

Senate Committee on Agriculture and Natural Resources April 29, 1991 -
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report a speaker's exact words. For complete contents of the
proceedings, please refer to the tapes.

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

April 29, 1991Hearing Room C 8:15 a.m.Tape 171 - 173

MEMBERS PRESENT:Sen. Dick Springer, Chair Sen. Joyce Cohen,
Vice-Chair Sen. John Brenneman Sen. Shirley Gold Sen. Bob Kintigh
Sen. Tricia Smith Sen. Eugene Timms

VISITING MEMBERS: Sen. Scott Duff

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

MEASURES CONSIDERED: SB 229(WRK) SB 555(WRK) SB
1125(WRK) SJM 14(WRK) SB 1199(PPW) SB 1017(PPW)

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TAPE 171 SIDE A

005 CHAIR SPRINGER CALLS THE MEETING TO ORDER AT 8:00 AM

WORK SESSION ON SJM14

MOTION: Sen. Smith moves SJM14 to the floor DO PASS

VOTE: In a roll call vote the MOTION PASSES 5 - 0 with Sen
Kintigh and Sen Gold excused

PUBLIC HEARING ON SB 1017

WITNESSES: Richard Carson Burton West Jerry Justice Paul Ketcham

050 RICHARD CARSON, Director, Planning and Development for METRO, gives
testimony on SB 1017 and points out technical errors in the bill

114 BURTON WEIST, METRO, requests to add some amendments to SB 1017, to
be turned in to staff as EXHIBIT A

118 CARSON - WEIST: Answer questions from Members regarding the intent
of the proposed amendments to SB 1017

235 JERRY JUSTICE, Clackamas County, gives testimony on SB 1017 giving criteria or the adoption of this legislative proposal.

272 SEN. TIMMS: Are you saying that this helps coordination?

281 JUSTICE: Yes.

317 PAUL KETCHAM, 1,000 Friends of Oregon, gives testimony on SB 1017

MOTION: CHAIR MOVES THE RECONSIDERATION OF SB

VOTE: MOTION CARRIES

PUBLIC HEARING ON SB 1199

WITNESSES: Gary Conkung Steve Brown

360 GARY CONKUNG, SAFCO Properties, gives testimony on SB 1199 and presents overview of EXHIBIT B

TAPE 172 SIDE A

003 STEVE BROWN, SAFCO Properties, gives testimony on SB 1199, with overview of EXHIBIT B

049 SEN. COHEN: Series of questions to BROWN AND CONKUNG

058 BROWN: - continues to answer questions from staff regarding proposed amendments to SB 1199

234 CHAIR SPRINGER: Speaks to the issues of cleanup costs involved in contaminated properties.

252 BROWN: If someone has not been responsible in the past with their property, our bill says that they ought to have the same defenses that the original owners had.

WORK SESSION ON SB 229

MOTION: Sen Cohen moves SB 229 to the Floor DO PASS

VOTE: In a roll call vote the MOTION PASSES

PUBLIC HEARING ON SB 1199

WITNESSES: Susan Schneider Joe Glicker Jean Cameron John Lowey

336 SUSAN SCHNEIDER, City of Portland, gives testimony on SB 1199.

360 JOE GLICKER, Portland Water Bureau, gives testimony on SB 1199 and presents overview of EXHIBIT C

TAPE 171 SIDE B

003 GLICKER: continues testimony and answers questions from Members

060 JEAN CAMERON, Oregon Environmental Council, gives testimony on SB 1199 asking that this bill not back down on the liability or incentives issue.

