

HOUSE COMMITTEE ON
NATURAL RESOURCES
SUBCOMMITTEE ON ENVIRONMENT&ENERGY

Hearing Room
Tapes 11 - 16

MEMBERS PRESENT:

Rep. Leslie Lewis, Chair
Rep. Lisa Naito, Vice-Chair
Rep. Bill Fisher
Rep. Dennis Luke
Rep. Chuck Norris
Rep. Terry Thompson
Rep. Judy Uherbelau

STAFF PRESENT:

Mark Bauer, Committee Administrator
Gail E. Boesch, Committee Assistant

MEASURES HEARD:

HB 2115 - Public Hearing
HB 2116 - Public Hearing

These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings,
please refer to the tapes.

TAPE , A

005 CHAIR LEWIS: Calls the meeting to order at 1:30 PM.
- Announcements.

041 Opens PUBLIC HEARING on HB 2115 and HB 2116 Concurrently.
Witnesses: Jim Bean

Walt Eager
Mike Dubrasich
Frank Setniker
Alice Propes
Kent Roberts
Harold Kuehne
Fred Russell
James Monroe, President, Linn County Farm Bureau
Clif Kenagy
Donald Still

Public Hearing Witnesses, continued:

Patty Hottmann
John Shafer
George Forsman
Gary George
J.M. Kerr, Clackamas County
Elmer Werth

Dennis Bryant
Harold Haynes
Terry Drever-Gee
Ron Meyers
Woolard Gaul
Wayne Simmons
Richard Fugas, Rising Sun Farms, Inc.
Jim Mills
Jim Bozarth
Porter Lombard
T.C. Fisher
Mark Nofziger
Bud Hinman
Tom Brawley, President, Marion County Farm Bureau

067 JIM BEAN: Speaks in support of HB 2116.
130 Opposes income level requirement; "most unfair thing to the property
owners." Supports HB 2115.

175 WALT EAGER: Submits and reads from Exhibit A. Supports HB 2115 and HB
2116.
233 - Refers to Exhibit 7, from Exhibit A.
247 - Exhibit 10 (Exhibit A) - Mr. Eager submits his ideas for a bill, "HB
21XX".

290 MIKE DUBRASICH: Submits Exhibit B, in support of HB 2115. Reads from
exhibit.
340 - Comments regarding the value of stewardship and the love for the land.
395 - "FuedaliSMmust be cast aside!"

TAPE 12, A

010 DUBRASICH: Would rather not address HB 2116.

024 FRANK SETNIKER: Feels lot size requirements are unreasonable. Feels
that farmers who have large acreage have control over their destiny.
044 - Doesn't make any difference today under current laws whether lots are
5, 80, or 120 acres.
060 - Wants a different result than HB 2115 and HB 2116.

129 ALICE PROPE: Testifies in favor of HB 2115 and HB 2116, submits and
reads Exhibit C.
160 - Speaks about HB 2116, not realistic or workable.

237 KENT ROBERTS: Recounts how he acquired his land; alternative methods of
coming up with \$80,000. Supports HB 2115 and HB 2116.

300 HAROLD KUEHNE: Feels that many comments shared at the meeting are
"extremely exaggerated".
368 - Hardship has created need to sell his property, the unproductive
property with a view "that is in demand for homesites". The income test
has made a permit for a farm home difficult to acquire, and made the real
estate value of his poor soil land go down.
400 - Supports HB 2115 & HB 2116.

TAPE 11, B

001 FRED RUSSELL: Supports family on work of his own hands, wouldn't have
been able to do that now under current laws. Tells story of friend trying
to deal with regulations to build house.
033 - His friend, from Romania, feels the laws are worse here - won't
testify. Mr. Russell feels these bills will correct that. Supports HB

2115 and HB 2116.

066 JAMES MONROE, PRESIDENT, LINN COUNTY FARM BUREAU: Submits Exhibit D.
Opposes HB 2115 and HB 2116. Does not want residential zoning on commercial

farmland.

117 - Full-time farmer's gross sales should easily exceed \$80,000 mark.
135 - Commercial farmers want to keep "phony farmers" out.
150 - Differences between farming, ranching and cropping defined.

