

HOUSE COMMITTEE ON NATURAL RESOURCES ENVIRONMENT AND ENERGY SUBCOMMITTEE

May 13, 1993           Hearing Room F 6:00 p.m.   Tapes 101 - 108

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

VISITING MEMBERS:  Rep. Tim Josi Rep. Chuck Norris Rep. Liz VanLeeuwen  
Sen. Wes Cooley

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

MEASURES CONSIDERED:           Public Hearing       - HB 3661

WITNESSES:                    RICHARD STEVENS CLIFF KENAGY JOHN R. HASSEN REP.  
PATTI MILNE MARGARET FORSYTHE FRITZ VON LUBKEN LEONARD KNOTT PARKER  
JOHNSTONE ROBERT PARK DONALD STILL VORIS PROPST SHIRLEY BRYANT T.C.  
FISHER DON SKILLMAN TOM BRAWLEY

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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 ---]

DON DUHRKOPF KEN BUELT IRV TEEGARDEN BLAIR BATSON MIKE SIMMS RALPH F.  
SCHMIDT JOE SPENNER GEORGIA STILES PAUL THIERS FRANK NIMS JAMES COLEMAN  
MILDRED McWHORTER JUDY VAUGHN LIZ FRENKEL TERRY WITT DON LOGAN JOYCE T.  
STRIDE CHRISTINE CLARK KING DON BOHNERT DOUG HOPPER L. FRANK SETNIKEN  
JACK CHAPIN BRUCE CHAPIN GENE HEIPLE DOROTHY MOODY LESLIE A. TERRA A. D.  
DORITY III GAIL GREEN RONALD SCHULSON LESLIE LEWIS GEORGE FORSMAN  
CHRISTY GEORGE GARY GEORGE FRED RUSSELL MIKE McCARTHY BECKY RILEY ROBERT  
M. ISRAEL JUDY BOYD DICK BOYD ROBERT MONTGOMERY MANTON A. CARL

TAPE 101, SIDE A

005    CHAIR REPINE:  Calls meeting to order at 6:07 p.m. Explains  
meeting procedures. OPENS PUBLIC HEARING ON HB 3661

KATHRYN VAN NATTA, Committee Administrator:  Submits 11 letters of  
written testimony for the record (EXHIBIT A).

117    RICHARD STEVENS, 20/20 COMMITMENT:  Testifies in support of HB  
3661.

248    CLIFF KENAGY:  Testifies in opposition to HB 3661.

300    REP. LUKE:  If \$50,000 does not work, what would be more

acceptable?

373 KENAGY: I don't know. It relates to the size of the parcel, and I do not think the size is important.

383 REP. VanLEEUEWEN: When I read the bill I saw other criteria besides that \$50,000, didn't you find those things when you read the bill?

KENAGY: I didn't read all the bill.

TAPE 102, SIDE A

000 JOHN R. HASSEN, 20/20 COMMITMENT: Submits written testimony in support of HB 3661 (EXHIBIT B). Encourages committee to amend bill to be more

comprehensible.

086 REP. DELL: Questions five large boxes brought in by witness.

088 HASSEN: Those are seven cases containing the litigation regarding land use cases.

094 REP. PETERSON: Could you respond to Mr. Kenagy's testimony regarding the need to protect farmland; have you had experience dealing with farm or forestland?

099 HASSEN: Yes. I represent Harry & David in all its land use matters. there are developments adjacent to their orchards, and they have never

opposed a residential development. We support the right-to-farm bill, and I agree with Mr. Kenagy that speculators should not be protected.

People who bought property previously who now cannot build upon that land should also have rights.

025 REP. PATTI MILNE: Submits written testimony in support of HB 3661 and Section 77 of HB 3661 (EXHIBIT C).

238 MARGARET FORSYTHE: Submits written testimony in opposition to HB 366 1 (EXHIBIT D).

292 REP. LUKE: The concept of "urban reserve" came from LCDC, and its purpose was to keep people from building a dwelling on a site to which a city would eventually move.

FORSYTHE: Then you should scold the LCDC. 342 FRITZ VON LUBKEN: Submits written testimony (EXHIBIT E) and a letter from his wife to Senator Ron Cease (EXHIBIT F) in opposition to HB 366 1.

TAPE 101, SIDE B

047 REP. DELL: Under this new proposal, placement of a golf course on farmland will be much more difficult.

053 VON LUBKEN: The golf course is only an example. This could happen with housing; with any non-conforming uses with any EFU zones.

REP LUKE: Was that golf course on irrigated or non-irrigated land?

VON LUBKEN: They removed 65 acres of orchard right next to me. It is all irrigated Class 1-3 farmland.