080 JOHN LOWEY, DEQ, gives testimony and overview of the Department's interpretation of the bill.

- clarification of liability of the original owner of contaminated property

- intent of the liability aspects of the bill

WORK SESSION ON SB 1125 AND SB 555

WITNESSES: Sen Scott Duff Peter Green Charlie Stone Mark Liverman
Jill John

160 SEN SCOTT DUFF, District 29, gives testimony on SB 1125 and gives overview of amendments to SB 1125 (page 6 line 37) EXHIBIT D

229 PETER GREEN, Committee Administrator, gives overview of previous amendments to SB 1125 EXHIBIT D

268 SEN. COHEN: How should we go about working on the amendments? The stream classification issue I think SB 555 -2 need to be discussed further. EXHIBIT E

335 SEN BRENNEMAN: I have found a technical error regarding highways.

HEARING ON STREAM CLASSIFICATION (SECTION 10 OF SB 1125)

TAPE 172 SIDE B

018 CHARLIE STONE, Department of Forestry, This classification has never been implemented.

027 GREEN: gives suggested language for amendment.

035 STONE: - answers questions from committee members

114 SEN. COHEN: I would like a more public arena for response on this before a decision is made.

119 MARK LIVERMAN, Portland Audobon Society, gives testimony the deadline which is viewed as inadequate. Our primary misgiving being, no interim stream protection level, as suggested by the - 2 amendments and others who testified on SB 555 and SB 1125. The substantial scientific authority supports that and would therefore urge you to come up with and interim standard until the board has come up with their stream classification. 100 - 150 feet of no cut zone on fish bearing streams and tributaries is what we feel is necessary until this is decided.

141 STONE: - speaks on what California is doing with their stream classification.

150 JILL ZARNOWITZ, Oregon Department of Fish and Wildlife, gives testimony on rules for road construction in riparian zones.

163 JOHN DAVIS, Oregon Forest Industries Council (OFIC), gives testimony on the plan and enforcement of rules, in stream classification provisions of proposed amendments to SB 555 and SB 1125.

- potential problems with compliance - forest land owners and enforcement

178 GREEN: - presents overview of California legislation on

197 STONE: - answers questions from Committee Members on Stream classification and riparian zones

250 LIVERMAN: We urge a no cut zone to keep options open for future policy.

274 STONE: We believe that we have all options covered - continues to answer series of questions from Members

388 LIVERMAN: This process will prove very difficult and needs the addition of interim protection.

TAPE 173 SIDE A

003 CHAIR SPRINGER: We will need more discussion and votes on each section to get to the completion of the package.

076 SEN. KINTIGH: Is there a great deal of road building in stream areas now?

080 STONE: There is very little road construction in stream areas. We are still building 600 to 700 miles of road per year. These roads are primarily spur roads going into the harvest areas.

CHAIR SPRINGER RECESSES THE HEARING AT 10:30 PM (to reconvene at 5:30 PM)

EXHIBIT LOG:

A - Testimony on SB 1027 - Rich Carson - 5 pages
B - Testimony on SB 1199 - Gary Conkung - 5 pages
C - Testimony on SB 1199 - Joe Glicker - 2 pages D -Amendments to SB 1125 - Sen. Scott Duff - 1 page E - Testimony on SB 1125/555 - Sen Joyce Cohen - 2 pages

Submitted by: Reviewed by:

Kus Soumie Peter Green Assistant Administrator

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SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

April 29, 1991Hearing Room B 5:30 PMTape 174 - 177

MEMBERS PRESENT:Sen. Dick Springer, Chair Sen. Joyce Cohen,
Vice-Chair Sen. John Brenneman Sen. Shirley Gold Sen. Bob Kintigh Sen.
Tricia Smith Sen. Eugene Timms

STAFF PRESENT: Peter Green, Committee Administrator Chris Beck,
Research Associate Kus Soumie, Committee Assistant Jill Rader, Committee
Page MEASURES CONSIDERED: SB 91-A (PPW)

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TAPE 174 SIDE A

003 CHAIR SPRINGER CALLS THE MEETING TO ORDER AT 5:30 PM

PUBLIC HEARING ON SB 91 Land Use Issues

WITNESSES: Wendy Mortensen Kristi Halverson Mark Tipperman
Cynthia Lord Dan McCulloch Betty Foxly Bob O'Renick Scott Ashcom Drew
Hunter Albert Kuschke Donald Still Ralph Blanchard Mike Probes Thor Burg
Christopher Foster Dennis Goecks Kelly Ross Manton Carl Dave Vanasche
Ken Buelte Doug Kramer Don Wachlin Nancy Moller Sam Sweeney Cliff Kenagy
Roy Burns Jane Meyers Blair Batson

