

HOUSE COMMITTEE ON NATURAL RESOURCES ENVIRONMENT AND ENERGY SUBCOMMITTEE

May 12, 1993 Hearing Room F 1:30 p.m. Tapes 94 - 100

MEMBERS PRESENT: Rep. Bob Repine, Chair Rep. Marilyn Dell, Vice-Chair Rep. Sam Dominy Rep. Bill Fisher Rep. Carl Hosticka Rep. Dennis Luke

VISITING MEMBERS: Rep. Tim Josi Rep. Chuck Norris Rep. Liz VanLeeuwen

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

MEASURES CONSIDERED: Public Hearing and Possible Work Session - HB 3661

WITNESSES: DOTTIE SCHOONMAKER, The Alliance for Responsible Land Use in Deschutes County (ARLU-DECO) ALICE KOEHLER, Bend Resident  
JEN TWINING, Deschutes County Resident VIRGIL HARPER, Concerned Citizens for Smith Rock Area, Jefferson County Rancher TED LOPUSZUNSKI, Yamh  
Committee

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

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation :

JACK MILLS, Hood River County Resident CARRIE CARAMELLA, Redmond Resident, Friends of the Canyon KATIE BAKER, McMinnville Resident RON BAKER  
Farmer KELLY ROSS, Oregon Association of Realtors DAN McFARLING, Aloha Resident JIM LUDWICK, Yamhill County Resident HECTOR MacPHERSON, Linn  
Member, Small Woodlands Association Member LOIS KENAGY, Agriculture for Oregon, Benton County Farmer THOMAS A. GRAVON, Lincoln County Reside  
Owner JEAN NATH, Benton County Resident, Past Member of the  
Benton County Planning Commission JAMES L. MONROE, President, Linn County Farm Bureau MARC MIMS, Redmond Resident

TAPE 94, SIDE A

005 CHAIR REPINE: Calls meeting to order at 1:12 p.m. Directs witnesses to limit their testimony to five minutes.

OPENS PUBLIC HEARING ON HB 3661

027 REP. LUKE: I met with Deschutes County Planner George Reed this morning, and one of the questions which came up is if a county  
one of the two options (the proposed options under HB 3661 or the  
current options under LCDC), is there anything in the bill which states how long they would need to remain with that plan?

055 REP. BAUM: There should be some flexibility to allow counties to change.

080 CHAIR REPINE: The version of the bill we are currently working with is entitled, "Proposed Engrossed House Bill 3661." It includ  
amendment which incorporates sections which are compatible with rules  
approved by LCDC.

105 KATHRYN VAN NATTA, Committee Administrator: Introduces meeting materials, including a corrected page from Bills and Concepts i  
Section-by-Section Analysis (EXHIBIT B), which reflects the adoption of the proposed engrossed amendments. Reads into the record a letter da  
Ivan Hunt (EXHIBIT E), a letter dated May 11 from Tygh Redfield (EXHIBIT F), a letter dated May 10 from James Cummins, Jr. (EXHIBIT G), a le  
letter from Paula Elaine Cozaed (EXHIBIT M).

146 DOTTIE SCHOONMAKER, The Alliance for Responsible Land Use in Deschutes County (ARLU-DECO): Presents written testimony from William  
opposition to HB 3661 (EXHIBIT N).

193 REP. LUKE: Have you seen mapping of Deschutes County which shows the effects of HB 3661?

200 SCHOONMAKER: No. We're trying to do away with what the developers would like to do because there are already enough destination  
and enough urban sprawl within the county.

233 ALICE KOEHLER, Bend Resident: Presents written testimony (EXHIBIT O) in opposition to HB 3661.

312 REP. DELL: You are the kind of agricultural producer who needs to be protected. The \$50,000 gross annual income figure you cited  
testimony has nothing to do with what you make on your farm, but has to do with the potential amount of income.

