

HOUSE COMMITTEE ON  
NATURAL RESOURCES  
SUBCOMMITTEE ON ENERGY & ENVIRONMENT

Hearing Room  
Tapes - 63

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  
Sandy Ceballos, Committee Assistant

MEASURES HEARD:

HB 3356 Public Hearing  
HB 3353 Public Hearing  
HB 2015 Public Hearing  
HB 2016 Public Hearing  
HB 3348 Public Hearing  
HB 3406 Public Hearing  
HB 3407 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 , SIDE A

004 CHAIR LEWIS: Calls meeting to order at 1:45 PM.

HB 3356 PUBLIC HEARING

019 ROY BURNS, LANE COUNTY PUBLIC WORKS: Submits and reviews testimony in  
support of HB 3356. (EXHIBIT A)

025 BLAIR BATSON, STAFF ATTORNEY, 1000 FRIENDS OF OREGON: Submits and  
reviews testimony in opposition to HB 3356. (EXHIBIT B)

111 CHRISTINE KING: Testifies in opposition to HB 3356.

Closes the PUBLIC HEARING on HB 3356.

HB 3353 PUBLIC HEARING

115 ARTHUR J. SCHLACK, ASSOCIATION OF OREGON COUNTIES: Submits and reviews  
testimony in support of HB 3353. (EXHIBIT C)

253 REP. UHERBELAU: Makes reference to Section 2 (A).

276 -States they are getting a lot of bills with sections that do not  
coincide.

280 CHAIR LEWIS: Explains that the bills are being changed and amendments  
will be forthcoming during the meeting.

310 REP. NAITO: Has a question on subsection 7.

319 SCHLACK: That's a separate issue.

333 REP. UHERBELAU: Questions the standards cited in the bill.

343 SCHLACK: When working with Legislative Counsel they had more precise  
language, it was Legislative Counsel's recommendation to amend the language

to reflect what you have here.

360 Comments on HB 3353-1 amendments.

385 REP. FISHER: Who initiated the changes in the soil requirements.

390 SCHLACK: It was the property owners responsibility to have that  
prepared.

441 CHRIS SKREPETOS: Testifies in opposition to HB 3353. (EXHIBIT D)

TAPE 59, SIDE A

059 PARKER JOHNSTONE, DESCHUTES COUNTY FARM BUREAU: Speaks in support of HB  
3353.

Additional written testimony submitted by the following:

- Susan Heise, Silverton (EXHIBIT E)

-Daryl Van Cleave, Salem (EXHIBIT E)

103 Closes the PUBLIC HEARING on HB 3353.

HB 2015 PUBLIC HEARING

115 CHAIR LEWIS: Reads written testimony on county requirements for minimum  
lot size standards. (EXHIBIT F)

159 DICK BENNER, DIVISION OF LAND CONSERVATION AND DEVELOPMENT: Responds to  
question about current lot sizes.

180 REP. NAITO: Some counties have not requested new lot sizes.

184 BENNER: It was left to the discretion of the counties.

195 JIM WAMPLER, POWELL BUTTE: Thinks the counties should determine the lot  
sizes. Doesn't feel the income test should apply.

233 DAVE KAMMERMAN, SENIOR PLANNER WITH DOUGLAS COUNTY PLANNING COMMISSION:

Submits written testimony showing costs involved in attempts at "Go  
Below's", and testifies in support of HB 2015. (EXHIBIT G)

295 REP. UHERBELAU: Are you here representing Douglas County.

299 KAMMERMAN: Answers in the affirmative.

300 REP. NAITO: Asks whether they have a good case.

304 KAMMERMAN: Outlines the case.

340 FRANCES M. STEERE, PRESIDENT, LINCOLN COUNTY FARM BUREAU: Testifies in  
opposition to HB 2015. Submits and reviews testimony. (EXHIBIT H)

400 RUSSELL GLASCOCK, LINCOLN COUNTY: Testifies in support of HB 2015.

424 DON SCHELLENBERG, OREGON FARM BUREAU: Testifies in support of HB 2015.

TAPE 58, SIDE B

050 JOHN SHAFER, DALLAS: Testifies in opposition to HB 2015 and submits written testimony.  
(EXHIBIT I)

077 LEROY H. HOEFLE: Testifies in support of HB 2015 from written testimony. (EXHIBIT J)

110 KEITH HAY: Speaks in opposition to HB 2015 from written testimony. (EXHIBIT K)

145 AMY SCHOENER: Speaks in opposition to HB 2015 from written testimony. Submits additional testimony in opposition from the following:  
-Fred Sieger, Philomath  
-Amy Lev, Philomath  
-Roy Silen, Philomath  
-Daird Buchanan (EXHIBIT L)

