

SENATE COMMITTEE ON WATER AND LAND USE

April 23, 1997 Hearing Room C

5:00 PM Tapes 69 - 73

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

MEMBERS EXCUSED: Sen. Ginny Burdick

STAFF PRESENT:

Mark Volmert, Administrator

Nancy Masee, Administrative Support

MEASURE/ISSUES HEARD:

SB 870 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 69, A		
004	Chair Tarno	Opens meeting at 5:00 PM, and opens public hearing on SB 870.
<u>SB 870 PUBLIC HEARING</u>		
017	Sen. Bryant	District 27, gives background on SB 870 and introduces proponents. (EXHIBIT A)
078	Sen. Bryant	Continues presentation on SB 870 explaining amendments and revised bill.

127	Sen. Bryant	Summarizes the process of deciding a destination resort in SB 870 to protect <ul style="list-style-type: none"> * farming * forestry * riparian activities
150	Nancy Craven	Attorney for destination resorts, Canyon Lands Development; comments on SB 870 protective features for farming, forestry, habitat, water (EXHIBIT B) <ul style="list-style-type: none"> * -1 amendments provide for protection of special places * farm protection measures * management tools for state agencies
234	Michael Humphries	Rimrock, Oregon, says land use laws need to be strengthened along with the benefits offered <ul style="list-style-type: none"> * Governor viewed property * not high value crop land * not high value forest land * existing sprawl around Smith Rock Park viewed
262	Humphries	Mitigation task force input on bill <ul style="list-style-type: none"> * environmental community * climbing community * 400,000 visitors to Smith Rock each year * new generation of resorts in Oregon reflecting Oregon values
298	Humphries	Continues presentation on SB 870 goals <ul style="list-style-type: none"> * working with government agencies * working with environmental agencies * threat to high value farm land and unplanned sprawl is not a result of destination resorts
334	Sen. Wilde	Asks size of lots.
337	Humphries	Replies the same as Black Butte; proposed 400 plots.

348	Sen. Wilde	Asks if non-flammable roofs would be included.
352	Humphries	Responds non-flammable and non-reflective roofs are planned; street systems would be the same as native rock.
375	Parker Johnstone	Redmond, Oregon, gives personal background. Says SB 870 is not about destination resorts, but it is about land use. Proponent for SB 870.
TAPE 70, A		
006	Johnstone	Continues presentation on farming in Oregon; SB 870, and says destination resorts are * clean * tax income to local government * year round employment * raise economic spending by visitors
051	Robert Meinen	Director, Oregon Parks and Recreation, says SB 870 must be a state-wide issue; there are other resort destination concepts around; says SB 870 could be a successful tool to locate people who want the quality of life Oregon offers (EXHIBIT C).
100	Meinen	Continues presentation on impacts of SB 870. Supports -1 amendments. This is a potentially valuable tool.
127	Geoff Pampush	Oregon Trout, member of Governor's working group on SB 870. Water conservation issues relate to SB 870 land use issues. Employment and income are provided by destination resorts. (EXHIBIT D)
167	Sen. Ferrioli	Asks about unemployment rates in Oregon by county. I-5 corridor has the greatest employment rate while eastern Oregon counties' unemployment rates are in double digits.
186	Pampush	Continues on net gain in fish and wildlife habitat when locating a destination resort. Special places have statewide and national significance.
213	Sen. Nelson	Asks about sprawl around Smith Rock State Park.
216	Meinen	Responds that the park periphery has two to five acre developments. There is a small trailer park, the balance is divided in these small developments.
250	Sen. Nelson	Asks if the resort development will eliminate this problem.
257	Meinen	Says the location of this resort will not affect this particular problem.
212	Pampush	Comments on river quality of Crooked River.
289	Sen. Ferrioli	Asks about reduction of rural densities.

287	Pampush	Responds large open spaces are functionally important for migratory wildlife species.
299	Sen. Ferrioli	Asks if he is talking about displacing rural residents.
300	Pampush	Our goal is to protect open space; it would be on a seller willing basis.
310	Todd Davidson	Oregon Tourism Commission, supports SB 870, gives statistics on income resulting from destination resort visitors.
390	Sen. Wilde	Asks about the average wage of workers at a destination resort.
TAPE 69,B		
011	Eva Thornburgh	Rancher, gives personal experience of location next to the Smith Rock Park. Employment would result, taxes are lowered on farmers, future generations would benefit. Destination resorts are good for the community.
035	Linda Swearingen	County Commissioner, Deschutes County, testifies in support of SB 870; gives statistics and background on destination resorts in the area and their contribution to the county.
098	Swearingen	Continues testimony on SB 870.
151	Sen. Wilde	Asks about 350 employees who average \$27,000 wages.
159	Swearingen	Responds that the average wages include full time employees, including administrators.
190	Tali Rencher	Deschutes County, Redmond, supports SB 870, says destination resorts will provide employment and recreation for people. (EXHIBIT F)
230	Agnes DeLeshmitt	Deschutes County, lives adjacent to Rimrock property; appreciates provisions and supports SB 870 which takes into consideration * natural resources * special places * farming interests
276	Sen. Nelson	Asks about the soil in the area.
280	DeLeshmitt	Responds that it is very thin, but is used for some kinds of farming.
295	Chair Tarno	Asks about cows per acre on that property.
300	DeLeshmitt	Replies 40 acres per cow.
307	Sandie Braden	Rancher, supports SB 870; gives positive aspects of destination resort; believes it helps protect natural treasures. (EXHIBIT G)
347	Victoria Rivera	Rancher, supports SB 870; local ranchers group has looked at the developers plan and property involved and found it a very positive opportunity. (EXHIBIT H)
002	Sen. Nelson	Asks about the gorge.