375 KOEHLER: Grass alfalfa is the indicator crop for our area. I cannot think of any other crop which could generate \$50,000 on our fo

400 REP. BAUM: This bill will not allow subdivisions or rural residential areas, but the minimum parcel size might allow an additional d

437 NICK CASEY, Bend Resident: Presents written testimony (EXHIBIT P) in opposition to HB 3661.

TAPE 95, SIDE A

031 CHAIR REPINE: This bill stipulates that dwellings located in farm or forestland must meet strict fire prevention criteria.

043 NANCY HALL, Bend Resident: Presents written testimony (EXHIBIT Q) in opposition to HB 3661.

105 REP. SHARON WYLIE: Presents written testimony (EXHIBIT R) in opposition to Section 77 of HB 3661.

160 ART COOLIDGE, White City Resident: Presents written testimony (EXHIBIT S) in opposition to HB 3661.

293 REP. DELL: Do you think we should try to differentiate between lands that need more protection and land which we could be more flex

301 COOLIDGE: The existing tests which determine whether a parcel should be removed from farm use or to place a non-farm dwelling demand t most useful.

363 DIANA GARDENER, Farmer and Forester, Jackson County: Presents written testimony (EXHIBIT T) in opposition to HB 3661.  
TAPE 94, SIDE B

047 JEN TWINING, Deschutes County Resident: Presents written testimony (EXHIBIT U) in opposition to HB 3661.

153 REP. DELL: Are you comfortable with the LCDC rules established in December 1992? This committee has seen tremendous opposition rules from both sides.

185 TWINING: I think those rules need major work. I'm not sure why the changes were made, except that certain parties wanted m available to develop. In Deschutes County, 75% of our EFU (exclusive farm use) land would have been rezoned as secondary.

200 VIRGIL HARPER, Concerned Citizens for Smith Rock Area, Jefferson County Rancher: Presents written testimony (EXHIBIT V) in oppositi 3661.

276 REP. NORRIS: Do you believe any growth in population must be accommodated within city boundaries?

299 HARPER: Yes, or within non-productive land.

300 REP. NORRIS: This bill is trying to address the usage of non-productive land.

311 CHAIR REPINE: You point to polls which indicate people do not want more development, but you have not polled my constituents in my dis

323 HARPER: This committee is representing all of Oregon right now. I have seen statewide polls which reflect this concern.

325 TED LOPUSZYNSKI, Yamhill County Commissioner: Presents written testimony (EXHIBIT W) in support of HB 3661.

441 REP. DOMINY: Would a simple "lot of record" bill solve most of your problems?

443 LOPUSZYNSKI: It would be our preference to have a "lot of record" bill.

TAPE 95, SIDE B

013 DENNIS GOECKS, Yamhill County Commissioner: Testifies in support of HB 3661. Describes current constraints in land usage within County.

110 REP. DELL: What has been the impact of the LCDC rules adopted in December?

115 LOPUSZYNSKI: Our planners tell us that basically there will be no secondary lands in Yamhill County, so those will be of no help

133 MARLA GIBSON, Concerned Citizens for Smith Rock Area: Presents written testimony (EXHIBIT X) in opposition to HB 3661 for Leslie Elli

189 REP. HOSTICKA: When you purchased your property, what expectations did you have?

201 GIBSON: When I bought my property, I carefully checked out which type of zoning was allowed in the area, and knew exactly what to e knew which land was open, which land could be divided, and in which areas I would have to tolerate other homes.

224 REP. FISHER: We've heard testimony from people who bought property and were then denied their expectations.

227 GIBSON: I have no sympathy for people who knowingly buy land which has restrictions.

236 REP. FISHER: I'm referring to people who bought property before the zoning laws were changed.

245 REP. LUKE: Requests information regarding property of witness.

251 GIBSON: My property is directly across the street from Smith Rock State Park. I own two and one-half acres, and manage another twenty. horses, and am developing a greenhouse to raise specialty crops, including food and medicinal herbs.

247 KATE MILLS, Treasurer of the Hood River Valley Residents' Committee: Testifies in opposition to HB 3661. We have the best soil in t in parts of our county, and this bill would jeopardize that land.

