

HOUSE COMMITTEE ON LAND USE

April 25, 2005 Hearing Room 50

1:30 P.M. Tapes 71 - 72

MEMBERS PRESENT: Rep. Bill Garrard, Chair

Rep. Gordon Anderson, Vice-Chair

Rep. Mitch Greenlick, Vice-Chair

Rep. Robert Ackerman

Rep. Mary Nolan

Rep. Patti Smith

Rep. Mac Sumner

STAFF PRESENT: Sam Litke, Committee Administrator

Lindsay Luckey, Committee Assistant

MEASURES/ISSUES HEARD:

HB 2704 – Work Session

HB 3312 – Work Session

HB 2963 – Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/# Speaker Comments

TAPE 71, A

002 Chair Garrard Calls the meeting to order at 1:37 p.m. and opens a work session on HB 2704.

HB 2704 – WORK SESSION

Chair Garrard Notes there is a subsequent referral to House Committee on Agriculture and Natural Resources. References -2 amendments submitted by Rep. Greenlick (**EXHIBIT A**).

Rep. Greenlick References discussions to have the subsequent referral removed and suggests delaying to have the issue rectified.

Rep. P. Smith Comments that they could move the bill and Rep. Greenlick could explain his -2 amendments.

Chair Garrard Explains they could move the bill to the Agriculture committee but that he believes it is Rep. Greenlick's wish not to move the bill to there.

Rep. Greenlick States the subsequent referral seems to add confusion if the Speaker has no problem with the bill not going to the Agriculture Committee.

Rep. P. Smith Comments she has not heard from the Speaker.

Chair Garrard Remarks that neither Rep. P. Smith nor he have been notified to remove the referral and offers Rep. Greenlick the option to delay hearing the bill.

Chair Garrard Announces that HB 2704 will be carried over to Wednesday April 27, 2005. Closes the work session on HB 2704 and opens a work session on HB 3312.

HB 3312 – WORK SESSION

Chair Garrard Announces the bill will be replaced by the amendments.

050	Sam Litke	Committee Administrator. Explains original bill and the replacing -2 amendments (EXHIBIT C). References -1 amendments (EXHIBIT B).
060	Lana Butterfield	Defers to Al Johnson to explain the bill and mentions their clients Jim and Jenera Ralph.
	Al Johnson	Attorney, Private practice concentrated in land use. Notes the bill has been introduced on behalf of the South Eugene Property Owners Coalition and explains their concern about a proposed historic district. Gives history of historic districts in the area. Describes the problem lies in regulatory consequences of the national register listing and elaborates. Explains that HB 3312-2 will delink the federal designations. Stresses it would not allow those to opt out of general local land use or building permits.
152	Johnson	Submits and reviews a packet of information including his own written testimony, background information of the issue and a collection of written testimony all in support of HB 3312 (EXHIBIT D).
	Chair Garrard	Asks the panel to stay to hear objections and respond afterwards.
250	Jason Heuser	Intergovernmental Manager, City of Eugene. Discusses the role of the city in the process of historic district designations. Submits correspondence of Mayor Piercy, tax lot map and the minutes from a related meeting (EXHIBIT E). Discusses a “soft” policy which reflects the city’s interest in preserving historic districts once they have been designated.
	Rep. Ackerman	Asks how far along they are in the nomination process.
	Heuser	Defers to the SUNA group. Relays understanding that they are close to a final stage.
350	Al Couper	Reports he is not with SUNA, but has been involved as a resident in the proposed historic district. Gives background on the process of applying for historic district proposals. Relays the current status of the application. Requests that the committee not move forward today.
409	Rep. Ackerman	Asks if there is a deadline for people to opt out.
	Couper	Verifies he means to object to the nomination.

Rep. Ackerman	Replies yes.
Couper	Responds on the amount of time allowed for property owners to submit letters of opposition or support.
Rep. Ackerman	Verifies that there is still time for people to opt out.
Couper	Confirms that there is time to object to formation of the district.
Chair Garrard	Asks Heuser for the city's position on HB 3312.
Heuser	Responds that they are opposed to the bill because it is not good statewide policy separate from the specific situation discussed.

TAPE 72, A

022	Rep. Anderson	Asks if this will deny expansion to the University and the surrounding areas.
	Couper	Replies negatively. Relays discussions with the University and their interest in thriving neighborhoods.
	Rep. Anderson	Relays that was one of the concerns from constituents.
045	James Hamrick	Assistant Director, Parks and Receptions. State Historic Preservation Officer. Describes his involvement in the Eugene situation. References Rep. Ackerman's question and reports that people can send written objections up until the end of the 45-day review period. Discusses owner consent provisions in 1995 legislation and notes the bipartisanship in their proceedings.
	Chair Garrard	Remarks that his interpretation of the intent of the legislation was to give local property owners an "opt out" and asks if Hamrick agrees.
	Hamrick	Verifies he means in terms of the protection mechanisms.
	Chair Garrard	Confirms.
	Hamrick	

Responds that he does not believe that was the legislative intent and elaborates on his interpretation. Defers to Bob Rindy.

