

SENATE COMMITTEE ON
WATER & LAND USE

June 6, 1995 Hearing Room 137
12:00 PM Tapes 159 - 160

MEMBERS PRESENT:

Sen. Rod Johnson, Chair
Sen. Bob Kintigh, Vice-Chair
Sen. Ron Cease
Sen. Bill Dwyer
Sen. Marylin Shannon

STAFF PRESENT:

Karen Qulgley, Committee Counsel
Gina Rumbaugh, Committee Assistant

MEASURES HEARD:

Reconsideration and Work Session on HB 3457
Reconsideration and Work Session on HB 3353

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 159, SIDE A

003 CHAIR JOHNSON: Calls the meeting to order (12: 12 PM).

RECONSIDERATION of HB 3457

013 MOTION: CHAIR JOHNSON moves that the committee reconsider the vote by which HB 3457 was sent to the Floor.
VOTE: Hearing no objection, motion CARRIES.

013 CHAIR JOHNSON: Opens work session on HB 3457.

015 CHAIR JOHNSON: Explains his intentions are to rescind the motion by which the committee inserted the HB 3457-3 amendments and explains that the only thing that would be left in the bill would be the right to farm that was in the bill as it came to the committee and as amended yesterday by the agreed-upon amendments with the Governor on the right to farm language currently in SB 766 which will be on the Senate Floor this afternoon. The technical amendment made by the HB 3457-6 amendments to fix a conflict found by the Attorney General's office in SB 1113 after the Governor signed it will remain in the bill

040 MOTION: CHAIR JOHNSON moves that the vote by which the -3 amendments were inserted into HB 3457 BE RESCINDED
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049 SEN. CEASE: Asks if it is correct that the only remaining provisions of HB 3457 will be the right to farm and the technical amendment.

053 CHAIR JOHNSON: Acknowledges that Sen. Cease is correct.

054 VOTE: CHAIR JOHNSON, hearing no objection, declares the motion PASSED.

054 MOTION: CHAIR JOHNSON moves that HB 3457, as amended, be sent to the Floor with a DO PASS RECOMMENDATION.

055 VOTE: In a roll call vote, SENS. KINTIGH, SHANNON AND CHAIR JOHNSON VOTE AYE. SENS. CEASE AND DWYER VOTE NO.

057 CHAIR JOHNSON: Declares the motion PASSED.

057 CHAIR JOHNSON will lead discussion on the Floor.

058 CHAIR JOHNSON: Closes the work session on HB 3457.

068 CHAIR JOHNSON: Opens the public hearing on HB 3353.

PUBLIC HEARING ON HB 3353

Witnesses:

Bob Rindy, Dept. Of Land Conservation & Development
1000 Friends Of Oregon

Don Schellenberg, Oregon Farm Bureau

086 CHAIR JOHNSON: Announces it is his intent to use HB 3353 for two things:

1) a technical

correction to SB 1113, and 2) an amendment to deal with one golf course in existence in Hood River.

113 SEN. DWYER: Comments he reads the bill to say if someone can get authorization to build a

building, it can be sold to anyone and they can do anything they want with it, and then get

another building on the remaining land and sell it.

117 CHAIR JOHNSON: Replies that he has had conversation with Dick Benner and Greg Wolf

about the concept stated by Sen. Dwyer and they don't oppose the language because it clarifies

what is already being done. Although it technically is not legal, currently if someone owned a

piece of property prior to 1985, they are entitled to a lot of record dwelling. Right now we

have a fiction where the owner builds a house to the specifications of the buyer's

specifications. It is a clause LCDC recognizes is necessary to quit pretending something isn't

happening that is happening. LCDC does not oppose paragraph (7) on page 3.

130 BOB RINDY, DEPT. OF LAND CONSERVATION & DEVELOPMENT: "HB 3353, as it is before the committee without amendments is something the department has worked with

the counties on and LCDC does not oppose HB 3353-B.

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148 AN UNIDENTIFIED PERSON SPEAKING FOR 1000 FRIENDS OF OREGON:

Testifies in opposition to HB 3353-B because of three provisions: 1) gives counties the

authority to authorize lot of record dwellings on high value farm land in the Valley taking

away from the Dept. of Agriculture, 2) gives hired soil scientists the authority to second guess

(tape is inaudible) in determination of high value farm land which introduces unneeded

uncertainty to the process and, 3) 1000 Friends is opposed to (7) of Section 2, but agrees

people can do it under existing law and you can't stop it, but 1000 Friends thinks it is contrary

to the intent of HB 3661.

165 SEN. CEASE: Comments he has some problems with (7) and the issue is probably for yet

another conference committee report.

174 DON SCHELLENBERG, OREGON FARM BUREAU: Not opposed to HB 3353; are neutral on the bill. Oregon Farm Bureau opposes gold courses in EFU zones whether they are

90 percent or 100 percent and would oppose that type of amendment. If the committee

considers amendments on minimum lot size, OFB has an alternative suggestion

because OFB

cannot support a 40-acre minimum lot size change.

