

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES Subcommittee on
Land Use

April 12, 1993 Hearing Room H-170 5:30 p.m. Tapes 17 -18
MEMBERS PRESENT: Sen. Ron Cease, Chair Sen. Bob Shoemaker Sen. Gordon
Smith MEMBERS EXCUSED: None STAFF PRESENT: Chris Warner,
Administrator Pamella Andersen, Committee Clerk MEASURES
CONSIDERED: SB 763 SB 891 SB 908 SB 1057

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. . . . TAPE 17, SIDE A

005 CHAIR CEASE: Calls the meeting to order at 5:35 p.m. - Opens the
public hearing on SB 763 and SB 891.

PUBLIC HEARING ON 763 and 891- EXHIBITS A through C

WITNESSES: Blair Batson, 1000 Friends of Oregon Anthony Boutard, 1000
Friends of Oregon Richard Benner, Department of Land Conservation and
Development Chris Foster, Portland Larry George, Oregonians In Action

014 BLAIR BATSON: (introduces EXHIBIT A) Offers testimony in opposition
to both SB 763 and SB 891. - There is no evidence of need for
additional residential development in farm and forest zones.
- References the Farm and Forest Study and the Urban Growth
Management Study done in 1991 by Department of Land Conservation and
Development. - Notes the conclusions of the studies. - States the
question that will be asked land owners to determine the commercial
contribution of their property should this bill be adopted and the
consequences. -- - 057 - Lists the provisions of SB 891.
- We are losing the land base upon which both farm and forest depend.
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~~ 079 ANTHONY BOUTARD: Summarizes facts regarding forest lands. -
Reviews specifics of particular woods. - Harvests in 1990 came 59
percent from private lands. - Discusses the method for calculating the
productivity of land. 128 - Mentions material written by William
Atkinson discussing the urban/rural interface zone. - Lists various
complaints by persons on conflicting forestry practices. 160 -
Discusses fire-related problems. - Notes misunderstandings relative to
construction in forests helping prevent clear-cutting. - Mentions
fragmentation of habitat as a result of residential structures.

227 RICHARD BENNER: Displays an aerial photograph of The Dalles, noting
details. - Displays second aerial photograph noting the presence of
orchards. - States the soil classes present. - Displays related land use
patterns and the fact that they probably have been re-assembled since
the first of the century when they were originally platted. 297 - If SB
891 is adopted, both orchards shown in the photographs over time would
sell off the tracts and there would no longer be a commercial scale
orchard. - Mentions history of lot of record bills. - Notes the number
of homes approved during activation of lot of record laws.

364 CHAIR CEASE: Why wasn't there a greater number of homes built
during that four-year period?

BENNER: Notes reasons.

SEN. SHOEMAKER: Please review the lot of record in the small scale resource land rules.

BENNER: Reviews law. 393 - The data base is spotty. - No one has any indication how many lots or parcels exist. - Realtors in Yamhill County are performing related research, with preliminary figures indicating 1200 to 1500 undeveloped, existing, salable tracts in farm and forest zones in that county. - Lane County's count indicates 10,000 existing parcels and lots in their F-1 zone. - SB 891 would make many lots available for single family dwellings.

TAPE 18, SIDE A

BENNER: Discusses possible interpretations of "contribute" to a commercial agriculture enterprise. - Defines "commercial agriculture enterprise." - This bill would have the county apply the term case by case, which is difficult. - The result of SB 763 is there would be more houses in farm zones. 042 -Notes the number of non-farm dwellings in EFU zones approved each year during the course of several years. -The "Smith" decision has affected what it takes to get a non-farm dwelling approved.

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072 CHRIS FOSTER: (introduces EXHIBIT B) Offers testimony in opposition to SB 763 and SB 891. - Notes the amount of forest land remaining in Multnomah County. - As a building contractor he is concerned about lots of record. - Notes the groups he participates in as a member. - Reviews the maps on Exhibit B and what they indicate. - References the report he distributed. - Notes the value of timber land, and that purchasers fell the timber to pay for the expensive land. 125 - Notes the timber practices that damage the land. - Explains the manner in which homes are built on forest land.

CHAIR CEASE: Asks about Mr. Foster's research.

FOSTER: Notes the study was funded by Multnomah County and performed by wildlife biologists. - I am concerned about some of these areas becoming secondary land. 171 LARRY GEORGE: (introduces EXHIBIT C) Offers testimony on SB 763 and SB 891. - His association has no problem with this lot of record bill. - Notes he was raised on a farm in Yamhill County where hazelnuts were grown. 203 - We have more conflicts with other farmers than other persons moving into the area. - Necessary restrictions should be proven by those who want them. - There is no proof these conflicts actually exist to the extent people's land use should be restricted. - A lot of these restrictions have hurt people trying to get into agriculture. - There are other ways to mediate these problems.

244 CHAIR CEASE: Closes the public hearing on SB 763 and SB 891. - Opens the public hearing on SB 908.

PUBLIC HEARING ON SB 908 - EXHIBITS D through E Witnesses: Gary Conkling, Beaverton School District Peggy Lynch, Beaverton School District Greg Wolf, Department of Land Conservation and Development Kim Katsion, Washington County Brent Curtis, Washington County Phil Fell, League of Oregon Cities Bruce Anderson, Oregon State Home Builders Association

GARY CONKLING: (introduces EXHIBIT D) Offers testimony in support of SB 908 . 266 - Notes the growth of their school district. - Current land use processes are problematic. - Eight new schools have been built in the last 10 years. - The district does not now own the land needed to build the other schools they will need over the next 20 years.

