

SENATE COMMITTEE ON WATER AND LAND USE

April 29, 1997 Hearing Room C

8:30 AM Tapes 76 - 78

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 632 Public Hearing

SB 1020 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 76, A		
004	Chair Tarno	Opens meeting at 8:30 AM.
013	Chair Tarno	Opens public hearing on SB 632; asks if there is anyone who did not testify previously on SB 632.
<u>SB 632 PUBLIC HEARING</u>		
		Land Use Specialist, Association of Oregon Counties (AOC), testifies on the impacts of SB 632

016	Art Schlack	<ul style="list-style-type: none"> * that there are budget reductions in counties * consultants would have to be hired * there are fiscal impacts of SB 632 * referral to Ways and Means needed * secondary lands not a high priority item with the counties at this time * counties are neutral on SB 632
163	Chair Tarno	Asks why the fiscal spread is so great.
065	Schlack	Says they have not finished a cost analysis yet; varies by counties.
072	Chair Tarno	Comments that the classification could be done photographically, and that some counties have computerized programs.
094	Schlack	Responds that many jurisdictions do not have Geographic Information Systems (GIS), especially outside the valley.
132	Sen. Kintigh	Asks why the jurisdictions do not have soil data basis.
147	Schlack	Responds that in the 1980s there were pilot programs but never a statewide initiative to map the soils.
152	Sen. Fisher	Asks if aerial photos were required.
156	Schlack	Says that not every county has required photos, and that a three year coverage would be required.
195	Sen. Kintigh	Asks what they use for a basis to identify land.
199	Schlack	Says counties have used soils information, aerial photographs, public involvement with soil conservation services, Farm Bureau, farm committees in the community. All this information is used to identify farmland.
214	Sen. Fisher	Says he doesn't understand why they can't use the soil tests to show what is marginal and overlay on an aerial photo.
230	Don Schellenberg	<p>Oregon Farm Bureau, says the amendments suggested would make SB 632 acceptable</p> <ul style="list-style-type: none"> * secondary lands in 80 acre blocks * if adjacent to urban growth boundary, that is acceptable * designation for EFU prime land and secondary land
253	Chair Tarno	Says that Farm Bureau should get amendments to the committee.
257	Sen. Ferrioli	Comments that eastern Oregon districts need a different definition of secondary lands; most lands are not contiguous to urban growth boundaries. Asks that Farm Bureau's policy reflect eastern Oregon by amendments to SB 632.

280	Schellenberg	Comments that LCDC had good plans regarding secondary lands.
322	Chair Tarno	Asks if Farm Bureau's policy is general over the state.
327	Schellenberg	Responds that it is pretty general. There is a policy supporting regionalization.
343	Sen. Wilde	Asks for amendments to the bill.
349	Sen. Fisher	Comments on secondary lands next to mountains which is not good for crop production.
370	Schellenberg	Responds that secondary lands are useful for livestock production.
TAPE 77,A		
001	Richard Benner	Director, Department of Land Conservation and Development, gives background on DLCD's stand on secondary lands. (EXHIBIT A)
021	Benner	Continues DLCD's view of SB 632; says SB 632 does not address grazing land.
038	Chair Tarno	Asks if the secondary lands could be identified throughout the state.
043	Benner	Not having an adequate data base throughout the state to map the land has been a disadvantage. Some counties with grants attempted this.
053	Chair Tarno	Asks the fiscal impact to DLCD.
057	Benner	Estimates the cost of classifying land from * \$100,000 to \$1 million * every place is different * flexibility written into the plans is expensive
093	Chair Tarno	Asks if DLCD has a list of counties with GIS.
098	Benner	Replies he will provide a list; there are only a few; * matching the soils with the tax lots is expensive * tracking privately owned lots is expensive and constantly changes
144	Benner	Says the better grazing land has been left out of SB 632 and that should be mapped. Suggests mapping of small scale land resource rules from 1992 would be a basis for comparison to work from. Identify among 25 million acres in farmland and forestlands those lands which are not part of the state's commercial farmland and forestland. SB 632 alludes to this.
171	Sen. Burdick	Asks what is the legal status of HB 3661 (1992) regulations.
181	Benner	Says they repealed the small scale land resource rules and prohibited the commission from adopting rules on secondary lands. HB 3661 would have to be amended to change this.
194	Sen. Kintigh	Asks how to keep urban growth boundaries from allowing building by industries on Class 1 and 2 lands.