002	Braden	Describes the Crooked River gorge.
TAPE 70, B		
015	Jerry Thackery	Mayor of Redmond, supports SB 870, relates positive experience of the resorts in that area (EXHIBIT I) * employment and skills provided by the destination resorts are diverse * positive effort and trustworthiness of the developers * location is on the most marginal of lands
013	Elton Gregory	Redmond, former superintendent of schools, speaks to the contribution of the destination resort in taxes towards the school district. Deschutes County is one of the fastest growing counties in the state; destination resort would add greatly to the bonding ability of the school district.
117	Jill Zarnowitz	Oregon Department of Fish and Wildlife, part of the work group working on SB 870; department's concerns (EXHIBIT J) * sensitive big game habitat * wetlands threatened and endangered species habitat * mitigation funding * farmlands in a conservation reserve program Explains the department will work on these issues further.
123	Chair Tarno	Asks if the big game is elk.
183	Nancy Richards	Farmer, Jefferson County, comments on difference in central and eastern Oregon farming. Says the farmland needs to be protected from development. Concerned about special interests. Not opposed to destination resorts.
230	Richards	Comments on lawsuits from property owners; asks about lawsuits from visitors.
244	Mickey Killingsworth	President, Oregon Farm Bureau of Jefferson County, testifies regarding farmland protection; shows maps of the county and describes concerns for Crooked River, Deschutes River, and Metolius River areas. (EXHIBIT K)
330	Killingsworth	Continues showing maps of the area and zoning of the areas.
349	Sen. Fisher	Asks about how the destination resort will affect the Jefferson County area she is speaking about.
	Killingsworth	Comments on how the high value farmland determination was made.
TAPE 71,A		

006	Killingsworth	Continues presentation on high value farmland being affected by the location of the Rimrock resort.
027	Ted Fehrenbacher	Row crop farmer, five miles from Rimrock Development, supports SB 870, concerned about keeping high value farmland.
062	Suzanne Smither	<p>Concerned Citizens of Terrebonne, Deschutes County, on Governor's work group on destination siting. Some positive aspects to SB 870, says some of the problems would be (EXHIBIT L)</p> <p>* HB 3348 called for a more streamlined version</p> <p>* SB 870 is a step backward</p> <p>* Crooked River has accessible crossings in certain places and is not a barrier</p> <p>* interferes with cultivation of crops within 3 miles</p>
074	Smither	Continues on negative aspects of SB 870.
113	Smither	Rimrock property is on irrigated farm land; Deschutes County would have to allow other irrigated farm lands available for destiny resorts; tourism is seasonal and affects unemployment rates.
209	Chair Tarno	Asks why SB 870 is not a good bill.
214	Smither	Responds because it is specifically for one resort.
234	Sen. Ferrioli	Asks to see the signatures in petition opposing SB 870.
251	C. B. Foss	Third generation central Oregonian; Rimrock Resort property was in his family; the soil is of very poor value and not productive. Supports SB 870.
341	Leslie Elliott	Farmer, Jefferson County, part of working group; concern because the soils in the resort area are prime soil. Believes destination resorts have their place, but not in prime farmland. Says that water could be used to make lands productive (EXHIBIT M) .
TAPE 72, A		
043	Elliott	Concludes that the issues need to be carefully considered to protect the farmland. Opposes SB 870; need the three-mile buffer.
156	Gary Harris	Commercial farmer, opposes SB 870. Says Deschutes County already has enough destination resorts; farmland should continue to be protected. SB 870 is a special interest bill for one resort and one legislator.
205	Chair Tarno	Asks how the \$80,000 rule can help young farmers get started.
206	Harris	Responds that this relates to dwellings only; farmers have to start small. Comments on the commercial farmers on the petition who oppose SB 870. (EXHIBIT N)
228	Sen. Ferrioli	Asks about the newspaper article in the exhibit and if they support SB 870.

