

SENATE COMMITTEE ON
WATER & LAND USE

Hearing Room
Tapes - 121

MEMBERS PRESENT:

Sen. Rod Johnson, Chair
Sen. Bill Dwyer

MEMBER EXCUSED:

Sen. Bob Kintigh, Vice-Chair
Sen. Neil Bryant
Sen. Ron Cease

STAFF PRESENT:

Karen Quigley, Committee Counsel
Kimberly Shadley, Committee Assistant
John Leuthauser, Senate Floor Staff

MEASURES HEARD:

SB 1114 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

005 CHAIR JOHNSON: Calls the hearing to order. (3:14 p.m.)

PUBLIC HEARING ON SB 1114

Witnesses: Hanly Jenkins, County Planning Director
Cliff Kenagy, Farmer
Dick Benner, Director, Department of Land Conservation and Development,
(DLCD)
Phil Ward, Department of Agriculture
Ann Hanus, Assistant State Forester, Department of Forestry
Kevin Birch, Department of Forestry
Anthony Boutard, 1000 Friends of Oregon
Liz Frenkle, Sierra Club

CHAIR JOHNSON: We will operate as a subcommittee for the purposes of taking testimony.

(Line twenty four, page eight talks about aggregate and that language is likely to change. (Refers to SB 1114-1, see Exhibit E Submitted April 20, 1995, Senate Water and Land Use Committee)

020 HANLY JENKINS, COUNTY PLANNING DIRECTOR: The County Planning Directors are prepared to present two comments; the first relates to section three.

(This recognizes that this process would be optional for counties and we support that approach.

(We are concerned with range lands in central and eastern Oregon; definitions on commercial crop and forest lands.

(Our concern is that range lands would be automatically recognized as secondary; we would ask that there be an examination of range lands to see if it is appropriate.

085 CHAIR JOHNSON: The way the bill is written it implies that counties don't have to put all secondary lands in.

JENKINS: The previous efforts in looking at secondary lands has shown that there may be parts of counties where they may not want to apply the secondary lands designation.

130 CLIFF KENAGY, FARMER: I would support the tightening up the aggregate.
(There is only one group of people who know how to distinguish farm land and that is farmers.
(I would say anything that hasn't historically been farmed should be looked at for secondary land designation.

CHAIR JOHNSON: Describes the bill; the test will be is the land part of the commercial land base as that uses that wisdom of the farmers.

SEN. DWYER: Suppose it could have produced crops but wasn't farmed?

CHAIR JOHNSON: Class one or two isn't secondary land, it is off limits.

175 KENAGY: The land that falls through with this test should be looked at.

SEN. DWYER: I'm worried about the urban growth boundaries.

CHAIR JOHNSON: This bill deals with farm land going into the urban growth boundary, page twenty nine, section twenty; describes bill.

245 DICK BENNER, DIRECTOR, DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT, (DLCD): Testifies in opposition, submits written testimony, (EXHIBIT A).

418 BENNER: Section forty we can support; continues summarizing written testimony.

CHAIR JOHNSON: We will have a list of permitted uses for crop land, a similar list for forest land and others.
(In response to Benner; since two years ago there has been a new category in the dwelling rule.

TAPE 121, SIDE A

040 BENNER: I've heard complaints from folks who weren't able to build a dwelling and often that person has misinterpreted the law and in many cases there are opportunities for those dwellings in HB 3661, (1993).

Chair Johnson and Benner discuss the details of SB 1114-1, see Exhibit E from April 20, 1995 Senate Water and Land Use.

090 PHIL WARD, DEPARTMENT OF AGRICULTURE: Submits written testimony, (EXHIBIT B).
(We do have some concerns that there may be negative consequences to Oregon Agriculture.
(We are concerned about the cumulative effects when combined with HB 3661, (1993).

CHAIR JOHNSON: (In response to Benner) Only the secondary lands would be effected; it would allow a dwelling on an existing parcel, or any new parcel where it was allowed.

170 WARD: Continues with written testimony, referring to the past use issue, see Exhibit B.

SEN. DWYER: There is land at the head of the John Day that should be looked at.

WARD: Pages three and four, we have some small problems; describes. (Divisions on crop land, would prefer "may" than "shall".

CHAIR JOHNSON: "and land divisions" probably needs to be stricken.

170 ANN HANUS, ASSISTANT STATE FORESTER, DEPARTMENT OF FORESTRY: Submits and summarizes written testimony in opposition, (EXHIBIT C).

KEVIN BIRCH, DEPARTMENT OF FORESTRY: It has to meet all those criteria to be commercial land; when you turn it around you have the opposite effect.

335 HANUS: Continues with written testimony, see Exhibit C.

CHAIR JOHNSON: Do you think we should protect land that isn't in the commercial forest base now?

HANUS: Some of that land has great potential for being turned back into productive land.

BIRCH: Under current rules counties can identify underproductive lands; describes process.

435 HANUS: The Department of Forestry had a survey done.

CHAIR JOHNSON: Describes his intent.

(We need a way to identify this so it wouldn't have to be a "Zen" approach.

HANUS: We welcome objective criteria. (Describes difficulty in identifying lands.

TAPE 120, SIDE B

045 CHAIR JOHNSON: Discusses SB 1114-1 with Hanus, Birch and Benner.

HANUS: We can provide you with information on wild fires.

095 CHAIR JOHNSON: Reforestation requirements; how does SB 1114 remove incentive?

HANUS: HB 3661 has reforestation requirements and we didn't see this in SB 1114.

CHAIR JOHNSON: SB 1114 doesn't change that on forest land.

BIRCH: Describes reforestation requirements.

Chair Johnson and the witnesses discuss reforestation issue.

155 BIRCH: I can try to get you numbers on the amount of acreage effected.

190 ANTHONY BOUTARD: Testifies in opposition to SB 1114. (Among the uses excluded is seasonal farm housing. (Expresses concerns with the criteria for commercial and secondary lands. (We urge you to map this out during the interim.

380 LIZ FRENKLE, SIERRA CLUB: We have concerns with the uses of secondary lands;

(We are concerned about Section twenty; describes.
(Continues stating sections they have concerns with.

CHAIR JOHNSON: We are adjourned. (4:40 p.m.)

Submitted by, Reviewed by,

Kimberly Shadley	Karen Quigley
Committee Assistant	Committee Counsel

EXHIBIT SUMMARY:

- A - SB 1114: Written testimony in opposition and informative material submitted by Benner, pp 4
- B - SB 1114: Written testimony in opposition submitted by Ward, pp 4
- C - SB 1114: Written testimony in opposition submitted by Hanus, pp 3