -1 amendments. * three specialized justices on the Court of Appeals on land use decisions

		* appointed attorneys by the bar to hear appeals
	Sen. Wilde	Do not consider the -1 amendments
107	Art Schlack	Association of Oregon Counties (AOC), Land Use Specialist, comments on SB 1148: * Joint Committee on Land Use could hear land use issues during interim * task force composition should be represented by two or three county and two or three city government members
143	Schlack	Explains four local people would not create an imbalance Refers to line 19, (b). AOC supports: * local control and local government; needs bottom up, not top down involvement * state and local government relations should continue
172	Phil Fell	League of Oregon Cities, supports AOC's concepts. Does not want removal of cities. Interim Joint Committee on Land Use is possible. Wants to increase the number of local representatives on task force, if it is established. Says regionalization is an idea worth pursuing.
211	Scott Exo	1000 Friends of Oregon, supports regional planning. Says they do not see need for a task force on regional planning. A Joint Interim Committee on Land Use would be appropriate to study this issue. (EXHIBIT E)
256	Bob Rindy	Department of Land Conservation and Development (DLCD), says the program already deals with regional issues. These are not perfect but are in place. * Concurs that the Joint Interim Committee on Land Use is a better way to deal with solving some problems. A task force was formed in the 1980's which proved to be expensive but not productive. * No major land use changes need to be made. Urban growth plans that have been set up have been costly and working with the existing system is the more prudent choice. (EXHIBIT F)
290	Sen. Wilde	Asks if the land use laws have changed since the 1980s and have they added administrative rules.
297	Rindy	Responds that numerous administrative rules have been added.
305	Chair Tarno	Asks for any more testimony.
306	Ed McClain	Corvallis, asks how SB 1148 would impinge on home rule and local control; asks how SB 1148 deals with the constitution. Says he is for regional planning without giving up local control.
		Says he wants an indication of the weaknesses of the system and how to

359	Sen. Wilde	address them. Home rule limits what it can offer. Asks how the system would function if it was altered.
TAPE 61, B		
009	Sen. Wilde	Continues explanation.
011	Chair Tarno	Adjourns meeting at 6:00 PM.

Submitted By, Reviewed By,

Nancy Masee, Mark Volmert,

Administrative Support Administrator

EXHIBIT SUMMARY

A - SB 641, written testimony, Wayne Simmons, 1 p

B - SB 641, written testimony, Clif Kenagy, 2 pp

C - SB 641, written testimony, Blair Batson, 10 pp

D - SB 1148, written testimony, Thomas Wilde, 2 pp

E - SB 1148, written testimony, Scott Exo, 3 pp

F - SB 1148, written testimony, Richard Benner, 2 pp