241	Sen. Ferrioli	Asks what rural densities means to them.
246	Harris	Responds that rural sprawl is being addressed by LCDC Shows photographic slides of the area.
TAPE 71, B		
018	Ben Chitwood	Bend City Council, opposes SB 870. Talks about impact on the state park and the misuse of destination resort in a rural area; loss of farm land.
032	Chitwood	Says the Smith Rock State Park attracts visitors * another destination resort is not needed * the jobs resulting would be low paying service jobs mainly * this is a bill to support a special interest
070	Sen. Ferrioli	Asks if the development of Bend as a winter recreation area has helped the area.
080	Chitwood	Says tourism is in decline; Bend is looking to other industrial development.
090	Nancy Hall	Alliance for Responsible Land Use in Deschutes, County; administrator of school in Bend, reads letters from students opposing SB 870 and supporting Smith Rock State Park. This is a special interest bill and should not be supported. (EXHIBIT O)
172	Sen. Ferrioli	Asks what are the endangered species at Smith Rock.
189	Scott Gressett	Deschutes County, gives presentation opposing SB 870; says this is a special interest bill supported by developers and Sen. Bryant. Shows maps of the area and describes the area that will be affected. * enough destination resorts exist in the county already * minimum wage jobs will not justify this resort
272	Carol Gardner	Owner of Rimrock property, testifies for SB 870; gives background on the property they own.
387	Gretchen Brooks	Rancher, Deschutes County, testifies in support of SB 870.
TAPE 72, B		
007	Brooks	Continues presentation on position of her farm land.
010	Britt Spaulding	Owner, Seed Company, Culver, Oregon; gives background on his business and customers. Questions SB 870 because * changes existing law * concerned with the 3-mile boundary

		<ul style="list-style-type: none"> * long term consequence of SB 870 should be considered * amendments are positive * protection of the farmland is most important consideration
083	Sen. Fisher	Asks if former land use laws need to be changed.
110	Spaulding	Says we should look at past land use laws, but SB 870 speaks only to one resort, Rimrock. Careful consideration needs to be taken before laws are changed. Farmland needs to be protected.
136	Chuck Levin	<p>Mazamas, member of the Governor's work group, 3300 members in the Mazamas</p> <ul style="list-style-type: none"> * Smith Rock Park is used by many climbers in the Mazamas * Mazamas are for destination resorts * placement of Smith Rock is unique * climbed by national and international climbers * need in Oregon to recognize eco-tourism and need for primitive recreation areas
190	Sen. Ferrioli	Asks if 400,000 users in Smith Rock Park were a result of development and if the destination resort would increase use.
212	Levin	Responds that it is full capacity now; overuse could occur.
232	Tom Thrall	<p>American Alpine Club, Appalachian Mountain Club; national mountaineering community</p> <ul style="list-style-type: none"> * does not oppose destination resorts * concerns about Smith Rock State Park * it is a highly valued area for climbers worldwide * it is already at near capacity * the park is a sanctuary which should be preserved
284	Sen. Ferrioli	Asks who the sanctuary is for.
290	Thrall	Climbers and whoever uses it.
308	Jim Bozarth	Says 600 acres of farmland on the Rimrock resort land is capable of producing as much as nearby farmland; shows pictures of crops growing in the area. Opposes SB 870; it is Deschutes County zoned EFU area. (EXHIBIT P)
		Linn County Farm Bureau, testifies that this is a land use bill that will have implications throughout the state

	James Monroe	* fish and wildlife thrive undisturbed as well as agriculture * 3-mile buffer is definable and enforceable and it should be kept * keep agricultural land in agriculture
TAPE 73,A		
039	Robert Liberty	1000 Friends of Oregon, part of the Governor's work group; comments on litigation possibilities resulting from SB 870. High value farmland exists, but only two counties were represented in the work group. Rural sprawl is not a resort destiny's responsibility but a land use planning issue. (EXHIBIT Q)
141	Shana Pennington	Student, University of Oregon, from New Mexico, outdoor recreationist; says the environmental impact on the park is not addressed. 500 students signed petition opposing destination resort; 400,000 visitors to Smith Rock are seeking solitude.

174 Darshan Schmitz Student, University of Oregon, says that altering land use laws to meet a specific interest is a concern; proximity to Smith Rock is a concern. 400,000 visitors choose Smith Rock to climb and hike and the solitude is part of the attraction; wants the area to remain a wilderness destination not a resort destination.

221 Chair Tarno Adjourns at 9:00 PM.

Submitted By, Reviewed By,

Nancy Masee, Mark Volmert,

Administrative Support Administrator

EXHIBIT SUMMARY

A - SB 870, written testimony, Neil Bryant, 62 pp

B - SB 870, written testimony, Nancy Craven, 3 pp

C - SB 870, written testimony, Robert Meinen, 4 pp

D - SB 870, written testimony, Geoff Pampush, 2 pp

E - SB 870, written testimony, Tali Rancher, 1 p

F - SB 870, written testimony, Sandie Braden, 1 p

G - SB 870, written testimony, Victoria Rivera, 1 p

H - SB 870, written testimony, Jerry Thackery, 2 pp

I - SB 870, written testimony, Jill Zarnowitz, 2 pp

J - SB 870, written testimony, Mickey Killingsworth, 3 pp

K - SB 870, written testimony, Suzanne Smither, 4 pp

L - SB 870, written testimony, Leslie Elliott, 1 p

M - SB 870, written testimony, Eva Thornburgh, 2 pp

N - SB 870, written testimony, Gary Harris, 17 pp

O - SB 870, written testimony, Nancy Hall, 2 pp

P - SB 870, written testimony, Jim Bozarth, 1 p

Q - SB 870, written testimony, Robert Liberty, 23 pp