072 LEONARD KNOTT: Submits written testimony in support of HB 3661 (EXHIBIT G).

124 REP. LUKE: Do you want to tell us where you live?

129 KNOTT: I do not live in the city. I live in Cloverdale, between Sisters and Redmond.

132 PARKER JOHNSTONE: Testifies in support of HB 3661. Believes present land-use laws are too restrictive.

195 ROBERT PARK: Testifies in support of HB 3661.

330 DONALD A. STILL: Testifies in opposition to HB 3661.

TAPE 102, SIDE B

013 VORIS PROBST: Testifies in support of HB 3661.

073 SHIRLEY BRYANT: Testifies in support of HB 3661.

141 T.C. FISHER: Testifies in support of HB 3661.

212 DON SKILLMAN: Submits written testimony in support of HB 3661 (EXHIBIT H).

326 REP. PETERSON: If the "lot of record" went into effect, how would that change the counties?

335 SKILLMAN: A portion of owners have made use of their property; many do not yet realize their property rights have already been taken away.

Expansion of cities is the real problem.

382 TOM BRAWLEY, President, Marion County Farm Bureau: Submits written testimony in opposition to HB 3661 (EXHIBIT I).

TAPE 103, SIDE A

000 BRAWLEY: Continues testimony.

080 REP. LUKE: Can you tell me how Marion County comes out under the secondary land proposal of LCDC?

082 BRAWLEY: I know there are many areas that would be lost to the EFU system. I can't give you an acreage figure.

089 REP. FISHER: Is there not a difference of opinion in the Farm Bureau over the state; a difference in the actual policy that was decided on?

097 BRAWLEY: This policy is based on a two-third majority. We

made a recommendation that LCDC be portioned off according to four sections of Oregon.

110 REP. FISHER: Approximately 50% of the counties did not vote for LCDC. The bulk of the populated areas have voted, have they not?

114 BRAWLEY: In three elections, the land-use laws have been upheld.

119 REP. FISHER: We have been invoked to vote according to the people.

120 REP. LUKE: No one on this committee wants to see prime farmland gone.

151 DON DUHRKOPF: Testifies in support of HB 3661.

283 KEN BUELT, President, Washington County Farm Bureau: Submits written testimony in opposition to HB 3661 (EXHIBIT J).

TAPE 104, SIDE A

000 IRV TEEGARDEN: Testifies in support of HB 3661.

032 BLAIR BATSON, 1000 Friends of Oregon: Testifies in opposition to HB 3661.

119 REP. DELL: Do you think there is any way we should be distinguishing rural lands? Do you feel that it is reasonable to make any kind of

distinction at all based on productivity and then relate that productivity to allowed uses?

125 BATSON: Our view has been that you have been able to get non-farm dwellings on tracks of land that are generally unsuitable for farm use.

143 REP. LUKE: You say the current plan works so well, yet the Sunset Highway in Washington County has some of the most beautiful land I have ever seen and there are factories on that land. How does a plan which

works so well allow things like that to happen?

149 BATSON: Those jurisdictions were able to show they had a need for that industry, and that they needed to have land to locate those industries

there.

201 MIKE SIMS, Tillamook County Creamery Association: Submits written testimony in opposition to HB 3661 (EXHIBIT K).

232 RALPH F. SCHMIDT: Testifies in support of HB 3661.

276 CHAIR REPINE: Welcomes visiting member, Senator Cooley, to meeting.

300 JOE SPENNER: Presents booklet entitled, "The LCDC We Didn't

See" (EXHIBIT L).

370 GEORGIA STILES, Realtor: Testifies in opposition to HB 3661. Describes difficulties in dealing with LCDC.

TAPE 103, SIDE B

036 SEN. COOLEY: Describes accommodations made to Von Lubken, who is trying to have golf course shut down.

068 PAUL THIERS, Consultant on Least-Toxic Agriculture: Submits written testimony in opposition to HB 3661 (EXHIBIT M).

099 REP. NORRIS: What evidence suggests DDT is responsible for breast cancer?

103 THIERS: A study was done and reported on by the Oregonian and three of the major networks. Agrees to provide committee with informational

material.

115 FRANK NIMS: Testifies in support of HB 3661. Believes LCDC has too much control, and has imposed unnecessary constraints on landowners.

