

HOUSE COMMITTEE ON NATURAL RESOURCES ENVIRONMENT AND ENERGY SUBCOMMITTEE

February 8, 1993 Hearing Room D 1:30 p.m. Tapes 15 - 18

MEMBERS PRESENT: Rep. Bob Repine, Chair Rep. Marilyn Dell Rep. Sam Dominy Rep. Bill Fisher Rep. Carl Hosticka Rep. Dennis Luke Rep. Bill Markham Rep. Nancy Peterson Rep. Ray Baum

MEMBER EXCUSED: Rep. Markham Rep. Peterson

VISITING MEMBER: Rep. Norris Rep. Josi

STAFF PRESENT: Kathryn Van Natta, Committee Administrator Karen McCormac, Committee Clerk

MEASURES CONSIDERED: Secondary Lands Issue Overview -Department of Land Conservation and Development

Land Use Interest Group Introduction

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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. [--- Unable To Translate Graphic ---]

TAPE 15, SIDE A

CHAIR REPINE: Calls meeting to order at 1:37 p.m.

SECONDARY LANDS ISSUE OVERVIEW

020 RICHARD BENNER, Department of Land Conservation and Development (LCDC): Continues testimony (EXHIBIT A) from previous meeting regarding the

identification of small-scale resource land. If a block of 160 acres is directly adjacent to a rural residential area, the administrative rules allow those acres to become small-scale resource land. 095 REP.

HOSTICA: Where does this process end? Do the acres then adjoining those 160 acres also become small-scale resource land?

103 BENNER: The rules specify that tract-based analyses must be based on existing tracts so that if those tracts are broken into smaller parcels, commercial-based land would not be converted into small-scale resource

land. Describes the role local committees will play in working with local

governments to identify these lands.

383 REP. FISHER: Requests definition of a local technical committee.

385 BENNER: Describes typical committee members and duties. Members would work with county planning departments and use tools such as soil mapping units, assessors' maps and aerial photographs to help the committee form their recommendations to elected county officials regarding the

designation of small-scale resource land.

TAPE 16, SIDE A

000 REP. FISHER: Could the group use additional criteria?

010 BENNER: They may find more criteria. For example, if a sixty-acre tract of rye grass is capable of producing \$35,000 gross annual income, it could not be recommended as small-scale resource land. However, if

it is surrounded by land which does meet that designation, they could recommend that those sixty acres also be designated as small-scale resource land.

031 REP. DELL: Requests explanation of state review process. Had believed the state's role would be to act only in an advisory capacity.

035 BENNER: Describes commission's role in county proposals.

136 REP. NORRIS: Questions objective criteria for secondary or small-scale resource land.

151 BENNER: The administrative rules give the local technical advisory committee the authority to further investigate soil mapping units to

determine whether they are accurate.

178 CHAIR REPINE: What kind of delays do you envision for this process?

190 BENNER: House Bill 3570 specifies the time within which the commission needs to respond to a county proposal. The rules do not, but we hope a

review of county submissions could occur within ninety days.

242 REP. LUKE: If a person obtains a large tract of prime farmland, do the new rules not allow that person to build a house there and farm the

land?

250 BENNER: Refers to written testimony regarding criteria for high-value farmland.

TAPE 15, SIDE B 053 BENNER: Continues testimony regarding small-scale

resource land usage and land divisions.

221 REP. LUKE: What kind of time frame is there for the conditional use process versus an exception?

227 BENNER: Defines differences. Continues testimony regarding high-value farmlands. LCDC has a

breakdown of counties which shows census information regarding farm income.

303 CHAIR REPINE: Requests copy of list.

305 BENNER: Continues testimony.

TAPE 16, SIDE B

035 CHAIR REPINE: Would it be appropriate for the environmental community to encourage the development of land near Bureau of Land Management (BLM) cutting boundaries?

038 BENNER: Yes. If we allowed five-acre parcels at the perimeter of BLM lands, they would ultimately would have to give up harvesting those

lands. Introduces letter from the BLM to the Jackson County Planning Department, which contains complaints about the continual intrusion of residences at the perimeter of those lands and its impact on BLM designations (EXHIBIT B).

048 CHAIR REPINE: Are there any other constraints which affect the harvest of BLM land?

050 BENNER: Yes.

048 CHAIR REPINE: Are they more significant than the encroachment issue?

049 BENNER: They probably are. We have a district-by-district analysis of the number of BLM acres which are impacted by what is happening on

private lands at the perimeter. Continues testimony regarding timelines in rule application.

154 REP. LUKE: Do all counties have to implement secondary lands reform?

157 BENNER: No.

160 REP LUKE: What can county residents do if the elected officials do not want to apply these rules?

165 BENNER: Eleven counties (nine Willamette Valley counties, Jackson County and Hood River County) must protect their high-value farmland.

Because of this, they are also very likely to identify their small-scale resource land.

197 REP. DELL: Requests philosophical view of land-use planning in Oregon.

230 BENNER: Provides philosophical and historical perspective of Oregon's land-use planning. 306 REP. BAUM: What is your perspective of last summer's negotiation breakdown with the senate, house, LCDC, 1,000 Friends of Oregon, and

others?

342 BENNER: The negotiations included three legislators, representatives of home builders, 1,000 Friends of Oregon, an attorney appointed by the

1991 Speaker's Office. A total of eleven meetings occurred. We had reached consensus regarding general issues During our final meeting we voted on specifics, such as allowing a dwelling to be built on forestland only if there were three existing residences within one mile. These decisions were used as a basis for the administrative rules.