163 REP. FISHER: Refers to Exhibit D, "and yet a certain amount of
flexibility". Poses question about censorship.

200 REP. UHERBELAU: Question about statewide average gross income for farms.

210 REP. LUKE: Questions whether type of crop raised affects income.

228 MONROE: Certainly. Discusses regional figures.

260 REP. LUKE: Questions whether Mr. Monroe could run a sheep raising
operation without living on property.

263 MONROE: Yes, not my preference.

280 KUEHNE: Comments to farming in Yamhill, disputes other farmer's
testimony. Cannot raise sheep without living nearby.

320 CLIF KENAGY: Submits Exhibit E and reads it, opposing HB 2115 and HB
2116.

TAPE 12, B

031 CLIF KENAGY: Submits and reads from Exhibit F. Mr. Kenagy opposes HB
2115 and HB 2116.

134 DONALD STILL: Opposes HB 2115 and HB 2116. Reads exhibit from last
meeting, Offers example of problems with LCDC.

175 Submits and discusses Exhibit G, an editorial from the Statesman
Journal.

232 CHAIR LEWIS: Questions sequence of events ; purchase of land and house.

250 STILL: Expresses concerns about \$80,000 requirement. There are no "hobby
farms".

265 PATTY HOTTMANN: Testifies about personal history and farm. Cattle farm,
not buildable. Describes efforts to build house on acreage (42 acres). Did

what was asked. "Jumped through all the hoops." Neighbors help, notify
them of calving, they live 45 minutes from property.

340 - Reads letter from R. Haliburton, Senior Planner of Yamhill County,
regarding land use changes; can't live on property. Believes they were
deceived and unethically treated.

380 - Wants to farm, wants to build a house on land, can't afford to buy
elsewhere.

390 CHAIR LEWIS: Testifies about speaker's land, and improvements; is a
neighbor. Defends Haliburton.

406 REP. UHERBELAU: Question about delay in farm plan - tendency to blame
the state for everything; this sounds like a county issue.

TAPE 13, A

016 CHAIR LEWIS: Recesses the meeting for 10 minutes.

034 CHAIR LEWIS: Reopens the meeting at 3:42 pm.

035 JOHN SHAFER: Opposes HB 2115 and HB 2116, feels they will encourage urban sprawl, submits Exhibit H.

084 - Quotes from Richard Critchfield, "America's urban culture is at stake."

105 GEORGE FORSMAN: Submits and testifies from Exhibit I, in support of HB 2115, and HB 2116 (and HB 2117).

156 - Disputes the "prime farmland" classification; not economic for rolling hills, canyons.

200 - Miszoned farmland "hideous".

223 - Suggests that the bill should have a proviso "in cases where the counties cannot agree, LCDC will make the final ruling"

251 GARY GEORGE: Comments favorably about his neighbor; saved his property from a fire while he was away. Submits Exhibit J. Supports HB 2115 and HB

2116.

TAPE 14, A

020 J.M. KERR: Presents history of zoning law; reads from prepared testimony.

Cites problems with past and present planning directors; one told him the

Constitution was "no longer valid".

- Zoning laws are "tyranny".

091 REP. UHERBELAU: Defends Constitution and zoning laws.

113 ELMER WERTH: Submits Exhibit K, and strongly urges support of HB 2115 and HB 2116.

150 DENNIS BRYANT: Submits and summarizes Exhibit L, supporting HB 2115 and HB 2116. Discusses farm incomes and sizes.

196 - Comments about HB 3661

235 - Need parameters that are workable.

258 REP. LUKE: Requests further information, especially about prior speaker's county, in terms of farm production.

260 BRYANT: Using 1992 farm census, provides various facts and figures.

270 CHAIR LEWIS: Questions what LCDC allowed for minimum lot size.

300 HAROLD HAYNES, LAND USE CHAIR, LEAGUE OF WOMEN VOTERS: Submits and reads Exhibit M, opposing HB 2115 and HB 2116.

360 - The League feels these bills would weaken land use laws.

411 REP. LUKE: Questions the size of the membership of the League.

TAPE 13, B

012 HAYNES: Continues discussion regarding state's planning rules.

020 - Personal comment - identify specific problems and deal with them.

