

SENATE COMMITTEE ON WATER AND LAND USE

April 22, 1997 Hearing Room C

8:30 AM Tape 67 - 68

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 Work Session

SB 415 Public Hearing and Work Session

SB 642 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 67, A		
003	Chair Tarno	Opens meeting at 8:30 AM, and work session on SB 1148.
<u>SB 1148 WORK SESSION</u>		
006	Mark	Committee Administrator, gives background on SB 1148.

	Volmert	(EXHIBIT A)
013	Chair Tarno	Asks Sen. Wilde if there is any further discussion by him on this bill.
020	Volmert	Explains -2 amendments.
024	Sen. Wilde	MOTION: Moves to ADOPT -2 amendments.
028	Chair Tarno	Hearing no objection, declares the motion CARRIED.
030	Sen. Wilde	MOTION: Moves SB 1148 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0
		EXCUSED: 1 - Burdick
035	Chair Tarno	Hearing no objection, declares the motion CARRIED. SEN. WILDE will lead discussion on the floor.
038	Chair Tarno	Closes work session on SB 1148; opens public hearing on SB 415.

SB 415
PUBLIC
HEARING

050	Jan Lee	Executive Director, Oregon Water Resources Congress (OWRC), representing irrigation districts, introduces Burton Weast, and gives background on SB 415. Establishes joint board of control.
		(EXHIBIT B)
071	Lee	Says SB 415 is not intended to change water authority.
091	Burton Weast	Special Districts Association of Oregon, Insurance Services; supports SB 415 which clarifies joint boards of control of associations of irrigation districts. They are covered as a group as well as individually under Oregon tort limits.
098	Chair Tarno	Comments on suits in Oregon.
103	Weast	Comments on the 50 suits per year they receive; federal law suits do not have a cap on them; currently the cap system in Oregon helps control tax payer losses.
118	Sen. Fisher	Refers to page 2 where it says it is requested that OWRC be the requester rather than Mr. Lombard.
129	Weast	Local boards of control are covered by the tort limitations under SB 415.
137	Sen. Nelson	Asks if there are limits to the liability.
139	Weast	Responds, yes, this creates limits in torts; there are no limits in federal cases.
139	Lee	Says Washington and Idaho had this bill and Oregon is the last of three states to clean up this issue.

141 Sen. Fisher Asks about lawsuits filed, and if they are frivolous claims.

145 Weast Explains lawsuit categories received, relatively small amounts of money, and are usually settled without jury trial.

159 Tom Byler Legislative Coordinator, Water Resources Department, gives background on SB 415. Clarifies that it does not impact water rights or water use. **(EXHIBIT C)**

178 Sen. Burdick Asks if any strengthening or clarification is needed in SB 415.

183 Byler Says the department approves the bill as it is.

187 Doug Myers WaterWatch, questions section 3 of SB 415 as to whether it is clear to water rights or places of use; willing to work this out on House side.

200 Myers Says no change in water rights or places of use are indicated in this bill.

205 Chair Tarno Closes public hearing on SB 415 and opens work session on SB 415.

SB 415
WORK
SESSION

214 Chair Tarno Asks how to change the requester, in response to OWRC's letter.

220 Volmert Responds to Sen. Kintigh's comments and indicates that the OWRC's request to change the name of the requester must be directed to the Secretary of the Senate.

224 **Sen. Kintigh** **MOTION: Moves SB 415 to the floor with a DO PASS recommendation.**

226 **Chair Tarno** **Hearing no objection, declares the motion CARRIED.**

SEN. KINTIGH will lead discussion on the floor.

228 Chair Tarno Closes work session on SB 415 and opens public hearing on SB 642.

SB 642
PUBLIC
HEARING

275 Larry Campbell Victory Group, supports SB 642; gives examples of cases relating to dwellings on impacted farmland. SB 642 establishes template test on high value farmland, similar to the forestland template. **(EXHIBIT D)**

327 Sen. Wilde Asks how many parcels this impacts.

331 Campbell Says he doesn't know how many.

337 Sen. Wilde Asks if the January 1, 1997, date applies to lots which "existed" or had an "application."

362 Sen. Kintigh Says there are parcels long in place and there would be no question.

368 Sen. Fisher Asks difference in language of "lots" and "parcels" and "subject tract."

373 Campbell Says he does not know that answer.

384 Sen. Burdick Asks why this is necessary to steer development into non-prime areas when the exception area deals with situations of conflict.

407 Campbell Responds placing homes in commercial farm lands is not the intent of this legislation; it is directing dwellings to areas that are non-high value lands and already have dwellings.

412 Sen. Fisher Refers to written testimony and how this bill eases need for attorneys.

TAPE 68, A

022 Batson Says 1000 Friends opposes SB 642; believes there are already too many houses in Exclusive Farm Use (EFU) zones. These houses seriously interfere with commercial agriculture. **(EXHIBIT E)**

042 Batson Says existing housing densities are already high; describes density levels of housing. Explains loss of farm land is critical due to development; land use policy allowing increase in densities in farming regions result in threat to viable farmland.

