

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

DATE: June 23, 1993 TAPES: 194 PLACE: Hearing Room CTIME: 8:00 AM

MEMBERS PRESENT: Senator Ron Cease, Chair Senator Jim Bunn, Vice-Chair Senator Joyce Cohen Senator Bob Kintigh Senator Bob Shoemaker Senator Gordon Smith MEMBERS EXCUSED: Senator Shirley Gold

STAFF PRESENT: Peter Green, Administrator Chris Warner, Research Associate Kus Soumie, Assistant MEASURES HEARD: HB 2913 WRK HB 2179 WRK HB 2139 PAW HB 2243 PAW HB 2962 PAW

THESE MINUTES CONTAIN MATERIALS WHICH PARAPHRASE AND/OR SUMMARIZE STATEMENTS MADE DURING THIS SESSION. ONLY TEXT ENCLOSED IN QUOTATION MARKS REPORTS A SPEAKER'S EXACT WORDS. FOR COMPLETE CONTENTS OF THE PROCEEDINGS, PLEASE REFER TO THE TAPES.

TAPE 194, SIDE A

005 CHAIR CEASE: Calls meeting to order at 8: 10 a.m.

WORK SESSION ON HB 2179

013 CHAIR CEASE: We had a hearing on this bill on Monday. It's the showerhead bill.

MOTION: Chair Cease moves HB 2179-A to the Floor with a "do pass" recommendation.

VOTE: In a roll call vote, the motion carries 5 - 0. Senators Gold and Bunn excused. Sen. Shoemaker will carry the bill.

WORK SESSION ON HB 2913

026 CHAIR CEASE: Rep. Hosticka testified on this. Sen. Ag. & Natural Resources June 23, 1993 Page 2

032 CHRIS WARNER: There are amendments to clarify "rural towns" and "communities" (EXHIBIT A). 037 MOTION: Chair Cease moves the -1 amendments. VOTE: Hearing no objections, the amendments are adopted. MOTION: Sen. Cohen moves HB 2913 as amended to the Senate Floor with a "do pass" recommendation. VOTE: In a roll call vote the motion carries 5 - 0. Senators Gold and Bunn excused. Sen. Cohen will carry the bill.

PUBLIC HEARING ON HB 2139

WITNESSES: Gary Gustafson, Division of State Lands Sean Brennan, Coastal Caucus

053 CHAIR COHEN: Opens public hearing on HB 2139. - The measure deals with kelp beds (EXHIBIT B-1). 070 GARY GUSTAFSON: Testifies in favor of the bill (EXHIBIT B). 090 SEN. SHOEMAKER: What assurance do you have that a lessee will make any effort to harvest kelp? 091 GARY GUSTAFSON: In lieu of the statutory requirement, we would set a new harvest threshold, based on the individual kelp bed, and we would monitor that. - In response to Sen. Kintigh, Mr. Gustafson replied that the kelp is weighed wet. 090 SEAN BRENNAN: The Coastal Caucus supports the measure. 103 SEN. SHOEMAKER: Why the emergency clause?

105 GUSTAFSON: A new lease is expected to be let, and we need to know

what to include in the contract.

WORK SESSION ON HB 2139

MOTION: Sen. Shoemaker moves HB 2139 to the Senate Floor with a "do pass" recommendation .

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VOTE: In a roll call vote the motion passes 5 - 0. Sen. Cease and Gold excused.

PUBLIC HEARING ON HB 2243 WITNESSES: STEVE JACKY, Oregon Dept. of Forestry

131 CHAIR BUNN: Opens the public hearing on HB 2243. 137 STEVE JACKY: Testifies regarding HB 2243 (EXHIBIT C).

171 SEN COHEN: Are tax dollars being shifted from public lands to private land?

174 JACKY: As the bill is written now, it would maintain the current level of General Fund support into the 1993-95 biennium. If the law sunsets, and the General Fund reverts to paying fifty percent, we would have to reduce our current fire budgets \$5 million. We are keeping the same level as 91-93 but we are still not the original law and taking it up to 50 percent.

WORK SESSION ON HB 2243

MOTION: Sen. Bunn moves HB 2243 to the Floor with a "do pass" recommendation.