277 JACK MILLS, Hood River County Resident: Testifies in opposition to HB 3661. We have 280 acres, on which we live. I also serve on th of three businesses, which include Oregon Full Sail Ale, the Dee Hardboard Plant, and the Mount Hood Railroad. I was also twice elected to the Hood River County Commission. It's almost impossible for county commissioners to be unbiased in their decision-making. It is best to have the legislature set up laws, and to have the counties administer those laws.

367 CARRIE CAMELLA, Redmond Resident, Friends of the Canyon: Presents written testimony (EXHIBIT Y) in opposition to HB 3661.

TAPE 96, SIDE A

032 Concludes testimony.

015 KATIE BAKER, McMinnville Resident: Testifies in support of HB 366 1. Describes frustration at being unable to place a dwellin

property.

061 REP. DOMINY: How many acres do you have, and how is it zoned?

062 BAKER: We have forty acres, and it is zoned AF-20.

063 REP. DELL: Explains Yamhill County zoning procedures.

070 RON BAKER, McMinnville Resident: Testifies in support of HB 366 1. Believes changes are necessary for secondary lands.

085 REP. HOSTICKA: When you purchased your property, were you able to build on it?

086 RON BAKER: No, we weren't. But the county assured us that if we improved the property, we would be able to build on it.

090 REP. DELL: In Yamhill County, there was never a cut-off date for allowing the siting of dwellings on secondary land. There was 40-acre zoning, which attempted to distinguish between highly-productive land and land which had productive capability. Over time, LCDC became increasingly uncomfortable with this method, and slowly imposed greater restrictions, which changed almost annually. There are currently many people within Yamhill County who purchased property only after they had been reassured by the planners that they would be able to build there.

111 REP. HOSTICKA: In Lane County, that has to do with how the county either misinterprets, fails to interpret, or deliberately misleads people regarding LCDC's rules.

135 JANICE MADDEN, Redmond Resident: Presents written testimony (EXHIBIT Z) in opposition to HB 3661.

202 KAPPY EATON, League of Women Voters of Oregon: Presents written testimony (EXHIBIT AA) in opposition to HB 3661.

205 REP. DELL: What specific areas in the bill need to be re-evaluated?

266 EATON: I will provide you with a written response.

269 REP. REPINE: Are you aware that destination resorts are currently permitted on high-value land?

271 EATON: Yes. And we have some concerns about that.

279 REP. DELL: The allowed uses on good farmland are more restricted in this bill than in the current LCDC rules.

294 JOHN SHAPER, Dallas Resident: Presents written testimony (EXHIBIT BB) in opposition to HB 3661.

374 DAVE VANASCHE, Washington County Farm Bureau, Cornelius Farmer: Presents written testimony (EXHIBIT CC) in opposition to HB 3661. Presents slides showing farming in rural Washington County.

TAPE 92, SIDE B

115 REP. HOSTICKA: Has the Washington County Farm Bureau taken a formal position on this bill?

117 VANASCHE: The Washington County Farm Bureau opposes this bill.

134 KELLY ROSS, Oregon Association of Realtors: Presents written testimony (EXHIBIT DD) in support of HB 3661.

242 DAN McFARLING, Aloha Resident: Presents written testimony (EXHIBIT EE) in opposition to HB 3661.

335 REP. DELL: In other committees and for other issues, there seems to be a strong move towards the reinstatement of local control. In Lane County, however, a significant number of people are not proponents of local control. Why?

346 McFARLING: It is at the local level that a lot of land speculation and development occurs.

366 JIM LUDWICK, Yamhill County Resident: Presents written testimony (EXHIBIT FF) in opposition to HB 3661. Refers to proposed a museum which will be built on farmland, which is supported by Rep. Dell.

427 REP. DELL: I thought it would be best to give local planners the authority to determine where the museum should be sited. If you do not have confidence in their county commissioners, I'm not sure how they're getting elected. What can be done to make land-use planning less contentious?

TAPE 96, SIDE B

013 LUDWICK: You have said that a lot of Oregonians don't understand land use laws because of their complexity. If HB 3661 is your simplification, I have a problem with that. We need stability. We've had lots of time to improve SB 100, which was passed in 1972. We don't need the special interest groups changing the basic tenets. Voters in Yamhill County have stated on three separate occasions that they did not want these changes.