195 REP. LUKE: Comments on fire protection in high risk fire areas.

202 NIMS: I can see a need for it in a situation-by-situation basis, but not in a state-wide basis.

234 JAMES M. COLEMAN: Submits written testimony in support of HB 366 1 (EXHIBIT N)

320 SEN. COOLEY: After the decision was made, under what method did Von Lubken finally use to appeal?

328 COLEMAN: The Von Lubkens filed for a stay, but that request was denied because they couldn't meet the standards.

350 SEN. COOLEY: On what grounds did they have to re-file on the already approved stay?

352 COLEMAN: There was a second local land use decision that was made, and the appeal of that second decision is the current Von Lubken case. 365 MILDRED McWHORTER: Submits written testimony in support of HB 366 1 (EXHIBIT O).

JUDY VAUGHN: Submits written testimony in support of HB 3661 EXHIBIT P).

TAPE 104, SIDE B

081 DON BOWEN: Testifies in opposition to HB 3661.

035 LIZ FRENKEL, Sierra Club: Submits written testimony in opposition to HB 3661 (EXHIBIT Q).

237 TERRY WITT, Oregonians for Food and Shelter: Submits written

testimony in opposition to HB 3661 (EXHIBIT R).

274 REP. LUKE: Could we get a copy of that from the label?

279 WITT: Yes.

289 REP. HOSTICKA: That label you read only dealt with the kind of vegetation it falls on. Does it say that it is only applied to the

intended area or something similar?

290 WITT: Each label specifically states which crops and what types of applications the particular pesticide is approved for use.

REP. HOSTICKA: If it falls on me, is that a violation of the label?

WITT: Yes. That is not an intended use.

307 DON LOGAN: Neutral on HB 3661. Fire damage devastating to farm and forestland. Recommends more usage of extension service.

398 JOYCE T. STRIDE, Century Spring Farm: Submits written testimony in opposition to HB 3661 (EXHIBIT S).

TAPE 105, SIDE A

025 CHRISTINE CLARK KING: Submits written testimony in opposition to HB 3661 (EXHIBIT T).

REP. NORRIS: Requests definition of "CPO."

KING: It means "Citizen Participation Organization" and is mandated by Oregon's Goal 1 land-use law.

Continues testimony.

113 DON BOHNERT, DFB Farming: Submits written testimony (in packet) in opposition to HB 3661 (EXHIBIT U).

210 REP. VanLEEUEWEN: Isn't your land on the edge of town? Does Central Point have an urban growth boundary?

216 BOHNERT: Yes. My land is right inside the urban growth boundary.

REP. VanLEEUEWEN: And there is a ruling or an OAR that says you can't replace that dwelling?

BOHNERT: You can if you can go back through the process of filing for a new farm homesite and comply with all restrictions imposed by LCDC.

255 DOUG HOPPER, President, Clackamas County Farm Bureau: Submits written testimony in opposition to HB 3661 (EXHIBIT V).

284 REP. BAUM: That portion of the bill has been eliminated.

288 HOPPER: Continues testimony.

300 REP. NORRIS: All three county farm bureau presidents testifying against bill, yet some farmers are testifying for the bill.

308 HOPPER: Not everybody associated with a farm bureau agrees. There are differences of opinion.

311 REP. NORRIS: What percentage of farmers in your area also belong to the OFB?

317 HOPPER: I'm not sure. We have over 400 members.

335 L. FRANK SETNIKEN, Setniken Farms: Testifies in support of HB 366 1. Local control may not be perfect, but it is preferable to state control, especially regarding land use and the use of local lands. Describes

constraints imposed by LCDC.

TAPE 106, SIDE A

SETNIKEN: Continues testimony.

005 REP. DELL: You farm parcels all over the area. Do you believe we can designate some land as not being productive land, and still not

interfere significantly with the farm community?

024 SETNIKEN: I think we can. I would recommend looking more at soil types than dollar value in evaluating land.

042 JACK CHAPIN: Testifies in opposition to HB 3661. Presents language from SB 489, which would limit aggregate mining on farmland.

151 BRUCE CHAPIN: Testifies in opposition to HB 3661.

237 GENE HEIPLE: Testifies in opposition to HB 3661.

TAPE 105, SIDE B

000 DOROTHY MOODY: Submits written testimony in opposition to HB 366 1 (EXHIBIT W).

060 LESLIE A. TERRA: Submits written testimony in opposition to HB 366 1 (EXHIBIT X).

151 A.D. DORITY III: Testifies in support of HB 3661. Asks that HB 2595 be incorporated into HB 3661.

302 GAIL GREEN: Testifies in support of HB 3661. Describes difficulty in siting a residential nursing home due to zoning restrictions.

360 RONALD SCHULSON: Testifies in support of HB 3661.

TAPE 106, SIDE B

SCHULSON: Continues testimony.