VOTE: The motion passes in a roll call vote, 6 - 0, Sen. Gold excused. Sen. Kintigh declares a possible conflict of interest. Sen. Smith will carry the bill.

248 CHAIR CEASE: Sen. Gold will carry the kelp bill.

PUBLIC HEARING ON HB 2962 WITNESSES: CHARLIE STONE, Oregon Dept. of Forestry

250 CHARLIE STONE: Highway 66, the subject of this bill, runs from Ashland to Klamath Falls. It is commonly referred to as the Greensprings Highway. The highway seems to fit the criteria for other highways so designated, and the Dept. of Forestry has no objection.

273 SEN. KINTIGH: Have landowners protested? 275 STONE: Not that we are aware of.

WORK SESSION ON HB 2962

MOTION: Sen. Kintigh moves HB 2962 to the Floor with a "do pass" recommendation.

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VOTE: In a roll call vote, the motion is adopted, 6 - 0; Sen. Gold excused. Sen. Kintigh will carry the bill.

287 CHAIR CEASE: Announces that HB 2345, HB 2215 will not be worked today. - Adjourns the meeting at 8:45 a.m.

Submitted by: Reviewed by: Kus Soumie Peter Green  
Assistant Administrator

EXHIBIT LOG:

A - amendments, hand-engrossed bill, HB 2913, staff, 3 pas. B - summary, HB 213 9, staff, 1 pg. C - testimony, HB 2139, Gustafson, 1 pg. D - testimony, HB 2243, Jacky, 2 pas.

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SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

DATE: June 23, 1993 TAPES: 195 - 198 PLACE: Hearing Room CTIME: 6:00 PM

MEMBERS PRESENT: Senator Ron Cease, Chair Senator Jim Bunn, Vice-Chair Senator Joyce Cohen Senator Bob Kintigh Senator Bob Shoemaker Senator Gordon Smith Senator Shirley Gold

STAFF PRESENT: Peter Green, Administrator Chris Warner, Research Associate Kus Soumie, Clerk MEASURES HEARD: HB 3661 - PUBLIC HEARING WITNESSES: Ann Squier, Governor's Nat. Resources Policy Advisor Dick Benner, Dept. of Land Conservation & Development Jim Brown, Department of Forestry Phil Ward, Department of Agriculture Brian Gregor, Oregon Dept. of Transportation Kent Daniels, Benton County Commissioner Ed Sullivan Lynn Lundquist, Crook County Planning Commission James Millegan, Historical Development Advocates Glenn Taylor, Oregon Association of Realtors Dan Dority, III Lamont Dunnam, Realtor

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TAPE 195 SIDE A

005 CHAIR CEASE CALLS MEETING TO ORDER 6:00 PM. Sen. Ag. & Nat. Resources Comm. June 23, 1993 - Page 2

Reviews agenda for tonight and tomorrow night.

PUBLIC HEARING ON HB 366 1

"HB 3661-A Identification Process for Farmland", "HB 3661-A Identification Process for Forestland", "HB 3661-A Identification Process for Rangeland", "Review and Approval Process (Unmodified Criteria)", and "Review and Approval Process (Modified Criteria)" are submitted for the record (EXHIBIT A). 005 ANN SQUIER, GOVERNOR'S NATURAL RESOURCE POLICY ADVISOR: Reviews three handouts submitted; testimony presented to House Natural Resources Committee (EXHIBIT D), "How HB 3661 Contrasts with ORS 215.243" (EXHIBIT B), and "Goal 3-: Agricultural Lands" (EXHIBIT C). Notes changes needed to (EXHIBIT D) because of modification of HB 3661 since testimony was presented to House Committee. Changes would be to next to last paragraph, page 4, relative to minimum acres in Tillamook County. HB 3661 in its current form is not merely a refinement of, or adjustment of Oregon's statewide planning program. It represents a fundamental change in Oregon's system of planning and zoning for resource lands, a fundamental lowering of protection standards for those resource lands, and a fundamental redirection of policy. 052 Summarizes written testimony (EXHIBIT D) and refers to information contained in (EXHIBIT B) and (EXHIBIT C). Will provide committee with corrected copies of her testimony. 133 DICK BENNER, DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT: Submits maps which will support his testimony (EXHIBIT E). Reviews provisions of HB 3661-A referring to maps (EXHIBIT E). 280 Continues his testimony, reviewing provisions of HB 3661-A.