190 LEE FRAESE: Testifies in opposition to HB 2015. Complains that they should not have hearings on this bill without a copy of the final draft. Submits newspaper article. (EXHIBIT M)

195 CHAIR LEWIS: Responds that will not be possible.

245 LOIS KENAGY: Speaks in opposition to HB 2015.

304 WALT EAGER: Testifies in support of HB 2015 and submits written testimony. (EXHIBIT N)

435 SID FRIEDMAN: Testifies in opposition to HB 2015 from written testimony. (EXHIBIT O)

TAPE 59, SIDE B

030 TOM BRAWLEY, MARION COUNTY FARM BUREAU: Speaks in opposition to HB 2015.

096 REP. UHERBELAU: Difficult to stay on one bill when they are so inter-related.

130 REP. FISHER: Have you actually read HB 2015.

132 BRAWLEY: Not stem to stern.

147 REP. LUKE: Asks if this legislation was from the Yamhill County Farm Bureau, why Marion County is in opposition.

150 BRAWLEY: Explains the differences.

173 -States the need for LCDC is apparent, and also understands the need for local planning board because it deals with other peoples revenue and land.

190 MATT CYRUS, DESCHUTES COUNTY FARM BUREAU: Testifies in support of HB 2015. Thinks the counties should determine the lot size, depending on what is appropriate for their county.

210 REP. UHERBELAU: Has Deschutes County taken the option of asking for the smaller lot size.

212 CYRUS: No

214 REP. NAITO: You would oppose any state control

231 CYRUS: Thinks it's better decided at the county level.

234 REP. LUNDQUIST: Testifies in support of HB 2015. Gives examples of the Median Test; by definition it gives no uniformity and is not a useful tool. Feels the local jurisdiction have a better idea of lot size issues.

320 REP. UHERBELAU: Asks if their county exercised the option to increase lot sizes.

328 REP. LUNDQUIST: States it's just impossible to do.

Closes the PUBLIC HEARING on HB 2015.

#### HB 2016 PUBLIC HEARING

357 MARK BAUER, COMMITTEE ADMINISTRATOR: Summarizes HB 2016.

415 REP. LUNDQUIST: Testifies in support of HB 2016.  
-\$80,000 income level is not working. Preference would be to maintain the philosophy to maintain agricultural lands.

472 -Would like to see income level on the low end incase the land is not used every year and is in pasture land.

#### TAPE 60, SIDE A

047 REP. LUKE: Are there parcels in Powell Butte that can meet the income test.

050 REP. LUNDQUIST: A limited number, if they have their land in mint.

063 REP. FISHER: You have a rotation need in crops, is there a limit on how long you could have the land in mint.

075 REP. LUNDQUIST: Gives the different time limits and rotation times for different crops.

099 REP. WELSH: Needs this bill or one like it that addresses this issue so they can get on with their projects.

138 SAM KONNIE: States they wanted to use their land for a pheasant hunt club. The day after they started they received a cease and desist notice from the county.

182 JULIE HANEY: On the 53 acres they have done extensive checking with Pheasants Forever and ODFW. States they will improve the land and the wildlife, not destroy it.

200 REP. LUKE: What kind of pheasants?

204 KONNIE: Ring neck.

222 REP. WELSH: This bill would take care of their problems.

230 CHAIR LEWIS: Reads from the proposed bill.

237 REP. CORCORAN: Was there an attempt to combine bills.

245 CHAIR. LEWIS: Yes, this is a compilation of several bills

CHAIR LEWIS: Recesses the meeting at 4:12 p.m. to reconvene at 6:30 p.m.

260 CHAIR LEWIS: Reconvenes the meeting at 6:37 p.m. Rep. Naito is  
excused.

270 JIM LUDWICK: Speaks in opposition to HB 2016, from written testimony.  
(EXHIBIT P)

366 DENNIS AND JANE PETERSON: Testify in support of HB 2016, presents  
written testimony. Has property but cannot use it because it is not prime  
farmland. (EXHIBIT Q)

435 PAUL STUDEBAKER: Testifies in opposition to HB 2016 and submits written  
testimony. (EXHIBIT R)

480 -Proposal to lower the income level requirement.