- 111 Bob Rindy Department of Land Conservation and Development. Notes his peripheral involvement and explains that the opt out provision was with regard to designation of a historic resource except with those in federal districts.
- Hamrick Continues testimony, suggesting larger statewide discussions.
- Chair Garrard Asks if the real issue is a federal district designation versus personal property rights.
- Hamrick Discusses historic preservation at the local level.
- Chair Garrard Asks what happens with those who do not want to be a part of it.
- Hamrick Verifies he means federal designation.
- Chair Garrard Confirms this.
- Hamrick Explains the provisions set up to allow for objections.
- Chair Garrard Discusses personal property rights and refers to a poll taken on Ballot Measure 37 (2004).
- Rindy States there is a question of Measure 37 applying in this situation and elaborates.
- Chair Garrard Discusses similarities in this situation with issues of Measure 37.
- Rindy Further outlines application of Measure 37.
- 200 Chair Garrard Asks Rindy if HB 3312 were passed what the effect would be on the state of Oregon.
- Rindy Replies that if they effect districts statewide, some number of properties would not longer have to comply with some restrictions.

	Chair Garrard	Verifies that they would not have to comply with something they never agreed to.
	Rindy	Replies that districts were formed a long time ago and notes changing circumstances.
	Rep. Greenlick	References the recent poll on Measure 37 and its paradoxical findings. Asks if there are tax or real estate value benefits associated with the historic district designation.
	Hamrick	Responds that they vary by local jurisdictions.
259	Rep. Greenlick	Asks if there are any property value changes.
	Hamrick	Reports on some property value increases in historic districts.
	Rep. Greenlick	Comments on the question of Measure 37 application.
	Rindy	Notes a clause in Measure 37 that would exempt properties where regulations are required by federal law. Believes it is an open question as to how Measure 37 may apply in historic districts.
300	Chair Garrard	Asks the committee if they think they should bring the issue back for a public hearing as further issues have emerged.
	Rep. Nolan	Responds given the circumstances, it would be appropriate to reconsider the issue with a public hearing.
	Rep. Greenlick	Adds that if the issue is statewide further assessment is needed.
	Chair Garrard	Announces that they will bring HB 3312 back on May 4th for a public hearing.
352	Rep. Ackerman	Points out the importance of determining the consequences of opting in or opting out.
	Chair Garrard	Closes the work session on HB 3312 and opens a public hearing on HB 2963.

Sam Litke Committee Administrator. Introduces HB 2963 and reports on possible -1 amendments based on the proposed content outlined in **(EXHIBIT G)**.

TAPE 71, B

022 Danielle Cowan Public affairs director, City of Wilsonville. Speaking on behalf of the mayor, raises her concerns about the amendments.

Rep. Nolan Asks who the members of the work group were.

Litke Lists Bob Rindy, Tom Gallagher, representatives of Oregon Economic Community Development Department, and is unsure of others

Rep. Nolan Narrows her question, asking if the League of Oregon Cities participated and if issues of burdens on local government were sorted out.

Bob Rindy Department of Land Conservation and Development. Notes that other members were Linda Ludwig, League of Oregon Cities and Art Schlack, Association of Oregon Counties. Adds the participation of Metro, and notes some interests not participating including farming interests.

049 Kimberly Grigsby Regulatory Liason, Oregon Economic and Community Development Department (OECDD). Relays thanks to the work group for working on the issues and their intention to provide additional comments once a draft bill comes from Legislative Counsel.

Chair Garrard Notes the approaching deadline to hear House bills.

066 Tom Gallagher Urban Developers Coalition. Relays the difficulties reaching consensus and the possibility of the bill moving to Ways and Means. Reviews history of the issue of providing industrial lands and elaborates on limiting factors. Discusses a major provision which would allow doing large sites in regional planning rather than city by city.

170 Chair Garrard Closes the public hearing on HB 2963. Reports the committee will not be hearing HB 2162. Adjourns the meeting at 2:48 p.m.

EXHIBIT SUMMARY

- A. **HB 2704, -2 amendments, Rep. Greenlick, 2 pp**
- B. **HB 3312, -1 amendments, Staff, 2 pp**
- C. **HB 3312, -2 amendments, Lana Butterfield, 2 pp**
- D. **HB 3312, information and collection of written testimonies, Al Johnson, 44 pp**
- E. **HB 3312, correspondence, map and minutes, Jason Heuser, 8 pp**
- F. **HB 3312, written testimony, Janet Heinonen, 1 p**
- G. **HB 2963, proposal for content, Tom Gallagher, 6 pp**