212	Benner	Comments on poor farm ground and exception lands should be identified for urban growth boundaries. Metro has sophisticated maps.
240	Blair Batson	1000 Friends, testifies against SB 632. Supports the mapping part of SB 632. Supports gathering a data base to work from. (EXHIBIT B)
300	Ann Hanus	Oregon Department of Forestry (ODF), introduces Kevin Birch of the department, concerned that productive forestland in the state would be included as secondary lands amounting to two million acres with considerable production at risk; reforestation requirements not included in SB 632. (EXHIBIT C)
333	Hanus	Continues regarding the economic cost to the state if these lands would be lost to production; ODF's goals include: * maintain productivity of forestlands * minimize conflicts on those lands * maintain overall forestland base * minimize risk and cost of wildfires
350	Jim Johnson	Oregon Department of Agriculture (DOA), cites concerns of department. * grazing lands are not addressed in SB 632 * potential productive land - eastern Oregon soil when irrigated is prime
400	Sen. Ferrioli	Asks if DOA has soil maps.
408	Johnson	Soils maps are available but whether they are digitized for computerization is the question.
410	Sen. Fisher	Asks about HB 3661 and asks if HB 632 would affect it.
420	Johnson	Says rules of LCDC to implement HB 3661 are the same as the statute.
445	Chair Tarno	Closes public hearing on SB 632; opens public hearing on SB 1020
SB 1020 PUBLIC HEARING		
452	Mark Volmert	Committee Administrator, gives background on SB 1020.
TAPE 78, A		
027	Phil Ward	Department of Agriculture, presents exhibit from Clinton Reeder regarding SB 1010. Refers to inspection authority of other agencies. (EXHIBIT D)
		Comments that DOA testimony refers to permits and rules, licenses

073	Sen. Ferrioli	* SB 1010 created a new authority to enter onto property with or without permission of landowners * permission by landowners to be inspected is not an unreasonable issue Asks DOA if there are amendments that DOA would agree to.
096	Ward	Says DOA would be willing to work toward a mutual agreement.
100	Jean Wilkenson	Oregon Cattlemen's Association, supports SB 1020; permission is needed to inspect property; cooperation of landowners should be sought; Association can furnish amendments to SB 1020 to address issues of immediacy
150	Chair Tarno	Closes public hearing on SB 1020; opens work session on SB 1020.
<u>SB 1020 WORK SESSION</u>		
162	Sen. Ferrioli	Says that he would like to work with the questionable issues with DLCD and Oregon Cattlemen's Association to work on SB 1020.
177	Sen. Fisher	Voices his opinion in protecting property rights.
184	Sen. Kintigh	Asks Phil Ward if water quality is the only issue by DOA.
194	Ward	Says they would have authority over where there is a water quality plan in place. The only one in place is Tualatin Valley Basin now.
200	Sen. Kintigh	Asks if the landowners know they are in a plan.
209	Sen. Nelson	Asks to include Clinton Reeder, Oregon Wheat Growers League, in the planning of this issue.

213 Sen. Ferrioli Asks for a work group with some of the testifiers.

228 Chair Tarno Adjourns meeting at 9:50 AM

Submitted By, Reviewed By,

Nancy Masee, Mark Volmert,

Administrative Support Administrator

EXHIBIT SUMMARY

A - SB 632, written testimony, Richard Benner, 1 p

B - SB 632, written testimony, Blair Batson, 4 pp

C - SB 632, written testimony, Ann Hanus, 4 pp

D - SB 632, written testimony, Phil Ward, 3 pp