185 CHAIR JOHNSON: Closes the public hearing and opens the work session on
HB 3353.

WORK SESSION ON HB 3353

185 MOTION: CHAIR JOHNSON moves that the HB 3353-B1 1 amendments
(EXHIBIT A) BE ADOPTED.

200 VOTE: Hearing no objections, the motion CARRIES.

202 CHAIR JOHNSON: Repeats the purpose of the HB 3353-B12 amendments
(EXHIBIT B)

and proposes that the -B 12 amendments be amended to include a date so it
does not open things up for all golf courses.

223 SEN. DWYER: Proposes a hypothetical case suggesting anyone can buy land
with at least 10 percent within the urban growth boundary; this would be a welcome mat to
eat up EFU ground.

244 SEN. CEASE: Does the department oppose this amendment'?

DICK BENNER: The department worked with the counties on HB 3353 and did not
oppose

the ingredients, but the department would oppose the golf course amendment.

253 CHAIR JOHNSON: If we limit this to golf courses in existence today (the
one golf course),
would you still oppose it'?

262 BENNER: Our concerns would be reduced if it would not amend statutes to
allow new golf
courses. Not as much concern if it only applied to one course. The
department would not
change their position from that taken on HB 3661.

294 CHAIR JOHNSON: Suggests adding a phrase at the end of line 3 of the HB
3353-B12
amendments: "and is constructed on or bet'ore June 6, 1995".

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322 MOTION: CHAIR JOHNSON moves that the HB 3353-B 12 amendments be
amended: at the end of line 3, add "and is constructed on or before June 6,
1995".

326 SEN. KINTIGH: Suggests the date be changed to an earlier date.
VOTE: CHAIR JOHNSON, noting objections by SENS. CEASE AND DWYER,
declares the motion PASSED.

348 MOTION: CHAIR JOHNSON moves that the HB 3353-B12 amendments, as
amended, BE ADOPTED.

350 VOTE: CHAIR JOHNSON, noting objections hy SENS. CEASE AND DWYER,
declares the motion PASSED.

372 MOTION: CHAIR JOHNSON moves that the HB 3353-B12 amendments BE
ADOPTED.

373 VOTE: CHAIR JOHNSON, hearing no objection, declares the motion PASSED.

376 CHAIR JOHNSON: Comments the Farm Bureau has another amendment relating
to minimum lot size in rural lands. It is now 80 acres, primarily. The Farm
Bureau is proposing to allow a county the option of being ahle to identify
regions within a county where lot sizes are of a certain size, as long as
they throw in those 10 acres and below, and then average that. That lot
size would be used subject to no greater than 80, no smaller than 40.

404 SEN. CEASE: Asks what the options are currently under the law.

406 CHAIR JOHNSON: HB 3661 had a provision that allowed a county to petition
LCDC for permission to be allowed smaller minimum lot sizes than the statewide
minimum. If the acreage is less than 80, the county would have the option of reducing
the lot size but not to a size smaller than 40 acres.
457 MR. BURNS: Advises the committee that Lane County went through the
process. There are distinct farming regions in which there is a characteristic of
agriculture conducted. There were 18 identified farmhlg regions in Lane County as part of the
agriculture census and they ended up grouping into about four similar characteristics. The county then
went through a similar process to establish the fixed minimum parcel size for farming
purposes, not dwellings.

TAPE 160, SIDE A

019 SEN. KINTIGH: Sounds like a reasonable concept.

037 CHAIR JOHNSON: Reads a conceptual amendment: "A county may identify
regions of the county with similar tract size characteristics and reduce
the minimum lot or parcel size set forth in ORS provided it may not be
reduced below 40 acres. In calculating the reduced minimum lot size or
parcel size, all tracts greater than 10 acres in the region shall be
averaged.

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053 MOTION: CHAIR JOHNSON moves that HB 3353 B-Eng. be further amended to
include the conceptual amendment previously state above.
068 VOTE: CHAIR JOHNSON, hearing no objection, declares the motion PASSED.
071 MOTION: CHAIR JOHNSON moves that HB 3353 B-Eng, as amended, be sent to
the Floor with a DO PASS RECOMMENDATION.
073 VOTE: In a roll call vote, SENS. KINTIGH, SHANNON AND CHAIR
JOHNSON VOTE AYE. SENS. CEASE AND DWYER VOTE NO.
075 CHAIR JOHNSON: Declares the motion PASSED.

CHAIR JOHNSON will lead discussion on the Floor.

077 CHAIR JOHNSON: Declares the meetin:, adjourned at 12:47 p.m.

Submitted by,
Annetta Mullins
Committee Assistant

EXHIBIT S11MMARY:

A - HB 3353, H B 3353-BI I amendments, Sen. Johnson, 1p B - HB 3353, HB
3353-B12 amendments, Sen. Johnson, 1p

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