023 REP. NORRIS: I believe those ballot measures called for the repeal of SB 100.

026 LUDWICK: That's not true. There were three separate bills. One would have repealed it completely, but two others would have revised it to resemble HB 3661. Should we do away with initiative petitions if you're not going to abide by them? The people who work behind the scenes are working through the legislature instead of going to the public.

040 HECTOR MacPHERSON, Linn County Farmer, LCDC Commissioner: Presents written testimony (EXHIBIT GG) in opposition to HB 3661.

269 MARION MILLARD, Redmond Citizen: Presents written testimony (EXHIBIT HH) in opposition to HB 3661.

300 MIKE PROPST, Polk County Commissioner: Testifies in support of HB 366 1. This bill continues to protect farm and forestland. It is not Oregon have more historic properties than the entire state of Virginia.

419 REP. MARKHAM: You said you'd change some items in the bill. Would you be able to develop those amendments for this committee?

420 PROPST: I'd be glad to.

422 REP. LUKE: Are you representing the commission?

424 PROPST: Yes. We have not taken a formal position on the bill, but the majority of the commission is in favor of this bill.

TAPE 97, SIDE B

004 MIKE BYRNES, Historic Preservation League of Oregon: Presents written testimony (EXHIBIT II) in opposition to HB 3661, specifically 77.

099 REP. MARKHAM: What property do you own?

101 BYRNES: I live in an 1890s home, which is regulated by Washington County and is also a national register site.

106 REP. MARKHAM: Historic properties must be registered both by national and state agencies. 107 BYRNES: No. They're totally different regulations, but most county-designated historic sites are not regulated by the national register or the state special assessment program.

116 REP. MARKHAM: What other properties do you own?

117 BYRNES: One property is an 1855 pioneer home, and is in the city of Dayton, which is being donated to the Dayton Historical Society. Other properties are commercial properties.

122 REP. MARKHAM: Shouldn't property owners have the right to say no to having their property designated historic?

124 BYRNES: We're saying that designation needs to be clear and objective. If the property owner can prove it is not historic, they have

140 REP. MARKHAM: Why do people object to have their property designated as historic?

141 BYRNES: Yamhill County Commissioner Dennis Goecks has stated that 3,500 people in Yamhill County object to historic designation. That is stated that they objected to private property rights infringement, not historic designation. There are few objections statewide to historic designation.

It's up to local counties to decide how to implement their goal. If they decide that all historic houses must be painted pink, they can do that. It would then be up to the county to enforce that.

180 REP. LUKE: With a 180-day notice, can an historic home be torn down?

183 BYRNES: Yes. The time period will vary depending on local ordinances, ranging from 30 days to 180 days.

194 REP. NORRIS: If Section 77 were removed from this bill, would you still object to HB 3661?

187 BYRNES: I cannot say. I am not a land-use expert.

220 CATHY GALBREATH, Bosco Milligan Foundation: Testifies in opposition to Section 77 of HB 3661. Only one ordinance states that a demolition

320 JANE MORRISON, Clackamas County Resident: Testifies in opposition to HB 3661, especially Section 77. Current ordinances do not prevent property owner from changing a building, but guide the owner in making changes which are compatible with the historic character of the property.

435 DENISE McGRUFF, Oregon City Resident: Testifies in opposition to HB 3661. Before I purchased my property, I contacted the local office so I could make an informed decision. The land-use process currently provides certainty to property owners. TAPE 98, SIDE A

073 REP. MARKHAM: What are the advantages to having your home designated historic?

074 McGRUFF: It was designated historic before I purchased it. The City of Oregon City offers incentives to property owners through financial incentives, such as a revolving loan program for home repairs and maintenance. These loans do not have to be paid off until the property is sold, or the use is changed. The city also publishes a newsletter for people who have historic properties, and have an annual workshop which provides free information and help.