027 WENDY MORTENSEN, gives testimony against SB 91 -A, unless amended,
and presents overview of EXHIBIT A

082 KRISTI HALVERSON, Halverson-Mason Corp, gives testimony on SB 91-A,
and presents overview of EXHIBIT B

- answers questions from committee members

MARK TIPPERMAN, submits for the record, EXHIBIT C CYNTHIA LORD, submits
for the record, EXHIBIT D DAN McCULLOCH, submits for the record, EXHIBIT
E COMMITTEE STAFF, submits for the record, EXHIBIT F

337 BETTY FOXLY, Oregon Division of University Women, gives testimony on
SB 91-A and presents overview of EXHIBIT G with suggested amendments.

TAPE 175 SIDE A

003 FOXLY: continues overview of EXHIBIT G

051 BOB O'RENICK, gives testimony on SB 91-A and gives overview of EXHIBIT H

070 SCOTT ASHCOM, Oregon Assoc. of Nurserymen, gives testimony on SB 91

095 DREW HUNTER, Oregon Assoc. of Nurserymen, gives testimony on SB 91-A, and presents overview of EXHIBIT I

150 ASHCOM: - answers questions frm committee members

292 ALBERT KUSCHKE, Tree Farmer, gives testimony on SB 91-A, and presents overview of EXHIBIT J

344 DONALD STILL, gives testimony in opposition to SB 91-A unless amended.

TAPE 174 SIDE B

003 STILL: continues testimony on SB 91-A.

059 RALPH BLANCHARD, Polk County Commissioner, gives testimony on SB 91-A and presents EXHIBIT K in opposition to the bill.

- Answers questons from committee members

218 MIKE PROBES, County Commissioner, gives testimony on SB 91-A and gives overview of land use issues in Polk County.

- concern about local planning groups of people who use the land - property owners should help to plan for the uses of secondary lands

298 CHAIR SPRINGER: What was the population growth in the last census? How are you doing in the low income housing area?

311 BLANCHARD: Low population growth with not much progress in low income housing.

372 THOR BURG, gives testimony on SB 91, and presents overview EXHIBIT L including the land use laws in Oregon.

TAPE 175 SIDE B

003 BURG: continues testimony on SB 91-A

045 CHRISTOPHER H. FOSTER, Friends of Forest Park, gives testimony on SB 91-A and presents testimony on EXHIBIT M

123 DENNIS GOECKS, Yamhill County Commissioner, gives testimony on SB 91-A and presents overview of EXHIBIT N

- who owns the land? - we need to find in each county the line for development - concern with rural development becoming urban growth

348 SEN. SMITH: Do your people come to us with their problems?

358 GOECKS: We have a sewer service district which was bailed out. \$447,000.00 was spent \$300,000.00 in federal money was spent.

TAPE 176 SIDE A

003 GOECKS: continues testimony on SB 91-A with overview of planning and information given by the county on moving to rural areas.

- speaks on growth in Yamhill County - preservation of commercial agriculture with minimal growth in Agricultural lands

043 SEN TIMMS: What is your minimum lot size out side the urban growth boundaries?

044 GOECKS: In the agricultural land area our proposed ordinance would not allow partitioning in half and 40 or more acres before partitioning is permitted in the remainder.

KELLY ROSS, Oregon Association of Realtors, submits EXHIBIT O for the record.

080 MANTON N. CARL, gives testimony on SB 91-A, and presents overview of EXHIBIT P

170 DAVE VANASCHE, Washington County Farm Bureau, gives testimony on SB 91-A and gives overview of EXHIBIT Q

278 KEN BUELT, Washington County Farm Bureau, gives testimony on SB 91-A - exception areas - non agricultural lots are not followed up on - we worry about "pockets" - frustration with the loophole system

TAPE 177 SIDE A

004 DOUG KRAMER, gives suggested amendments to SB 91-A.

- 640 acre block size recommended - we want to minimize our conflicts with urbanites

047 VANASCHE: Speaks on golf courses and proposed soccer fields and the recent popularity due to the relative low cost of the property. We have dealt with so many conditional uses creating conflicts with Agriculture.

