

# SENATE COMMITTEE ON ENVIRONMENT & LAND USE

February 11, 2005  
10:00 A.M.

County Commissions Building, Hood River  
Tapes 19 - 22

**MEMBERS PRESENT:** Sen. Charlie Ringo, Chair  
Sen. Roger Beyer  
Sen. Frank Shields

**MEMBER EXCUSED:** Sen. Jason Atkinson  
Sen. Ginny Burdick

**MEMBERS VISITING:** Rep. Patti Smith

**STAFF PRESENT:** Matt Shields, Committee Administrator  
Katie Lowry, Committee Assistant

**MEASURES/ISSUES HEARD:**  
Understanding Measure 37 – Public Hearing  
Introduction of Committee Measures – Work Session

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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.

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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 19, A</b>		
005	Chair Ringo	Calls meeting to order at 10:07 a.m. Makes opening remarks and introduces committee members. States goals for committee meeting. Opens public hearing on Understanding Measure 37.
<b><u>UNDERSTANDING MEASURE 37 – PUBLIC HEARING</u></b>		
045	Sydney Blaine	Farmer, Parkdale. Introduces herself. Submits informational packet which includes written testimony, list of Hood River County Ordinances and Resolutions, and an article ( <b>EXHIBIT A</b> ). Highlights written testimony.
100	Chair Ringo	Asks witness to explain why houses or developments surrounding farm land make it more difficult to farm.
105	Blaine	Explains complaints from non-farm neighbors. Describes why it makes farming more difficult. Explains that the farm base is also lost.
120	Eric Burnette	Resident, Hood River County. Submits and highlights written testimony ( <b>EXHIBIT B</b> ).
155	Chair Ringo	Asks for clarification of what is meant by a “seat at the table.”
157	Burnette	Clarifies and continues testimony. Continues highlighting testimony ( <b>EXHIBIT B, Page 2</b> ).
190	Chair Ringo	Asks question regarding proposed public vote.
192	Burnette	Explains.
195	Chair Ringo	Points out that there probably won't be compensation because there isn't any money.
197	Burnette	States that Hood River County is cash poor but asset rich. Thinks that it is a discussion that needs to happen.
205	Sen. Beyer	Refers to the five points in testimony ( <b>EXHIBIT B, Page 2</b> ). Asks how many of these five points has happened in Hood River

210 Burnette County and how many the county has adopted.  
Explains in detail that all five could be done in Hood River County.

220 Sen. Beyer Asks if Hood River County has done any of these.

221 Burnette Responds that he has not been officially notified that there is a claim adjacent to his property. Discusses 180 day timeline and neighbor's rights.

240 Chair Ringo Asks if witness' property is immediately adjacent to the Benton's property.

242 Burnette Explains that it is either adjacent or nearby, but is well within the 1,500 foot perimeter.

245 Chair Ringo Asks if witness has a farming operation.

250 Burnette Responds, no. Explains that if he wants to sell his property, he will have to notify the buyer of the uncertainty of the surrounding land.

253 Sen. Beyer Verifies that he would have to notify any potential buyer of the uncertainty.

255 Burnette Responds, yes.

260 Blaine Believes that realtors have to inform buyers if there is a claim in the process.

261 Chair Ringo Reminds Sen. Beyer that there was a hearing held where realtors wanted to change the disclosure statement on a contract, including the subject property and also knowledge of neighboring properties.

263 Sen. Beyer Believes that the change in notice states that there may be a Measure 37 claim.

270 John Benton Resident, Hood River. Submits written testimony (**EXHIBIT C**). Gives background on orchard property and explains that he hasn't been making money in Hood River since 1971. Answers question regarding where Burnette's property is relative to Benton's Measure 37 claim property. Discusses issue of non-farming houses close to farms and explains that a farmer cannot be insured for what happens outside of property lines.

