

SENATE COMMITTEE ON
WATER AND LAND USE

Hearing Room B
Tapes 122- 125

MEMBERS PRESENT:

Sen. Rod Johnson, Chair
Sen. Bob Kintigh, Vice-Chair
Sen. Neil Bryant
Sen. Ron Cease
Sen. Bill Dwyer

STAFF PRESENT:

Karen Quigley, Committee Counsel
Patricia Wehrli, Committee Assistant

MEASURES HEARD: SB 1114 WORK SESSION

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 122 SIDE A

003 CHAIR JOHNSON: Convenes the hearing at 1: 25 PM
OPENS THE WORK SESSION ON SB 1114

004 CHAIR JOHNSON: Discusses the SB 1114-1 amendments.

101 SEN. DWYER: What is the exception on line twenty six?

107 CHAIR JOHNSON: That is a waste land description.
--discusses subsection b on line twenty four of page two.

180 SEN. DWYER: Questions line twelve of page two.

181 CHAIR JOHNSON: Continues discussing the proposed amendments. (See Exhibit A.)

197 SEN. BRYANT: What would be a definition of grass hay.

202 CHAIR JOHNSON: The intent is that if you are raising a seen crop such as alfalfa, that's something that needs to be irrigated, that's different.

--Discusses commercial forest land.

279 SEN. BRYANT: Are there any exception because of the Forest Practice Act?

291 SEN. KINTIGH: The capacity of the acreage is what is looked at.

294 SEN. BRYANT: If you have a creek that goes through your property, your soils are usually higher quality; there needs to be something to address this.

314 SEN. KINTIGH: That needs to be addressed in B.

319 CHAIR JOHNSON: Should we make it "not withstanding" ?

Sen. Dwyer, Sen. Bryant and Sen. Kintigh discuss proposed language to address Sen. Bryant's concerns.

353 CHAIR JOHNSON: "On land that is subject to harvesting under the Forest Practice Act."

368 SEN. BRYANT: Is there any other exclusion in the Forest Practice Act?

377 SEN. KINTIGH: No.

386 CHAIR JOHNSON: Discusses section eight page fourteen.

TAPE 123 SIDE A

044 CHAIR JOHNSON: Discusses with Sen. Bryant contiguous forests.
--Discusses Section three, line eleven page three.
--Discusses Section four.
--Discusses the EFU uses in marginal counties listed in Section five.
--Discusses the additional uses located in section seven and eight.

186 SEN. BRYANT: Questions the wording of page seven line twenty seven sub a.

201 CHAIR JOHNSON: That is a defect, but it's taken out of existing statutes.
--Refers to language in section two.
--Subsection h list what will not be allowed in this bill.
--Page eleven, line twenty one and twenty two recreate language.

278 SEN. BRYANT: Discusses his concerns with sub section 4 in reference to resorts in the Deschutes County area.

288 CHAIR JOHNSON: Lets add the language of "in the Willamette Valley".

314 SEN. DWYER: Discusses section 7.

324 CHAIR JOHNSON: If its okay to do it on prime farm lands then its all right to do it on secondary lands.

352 SEN. DWYER: Why do we have to spell everything out? If the idea is that we want to protect these farm lands, then anything should go.

373 CHAIR JOHNSON: Then the list will grow on what you can't do on secondary lands, rather than the list of what you can do.
--Discusses the amount of land needed to raise a cow.

TAPE 122 SIDE B

039 CHAIR JOHNSON: Instead of listing the activities, it lists the goals.

060 SEN. DWYER: Why is an allotted parcel listed as a non use, when it's not a farm?

071 CHAIR JOHNSON: So that you don't loose the farm assessments.

074 SEN. DWYER: If you take a piece out of it for a development, you need to be paying the assessment on the remainder of it while you own it.

080 CHAIR JOHNSON: If you keep farming the rest of the section, then you'll keep the special assessment.

SEN. DWYER: We're talking about secondary lands. Allowing them to sub divide, plus keep an exemption for farming is unfair. People should be allowed to develop there lands if they can't farm their lands, but we can't

give them a tax deferrable for farming when they've already proven that they can't farm their lands.

155 SEN. BRYANT: We have to figure out a way to exclude that language or otherwise farmers who wish to sub divide will be hit with back taxes.

163 CHAIR JOHNSON: When the county designates for secondary lands, we need a way to allow them to convert from that special assessment without a penalty.

176 SEN. BRYANT: State in the further that they will have to pay the assessment, but freeze the back deferral until they sell the property.

183 CHAIR JOHNSON: It still comes out of their pocket when they sell the property. We should allow the people to maintain the EFU tax assessment while they own the property.

211 SEN. DWYER: People who are not contributing should not be allowed to defer.

229 CHAIR JOHNSON: Discusses page twenty eight section fifteen.
--Discusses section sixteen.

243 SEN. DWYER: Questions subsection four on page twenty nine.

248 CHAIR JOHNSON: If it's part of the existing rules and is in conflict with this bill, then this bill takes precedence.
--Discusses section 19.