TAPE 17, SIDE A

000 CHAIR REPINE: Calls for recess at 3:20 p.m. Reconvenes at 3:34 p.m.

LAND USE INTEREST GROUP INTRODUCTION

024 DAVID GORDON, Citizen: Presents written testimony (EXHIBIT C) favoring tighter land-use controls.

140 MARET PAJUTEE, Alliance for Responsible Land Use in Deschutes County: Presents written testimony (EXHIBIT D) in support of secondary land-use package.

156 REP. JOSI: Asks whether newly-adopted package will have a negative impact on agricultural land in Deschutes County.

162 PAJUTEE: It would make it easier to build dwellings on marginal lands instead of saving them and using them in blocks to compose viable

agricultural land.

198 JOHN SHAFER, Citizen: Expresses concern regarding Oregon's population growth, and urges committee to reconsider changing present secondary

lands process.

262 BLAIR BATSON, 1,000 Friends of Oregon: Expresses disappointment in proposed changes in secondary lands. Increased protections apply only

to a limited class of lands. LCDC is supposed to identify additional high-value farmland, but the criteria are vague, and LCDC has refused to put any specific limitations on dwelling densities and small-scale resource lands in areas identified as high fire hazard areas. Urges committee to improve laws, making them less prone to litigation.

Believes subjective material was adopted because policy-makers could not reach a consensus on objective material.

394 REP. DELL: How would you have addressed the counties' concerns?

396 BATSON: We would eliminate most of the subjective criteria and add more clear and objective criteria. Provides committee with written proposal

(EXHIBIT E).

TAPE 18, SIDE A

010 KELLY ROSS, Oregon Association of Realtors: Presents written testimony (EXHIBIT F). Opposes adoption of urban reserve area rules and the

restrictive regulations regarding non-farm dwellings.

054 CHAIR REPINE: Introduces faxed letter from Hood River Valley Residents Committee (EXHIBIT G).

061 KELLY CLARK, Oregon Public Policy Institute: Presents written testimony (EXHIBIT H) questioning the benefits of changing secondary land-use

policies.

219 JEFF VAN NATTA, Columbia County Planning Commission: Presents written testimony (EXHIBIT I) and videotape showing the negative impact of

land-use laws upon rural economic development.

TAPE 17, SIDE B

049 VORIS PROBST, Previous Member of Columbia County Planning Commission: Presents written testimony (EXHIBIT J) on behalf of Robert Ragsdale.

075 NONI ANDERSEN, Vernonia Chamber of Commerce: Presents written testimony (EXHIBIT K), urging flexibility in land-use planning to benefit

family-wage industry in small communities.

221 GARY HEER, Marion County Commissioner and Chair, Association of Oregon Counties (AOC) Land Use Committee: Introduces Art Schlack, AOC Land Use Planner, and Russ Nebon, Marion County's Chief Planner. Presents

written testimony (EXHIBIT L) recommending adoption of AOC recommendations.

260 ART SCHLACK, AOC Land Use Specialist: Continues AOC testimony.

301 RUSS NEBON, Chief Planner, Marion County: Concludes AOC testimony.

320 MIKE PROBST, Polk County Commissioner: Reminds committee that counties will be responsible for implementing land-use changes, and will need to rezone almost all lands due to changes.

355 REP. DELL: Have studies been done by counties which would show the percentage of land which will become small-scale resource land?

359 NEBON: In Marion County, possibly five thousand acres out of three hundred twenty-five thousand acres qualify.

TAPE 18, SIDE B

039 SCOTT ASHCOM, Oregon Association of Nurserymen, Oregon Strawberry Commission, Oregon Caneberry Commission, Oregon Blueberry Commission, NW Christmas Tree Growers Association, Port of Coquille River: Supports

Oregon's agricultural land-use policy. 091 REP. DOMINY: Do you support or oppose the proposed rules regarding secondary lands?

102 ASHCOM: The industry has not been supportive of secondary lands rules or legislation due to the lengthy process of changing county

comprehensive land-use plans and the loosening up of the minimum lot size restrictions.

140 TOM GALLAGHER, Destination Resorts: Introduces Destination Resorts Group as having an interest in statutes involving "destination resorts."

157 BILL MOSHOFSKY, Oregonians in Action: Introduces Dave Smith, Director of OIA Legal Affairs. Presents written testimony (EXHIBIT M) in

opposition to new rules.

308 CHAIR REPINE: Adjourns meeting at 5:13 p.m.

Submitted by:

Reviewed by:

Karen McCormac
Administrator

Kathryn Van Natta Assistant

EXHIBIT LOG:

A - Secondary Lands Issue Overview - Richard Benner - 10 pages B

- Secondary Lands Issue Overview - Bureau of Land Management - 2 pages
- C - Land Use Interest Group Testimony - David Gordon - 1 page
- D - Land Use Interest Group Testimony - Maret Pajutee - 1 page
- E - Land Use Interest Group Testimony - Blair Batson - 4 pages
- F - Land Use Interest Group Testimony - Kelly Ross - 1 page
- G - Land Use Interest Group Testimony - Hood River Valley Residents Committee - 1 page
- H - Land Use Interest Group Testimony - Kelly Clark - 28 pages
- I - Land Use Interest Group Testimony - Jeff Van Natta - 5 pages
- J - Land Use Interest Group Testimony - Voris Probst - 1 page
- K - Land Use Interest Group Testimony - Noni Andersen - 1 page
- L - Land Use Interest Group Testimony - Gary Heer, et. al - 1 page
- M - Land Use Interest Group Testimony - Bill Moshofsky - 1 page