

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

DATE: May 21, 1993            TAPES: 161 - 162 PLACE: Hearing Room C    TIME:  
8:00 AM

MEMBERS PRESENT: Senator Ron Cease, Chair Senator Jim Bunn,  
Vice-Chair Senator Joyce Cohen Senator Shirley Gold Senator Bob Kintigh  
Senator Bob Shoemaker Senator Gordon Smith STAFF PRESENT:            Chris  
Warner, Research Associate Pamella Andersen, Clerk

MEASURES HEARD: SB            632 SB    378 SB    675 SB    908 SB  
                  676 SB    938

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TAPE 161, SIDE A

005 CHAIR CEASE: Calls the meeting to order at 8:10 a.m. - Notes revisions to the agenda: SB 753, SB 1120 and SB 1104 will not be heard at this meeting. - Opens the work session on SB 632. WORK SESSION ON SB 632 ' , , 028 SENATOR JOAN DUKES: (District 1) (introduces EXHIBIT A) Offers testimony in support of SB 632. - Reviews provisions of the bill. - References Exhibit A, reviewing the proposed -3 amendments. - Discusses the funding differences, including the transfer from the Department of Health to the Department of Agriculture. - Relates specifics of the enforcement position and its odd working hours. Senate Agriculture and Natural Resourcea May 21, 1993 Page 2

- Notes a letter from Lincoln County Commissioners supporting the bill (introduces EXHIBIT B).

090 CHAIR CEASE: This will have to go to the Ways and Means Committee. - We are addressing the -3 amendments. - Are the -1 and -2 amendments in addition to the 3 amendments?

ADMIN. WARNER: Yes, they are. - Reviews the specific provisions of the -1 and -2 amendments.

SEN. DUKES: I would advocate the -2 and -3 amendments. - I am not anxious to support the -1 amendment relative to sunseting, but, I will do what is necessary to move the bill.

CHAIR CEASE: Senator Bunn was concerned with the relationship between fees on the commercial and individual side.

SEN. KINTIGH: Would the fees be subject to an additional vendor handling charge?

SEN. DUKES: They will be sold in the same manner as license fees. - The administrative cost to Fish and Wildlife will be 10 percent the first year and 9 percent the second year.

SEN. KINTIGH: There would be a vendor fee?

125 ROD INGRAM: There would be an agent charge for issuing a license, amounting to \$1 per license.

CHAIR CEASE: What would be transferred from the Division of Health to the Department of Agriculture? - For the record, this is not an effort to punish the Health Division. 140 BRUCE ANDREW: (Department of Agriculture) Offers testimony in support of SB 632. - This task fits well with our current mandate.

153 LORNA YOUNGS: (Department of Agriculture) Offers testimony in support of SB 632. Discusses the transfer of equipment and employees.

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~- 168 RONALD HALL: (Health Division) We would make every possible effort to keep our valuable employees. CHAIR CEASE: Has the Department of Agriculture reviewed the proposed -3 amendments? INGRAM: Yes, they look fine. MOTION: CHAIR CEASE: Moves to ADOPT the SB 632-1 amendments dated 4-21 -93. VOTE: CHAIR CEASE: Hearing no objection the amendments are ADOPTED. All members are present. MOTION: CHAIR CEASE: Moves to ADOPT the SB 632-2 amendments dated 4-23-93. VOTE: CHAIR CEASE: Hearing no objection the amendments are ADOPTED. All members are present.

192 MOTION: CHAIR CEASE: Moves to ADOPT the SB 632-3 amendments dated 05-20-93 with the hand-engrossed changes by Senator Dukes' office. VOTE: CHAIR CEASE: Hearing no objection the amendments are ADOPTED. All members are present. MOTION: CHAIR CEASE: Moves that SB 632 AS AMENDED, be sent to Ways and Means with a DO PASS recommendation. VOTE: In a roll call vote, SENATORS SHOEMAKER, SMITH, GOLD, KINTIGH and CEASE vote AYE. SENATORS BUNN and COHEN vote NO. CHAIR CEASE: The motion CARRIES. - Closes the work session on SB 632. - Opens the work session on SB 938.