142 LESLIE MILLER, Dayton Resident: Testifies in opposition to HB 366 1. Over the past eight years I've been involved with Yamhill County. The first three years were relatively problem-free, but since Oregonians in Action intervened and Dennis Goecks was elected county commissioner, a negative mentality has developed, which has been instigated by the two Polk County Commissioners who have testified here today. The LCDC oversees the land-use process, but does not dictate how local authorities

identify their resources or manage their plans.

221 REP. DELL: You've been a tireless advocate for Yamhill County. If we had a good educational program which told people what it meant

230 MILLER: I don't believe we'd lose that many.

250 REP. BAUM: Did you share those comments during the public hearings on HB 2007?

255 MILLER: I believe the chair was hostile, and kept interrupting witnesses who testified against it, which was difficult.

271 JIM MILLEGAN, Chair, Historical Development Advocates: Presents written testimony (EXHIBIT JJ) in opposition to Section 77 of HB 3661.

process in Yamhill County has been fanned with half-truths and fear.

The Landmarks Commission and one of the county commissioners wanted to

make public decisions by means of a secret ballot process, in direct

violation of state law.

365 MIMI STOUT, Alsea Valley Farmer, Oregon Farm Bureau Member, Small Woodlands Association Member: Presents written testimony (EXH

in opposition to HB 3661. Believes measure is still too restrictive,

and that property owners should be allowed to do what they want with

their own property.

TAPE 99, SIDE A

037 LOIS KENAGY, Agriculture for Oregon, Benton County Farmer: Presents written testimony (EXHIBIT LL) in opposition to HB 3661.

188 THOMAS A. GRAVON, Lincoln County Resident, Lincoln County Watershed Watch Steering Committee: Presents written testimony (EXHIBIT

opposition to HB 3661, especially Sections 16 - 24.

267 CAROL VAN STRUM, Five Rivers Resident: Presents written testimony (EXHIBIT NN) in opposition to HB 3661.

361 DANIEL BLACKWELL, Seal Rock Resident, Small Timberland Owner: Presents written testimony (EXHIBIT OO) in opposition to HB 3661.

399 JEAN NATH, Benton County Resident, Past Member of the Benton County Planning Commission: Presents written testimony (EXHIBIT

opposition to HB 3661.

TAPE 98, SIDE B

022 REP. NORRIS: This bill would not allow the diversion of streams into ponds without a water permit.

040 JAMES L. MONROE, President, Linn County Farm Bureau: Presents written testimony (EXHIBIT QQ) in opposition to HB 3661. Recommen

committee review SB 489, which addresses his concerns with HB 3661.

We view LCDC as the "conscience" of land-use planning. If that

influence is removed, that restraint is gone, and will cause problems at the local level.

280 MARC MIMS, Redmond Resident: Presents written testimony (EXHIBIT RR) in opposition to HB 3661.

385 REP. MARKHAM: Announces he may have a possible conflict of interest in voting on HB 3661, since he owns an historic piece of property

399 VAN NATTA: Reads into the record a letter from Lola Elliott dated April 12 (EXHIBIT SS), a letter from Albany City Council Legislative

dated March 30, 1993 (EXHIBIT UU), a letter from the City of Oregon City dated April 21, 1993 (EXHIBIT VV), a letter from Richard Kosterl

dated May 12, 1993 (EXHIBIT WW) in opposition to HB 3661, a letter from Melinda Blackwell dated May 12, 1993 (EXHIBIT XX), a letter from Mil

(EXHIBIT ZZ), a letter from Dianna Joy Darold dated May 12, 1993

(EXHIBIT AAA), and a letter from Tricia L. Lawson dated May 12, 1993

(EXHIBIT BBB).

TAPE 100, SIDE A

027 CHAIR REPINE: CLOSES PUBLIC HEARING ON HB 3661

Adjourns meeting at 6:22 p.m.

Submitted by:

Reviewed by:

Karen McCormac

Kathryn Van Natta Assistant

Administrator

EXHIBIT LOG:

A - Bills and Concepts in HB 3661 - Staff - 1 page B - Proposed Engrossed HB 3661 Working Version: As Amended by the -1 Amendments: