

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

DATE: July 6, 1993 TAPES: 216 - 219 PLACE: Hearing Room C  
TIME: 3:00 PM

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

MEMBERS EXCUSED: Senator Shirley Gold

GUEST MEMBERS: Representative Marilyn Dell

STAFF PRESENT: Peter Green, Administrator Chris Warner, Research  
Associate Kus Soumie, Committee Assistant

MEASURES HEARD: HB 3661 PUB

WITNESSES: Bonnie Smith, Citizen representing self Frank  
Setniker, Citizen representing self Rob Hukari, Citizen representing  
self Wayne Simmons, Citizen representing self Liz Frenkel, Oregon Sierra  
Club Blair Batson, 1,000 Friends of Oregon Dick Benner, Land  
Conservation & Development Commission Parker Johnstone, Citizen  
representing self Vern Retzlaff, Citizen representing self Richard  
Fujas, Jackson County Farmer Don Bonhert, Citizen representing self  
Dalton Straus, Citizen representing self M. D. VanVolkenburgh,  
Citizen representing self

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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 216, SIDE A

005 CHAIR CEASE CALLS MEETING TO ORDER 3:00 PM

PUBLIC HEARING ON HB 3661

NOTE FOR THE RECORD: Staff introduced, for the record, EXHIBIT A  
(citizens' letters to various committee members).

010 BONNIE SMITH, CITIZEN REPRESENTING SELF: Offers testimony in  
opposition to HB 3661, and offers testimony on "right to farm" aspects  
of proposed legislation.

- Landowners are discriminated against.

- Land Conservation and Development Commission (LCDC) is not in the  
interests of the farmers but the "haves" versus the "have nots".

- Proposed legislation is not good but preferable to present land  
use laws.

196 FRANK SETNIKER, CITIZEN REPRESENTING SELF (SETNIKER FARMS): Offers  
testimony on HB 3661, and offers testimony on the "secondary lands"  
aspect of the bill.

- Requests committee and legislature to listen to interested land  
owners.

- Is concerned with the primary treatment of the land.

269 SENATOR RON CEASE, CHAIR: Where are the conflicts for you regarding lands at this time?

270 SETNIKER: We have not had the opportunity to use secondary lands, and do not want a settlement in the inevitability of inheritance; the secondary land will be worth far more than it is now.

326 ROBERT HUKARI, CITIZEN REPRESENTING SELF: Offers testimony on HB 3661, and presents overview of EXHIBIT B (written testimony).

TAPE 217, SIDE A

005 HUKARI: Continues testimony on HB 3661, and overview of EXHIBIT B.

- Proposes amended language to clarify intent of "right to farm" (see Exhibit B).

029 WAYNE SIMMONS, WEST SALEM FARMER: Offers testimony on HB 3661, and presents overview of EXHIBIT C (written testimony).

- LCDC budget is too high.

- 1,000 Friends of Oregon are not interested only in saving endangered species.

- When the government controls all the land, it will have control of all the citizens.

- SB 100 was to preserve farmlands.

097 SENATOR BOB SHOEMAKER: One of the criteria of land use rules is to protect not only farming but farm lands. Do you believe that if we pass a right-to-farm rule that will preserve your farms it would jeopardize or inhibit you in some way?

117 SIMMONS: To say that we must list all land as farm land is not correct. I would like to be able to sell off excess land that we own, if I so choose.

174 LIZ FRENKEL, OREGON SIERRA CLUB: Offers testimony opposing HB 3661, and presents overview of EXHIBIT D (written testimony).

- States that when anyone with any land who begins to look at building a house anywhere on their lot of record should have to follow a law that says "this is where the line should be".

263 CHAIR CEASE: Would it be fair to say that, in secondary rules, no one really knows what they'd do, but that people are generally dissatisfied with the rules as they exist? We could have resolved this last session but the opportunity was lost.

290 FRENKEL: Testimony has been heard on both sides, and perceptions have already been formalized.

320 SENATOR JIM BUNN: Makes a comment regarding lot of record.

325 FRENKEL: For lots of record, I want to go out and find what the answer should be. 380 CHAIR CEASE: I feel that it would be irresponsible to not do anything with land use this session. We are dealing with a quandary as to what to do.

403 FRENKEL: Responds in agreement.

TAPE 216, SIDE B

004 SENATOR GORDON SMITH: I have heard that there may be a disagreement among the environmental community regarding the pro's and con's of lot of record laws. Could you comment on that? Do you see that exactly those things that are encouraged by this bill are opposed to by many members of your organization?

005 FRENKEL: It seems that throughout the state there is better support for this bill this session, and people care deeply about the issue. I would say no to your question. Ten years ago, an individual on the planning commission asked how much support is being amassed regarding this issue, and they were appalled. In some counties, they have not even gotten to the point to see what they are doing. And I don't know what is going on in Lake county.

077 BLAIR BATSON, 1,000 FRIENDS OF OREGON: Offers testimony on HB 3661, and presents overview of EXHIBIT E (letters dated June 15 and June 28, 1993). Also introduces EXHIBIT F (her written testimony).