WORK SESSION ON SB 938

247 CHAIR CEASE: Reviews the provisions of the bill as amended.

MOTION: CHAIR CEASE: Moves to ADOPT the SB 938-1 amendments dated 5-14-93. VOTE: CHAIR CEASE: Hearing no objection the amendments are ADOPTED. All members are present.

MOTION: CHAIR CEASE: Moves that SB 938 AS AMENDED, be sent to the Floor with a DO PASS recommendation.

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VOTE: In a roll call vote, all members present vote AYE.

CHAIR CEASE: The motion CARRIES. SENATOR SMITH will lead discussion on the Floor. Closes the work session on SB 938. - Opens the work session

on SB 675 .

WORK SESSION ON SB 675

278 CHAIR CEASE: This comes from the Land Use Subcommittee. - A definition of "farm stand" is still needed. - The subcommittee proposed narrowing the relating clause.

ADMIN. WARNER: Notes the hand-engrossed-1 amendments dated 5-20-93. - Reviews the changes made.

303 CHAIR CEASE: Clarifies the permitted uses.

SEN. BUNN: Would the use of the wording "public gathering" under disallowed uses preclude occasional use of an auction ring to sell livestock?

SEN. KINTIGH: This addresses retail operations. - It is certainly not our intent to limit that; that would be a normal farming practice.

SEN. BUNN: Unless it is specified, we need to make the legislative intent clear. Bleachers might be brought in for an auction. - By adding a use we may restrict what we do not mention.

CHAIR CEASE: I think the intent is clear.

363 ADMIN. WARNER: Reads the legislative intent into the record.

SEN. BUNN: That answers my concern.

MOTION: SEN. KINTIGH: Moves to ADOPT the SB 675-1 amendments dated 5-20-93 including the change in the relating clause. VOTE: CHAIR CEASE: Hearing no objection the amendments are ADOPTED. All members are present.

MOTION: SEN. KINTIGH: Moves that SB 675 AS AMENDED, be sent to the Floor with a DO PASS recommendation. VOTE: In a roll call vote, all members present vote AYE.

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CHAIR CEASE: The motion CARRIES. SEN. KINTIGH will lead discussion on the Floor. - Closes the work session on SB 675. - Opens the public hearing on SB 676.

PUBLIC HEARING ON SB 676 - EXHIBITS C. D and F

WITNESSES: Tom Fitzgerald, Oregon Poultry Council Myron Satrum, Willamette Egg Farms Don Schellenberg, Oregon Farm Bureau

TAPE 162, SIDE A

TOM FITZGERALD: Offers testimony in support of SB 676. - Notes the legislative history of this bill.

035 MYRON SATRUM: Offers testimony in support of SB 676. - Notes the

changes in egg production practices based upon improvements in farming.  
- Our hazelnut operation is scattered over various parcels of property.  
- A dryer is too expensive for each separate piece of property, so the nuts are dried at a centrally located site. - Hay, grass seed, and grain farmers have the same drying needs. - The current statute could be narrowly interpreted to disallow this type of centralized activity.

068 SEN. COHEN: Could you provide examples of people who have been challenged in conducting these kinds of activities? - How much of this problem is real rather than perceived?

076 FITZGERALD: The related case involved fertilizer storage. - I am unaware of any farms challenged for storing products on land other than where it was produced.

SEN. SHOEMAKER: The bill uses the term "farm unit" without defining it.

092 FITZGERALD: That language was proposed by the Department of Revenue last session; they apparently have a definition. - That specific language may need to be discussed further.

SEN. SHOEMAKER: What do you intend it to mean?

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FITZGERALD: I see it as a farming operation, whether scattered over multiple pieces of land or one contiguous land unit. - It does not matter if it is in one or multiple locations.

109 SEN. SHOEMAKER: Is it required to be under single ownership? - How about diversity of crops?

FITZGERALD: We are producing multiple crops under our individual farm unit.