**TAPE 20, A**

020 Benton Reads testimony (**EXHIBIT C, Page 1**).

060 Chair Ringo Asks if he has been receiving farm deferral on taxes.

065 Benton Responds, yes.

066 Chair Ringo Asks opinion of why he was receiving farm deferral.

067 Benton Explains.

070 Chair Ringo Questions if witness owes that money back if he takes his land out of farming now.

071 Benton Addresses issue of back taxes. Explains that he farmed every year that he received a farm deferral on his taxes.

078 Chair Ringo Verifies that witness purchased land from father in 1977.

080 Benton Responds, yes.

081 Chair Ringo Asks if witness was intending to farm when he purchased the land.

082 Benton Responds, yes.

085 Chair Ringo Explains that some people have purchased property with a specific investment expectation for the property. Suggests that is not what happened to witness. Explains that he still has the ability to grow pears on the property.

090 Benton Explains that he hasn't made a living since 1996 and cannot do anything else with the property.

095	Chair Ringo	Comments that other people are able to make a living farming.
097	Benton	Asserts that those people have another source of income.
100	Sen. shields	Asks what kind of profit the witness would make if he received the 57 million dollars from the Measure 37 claim.
105	Benton	Explains figures.
112	Sen. Shields	Verifies amount per acre being asked.
115	Benton	Confirms number.
116	Sen. Shields	Discusses profits and neighbors situation.
120	Benton	Discusses history of land, agriculture market and imports, and current effect on farming.
145	Marilyn Reeves	Resident, Yamhill County. Submits informational packet which includes written testimony, newspaper articles, and a letter to Yamhill County Commissioners ( <b>EXHIBIT D</b> ). Explains how Yamhill County is implementing Measure 37 claims. Discusses notification of neighbors process. Submits and refers to recent headlines from local newspapers ( <b>EXHIBIT E</b> ). Discusses public notification and explains that Measure 37 is silent on this issue. Remarks that people are not sure what to do with claims. Asks committee to deal with wording in Measure 37: “remove, modify or not apply.”
235	Sen. Beyer	Wonders if notification for Measure 37 claims is required under Measure 56.
240	Reeves	Points out that this requirement is part of the land use laws that are not applicable under Measure 37.
250	Mike McCarthy	Farmer, Parkdale. Submits and reads written testimony ( <b>EXHIBIT F</b> ). Disagrees with what the farm economist says. Clarifies that he makes all of his income from farming with the exception of a small interest retirement account. Continues reading testimony ( <b>EXHIBIT F</b> ). Talks about issues with non-farming neighbors. Discusses adjacent properties and possibilities of Measure 37 claims.
365	Chair Ringo	Asks question about analysis of infrastructure costs.
370	McCarthy	Explains that he doesn’t believe any analysis has been done.
375	Chair Ringo	Wonders about homes being built, but no sewer, water or roads.
380	McCarthy	Comments that in some cases the cost is borne by contractors, but in other cases the costs are borne by general users of the water district, sewer district, etc.
385	Rep. Patti Smith	Represents House District 52. Refers to testimony ( <b>EXHIBIT F</b> ). Asks for example on how subdivisions would increase his costs.
390	McCarthy	Gives example involving time and cost of operations.
400	Jack Mills	Mt. Hood Railroad. Submits brochure ( <b>EXHIBIT G</b> ). Describes Hood River railroad tour and discusses connection to tourism. Urges committee to fix Measure 37.
<b>TAPE 19, B</b>		
035	Sen. Shields	Wonders if witness could file a Measure 37 claim if railroad was shut down due to other Measure 37 claims.
040	Mills	Remarks that they probably could.
045	Kay Finney	Resident, Corbett. Submits written testimony ( <b>EXHIBIT H</b> ). Asks committee to uphold the intention of Measure 37. Shares history of personal property and why she supported Measure 37. Explains that she doesn’t want to subdivide and doesn’t want compensation, she just wants to be able to build on her property. Comments that Multnomah County can make any change they want on land without notification.

