

SENATE COMMITTEE ON  
WATER & LAND USE

Hearing Room B  
Tapes -107

MEMBERS PRESENT:

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

MEMBER EXCUSED:

STAFF PRESENT:

Karen Quigley, Committee Counsel  
Sarah A. Myers, Committee Assistant

MEASURES HEARD:

SB 513 Public Hearing and Work Session  
SB 812 Public Hearing and Work Session  
SB 1073 Public Hearing  
SB 964 Public Hearing  
SB 1032 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 , A

003 CHAIR JOHNSON: Opens the meeting at 1:14 PM.

OPENS WORK SESSION ON SB 513

Witness: Steve Applegate, LCDC

011 STEVE APPELEGATE, LCDC: Explains the (-1) amendments and the  
department's overall support of SB 513 [EXHIBIT A].  
-Explains the specifics of the language included in the (-1) amendments to  
the bill.

037 CHAIR JOHNSON: Questions the first line of the (-1) amendments which  
says that the word "application" should be inserted after the word "any"  
and it does not make sense.

052 APPELEGATE: Responds to the question of the need to include the words  
"to appropriate" from CHAIR JOHNSON.

064 CHAIR JOHNSON: The bill comes as a result of a circumstance where some  
people were entitled to some water rights off of a certificate.

076 SEN. DWYER: Questions line 10 of the (-1) amendment regarding the  
wording; "applicant" as opposed to "applications".

081 APPELEGATE: Clarifies the lead in language and how the (-1) amendment on  
line 10 of the amendment effects the bill.  
-Responds to CHAIR JOHNSON regarding the deletions of specific language.  
-The (-1) amendments should have deleted the second reference to the  
application.

MOTION: SEN. KINTIGH: Moves to ADOPT the (-1) amendments to SB 513.

VOTE: Hearing no objection the MOTION CARRIES.

MOTION: SEN. KINTIGH: Moves SB 513 AS AMENDED to the House Floor with a  
PASS recommendation.

DO

VOTE: MOTION CARRIES.  
AYE: All present.  
NO: None  
EXCUSED: Sen. Cease

133 CHAIR JOHNSON: I will CARRY the bill to the Floor.

CLOSES THE WORK SESSION ON SB 513

OPENS THE WORK SESSION ON SB 812

Witness: Bob Rinde, LCDC

172 CHAIR JOHNSON: Explains the bill history and the amendments.  
-Discusses the need for a better definition of a "Dude Ranch".  
-Page 11, line 37; a forester should not be able to submit their own affidavit.

-Discusses the (-1) amendments; committee discussion [EXHIBITS C & D].

240 Committee discussion continues regarding the (-1) amendments, and their deletion of section five.

MOTION: SEN. JOHNSON: Moves to ADOPT the (-1) amendments to SB 812.

VOTE: Hearing no objection the MOTION CARRIES. All members were present.

301 Committee discussion on the remaining parts of the bill; Section on urban reserves.

355 SEN. BRYANT: What happens if the Dude Ranch operates for a few years and then goes broke?

-Questions as to why the Agricultural department was not allowed to give the definition on the Dude Ranch.

410 SEN. KINTIGH: Rule making and the agriculture is in the hands of the director, the board unlike some other boards does not have rule making authority.

TAPE 107, SIDE A

008 SEN. DWYER: The idea of a Dude Ranch is for it to supplement your income without endangering the character of the land.

015 SEN. CEASE: If it becomes a commercial operation, then there is no limit to it; they will want to build a store next.

030 Committee discussion regarding the size of the Dude Ranch and whether or not the committee wants to place a limit on the number of units allowed.

MOTION: SEN. JOHNSON: Moves to amend line 20, of page 4 and line 36 on page 7, to read a Dude Ranch not serving more than 40 overnight guests.

VOTE: Hearing no objection the MOTION CARRIES.

075 Committee discussion of the issue of limiting Urban reserve rules to big cities.

099 BOB RINDE, DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT: Testifies at the request of the committee on Urban Reserves.

-Defines primary metropolitan areas for the committee.