SEN. SHOEMAKER: Over how large an area could this operation spread? - Could a huge corporate conglomerate spread throughout the state be included? ., FITZGERALD: That may be possible and may be a concern. - The current language does not recognize a farming operation in an EFU zone.

SEN. SHOEMAKER: I'm not sure use of the term "farm unit" will solve your problem.

FITZGERALD: There are people who would be happy to work on that language. - The definition of farming is also difficult due to variations in farm sizes.

146 SEN. KINTIGH: I have 9 tree farms in separate locations, but consider them a unit because they are employing the same personnel, equipment and books. - Agriculture conglomerates, if they got really big, wouldn't find any advantage to bringing all their products to one

location.

170 DON SCHELLENBERG: (introduces EXHIBITS C and D) Offers testimony in support of SB 676. - Notes his own farm operation. - References the further amendment the Farm Bureau requests be made (Exhibit D). - Reviews the specifics of the amendment.

SEN. COHEN: I need copies of the court case previously mentioned. - I understand it was a fertilizer company rather than a farming operation. - I have no reason to believe farmers have been impacted, indicating there may be no real problem.

220 SEN. KINTIGH: I believe the fertilizer was a composting of manure rather than a chemical fertilizer operation.

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SCHELLENBERG: The way the appeals court interpreted the case has ramifications for the rest of us.

244 CHAIR CEASE: Closes the public hearing on SB 676. - Opens the work session on SB 378.

WORK SESSION ON SB 378

256 DON MINER: (Oregon Manufactured Housing Association) (introduces EXHIBIT E) Offers testimony in support of SB 378 as its requestor. - This relates to accessory housing in cities. - Defines the term. - Notes why they believe the legislation is needed. Reviews the proposed -2 amendments.

280 GREG WOLF: Offers testimony in support of SB 378. - We have not been able to achieve final agreement with certain interested parties. - Reviews what the amendments do accomplish. - We were unable to find agreement on it but we have supported the bill because it aids affordable housing and assists us in achieving greater density in urban areas. -It is a housing type that should be accommodated whenever possible. .: 310 CHAIR CEASE: There are other issues in terms of public policy approach. - (To Senator Smith) What do you think of this bill with reference to the question of local control?

SEN. SMITH: Reads a letter from the city planner of Pendleton. - Notes the planner's specific concerns.

CHAIR CEASE: I think the issue is, local control (this is a mandate) versus affordable housing. - Is the lack of agreement due to that? 332 PHILIP FELL: (League of Oregon Cities) Offers testimony in opposition to SB 378 . - I believe that is an accurate description of the conflict. - Notes specific communities and their present accessory dwelling ordinances. - The payoff of accessory dwelling units appears to be far greater in theory than in reality.

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- Notes the recent survey by the American Planning Association which suggests there is only one conversion per 1000 units per year, adding up to 48,000 conversions nationally per year. - We think this is inappropriate approach.

CHAIR CEASE: Asks interested parties to continue discussing the issue.

SEN. SMITH: Reads into the record another point in the letter from the City of Pendleton relative to the renting of these structures when family members have died.

383 MIKE SABA: (City of Portland) Offers testimony in opposition to SB 378. - Notes Portland is in the forefront of promoting affordable housing. - We want to adopt a flexible, productive accessory dwelling policy with a full public hearing. - We support accessory units as an affordable housing option. - We have had accessory units in our books since 1981. - We are concerned with the thrust of this bill as it is presented as "accessory dwellings are required but not needed." - What does that mean? - Definitions of accessory dwellings are multiple. - Locally, we are careful to distinguish between a use definition and a development standard. - Our concerns relate to timing, ambiguity and the state-imposed definition. Recommends this notion be set aside for a little while.

TAPE 161, SIDE B

ART SCHLACK: (Association of Oregon Counties) Offers testimony in opposition to SB 378. - Notes the counties' concern with the definition of accessory dwellings. - Hardship dwellings are sometimes considered accessory, but this definition goes far beyond that concept.,

CHAIR CEASE: Is that concept one that is used commonly?