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311 - This is not good planning. - Notes the requirements of SB 908. - The Federated Oregon School Administrators has expressed support for the bill. - Notes the staff recommended amendment is supported. 327 PEGGY LYNCH: (introduces EXHIBIT E) Offers testimony in support of SB 908 and notes her interest in the bill. - References Exhibit E and who compiled the report. - Read the "preferred solutions" from the report. - Notes consensus by all parties in developing these options. - This has been a cooperative effort between the school districts and local governments. TAPE 17, SIDE B . LYNCH: Continues testimony in support of SB 908. 042 CHAIR CEASE: Does this bill require an appropriation of \$200,000? CONKLING: It requires \$250,000. 049 GREG WOLF: Provides comments by the Department of Land Conservation and Development. - There are provisions in the bill that the agency would like to see worded differently. - "Land use regulations" is a better term than "residential land development approval."

CHAIR CEASE: That is a minor issue and can be addressed while working over the bill.

072 WOLF: In preparing our growth management program, we did not deal with school facilities. This is a controversial issue and we didn't want to hold back the rest of the package.

SEN. SHOEMAKER: The report referenced by Ms. Lynch was made by a committee that included John Chandler. I assume he signed off on the report?

WOLF: He was included in the working group, but that was separate from the growth management work. - It might be valuable to hear from the homebuilders on this issue. 092 CHAIR CEASE: What about the required funds?

WOLF: That would help us deal with the more acute planning problems that exist. 106 KIM KATSION: Offers testimony in support of SB 908. - Notes her involvement in the issue. - The concept of the bill is very broad. - The only problem the county anticipates with the bill are dates for incorporating the land use process. - Explains the difficulty in putting this into their land use process this year. Senate Committee on Agriculture and Natural Resources Land Use Subcommittee April 12, 1993 - Page 5

SEN. SHOEMAKER: This would be required to be implemented by 1994.

KATSION: Explains why their requirement would be different.

148 BRENT CURTIS: Much work has been done locally, and this facility planning approach is consistent with the kind of approach we have taken with other facilities. - We are prepared to move ahead expeditiously.

KATSION: This is only one small piece of the pie that needs to be completed before we can move into solving the bigger problems.

160 CHAIR CEASE: Closes the public hearing on SB 908. - Opens the public hearing on SB 1057.

PUBLIC HEARING ON SB 1057 - EXHIBIT F

Witnesses: Brian Gregor, Department of Transportation Brent Curtis, Washington County Greg Wolf, Department of Land Conservation and Development

137 BRIAN GREGOR: (introduces EXHIBIT F) Offers testimony on SB 1057. - Notes the purpose of the bill and provides background information. - Prior to 1987, roads were not listed as an approved use in a farm zone. - Notes proposed amendments to the bill developed in cooperation with the Department of Land Conservation and Development. - We aren't intending to change the status quo.

SEN. SMITH: What kind of transportation is included in that?

190 GREGOR: The key phrase is on page 3(t) and could include a rail line as well as a highway.

200 BRENT CURTIS: Offers testimony in opposition to SB 1057 as originally drafted. - Washington County agrees there is a problem that needs to be resolved. - We would like this hearing continued so that the counties have an opportunity to work with ODOT and DLCD to develop another solution. 248 GREG WOLF: This is principally an ODOT bill. - We were on board with the amendments noted here. - We would be happy to participate in further discussions. SEN. SMITH: (To Brent Curtis) As a planning director, what is your experience with ODOT's implementation of DLCD rules as they relate to development and traffic studies?

261 CURTIS: ODOT has made many strides toward meeting the planning requirements they have and integrating what was previously thought to be a non-land use issue.

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SEN. SMITH: There is a difference between your county and the one represent, which has very little development. - The required studies generally end a project before it gets started.

CURTIS: One issue here is to require the highest level of analysis for

the truly significant issues and let the lesser cases move through more easily.

CHAIR CEASE: Closes the public hearing on SB 1057. - Reopens the public hearing on SB 908.

PUBLIC HEARING ON SB 908 (continued)

299 PHIL FELL: Offers testimony in support of SB 908. - We have concerns about which entity should be the lead agency. - It would be useful to work with school districts in defining the growth areas and planning facilities. - We have questions about the formula used for defining high growth areas. - We would like to visit with proponents of the bill about what might be a more appropriate formula. - Our deadline preference would be to incorporate this into the periodic review process to reduce costs.

337 BRUCE ANDERSON: Offers testimony on SB 908. - The homebuilders have not taken a formal position on the bill. - We are interested in school district involvement in land use planning. - Clear and objective standards are needed. - Some phrases and terms need to be clarified and made more specific such as "adequacy of school facilities." - Notes support for DLCD's note on line 19 for insertion of "land use regulation."

370 CHAIR CEASE: Closes the hearing on SB 908. - Adjourns the meeting at 7:00 p.m.

Submitted by, Reviewed by, Pamella Andersen Chris Warner
Clerk Administrator Senate Committee on Agriculture and Natural
Resources Land Use Subcommittee April 12, 1993 - Page 7

EXHIBIT LOG:

A Testimony on SB 763 and SB 891 - Blair Batson - 40 pages B Rural
Planning Areas in Multnomah County - Chris Foster - 6 pages C Memo on
the "Conflict Issue" - Larry George - 4 pages D Testimony on School
Facility, Land Use Planning Coordination - Gary Conkling - 3 pages
E Testimony on SB 908 - Peggy Lynch - 1 page F Testimony on SB
1057- Brian Gregor - 4 pages

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