TAPE 61, SIDE A

025 JOHN P. MARTIN: Introduce a requested amendment to HB 2016 and submits  
written testimony. Amendment deletes language and allows mobile home  
placement. (EXHIBIT S)

075 CLIFF KENAGY: Testifies in opposition to HB 2016 and submits written  
testimony. (EXHIBIT T)

097 FRANK WALKER: Testifies in support of HB 2016.  
117 -Thinks the bill is timely. Give enterprising who want to get started  
in farming a chance.

150 BLAIR BATSON, STAFF ATTORNEY, 1000 FRIENDS OF OREGON: Testifies in  
opposition to HB 2016, from written testimony. (EXHIBIT U)

247 ART SCHLACK, ASSOCIATION OF OREGON COUNTIES: Speaks in support of HB  
2016. Would be happy to share further information obtained from Polk  
county for the committee.  
Gives names of counties that would like to continue with the current  
situation.

309 REP. LUKE: Was there a county commissioner when they adopted the  
\$80,000 rule.

315 SCHLACK: Thinks there was and that he approved.

320 DENNIS L. GOECKS, YAMHILL COUNTY COMMISSIONER: Testifies in support of  
HB 2016.

TAPE 60, SIDE B

054 Asks that the committee return these decisions to the county.

071 REP. WELSH: Appreciates the commissioners approach, and appreciates the  
local government taking that stand.

075 REP. NORRIS: States that there are situations where it takes 800 acres  
to produce \$80,000.00  
Willamette valley is not the universe, excuses himself to the chair, but  
states what he thinks

115 Closes the PUBLIC HEARING on HB 2016.

HB 3348 PUBLIC HEARING

125 REP. RAY BAUM: Introduces himself as the sponsor of HB 3348.

150 BILL GARY, PRINCIPAL ADVOCATE OF HB 3348. Testifies in support of HB 3348.

234 REP. LUKE: We're talking about a bill that affects the entire state, and hopes we can keep it that way in the testimony.

247 GARY CONKLING: Submits and reviews testimony in support of HB 3348. (EXHIBIT V)

297 -Continues testimony in support of HB 3348, and outlines the different documentation which make up EXHIBIT V.

325 -Proposes amendments which are included in the EXHIBIT V package.

375 -Continues to discuss the proposed amendments.

425 -Continues to discuss the proposed amendments.

476 REP. LUKE: Asks what is the date on an Editorial which is part of EXHIBIT V.

TAPE 61, SIDE B

023 CONKLING: Believes it was published today.

027 REP. UHERBELAU: Expresses concerns about the residential units which might be included in these resorts.

045 GARY: The county can of course take those things into account. Nothing which would restrict the county to impose conditions.

067 REP. LUKE: Have the laws changed on where you can sight one.

073 GARY: This legislation would permit this mapping. Deschutes County would not be required to map.

090 REP. WELLS: Really believes that we're talking about only the highest and best farmland in the state, has a little concern about that definition.

104 CHRIS N. SKREPETOS: Testifies in opposition to HB 3348, from written testimony, (EXHIBIT W)

154 -Continues to testify in opposition to HB 3348.

210 REP. UHERBELAU: Seems impossible to meet the criteria. Maybe the state needs to look at it's policies and decide they either want destination resorts or not.

230 SKREPETOS: Water is a critical consideration, if they are to be self contained facilities.

265 REP. UHERBELAU: Feels we have set our standards so high and barriers that are so difficult it seems impossible.

283 ELTON GREGORY: Testifies in support of HB 3348. States the system does not currently work. These destination resorts are desperately needed in Deschutes County to provide a higher tax base. Eagle Crest resort requires virtually no services, tremendous boost to the area, and good neighbors.

390 A. SCOTT GRESSETT: Submits and reviews testimony in opposition to HB 3348.

(EXHIBIT X)

440 -Continues to testify in opposition to HB 3348.

450 SUE BASTIAN: Testifies in opposition to HB 3348 and submits written testimony.

(EXHIBIT Y)

TAPE 62, SIDE A

053 BASTIAN: Continues to testify from written testimony EXHIBIT Y.

103 PARKER JOHNSTONE, DESCHUTES COUNTY CATTLEMAN'S ASSN: Testifies in support of HB 3348. Comments on the positive impact destination resorts have had in their area.

153 Continues to testify in support of destination resorts. Urges support of HB 3348.

163 KEITH CYRUS: Testifies in support of HB 3348. Make a negative list of what you know about Black Butte, etc., on the other side list the positive list. List the economic advantages of these developments.

200 SUZANNE SMITHER: Submits and reviews testimony in opposition to HB 3348.

(EXHIBIT Z)

259 -Continues testimony.

309 -Continues testimony.