371 CHAIR JOHNSON: Urban dwellers shouldn't make the decisions for the farmers.

TAPE 123 SIDE B:

020 SEN. BRYANT: Discusses section 23 subsection 1 and 2.

037 SUE HANNA, LEGISLATIVE COUNSEL: Explains ORS 308.399 if its changed by reasons of zoning you are not required to pay the roll back. The subsection on forestry could be overkill.

063 CHAIR JOHNSON: Do they keep the deferral as long as they remain secondary lands?

068 HANNA: No.

070 CHAIR JOHNSON: Can we word it that you are not subject to back taxes, but are subject to future taxes?

077 HANNON: It's already been taken care of.

086 SEN. KINTIGH: What is the income test?

090 DON SCHILEMBERG, FARM BUREAU: It's a minimum of \$600 or \$100 per acres or a maximum of \$1000.

132 CHAIR JOHNSON: Discusses language needed to improve section 11.

187 HANNA: A roll back will be for five years. If they wait until the day after the change they'll be on a five year change for the roll back.

196 KINTIGH: Is it a change of use if they change from EFU to secondary lands?

201 HANNON: No.

213 CHAIR JOHNSON: Recesses the hearing at 3:10. Reconvenes at 3:25.
--Discusses line fourteen of page twenty nine.
--This bill is not designed to change the definition of commercial crop lands.
--Discusses forest lands that produce more then 120 cubic feet.

TAPE 124 SIDE A

034 CHAIR JOHNSON: Discusses the average production of forest lands.
--Discusses section twenty four-thirty eight and the right-to-farm uses.
--Ordinary negligence is defined in section thirty, page thirty nine, line
twenty three.
--Section forty five is an emergency clause.
--Discusses Sen. Bryant's conceptual amendment.

CHAIR JOHNSON: Recesses the hearing at 3:40. Reconvenes the hearing at
3:45.

189 CHAIR JOHNSON: Discusses the tax status with Sen. Bryant

MOTION: CHAIR JOHNSON moves to accept the headings that the LC will place
in the bill that will make it easier to read.

VOTE: Hearing no objection, the motion CARRIES. Sens. Cease and Dwyer
are EXCUSED.

MOTION: CHAIR JOHNSON moves to change on page two line twenty six, the
word "and" and "(j)" be deleted leaving in the comma and the "(e)".

VOTE: Hearing no objection, the motion CARRIES. Sen. Cease and Sen. Dwyer
are EXCUSED.

MOTION: CHAIR JOHNSON moves that on page three line twelve after the word
"grapes" a comma(,) be inserted.

VOTE: Hearing no objection, the motion CARRIES. Sens. Cease and Dwyer are
EXCUSED.

MOTION: CHAIR JOHNSON moves that on page four at the end of line one "85
cubic feet per acre per year in Western Oregon, other than Josephine or
Jackson County;" Change a new sub (2) in between line one and two that
would read: "50 cubic feet per acre per year in Josephine or Jackson
County."

VOTE: Hearing no objection, the motion CARRIES. Sens. Cease and Dwyer
are EXCUSED.

MOTION: CHAIR JOHNSON moves that on Line four, page four add "permissible
to harvest under the Oregon Forest Practices Act."

VOTE: Hearing no objection, the motion CARRIES. Sens. Cease and Dwyer are
EXCUSED.

291 Discussion occurs between the members on what the next amendment should
be.

MOTION: CHAIR JOHNSON moves that on page ten, line seventeen and eighteen
add "(s) Mining of aggregate, mineral and other resources listed under ORS
215.298 " In sub (b) of Line twenty two add the phrase "in the Willamette
Valley."

VOTE: Hearing no objection, the motion CARRIES. Sens. Cease and Dwyer are
EXCUSED.

MOTION: CHAIR JOHNSON moves to amend section eleven, page twenty one, so
that the tax status doesn't change when the land is re-zoned from EFU to
Secondary. (subject to Legislative Counsels wording.)

VOTE: Hearing no objection the motion CARRIES. Sens. Cease and Dwyer are
EXCUSED.

MOTION: CHAIR JOHNSON moves that on page seventeen, section five (a) add
after "crop land" on line fourteen the phrase: "except as allowed for
farm use dwellings as allowed in section six 1 (b) of this act."

VOTE: Hearing no objection, the motion CARRIES. Sens. Cease and Dwyer are
EXCUSED.

MOTION: CHAIR JOHNSON moves to add "in the Willamette Valley" on line
twenty seven of page ten.

VOTE: Hearing no objection the motion CARRIES.. Sens. Cease and Dwyer are
EXCUSED.

MOTION: VICE-CHAIR KINTIGH moves to send SB 1114 as amended to the Floor
with a DO PASS recommendation.

VOTE: In a roll call vote the motion carries. All members present vote
AYE. Sens. Cease and Dwyer are excused.

369 CHAIR JOHNSON: CLOSES THE WORK SESSION ON SB 1114.
--adjourns the hearing at 4:00 p.m.
Submitted by, Reviewed by,

Patricia Wehrli Karen Quigley
Committee Assistant Committee Counsel

EXHIBITS

A- Aerial photos of secondary lands--Sen. Rod Johnson, Committee Chair--2
pages
B- Proposed Amendments--Karen Quigley, Committee Counsel--24 pages