-Responds to SEN. DWYER regarding the ability of LCDC to require that local

governments do some planning so that they can look forward more than 20 years as is standard for UGB's and potentially out to 50 years for future growth patterns.

-Responds to SEN. KINTIGH regarding the difference between a primary statistical area and a metropolitan statistical area.

150 Committee discussion of Urban Reserve planing and the exclusion of certain cities of less than 30,000 people.

160 RINDE: My recollection of the briefing which the department did on this was that the effect of this would be to exclude the three of the cities which we have required to do urban reserve planning; Medford, Newburg and Sandy.

-Medford is in an area which is under periodic review.

201 SEN. JOHNSON: Having a persons land designated as within an urban reserve is putting it into an indefinite state of limbo.

212 RINDE: Urban reserve rules which LCDC have adopted don't change any of the provisions which are allowed to those properties under the EFU zoning.

It may effect lands that are zoned in residential lots.

233 SEN. BRYANT: Urban growth boundaries do increase the values of the land through rezoning and other conditional uses.

243 SEN. CEASE: Lands adjacent to the urban growth boundaries is subject to being picked on. The question is how to channel the growth.

266 SEN. DWYER: Feels the same as the Senator from Portland regarding Section 1.

268 MOTION: SEN. JOHNSON: Moves that Section 1 of SB 812 be deleted.

VOTE: Hearing no objection the MOTION CARRIES.

MOTION: SEN. KINTIGH: Moves SB 812 AS AMENDED to the House Floor with a DO PASS recommendation.

VOTE: The MOTION CARRIES. All members are present.  
AYE: Senators Cease, Dwyer, Kintigh, Bryant and Johnson.  
NO: None.

289 CHAIR JOHNSON: SEN. HANNON will CARRY the bill.

OPENS THE PUBLIC HEARING ON SB 1073

Witnesses: Sen. Marilyn Shannon, District 15  
Sen. Bob Kintigh, District 22  
Craig Roessler, Superintendent of Silverton Schools District  
Patricia Brandt, Farm Owner  
Mary Kyle McCurdy, 1000 Friends of Oregon  
Mark and Tim Roth, Farmers  
Bob Rende, LCDC  
Bob Schaeffer, Farmer  
Jamon Kent, Superintendent of Springfield Schools District

297 SENATOR MARILYN SHANNON OF SENATE DISTRICT 15: Testifies in SUPPORT as the sponsor of SB 1073.  
-Explains that the bill was drafted so that there would be minimal impact on the Land Use laws.

319 SEN. KINTIGH OF SENATE DISTRICT 22: Testifies in SUPPORT of SB 1073.

346 SEN. JOHNSON: Clarifies his understanding of the bill; it would require the school to demonstrate that there has been an effort to locate within an urban growth boundary, only after failing to find suitable land then it have to prove that the land was adjacent to an urban growth boundary and finally the land would have to be classified as not being high value farm land. It would also have to be on a plot or parcels that are less than 21 acres.

360 SEN. KINTIGH: Responds to SEN. CEASE and his question regarding line six and the flexibility of using the word "shall" rather than the word "may".

386 SEN. DWYER: Feels that Springfield does have the land available for a school within the Urban growth boundary; the question is whether or not the district can afford to buy the land.

TAPE 106, B

019 SEN. CEASE: Lets allow the county effected decided whether or not to approve the sale of the land once the "requirements" have been met.

044 SEN. DWYER: It has to be land that is already being urbanized in less than 40 acre parcels. Changing the wording to "may" we won't have a problem.

052 CHAIR JOHNSON: We need a zone in Oregon called secondary lands; lands that are not high value farm land, rather land that is outside the urban growth boundary and that is not currently part of the commercial or farm land production part of the state.

MOTION: SEN. JOHNSON: Moves to delete the word "shall" and insert the word "may".  
And also on line eleven.

084 CHAIR JOHNSON: WITHDRAWS MOTION.

100 CRAIG ROESSLER, SUPERINTENDENT, SILVERTON SCHOOLS DISTRICT: Testifies in SUPPORT of SB 1073.  
-EFU land in the Silverton area is all that there is to choose from, there isn't much land adjacent to urban growth boundary [EXHIBIT E].

131 -Refers to the area under consideration on the map on the easel provided for the committee.