320 LESLIE ELLIOTT: Submits and reviews testimony in opposition to HB 3348.

(EXHIBIT AA)

408 MICKEY KILLINGSWORTH, JEFFERSON COUNTY FARM BUREAU: Testifies in opposition to HB 3348. Feels this type of legislation would hurt Oregon's agricultural base.

TAPE 63, SIDE A

043 DON SCHELLENBERG, OREGON FARM BUREAU: Opposes super-citing and opposes the legislation as written.

069 SANDY BRADEN-GARCIA: Testifies in support of HB 3348. Cites the economic advantages to having a destination resort in an area.

087 VICTORIA RIVERA: Testifies in support of HB 3348. Has seen the plans for this resort and walked all of the land where it will be located.

130 REP. LUKE: Comments on Eagle Crest destination resort and local land use laws that have impacted the resorts.

135 Closes the PUBLIC HEARING on HB 3348.

#### HB 3406 PUBLIC HEARING

147 MIKE EVANS, PLANNER, LANE COUNTY: Testifies in support of HB 3406, representing several land owners. Provisions in the bill allow the creation of less than 80 acres.

200 -Did receive amendments to the bill.

220 -Would like to see some flexibility.

225 REP. UHERBELAU: Are you talking only about wood lot owners or are you speaking also to farm use.

237 EVANS: Speaking only to forest land.

248 REP. UHERBELAU: How would that five acre parcel be taxed, as residential or as forest.

255 EVANS: Have to have a minimum of 3 acres of forest land to qualify for the exemption.

260 ANTHONY BOUTARD, STAFF FORESTER, 1000 FRIENDS OF OREGON: Testifies in opposition to HB 3406, from written testimony. (EXHIBIT BB)

350 Closes the PUBLIC HEARING on HB 3406.

HB 3407 PUBLIC HEARING

355 WALT EAGER, CORVALLIS: Testifies in support of HB 3407 and recounts their experiences in attempting to get a farm dwelling permit for their property in Corvallis.

TAPE 62, SIDE B

050 Continues to testify in support of HB 3407.

072 DON SCHELLENBERG, OREGON FARM BUREAU: Would oppose the date listed in the amendments which are being drawn up. Establishes the right of an owner to build on their land if it was legal to do so when they bought it.

106 REP. UHERBELAU: Difficult to understand his testimony without the amendments.

118 PHYLLIS LEPPANEN, YAMHILL COUNTY WATCH: Testifies in opposition to HB 3407.

168 States the change in the date will only increase speculation.

179 CHAIR LEWIS: How many acres do you have.

184 LEPPANEN: Bought in 1975, has five acres. States land use laws are not strong enough.

189 CHAIR LEWIS: But you do have your house on your five acres.

198 REP. JIM WELSH: Introduces Conrad Hildebrand.

212 CONRAD HILDEBRAND: Speaks in support of HB 3407. Gives testimony concerning their inability to get a building permit for their property in Junction City.

262 -Paid \$14,000 in taxes, payment to the attorney who settled the estate was \$14,000, the settlement to the two grand-sons was \$14,000.

290 JOHN MCKAY, MEMBER OF LINN COUNTY PLANNING COMMISSION: Would like to see realistic and comprehensive rules, and decisions on these matters returned to the counties.

360 CHRISTINE COOK, ATTORNEY, 1000 FRIENDS OF OREGON: Testifies in opposition to HB 3407, submits written testimony. (EXHIBIT CC)

380 GARY GEORGE: Speaks in support of HB 3407. List examples of positive development in their area. Pleads for common sense. Thinks we should not prevent the younger people from starting their farms.

420 MARK RUSSELL, FARM OWNER: Testifies in support of HB 3407, feels that control needs to be returned to the counties. The economy will dictate what will work.

TAPE 63, SIDE B

070 Closes the PUBLIC HEARING on HB 3407.

074 CHAIR LEWIS: Adjourns meeting at 9:44 p.m.

Submitted by,

Reviewed by,

Sandy Ceballos  
Committee Assistant

Mark Bauer  
Committee Administrator



EXHIBIT LOG:

A- HB 3356, Testimony- Burns- 1 page  
B- HB 3356, Testimony- Batson- 6 pages  
C- HB 3353, Testimony- Schlack- 2 pages  
D- HB 3353, Testimony- Skrepetos- 2 pages  
E- HB 3353, Testimony- Heise/VanCleave- 15 pages  
F- HB 2015, Testimony- Lewis- 2 pages  
G- HB 2015, Testimony- Kammerman- 1 page  
  