036 TERRY DREVER-GEE, BAKER COUNTY PLANNING COMMISSIONER: Testifies, gives examples of personal experience working on planning commission. HB 3661 very confusing.

060 - Bigger is not always better (re: farms).
080 - Moved up from California, mess down there. Use soil types as criteria.

100 REP. FISHER: Comments about the process of legislating HB 3661; notes that LCDC changed some of it regarding acreage requirements.

125 RON MEYER: Submits Exhibit N and reads from it in support of HB 2115 and HB 2116. Sees part-time farmers as a means to protect land.

175 - \$80,000 gross could mean \$10 - \$20,000 loss to Medford pear growers (Exhibit N)

180 - Oregon land use laws worst disaster.

195 REP. THOMPSON: Comments regarding foreign intervention, loss of business and future of land.

207 REP. FISHER: Expand on the point that someone could gross \$80,000 and yet have a net loss.

224 MEYER: Provides loss estimate for this year. Need to look at profit, not gross.

233 REP. UHERBELAU: Notes for the record a typographical error in Exhibit N.

316 WOOLARD GAUL: Submits Exhibit O, supporting HB 2115 and HB 2116.

411 REP. LUKE: Comments that Salishan Resort could not be done under existing laws today.

TAPE 14 B

018 WAYNE SIMMONS: Submits and reads Exhibit P, supports HB 2115 and HB 2116.

121 RICHARD FUJAS, RISING SUN FARMS, INC.: Submits Exhibit Q and reads it in support of HB 2115 and HB 2116. Agrees that present rules interfere with small farms.

175 - Change is happening nationally.

240 REP. FISHER: Requests history of Mr. Fugas' farming operation.

291 JIM MILLS: Testifies; "violently opposed" to HB 2115 and HB 2116.

330 - Biggest problem - gut our land use laws, give power back to the counties. Does not belong there, belongs to the State. County Commissioners "too close to it" to make fair decisions.

382 REP. LUKE: Notes contrasts in testimonies.

TAPE 15, A

018 JIM BOZARTH: Submits Exhibit R and testifies against HB 2115 and HB 2116.

Hobby farms; smaller farms are not more productive. Higher return crops are more expensive to grow. Urges "no" vote.

085 REP. LUKE: Provides comments regarding farms around Terrebonne. Cost for farming has "gone out of sight".

100 REP. FISHER: Queries how to protect farmers.

140 BOZARTH: Questions whether the committee feels that the bills would result in a lot of new building.

146 CHAIR LEWIS: Work session will determine; need some standards set.

171 PORTER LOMBARD: Submits Exhibit S, opposes HB 2115 and HB 2116. Speaks
about wine industry.
220 - 500 to 1 million acres land available in Western Oregon for grapes.
- Use of phenoxy herbicide (2-4-D) very toxic to grapes. Can drift several
miles and cause severe damage.
- Bird control by noise-making causes complaints.
262 - Use of deer fences to protect vineyards may drive deer into home
gardens.
268 REP. LUKE: Discusses Napa valley in terms of objections raised by
testimony.
290 LOMBARD: Answers that Napa has very strong land use planning.
305 TC FISHER: Submits Exhibit T, supports both bills very strongly.
382 - What land is being used for should be criteria, not dollars generated.

TAPE 16, A

010 MARK NOFZIGER: Against HB 2115 and HB 2116. Grass seed farmer. Owns 5%
of his farmland. Refutes previous testimonies.
- Recounts ongoing problems, dogs in neighHB orhood, new landlords. (no
sheep), threats of suits.
038 - ATV problems (calls them 4 wheel drive motorcycles.)
053 - Don't need any more new residents. Has had thefts; "getting to know
the kids". Asked to stop farming because of a wedding in neighHB orhood.
\$700,000 gross, barely 20,000 net on a good year.
107 BUD HINMAN: Speaks in favor of HB 2115 and HB 2116. Income test is not
a good test.
130 -HB 2116 and minimum parcel size; not reasonable.
156 TOM BRAWLEY, PRESIDENT OF MARION COUNTY FARM BUREAU: Speaks against HB
2115 and HB 2116. Need land base to farm.
203 - Problems with eliminating LCDC. Concerned about loss of water.
230 - Going to revert to pre-1974, helterskelter operation. LCDC offers
continuity and integrity. Need something we can depend on from year to
year.
245 - No one has mentioned thousands of acres already committed to small
farms. Don't need to subdivide EFU ground and subdivide it further.
300 - Most farmers lease ground, don't live on it. A way to start a farming
operation.
320 REP. UHERBELAU: Requests a copy of general Farm Bureau policy.
321 CHAIR LEWIS: Closes the PUBLIC HEARING on HB 2115 and HB 2116
ADJOURNS the meeting at 6:24 PM.