065	Chair Ringo	Explains that he strongly opposed Measure 37 but believes that the land use system has been very inflexible. Clarifies that she bought the land with a specific intention in mind and then Multnomah County stepped in and changed the rules on her. Clarifies that she supported Measure 37 because she wanted to fix her own situation not because she wants a lot of houses to be built in the Hood River Valley.
070	Finney	Acknowledges that she could see there would be a lot of controversy with Measure 37. Discusses HB 3315 (2003) which was a Lot of Record Bill. Believes the Lot of Record legislation was a fair remedy, but it never got a hearing in the Senate.
100	Chair Ringo	Comments that the legislature should have passed it.
105	Finney	Responds, yes. Asks committee to take another look at HB 3315 (2003).
106	Chair Ringo	Questions if witness can see that there are consequences to Measure 37 that are unfortunate.
107	Finney	Responds, yes.
108	Chair Ringo	Gives opinion of what should be done on Measure 37. Believes that the committee needs to address the reason Measure 37 passed. Discusses difference between Ms. Finney's situation and Mr. Benton's situation.
118	Finney	Acknowledges that there are other repercussions of Measure 37 because it is very broad.
120	Chair Ringo	Asks what repercussions the witness sees.
122	Finney	Articulates that it can't solve every single land use problem or situation. Believes there are other factors that need to be considered.
127	Chair Ringo	Asks if witness believes that the state has an interest in protecting the farming economy.
129	Finney	Believes the farming economy is critical to this state.
130	Sen. Beyer	Asks if witness has filed a Measure 37 claim with Multnomah County.
133	Finney	Responds, not yet. Explains that she will if necessary, but has been waiting to see if there will be another remedy.
135	Rep. P. Smith	Asks if the state now has Measure 37 because the land use problems have not been fixed for the last 30 years.
140	Finney	Agrees and explains. Says that making properties like hers un-buildable at random is not land use planning. Remarks that there is not a reason that her property was deemed un-buildable.
150	Chair Ringo	Introduces Chris Crean, Counsel.
155	Chair Ringo	Asks witness if he believes that Ms. Finney was treated unfairly.
160	Rick Blaine	Farmer, Parkdale. Introduces himself. Remarks that he doesn't know Ms. Finney's situation. Conveys that he makes his living farming with no outside income. Explains that the orchards he farms have been purchased and paid for by their own income. Discusses success of the fruit industry in Hood River and the parallel to the adoption of SB 100 (1973) and the stability it provided in the exclusive farm use (EFUs) zones of Oregon counties. Describes importance of stability in capital for investors and the effect on farming.
210	Sen. Beyer	Suggests that his testimony is in conflict with itself because he said that acreage and production are increasing, but is concerned about packing houses not having anything to pack because of loss of acreage and loss of fruit.