TAPE 196 SIDE A

005 BENNER: Continues overview of HB 3661. 120 SEN COHEN: Is concerned

about how the creation of new land parcels will be dealt with.

132 BENNER: Refers to provisions of HB 3661 which address that.

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149 SEN SHOEMAKER: How much freedom does the county have in the selection of the indicator crop? 159 BENNER: Refers to relevant section of HB 3661. 163 Benner and committee members discuss indicator crops and options in the bill. 337 BENNER: Believes breaking up the 90 and 100 acre tracts of grass seed ground is incompatible with grass seed farming. 375 SEN. J. BUNN: Can we amend the bill to deal with allowing existing parcels to be utilized for a home, while not creating all the new 20 acre parcels? 380 BENNER: Thinks worst impact on the grass seed industry would be the creation of an additional 385 parcels and placing of dwellings on them. 390 SEN. J. BUNN: Can we do that without a great deal of effort? 392 BENNER: The parcels we are talking about are on secondary lands. You would either have to diminish the amount of secondary land or increase the minimum parcel size. 400 Benner and committee members discuss details of HB 3661.

TAPE 195 SIDE B

005 BENNER: Continues review of provisions of HB 3661, and overview of (EXHIBIT E). -discussion continues among committee members and Benner on small scale primary lands. 128 SEN KINTIGH: Does not think the present system is actually preserving farm- land. Gives examples. 149 CHAIR CEASE: You would find a lot more fragmented development without current land use laws. 177 JIM BROWN, OREGON DEPARTMENT OF FORESTRY: Gives summary statements on HB 3661 from written testimony (EXHIBIT F). -Reviews Figure 4 of Appendix 1, part of (EXHIBIT F) Continues summary of (EXHIBIT F). 373 SEN. KINTIGH: Disagrees with Mr. Brown's testimony.

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377 PHIL WARD, OREGON DEPARTMENT OF AGRICULTURE: Reviews department concerns with HB 3661-1, paraphrasing written testimony, (EXHIBIT G).

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005 WARD: Continues his testimony from (EXHIBIT G). 063 CHAIR CEASE: Asks for copies of 1991 OSU study to measure conflicts between commercial farmers and nonfarm residents. 064 WARD: Will provide. Continues testimony from (EXHIBIT G). 080 Concludes testimony stating that department can not endorse HB 36,61-A. 081 SQUIER: Summarizes possible effects of HB 3661-A Oregon's land use choices. 123 SEN SMITH: With all the growth you anticipate, where would you have everyone go?

130 SQUIER: If we wish to maintain an economy that has a component

strongly based in resource production and retain a quality of life and level of service costs that can be managed in today's hard economic times, Oregon must continue to manage its growth within urban growth boundaries and within the areas already identified in rural settings, such as exception areas, so that we continue to keep the resource lands in a productive mode as the agencies have discussed tonight. My testimony itemizes the opportunities that the existing system already presents for housing opportunities in rural areas. The question before us is how much more of that, and in what mode, the land use program should provide.

147 SEN SMITH: I am not insensitive to the need to preserve our best agriculture land, but because I make my living in agriculture, I recognize that one of the problems America has is that we are awash in farmland and paying billions of dollars annually to pay farmers not to farm. One of the basic premises of SB 100 was to protect farmland when there is really little economic reason. 163 SQUIER: Evidence and data from Department of Agriculture show we have pressures on existing good commercial operations that are in production now in the Willamette Valley in particular. Do not think those are the lands to which you are referring that are in deferral programs. To the extent that there are federal programs for taking lands out of production, that gets to agricultural policy that should be debated in a different forum. 181 WARD: Plan needs modification to be palatable to everyone in the state because of the divergent geographic areas.

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195 Comments on agriculture and diversities in Oregon. 304 BRIAN GREGOR, OREGON DEPARTMENT OF TRANSPORTATION: Reads written testimony expressing department's concerns with HB 3661 (EXHIBIT H). 369 KENT DANIELS, BENTON COUNTY COMMISSIONER: Reads written testimony in opposition to HB 3661, (EXHIBIT I).