-Responds to SEN. DWYER regarding "reasonable effort" and what it means.  
LC -1 and LC -2 will supply you with the definition of what that means.

149 PATRICIA BRANDT, IVY OAK FARM INC.: Testifies in OPPOSITION to SB 1073:

Reads written testimony [EXHIBIT F]  
-Being denied our equal right to constitutional protection.  
-Should the State micro manage local zoning codes.

211 MARY KYLE MCCURDY, STAFF ATTORNEY, 1000 FRIENDS OF OREGON: Testifies in  
OPPOSITION to SB 1073 [EXHIBIT G].

240 TIM ROTH, Farmers: Testifies in OPPOSITION to SB 1073.  
-Silverton school district is considering a piece of land that is very  
productive farm land.  
-It is very necessary for the state to continue to protect the EFU lands.

307 MARK ROTH, Farmer: Testifies in OPPOSITION to SB 1073.

312 BOB RENDE, DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT: Testifies  
in OPPOSITION of SB 1073 without some amendments.  
-Discusses uses that are not farm uses; site planning to not hurt adjacent  
farms.  
-Siting requirements.  
-Long range planning in conjunction with the city needs and how the school  
district plans to site these areas.

396 BOB SCHAEFFER, FARMER: Testifies in SUPPORT of SB 1073.  
-Feels that an overall state wide perspective is important.

TAPE 107, SIDE B

014 SCHAEFFER: Continues to testify in support of SB 1073.  
-Strongly supports this bill; don't let regulations effect this short and  
long range planning.

046 JAMON KENT, SUPERINTENDENT OF SPRINGFIELD SCHOOLS: Testifies in SUPPORT  
of SB 1073 [EXHIBIT H].  
-Long range planning is not necessarily the answer.  
-Legislation to assist schools to not run up against tax payers.

CLOSES THE PUBLIC HEARING ON 1073

OPENS THE PUBLIC HEARING ON SB 964

Witness: John Martin, Farmer

123 JOHN MARTIN, FARMER: Testifies in SUPPORT of SB 964 with an amendment  
[EXHIBIT I].

CLOSES THE PUB. HEARING ON 964

OPENS THE PUBLIC HEARING ON 1032

Witness: Joe Hobson, Oregon Farm Bureau

203 JOE HOBSON, OREGON FARM BUREAU: Testifies in SUPPORT of SB 1032  
[EXHIBIT J].  
-There is one area of SB 1032 that is not addressed in SB 55; the  
definition in Section 1 of the bill.  
-If the committee doesn't choose to amend out Section 2 of the bill, we  
have some amendments to offer.  
-There is no current push to redefine the issue of natural flow; we feel  
that in any case it would be good to set the definition of natural flow in  
statute to avoid disagreement in the future.

CLOSES THE HEARING ON 1032

189 CHAIR JOHNSON: Adjourns the meeting at 2:53.

Submitted by, Reviewed by,

Sarah A. Myers Kim Shadley  
Committee Assistant Committee Assistant

EXHIBIT SUMMARY:

A - Dash 1 amendments to SB 513 - Staff - 1 page.  
B - Testimony submitted by Martha Pagel on SB 513 - 6 pages.  
C - Testimony submitted by Blackhurst and Assoc. on SB 812 - 1 page.  
D - Dash 1 amendments to SB 812 - Staff - 1 page.  
E - Testimony submitted by Craig Roessler in support of SB 1073 - 4 pages.  
F - Testimony submitted by Patricia Brandt in opposition to SB 1073 - 5  
pages.  
G - Testimony submitted by Mary Kyle McCurdy in opposition to SB 1073 - 1

page.

H - Testimony submitted by Jamon Kent in support of SB 1073 - 7 pages.

I - Testimony submitted by John Martin in support of SB 964 - 9 pages.

J - Testimony submitted by Joe Hobson in support of SB 1032 - 1 page.

K - Dash 2 amendments to SB 1073 - Staff - 2 pages.

L - Dash 1 amendments to SB 964 - Staff - 1 page.

M - Testimony submitted by Mary Rose Brandt in opposition to SB 1073 - 2 pages.