H- HB 2015, Testimony- Steere- 1 page  
I- HB 2015, Testimony- Shafer- 1 page  
J- HB 2015, Testimony- Hoefler- 1 page  
K- HB 2015, Testimony- Hay- 2 pages  
L- HB 2015, Testimony- Schoener- 5 pages  
M- HB 2015, Testimony- Fraese- 1 page  
N- HB 2015, Testimony- Eager- 9 pages  
O- HB 2015, Testimony- Friedman- 2 pages  
P- HB 2016, Testimony- Ludwick- 2 pages  
Q- HB 2016, Testimony- Peterson- 4 pages  
R- HB 2016, Testimony- Studebaker- 1 page  
S- HB 2016, Testimony- Martin- 9 pages  
T- HB 2016, Testimony- Kenagy- 3 pages  
U- HB 2016, Testimony- Batson- 5 pages  
V- HB 3348, Testimony- Conkling- 18 pages  
W- HB 3348, Testimony- Skrepetos- 2 pages  
X- HB 3348, Testimony- Gressett- 1 page  
Y- HB 3348, Testimony- Bastian- 3 pages  
Z- HB 3348, Testimony- Smither- 16 pages  
AA- HB 3348, Testimony- Elliott- 1 page  
BB- HB 3406, Testimony- Boutard- 2 page  
CC- HB 3407, Testimony- Cook- 1 page

ADDITIONAL WRITTEN TESTIMONY SUBMITTED:

DD- HB 2016, Testimony- Cannon- 2 pages  
EE- HB 2016, Testimony- Countryman- 1 page  
FF- HB 2016, Testimony- Peterson- 4 pages  
GG- HB 2016, Testimony- Thatcher- 1 page  
HH- HB 2016, Testimony- Winstead- 1 page  
II- HB 2015, Testimony- Aschoff- 1 page  
JJ- HB 2015, Testimony- Bennett- 1 page  
KK- HB 2015, Testimony- Brown- 5 pages  
LL- HB 2015, Testimony- Cory- 2 pages  
MM- HB 2015, Testimony- DeMoss- 5 pages  
NN- HB 2015, Testimony- Deswert- 1 page  
OO- HB 2015, Testimony- Elliott- 1 page  
PP- HB 2016, Testimony- Cyrus- 2 pages  
QQ- HB 2015, Testimony- Flory- 12 pages  
RR- HB 2015, Testimony- Gaul- 11 pages  
SS- HB 2016, Testimony- Graham- 2 pages  
TT- HB 2015, Testimony- Hassen- 3 pages  
UU- HB 2015, Testimony- Hendricks- 1 page  
VV- HB 2015, Testimony- Hennion- 1 page  
WW- HB 2015, Testimony- Hinman- 1 page  
XX- HB 2015, Testimony- Hutchinson- 2 pages  
YY- HB 2015, Testimony- Jensen- 1 page  
ZZ- HB 2015, Testimony- Knapp- 2 pages  
AAA- HB 2015, Testimony- Kordon- 1 page  
BBB- HB 2015, Testimony- Miller- 3 pages  
CCC- HB 2015, Testimony- Moller- 1 page  
DDD- HB 2015, Testimony- Nipper- 2 pages  
EEE- HB 2015, Testimony- Olsen- 2 pages  
FFF- HB 2015, Testimony- Glasck- 1 page  
GGG- HB 2015, Testimony- Russell- 1 page  
HHH- HB 2015, Testimony- Smith- 1 page  
III- HB 2016, Testimony- Stevens- 1 page  
JJJ- HB 2015, Testimony- Sunderland- 3 pages

KKK-	HB 2015, Testimony- Vanasche- 5 pages
LLL-	HB 2015, Testimony- Werth- 2 pages
MMM-	HB 3348, Testimony- Koehler- 1 page
NNN-	HB 3348, Testimony- Esch- 1 page
OOO-	HB 3348, Testimony- Lyche- 2 pages
PPP-	HB 3348, Testimony- Gibson- 2 pages
QQQ-	HB 3348, Testimony- Cook- 2 pages
RRR-	HB 3348, Testimony- Millard- 34 pages
SSS-	HB 3348, Testimony- Phillips- 1 page
TTT-	HB 3348, Testimony- Wakasugi- 1 page
UUU-	HB 3348, Testimony- Stevens- 1 page
VVV-	HB 3348, Petitions (15)- 8 pages
WWW-	HB 3348, Letter from Governor Kitzhaber- 3 pages
XXX-	HB 3407, Testimony- Lawyer- 2 pages
YYY-	HB 3407, Testimony- Cannon- 2 pages