TAPE 197 SIDE A

005 DANIELS: Continues his testimony from ~ EXHIBIT 1). 045 ED SULLIVAN, ATTORNEY: Reads written testimony from Oregon Chapter of the American Planning Association in opposition to HB 3661, (EXHIBIT J).

102 Reads written testimony expressing his personal opposition to HB 3661 - part of (EXHIBIT and notes copy of a Court of Appeals Case included in (EXHIBIT J. 290 SEN G. SMITH: Do you have suggestions for getting greater flexibility in rural areas and greater protection in urban areas? 298 SULLIVAN: I think you build on what you have. You don't go with three or four or more options. I think you try to figure out, from a state policy standpoint, what your best lands are and then maybe have gradations of protection. In addition to just the issue of the best farm and forest land you also have the aspect of the urbanization of rural lands which is a separate issue. You also have to keep in mind that if you put several houses out there they will eventually ask for more services, causing local governments more grief. 327 SEN KINTIGH: What is your objection to the historic preservation? Seems that is a fairness issue and the land owner should have a say about his property. 339 SULLIVAN: Leave that to a local determination, subject to some over-arching state policies, that if you

don't do the job on determining what structures are historic, the state can come down on you. Do not think that each individual property owner should make that determination. We don't do it for other kinds of land use determinations. 362 SEN SHOEMAKER: Do you have any comments regarding the recent DLCD rules that led to HB 3661? 371SULLIVAN: I do not admire all aspects of the rules. I think the Commission should look at - 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. - Sen. Ag. & Nat. Resources Comm. June 23, 1993 - Page 6

them in a year after they have been in effect for several months. Thinks it is better for the Commission to react to local problems than for the legislature to be spending its time to try to fix a problem when the parameters of the problem are not fully understood.

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006 Discussion of historical preservation. 040 JIM WAMPLER: Testifies of need for local control and need for change. 081 LYNN LUNDQUIST, CROOK COUNTY PLANNING COMMISSION: Testifies that with farm land and classifications you have to consider much more than the soil. Speaks of need for local control. Discussion with committee members on variety of reasons for changes in land use law. 239 JAMES MILLEGAN, HISTORICAL DEVELOPMENT ADVOCATES: Testifies in opposition to HB 3661, summarizing written testimony (EXHIBIT K). 321 GLENN TAYLOR, OREGON ASSOCIATION OF REALTORS: Testifies is conditional support of HB 3661, summarizing written testimony, (EXHIBIT L).

TAPE 197 SIDE B

005 TAYLOR: Continues his testimony from (EXHIBIT L). 060 DAN DORITY III, LAND OWNER: Speaks of his personal situation related to land use laws, paraphrasing written testimony (EXHIBIT M). 149 LAMONT DUNNAM, PORTLAND REALTOR: Testifies in opposition to HB 3661. 209 CHAIR CEASE: Adjourns meeting at 9:15 P.M.

Transcribed by, Reviewed by, Pat Zwick,  
Peter Green, Committee Assistant Committee  
Administrator

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EXHIBIT LOG:

A - HB 3661 - Explanatory Exhibit - Staff - 5 pages B - HB 3661 - Explanatory Exhibit - Ann Squier - 1 page C - HB 3661 - Goal 3 Explanation - Ann Squier - 2 pages D - HB 3661 - Ann Squier Testimony - 5 - pages E - HB 3661 - DLCL Maps - Dick BeMer - 2 pages F - HB 3661 - James Brown Testimony and Exhibits - 32 pages G - HB 3661 - Phil Ward Testimony and Exhibits - 11 pages H - HB 3661 - ODOT Testimony - Brian Gregor - 1 pages I - HB 3661 - Kent Daniels Testimony - 5 pages J - HB 3661 - Ed Sullivan Testimony and Exhibit - 13 pages K - HB 3661 - James Millegan Testimony - 2 pages L - HB 3661 - Glenn Taylor Testimony - 2

pages M - HB 3661 - Dan Dority III Testimony - 3 pages

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