

SENATE COMMITTEE ON
WATER & LAND USE

Hearing Room
Tapes 10 - 11

MEMBERS PRESENT:

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

STAFF PRESENT:

Karen Quigley, Committee Counsel
Kimberly Shadley, Committee Assistant

MEASURES HEARD:

SB 305 - PPW

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 10, SIDE A

CHAIR JOHNSON: Calls the hearing to order. (1:06 p.m.)

PUBLIC HEARING ON SB 305

Witnesses: Don Schellenberg, Oregon Farm Bureau
Leonard Rydell, Land Surveyor, Newberg, Oregon
Pearl Galitzki, Resident, Portland, Oregon
Bernard Galitzki, Resident, Portland, Oregon
Gilbert Shibley, Oregon Small Woodland Association
Ed Cox, Resident, Portland, Oregon
Jim Denison, Oregon Small Woodland Association
Willard Goul, Resident, Portland, Oregon
Betty Wolfington, Resident, Portland, Oregon
Gary Munkhoff, Oregon Tree Farmers Ltd.
Ray Wilkeson, Oregon Forest Industries Council
J.M. Kerr, Resident, West Linn, Oregon
KC Vannatta, Resident, Rainier, Oregon
Jim Myron, Oregon Trout
Alice Propes, Resident, Dallas, Oregon

023 DON SCHELLENBERG, OREGON FARM BUREAU: Testifies in support of SB 305 with amendments, (EXHIBIT A).

(SB 305 doesn't change the land use zoning.

SEN. DWYER: If an owner petitions for compensation because they couldn't do something not allowed by law they shouldn't be compensated.

SCHELLENBERG: We are concerned that this bill not make changes in what is permissible in the land use law.

060 CHAIR JOHNSON: I would point out section two, paragraph 1; that list is what this bill is about.

SCHELLENBERG: On page one, line 22, after "include", add "within the relevant zoning provisions".

(We are concerned with subsection 1; all the resources from Goal 5 are there but mineral and aggregate.

097 SEN. CEASE: How do you deal with situations where you have competing resource interests?

SCHELLENBERG: I'm talking about when they site on property they own; Marion County provides for an overlay zone that prohibits the adjoining land owner from using their property.

(That is a regulation that there ought to be compensation for.

SEN. CEASE: You still have to deal with the interface area.

SCHELLENBERG: The amendment simply provides that if they lose value on their property because of an overlay restricting uses then we believe there should be compensation.

(Perhaps this levels the playing field to a certain extent.

190 SCHELLENBERG: The other issue is section six and how it could be retroactive and that isn't what is intended.

(On line 29 delete "applied" and on line 30 delete "to" and insert "affecting" see (Exhibit A).

222 LEONARD RYDELL, NEWBERG, OREGON: Testifies in support of SB 305, submits and summarizes written testimony, (EXHIBIT B).

CHAIR JOHNSON: I hope that we can craft a bill that will address some of these issues without requiring the intervention of the Attorney General.

437 PEARL GALITZKI: Testifies in support of SB 305; submits and reads written testimony along with a map, (EXHIBIT C).

TAPE 11, SIDE A

030 GALITZKI: Continues with written testimony, see Exhibit C.

068 BERNARD GALITZKI: My expertise is with the legal, accounting and the operational part of the program.

(Describes personal experience.

(Refers to map in Exhibit C.

208 GILBERT SHIBLEY, RESIDENT, PORTLAND, OREGON: Testifies in support of SB 305; submits and reads written testimony, (EXHIBIT D).

316 ED COX: Testifies in support of SB 305.
(Describes personal experience with property in Portland, Oregon.
(You should find the money for compensation or you could take away the
overlay map as compensation.

351 JIM DENISON, RESIDENT, TOLEDO, OREGON: Testifies in support of SB 305.
(The terminology in section 1 covers a lot of the issues in Goal 5.
(SB 305 covers most of the concerns the small woodland owners have.
(I question the January date; it should be considered.

TAPE 10, SIDE B

CHAIR JOHNSON: That date most likely will be changed.

064 WILLARD GOUL: Testifies in support of SB 305; describes personal
experiences
(Reads letter for the record, see (EXHIBIT E).

163 BETTY WOLFINGTON: Testifies in support of SB 305; describes personal
situation.

SEN. CEASE: Where is your property?

WOLFINGTON: In Washington county; it is hillside property with a creek
running through it; we've built 28 homes in there, but are struggling with
the remaining lots that are identical to those we've developed.

244 HOMER WOLFINGTON: Testifies in support of SB 305, describes situation.

B. WOLFINGTON: Noone was ever notified of the zone change.

313 GARY MUNKHOFF: Testifies in support of SB 305; describes personal
situation.
(I would like to see clarification on what happens to the property if we
are compensated.
(There could be creative solutions to the cost of this; describes.

389 RAY WILKESON, OREGON FOREST INDUSTRIES COUNCIL: Testifies in support of
SB 305 with the deletion of section 4; submits written testimony, (EXHIBIT
F).

(At what point should the burden be shifted to the public at large as
opposed to individual land owners?

TAPE 11, SIDE B

030 WILKESON: Continues following written testimony.

108 CHAIR JOHNSON: Discusses situation of authority of the federal
government.

SEN. DWYER: How many of your members take advantage of the riparian tax
credit?

WILKESON: There isn't much of one; it is very limited.

163 J.M. KERR: Testifies in support of SB 305; describes personal
experience.

297 KC VANNATTA: Testifies in support of SB 305 with amendments; submits

written testimony, (EXHIBIT G).

356 JIM MYRON, OREGON TROUT: Testifies in opposition to SB 305, submits
written testimony, (EXHIBIT H).

SEN. BRYANT: I agree there is a need for additional definitions.

CHAIR JOHNSON: We will be looking at those.

408 ALICE PROPES: Submits written testimony in support of SB 305, (EXHIBIT
I).

CHAIR JOHNSON: We are adjourned. (3:05 p.m.)

Submitted by, Reviewed by,

Kimberly Shadley	Karen Quigley
Committee Assistant	Committee Counsel

EXHIBIT SUMMARY:

A - SB 305: Written testimony and proposed amendments submitted by
Schellenberg, pp 3
B - SB 305: Written testimony submitted by Rydell, pp 15
C - SB 305: Written testimony & Informative material submitted by
Galitzki, pp 6
D - SB 305: Written testimony submitted by Shibley, pp 2
E - SB 305: Informative materials submitted by GOUL, pp 26
F - SB 305: Written testimony submitted by Wilkeson, pp 2
G - SB 305: Written testimony submitted by Vannatta, pp 1
H - SB 305: Written testimony in opposition submitted by Myron, pp 1
I - SB 305: Written testimony in support submitted by Propes, pp 4