015 LESLIE LEWIS: Testifies in support of HB 3661.

105 GEORGE FORSMAN: Submits written testimony in support of HB 366 1 (EXHIBIT Y).

234 SEN. COOLEY: Do you have a county commissioner in your county?

237 FORSMAN: Yes.

SEN. COOLEY: Does the county commissioner hire the people that are working in the county department?

FORSMAN: Yes.

SEN. COOLEY: Can you still vote in your county?

FORSMAN: I vote every year for new county commissioners and we still get the same ones.

263 CHRISTY GEORGE: Testifies in support of HB 3661.

284 GARY GEORGE: Testifies in support HB 3661.

412 FRED RUSSELL: Testifies in support of HB 3661.

TAPE 107, SIDE A

077 MIKE McCARTHY: Testifies in opposition to HB 3661.

169 REP. FISHER: Are these people that are shooting up your windows your close neighbors?

McCARTHY: Right they have all been identified and they all live in rural residential areas near my orchard.

190 VERN RATZLAFF: Testifies in support of HB 3661.

269 BECKY RILEY: Submits written testimony in opposition to HB 366 1 (EXHIBIT Z).

321 REP. BAUM: The Oregon Farm Bureau has submitted an amendment to the bill which eliminates sprays from it.

REP. HOSTICKA: But it would be helpful if you could identify those words in those sections so that we can compare your phrases of concern with the ones Rep. Baum has in his proposal.

328 RILEY: Continues testimony.

354 ROBERT M. ISRAEL: Testifies in support of HB 3661.

TAPE 108, SIDE A

018 REP. BAUM: What changed after 1988?



020 ISRAEL: Since it was rezoned forest land, it was no longer acceptable to place a dwelling on the property. Washington County says we still

have the right to farm, but not the right to live on our own land.

037 JUDY BOYD: Testifies in support of HB 3661.

073 DICK BOYD: Testifies in support of HB 3661.

124 ROBERT MONTGOMERY: Testifies in support of HB 3661.

227 MANTON A. CARL: Submits written testimony in opposition to HB 366 1 (EXHIBIT aa).

307 TERRY CURRY: Testifies in opposition to HB 3661.

TAPE 107, SIDE B

CURRY: Continues testimony.

039 REP. LUKE: Are you representing yourself or the county?

040 CURRY: Clackamas County.

053 SEN. COOLEY: Testifies in support of HB 3661.

160 VAN NATTA: Submits three letters of testimony into the record (EXHIBIT bb).

CHAIR REPINE: Adjourns meeting at 12:58 a.m., May 14, 1993.

Submitted by Reviewed by

Karen McCormac  
Administrator

Kathryn Van Natta Committee Clerk Committee

EXHIBIT LOG:

A - HB 3661 Written Testimony - Staff - 2 pages B - HB 3661 Written Testimony - John R. Hassen - 3 pages C - HB 3661 Written Testimony - Rep. Milne - 3 pages D - HB 3661 Written Testimony - Margaret Forsythe - 3 pages E - HB 3661 Written Testimony - Fritz Von Lubken - 4 pages F - HB 3661 Written Testimony - Mrs. Von Lubken - 4 pages G - HB 3661 Written Testimony - Leonard Knott - 4 pages H - HB 3661 Written Testimony - Don Skillman - 4 pages I - HB 3661 Written Testimony - Tom Brawley - 5 pages J - HB 3661 Written Testimony - Ken Buel - 5 pages K - HB 3661 Written Testimony - Mike Simms - 6 pages L - HB 3661 Written Testimony - Joe Spenner - 6 pages M - HB 3661 Written Testimony - Paul Thiers - 6 pages N - HB 3661 Written Testimony - James Coleman - 7 pages O - HB 3661 Written Testimony - Mildred McWhorter - 7 pages P - HB 3661 Written Testimony - Judy Vaughn - 7 pages Q - HB 3661 Written Testimony - Liz Frenkel - 7 pages R - HB 3661 Written Testimony - Terry Witt - 7 pages S - HB 3661 Written Testimony - Joyce T. Stride - 8 pages T - HB 3661 Written Testimony - Christine Clark King - 8 pages U - HB 3661 Written Testimony - Don

Bohnert - 8 pages V - HB 3661 Written Testimony - Doug Hopper - 8  
pages W - HB 3661 Written Testimony - Dorothy Moody - 9 pages X - HB  
3661 Written Testimony - Leslie A. Terra - 9 pages Y - HB 3661 Written  
Testimony - George Forsman - 10 pages Z - HB 3661 Written Testimony -  
Becky Riley - 11 pages aa - HB 3661 Written Testimony - Manton A. Carl  
- 11 pages bb - HB 3661 Written Testimony - Staff - 12 pages