074 Sen. Fisher Asks where the housing can go.

084 Batson Explains the parcels available.

094 Sen. Fisher Disagrees that there are that many places with dwellings.

107 Batson Explains the Department of Agriculture definition of hobby farms.

113 Chair Tarno Asks if hobby farmers should lose their tax exemption.

120 Batson Says 1000 Friends does not have a position whether or not people having \$10,000 or less annual farm income should lose their farmland tax exemption. In the past there have been cases of people in exception areas who lose their farmland tax exemption.

127 Sen. Wilde Asks about number of tracts in question.

130 Batson Says they do not know how many parcels are involved; exceptions process says a tract surrounded by development may be taken out of agriculture land protection.

149 Don Schellenberg Oregon Farm Bureau, opposes SB 642 because it goes against HB 3661 (1993); says the template test is not a sound base for making land use policy. **(EXHIBIT F)**

178 Chair Tarno Asks if farm use exemption tax should be disallowed on parcels.

187 Schellenberg Says Farm Bureau has always supported farm use assessment for land zoned as EFU regardless of size; does not support tax assessment for exception areas.

193 Sen. Wilde Asks if 6 out of the 11 parcels should be allowed dwellings.

194 Schellenberg Says the template test concept is flawed; size of parcel, intent, skills of landowner. There needs to be a test when an area is committed to other than agriculture. It should then be taken out of the EFU zone. Exception areas have certain rules in their creation.

210 Sen. Fisher Asks about skills or other criteria needed to farm.

223 Schellenberg Says he's not proposing a skills test.

227 Sen. Nelson Asks about HB 3661 agreement in 1993.

230 Schellenberg Says it was called the "lot of record" provision

* high value farmland was defined

* classes of land allowed dwellings and classes not allowed dwellings

* policy statement designed to make it more difficult to site non-farm dwellings in the Willamette Valley.

247 Schellenberg * easier to site non-farm dwellings outside the Willamette Valley
 SB 642 would violate HB 3661 which Farm Bureau supported.
 Department of Land Conservation and Development (DLCD),
 introduces Ron Eber, DLCD, and Jim Johnson, Department of
 Agriculture(DOA); DLCD opposes SB 642 which would establish more
 non-farmland dwellings throughout farmland **(EXHIBIT G)**

251 Bob Rindy * parcels surrounded by other parcels under the exceptions process have
 been sited

297 Sen. Kintigh * automatic farm deferral is lost when these parcels become part of the
 exceptions land
 Asks about exceptions process.

302 Bob Rindy Usually the exception would bring in all of the area; it would be unusual
 for just one parcel to be excepted.

311 Rindy Surrounding parcels may not want to lose the tax deferral on their
 parcel.

322 Ron Eber DLCD land specialist, describes parcels and dwellings; no measure to
 show interference by dwellings in the template method.

391 Eber Continues that non-farm dwellings disqualify for farm tax deferrals;
 perimeter test currently in law with regard to high value farmlands in
 the Willamette Valley.
 Department of Agriculture; concern is with a test that was designed for
 a forest zone and does not apply to agricultural zone

415 Jim Johnson * agriculture is different from forestry
 * over 200 crops grown in Oregon have their own agriculture practices
(EXHIBIT H)

461 Rindy Says the impact from SB 642 would be great.

TAPE 67, B

042 Rindy Says the concern is that these areas will grow.

055 Sen. Fisher Asks about exception process and potential fees to landowners.

058 Rindy Says the appeals in land use can involve attorneys; 800,000 acres are
 committed to exceptions lands in Oregon presently.

075 Sen. Fisher Says this bill does not lose farm deferral and farming can be carried on
 there.
 Oregonians in Action (OIA), O IA supports SB 642; explains parcels
 not able to meet the LCDC test **(EXHIBIT I)**

085 Dave Hunnicutt * the \$80,000 income rule
 * need a fix to the income requirement
 * approximately 200 template dwellings approved last year in forestland

149	Sen. Kintigh	Asks where it says a dwelling that existed on January 1, 1997.
152	Hunnicut	Says Mr. Campbell suggested that to the amendments.
163	Sen. Fisher	Asks how the template is determined.
171	Hunnicut	Explains tracts and parcels; the template is 160 acres which is one-half mile by one-half mile.
198	Chair Tarno	Asks if he and Mr. Campbell can come up with amendments and asks for a graphic illustration to explain the system.
203	Chair Tarno	Adjourns meeting at 9:50 AM.

Submitted By, Reviewed By,

Nancy Masee, Mark Volmert,

Administrative Support Administrator

EXHIBIT SUMMARY

A - SB 1148, -2 Amendments, staff, 1 p.

B - SB 415, written testimony, Jan Lee, 2 pp

C - SB 415, written testimony, Tom Byler, 2 pp

D - SB 642, written testimony, Larry Campbell, 1 p

E - SB 642, written testimony, Blair Batson, 3 pp

F -SB 642, written testimony, Don Schellenberg, 1 p

G - SB 642, written testimony, Richard Benner, 2 p

H - SB 642, written testimony, Jim Johnson, 1 p

I - SB 642, written testimony, Dave Hunnicutt, 1 p