- we are here to preserve our livleyhood in agriculture

SERIES OF QUESTIONS AND SUGGESTIONS FOR CRITERIA IN SECONDARY LANDS

136 KRAMER: Without land use planning, we would not be farming. We are concerned with loopholes in the EFC forest lands.

180 DON WACHLIN, gives testimony on SB 91-A, with overview of EXHIBIT R

261 NANCY MOLLER, gives testimony on SB 91-A, and presents overview of EXHIBIT S

300 SAM SWEENEY, Country Heritage Farms, gives testimony on SB 91-A and presents overview of EXHIBIT T (distribute to members only one copy in the record)

TAPE 176 SIDE B

003 SWEENEY: continues testimony on SB 91-A and EXHIBIT T - conflicts with neigHB ors relating to agricultural practices - farmers and non

farmers don't mix - reclamation is too costly save the land now for the future

081 SEN. KINTIGH: Where so you suggest the nurseries go? if not in secondary lands

089 SWEENEY: There are areas in Lebanon dayton for this type of agriculture.

108 SEN KINTIGH:

111 SWEENEY: Once land has been used for farming it should continue as such.

124 CLIFF KENAGY, gives testimony on SB 91-A

230 ROY BURNS, Lane County, gives testimony on SB 91-A, and presents overview of EXHIBIT U

330 JANE MEYERS, Oregon Forest Industry Council, gives testimony on SB 91-A and presents overview of EXHIBIT V

TAPE 177 SIDE B

003 MEYERS: continues testimony and offers amendments to SB 91-A

046 BLAIR BATSON, 1,000 Friends, gives testimony on SB 91-A and gives overview of the position of 1,000 Friends on the issues of secondary lands, while offering some proposed amendments to the bill. - appeals should be simplified - increase should be further increased - delete the provisions for non farm dwellings, golf courses, etc. - modify criteria for conditional use - dwellings authorized for 1 per property - limit schools and churches to those designed for rural use

MEETING IS ADJOURNED AT 9:15 PM

EXHIBIT LOG:

A - Testimony on SB 91 A - Wendy Mortensen - 2 pages
B - Testimony on SB 91 A - Kristi Halverson - 6 pages
C - Testimony on SB 91 A - Mark Tipperman - 4 pages
D - Testimony on SB 91 A - Cynthia Lord - 1 page
E - Testimony on SB 91 A - Dan McCulloch - 1 page
F - Testimony on SB 91 A - Committee Staff - 3 pages
G - Testimony on SB 91 A - Betty Foxly - 2 pages
H - Testimony on SB 91 A - Bob O'Renck - 2 pages
I - Testimony on SB 91 A - Drew Hunter - 6 pages
J - Testimony on SB 91 A - Albert Kuschke - 1 page
K - Testimony on SB 91 A - Ralph Blanchard - 4 pages
L - Testimony on SB 91 A - Thor Burg - 2 pages M - Testimony
on SB 91 A - Christopher Foster - 3 pages N - Testimony on SB 91 A
- Dennis Goecks - 96 pages O - Testimony on SB 91 A - Kelly Ross -
4 pages P - Testimony on SB 91 A - Manton Carl - 1 page
Q - Testimony on SB 91 A - Dave Vanasche - 4 pages
R - Testimony on SB 91 A - Don Wachlin - 2 pages
S - Testimony on SB 91 A - Nancy Moller - 2 pages
T - Testimony on SB 91 A - Sam Sweeney - 6 pages
U - Testimony on SB 91 A - Roy Burns - 5 pages V - Testimony
on SB 91 A - Jane Meyers - 3 pages

Submitted by: Reviewed by:

Kus Soumie Peter Green Assistant Administrator