100 CHAIR CEASE: Gives a brief overview for the committee of where 1,000 Friends is with alternatives to the bill.

110 BATSON: Reads testimony into the record opposing HB 3661. (June 28th for the record testimony).

- Alternative to proposed legislation by Representative Marilyn Dell overviewed for the record.
- Inequity in land use system needs to be dealt with this session.
- Land use policies need to be reviewed.
- Lot of record definitions are not known.
- Lots of record are removed from farming after the farm value is less than other uses. BATSON (continuing):
- Overview of the effects of land use amendments.
- Four points presented by Representative Dell's testimony.

TAPE 217, SIDE B

005 BATSON: Continues testimony on HB 3661, and overview of Representative Dell's proposals and amendments.

- Effects of the Clark Case under various divisions of land use planning.
- Urges the rejection of certain policies.

077 REPRESENTATIVE MARILYN DELL, HOUSE DISTRICT 29: Offers

testimony on HB 3661, and presents comments in 1,000 Friends' testimony.

123 VARIOUS COMMITTEE MEMBERS AND REPRESENTATIVE DELL: Discusses 1,000 Friends of Oregon testimony, their position, and issues and concerns regarding HB 3661.

130 REP DELL: Comments on the marginal lands statutes, and asks they be done away with.

170 DICK BENNER, LAND CONSERVATION AND DEVELOPMENT COMMISSION: Offers testimony on HB 3661, and presents overview of EXHIBIT F (written testimony of Blair Batson of 1,000 Friends of Oregon).

TAPE 218, SIDE A

005 BENNER: Continues testimony on HB 3661, and overview of EXHIBIT F.

104 - Overview of maps of various counties with overview of parcelization issues.

240 CHAIR CEASE AND BENNER: Discusses policy question regarding the rules for the west side as compared to the rules for the east side (of the state).

286 SMITH, CEASE, KINTIGH AND BENNER: Discusses lot of record rules on both the west side and east side of the mountains in Oregon. 388 CHAIR CEASE: In your opinion, if we walked away from this issue and this bill, and let the commissioners decide---what would that mean politically? Would that exasperate the local public?

TAPE 219, SIDE A

005 BENNER: Most counties agree that, ultimately, the product would put them in a better position than they are today. I think the public, for the most part, would be pleased. It might take awhile to absorb.

034 CHAIR CEASE AND BENNER: Continues discussion regarding lot of record, and the secondary lands issue.

076 PARKER JOHNSTONE, CITIZEN REPRESENTING SELF AND OTHERS: Offers testimony on HB 3661.

- People in Oregon want to know what they can and cannot do with the land they own.

- Anytime any one says "no, you can't put a house on your land", that's wrong.

145 VERN RETZLAFF, CITIZEN REPRESENTING SELF: Offers testimony on HB 3661.

- If Oregon is really serious about preserving good farmland, then something needs to be done.

- Need to implement protection for farms.

264 RICHARD FUJAS, JACKSON COUNTY FARMER: Offers testimony on HB 3661.

- Farmers are frustrated with the present system but not with proposed legislation.

- A simple person could not understand LCDC rules.

- Expounds a quotation from James Madison, a founding father of the U.S., on land laws for all citizens.

372 CHAIR CEASE: Relates a land use story regarding zoning of rural and urban lands.

400 FUJAS: Responds to Chair's comments.

TAPE 218, SIDE B

005 FUJAS: Continues testimony on HB 3661.

021 CHAIR CEASE AND FUJAS: Discusses the California immigrant housing problems.

- Discusses Medford/Ashland housing as examples.

098 DON BOHNERT, CITIZEN REPRESENTING SELF: Offers testimony on HB 3661.

- Relates past experience in citizen groups and various trials working with LCDC.

- Problems with EFU zones.

- Lists requirements on establishing home as homesite, and the changing LCDC rules.

237 DALTON STRAUS, CITIZEN REPRESENTING SELF: Offers testimony on HB 3661.

- Explains that he bought some parcels a long time ago, and now he can no longer manage them.

- States that, unfortunately, he can no longer sell the land at a valuable price.

- States that development is good---people will take care of it better.

350 M.D. VAN VOLKENBURGH, CITIZEN REPRESENTING SELF: Offers testimony on HB 3661.

- Relates a story about land in Cannon Beach.

- States that the solution is more local control, and less bureaucratic & legislative control.

- Rulemakers, such as 1,000 Friends of Oregon, tend to focus on taking care on themselves.

430 STRAUS: Continues testimony of HB 3661. 442 CHAIR CEASE:  
ADJOURNS MEETING AT 6:35 PM

Transcribed by

Reviewed by

Debi Garrigues  
Administrator

Peter Green Assistant

EXHIBIT LOG:

A - WRITTEN TESTIMONIES - Staff - 35 pages B - WRITTEN TESTIMONY -  
Robert Hukari - 2 pages C - WRITTEN TESTIMONY - Wayne Simmons - 3 pages  
D - WRITTEN TESTIMONY - Liz Frenkel - 2 pages E - WRITTEN TESTIMONY -  
Blair Batson - 16 pages F - WRITTEN TESTIMONY - Blair Batson - 21 pages