SCHLACK: Yes, it is widely used.

044 SEN. COHEN: Rather than relating to hardship dwellings, this appears to push in-filling to manufactured housing. - We are really considering making a state policy regarding in-filling.

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- 054 SEN. SHOEMAKER: If this is mainly a problem in the Portland area, maybe the Metro government should review it within their regional framework plan. . . CHAIR CEASE: Closes the work session on SB 378. - Opens the work session on SB 908.

WORK SESSION ON SB 908

068 CHAIR CEASE: This bill also comes from the Land Use Subcommittee. - Notes on SB 1004, involved parties need to ensure staff has necessary information to contact them when arranging a meeting with Metro to resolve this through the negotiation process.

090 GARY CONKLING: (Beaverton School District) Offers testimony in support of SB 908. - Notes the changes proposed in the -3 amendments. - On the hand-engrossed bill, section 2(1)(a) is an essential feature in emphasizing this is a partnership effort.

CHAIR CEASE: Would this give the district veto power?

CONKLING: This says the districts would have to work out a consensus in the formation of a plan. - Specifies what would have to be contained in the school facility plan. - Notes specifics on page 2, line 3, listing them. - Continues review of the amendments. - The change in effective dates is not reflected in the hand-engrossed version. - Notes those dates.

168 ADMIN. WARNER: Requests clarification of the new section 5, relative to appropriations.

CONKLING: Explains the funding section. - Some type of facilitation grant would be helpful. - I thought technical assistance grant monies were available through an alternative channel.

187 SEN. COHEN: Notes where funding could originate and for what purpose. - This would be local jurisdictional grant money.

SEN. GOLD: Has there been consultation with legislative revenue staff on the implications of the funding formula? - 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. Senate Agriculture and Natural Resources May 21, 1993 Page 10

CONKLING: I wouldn't anticipate any impacts on the school funding formula as a result of this.

214 KENNETH BATTAILE: (League of Oregon Cities) Offers testimony in support of SB 908. - We are comfortable with the amendments.

CHAIR CEASE: Where are the Home Builders with this issue?

237 SEN. COHEN: They still seem to have technical issues they wish to argue on the facility plans. - These are not in the same vein as other concerns they have.

SEN. GOLD: Relates proceedings in the Senate Education Committee the previous day relative to testimony received in support of schools participating in planning and siting. ~

CHAIR CEASE: Let's have staff go through it.

ADMIN. WARNER: Notes changes to the -3 amendments. - On page 1, line 1, delete "and appropriating money." - On page 3, line 18, "section 5" should be "section 4." - On page 2 of the printed bill, delete lines 2-5 relative to appropriations. - On page 2, lines 29 and 32

respectively, change "1994" to "1995" and "1993" to "1994."

MOTION: SEN. COHEN: Moves to ADOPT the SB 908-3 amendments dated 5-20-93 and that SB 908 be further amended as just noted by staff. VOTE: CHAIR CEASE: Hearing no objection the amendments are ADOPTED. All members are present.

360 MOTION: SEN. COHEN: Moves that SB 908 AS AMENDED, be sent to the Floor with a DO PASS recommendation, rescinding the original referral to Ways and Means. VOTE: In a roll call vote, all members present vote AYE.

CHAIR CEASE: The motion CARRIES. SEN. SHOEMAKER will lead discussion on the Floor. - Closes the work session on SB 908. 402 Adjourns the meeting at 9:30 a.m.

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Submitted by: Reviewed by:

Pamella Andersen Peter Green Clerk Administrator

EXHIBIT LOG:

A Proposed Amendments to SB 632 - Senator Joan Dukes - 3 pages  
B Letter from Hilda Moravick - Senator Joan Dukes - 2 pages SB 632  
C Testimony on SB 676 - Don Schellenberg - 1 page D Proposed  
amendments to SB 676 - Don Schellenberg - 1 page E Proposed  
Amendments to SB 378 - Don Miner - 2 pages F Court of Appeals  
Decision - - 4 pages SB 676 G Information Packet- Committee Staff

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