Submitted by, Reviewed by,

Gail E. Boesch Mark Bauer
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - Bureaucratic Oppression, A Case Study-- Marieluise & Walt Eager -- 20 pages

B - Testimony on HB 2115 -- Mike Dubrasich -- 7 pages.

C - Testimony on HB 2115 and HB 2116 -- Alice Propes -- 4 pages.

D - Albany Democrat-Herald article -- James Monroe, Linn County Farm Bureau -- 1 page.

E - Testimony on HB 2115 & 2116 -- Lois Kenagy --1 page.

F - Testimony on HB 2115 & 2116 -- Clif Kenagy -- 4 pages.

G - Testimony on HB 2115 and HB 2116 -- Donald A. Still -- 3 pages.

H - Testimony on HB 2115 and HB 2116 -- John Shafer -- 2 pages.

I - Testimony on HB 2115 and HB 2116 -- George Forsman -- 6 pages.

J - Total Oregon Land Being Developed - Gary George -- 4 pages.

K - Testimony on HB 2115 and HB 2116 -- Elmer Werth --1 page.

L - Testimony on HB 2115 and HB 2116 -- Dennis Bryant -- 3 pages.

M - Testimony on HB 2115 and HB 2116 -- Harold Haynes, League of Women Voters -- 2 pages; and Land Use in Oregon booklet-- League of Women Voters -- 17 pages.

N - Testimony on HB 2115 and HB 2116 -- Ronald V. Meyer -- 3 pages.

O - Testimony and supporting documents on HB 2115 and HB 2116 -- Willard Gaul -- 7 pages.

P - Testimony on HB 2115 and HB 2116 -- Wayne Simmons -- 4 pages.

Q - Testimony on HB 2115 and HB 2116 -- Richard Fugas, Rising Sun Organic Farm-- 2 pages.

R- Testimony on HB 2115 and HB 2116 -- Jim Bozarth -- 4 pages.

S - Testimony on HB 2115 and HB 2116 -- Porter Lombard -- 1 page.

T - Letter submitted to Statesman-Journal newspaper-- T.C. Fisher -- 1 page.

Submitted For the Record:

AA - Letter in Support of HB 2115-- Jim & Melinda Sanfilippo--2 pages.

BB - Letter in Support of HB 2115 -- Michael K. Phelps, North Umpqua Realty--1 page.

CC - Newspaper article-- Joan McConoughey--1 page.

DD - Letter in Support of HB 2115 and HB 2116 -- Thad Keays, Keays Orchards-- 1 page.

EE - Letter in Support of HB 2115 -- Richard M. Chasm, North Umpqua Realty--1 page.

FF - Testimony in Support of HB 2115 and HB 2116 -- David Fleming--2 pages.

GG - Letter Opposing HB 2113, HB 2115, HB 2116 and HB 2117-- Susan Delles--1 page.

HH - Letter Opposing HB 2115 and HB 2116-- Thomas K. Nash-- 1 page.

II - Fax in Support of HB 2115 and HB 2116-- Don Ellsworth--1 page.

JJ - Letter Opposing HB 2115 and HB 2116 -- Carrie Caramella -- 1 page.

KK - Letter in Support of HB 2115 and HB 2116, with attached information--C.E.(Chuck) Filbin, County Commissioner, Wasco County--5 pages.

LL - Letter in Support of HB 2115 and HB 2116-- Lowell and Mary Forman--1 page.

MM- Petition in Support of HB 2115 and HB 2116 - 1 page.