215	R. Blaine	Explains reasons for concerns.
225	Sen. Beyer	Clarifies that witness said production is increasing in Hood River Valley.
227	R. Blaine	Confirms that it is increasing.
225	Sen. Beyer	Confirms that in order to sustain the industry more infrastructures will need to be built because Hood River Valley is in a process of growth, not reduction.
235	R. Blaine	Confirms that Hood River Valley is in a process of growth, however if lands are taken out of production, Hood River Valley will no longer be in a process of growth.
240	Chair Ringo	Clarifies concern.
241	R. Blaine	Addresses Benton property and productivity.
245	Sen. Beyer	Asks what the reduction percentage would be if the Benton property was taken out of production.
250	R. Blaine	Guesses about 10 percent less.
251	Sen. Beyer	Asks at what rate the industry has been growing.
253	R. Blaine	Believes that the land base in Hood River has not been growing. Believes it is the same that it has been for years.
255	Sen. Beyer	Acknowledges this, but clarifies that he means industry wide, which includes a larger area.
260	R. Blaine	Describes areas where new fruit orchards have been planted.
265	Sen. Beyer	Asks if witness can give an approximate land base of the region industry.
270	R. Blaine	Gives details of region.
280	Sen. Beyer	Asks if the land base has been increasing on both sides of the Columbia River or only on the Oregon side.
285	R. Blaine	Describes where industry has been increasing.
286	Sen. Beyer	Clarifies question.
287	R. Blaine	Describes where increase has occurred and where the fruit will go.
293	Chair Ringo	Discusses differences in testimony relating to whether or not farming is profitable.
300	R. Blaine	Comments that he doesn't know.
303	Chair Ringo	Clarifies question.
305	R. Blaine	Believes there are parts of farming that are very profitable. Gives illustration regarding the cost of planting new orchards.
315	Sen. Shields	Refers to Washington state. Asks if there are any lessons to be learned from looking at Hood River County compared to across the Columbia River with reference to SB 100 (1973).
330	R. Blaine	Explains that his family farms in Washington. Describes limiting factors. Gives illustration.
350	Sen. Shields	Clarifies that he was more interested if the stability provided for by SB 100 (1973) was absent in Washington without the presence of SB 100 (1973).
360	R. Blaine	Confirms that it is mostly absent.
375	Larry Martin	Introduces himself. Submits and reads written testimony <b>(EXHIBIT I)</b> .
<b>TAPE 20, B</b>		
010	Chair Ringo	Asks if there is water readily available for houses that might be placed on Mr. Benton's property.
012	Martin	Believes that it would be Mt. Hood water.
013	Chair Ringo	Asks if it is close by.
014	Martin	Explains that it is a combination of springs.
015	Rita Swyers	Resident, Hood River. Introduces herself. Submits and reads

written testimony (**EXHIBIT J**).

065 Chair Ringo Clarifies that this hearing is not about the Columbia Gorge Scenic Act. States that he is curious how Measure 37 and the Columbia Gorge Scenic Act intersect.

075 Swyers States that the Friends of the Gorge would say that it will have no effect, however she believes that it will have an effect.

076 Chair Ringo Explains that Measure 37 has a specific exception for federal regulations.

080 Matt Shields Committee Administrator. States that the Department of Justice has not issued an official opinion on this subject. Explains.

095 Michael Lang Conservation Director, Friends of the Columbia Gorge. Submits and reads written testimony (**EXHIBIT K**). Submits a memo provided to the Gorge Commission (**EXHIBIT L**).

110 Chair Ringo Wonders if someone cannot make a Measure 37 claim because of the Columbia Gorge Scenic Act.

113 Lang Informs that he will explain that in his testimony.

115 Chair Ringo Verifies that it sounds like generally yes with some exceptions.

116 Lang Gives details. Refers to (**EXHIBIT L**). Gives an illustration of a Measure 37 claim.

170 Gary Kahn Land Use Counsel, Friends of the Columbia Gorge, Inc. Submits and reads written testimony (**EXHIBIT M**).

240 Sen. Beyer Asks clarifying question regarding what land use regulations would be preempted.

245 Kahn Clarifies.

260 Sen. Beyer Asks who would be responsible for deeming ordinances part of the Columbia Gorge Scenic Act.

263 Kahn Explains that is a matter for interpretation. Describes how it would be done based on how counties are currently dealing with Measure 37 claims.

270 Wayne Lease Resident, Wasco County. Introduces himself. Submits and highlights written testimony (**EXHIBIT N**). Explains that there are people who have legitimate claims and those who are being unreasonable.

340 Chair Ringo Wants to know more specifics on one of witness' claims that he referenced. Asks when property was purchased.

342 Lease Responds 1991.

343 Chair Ringo Asks if it was a bare piece of land.

345 Lease Responds yes and explains.

346 Chair Ringo Asks if it was in an industrial development.

355 Lease Responds no. Explains it was in a residential area.

356 Chair Ringo Verifies that it was platted for residential.

357 Lease Responds yes.

358 Chair Ringo Verifies that witness purchased property with the express intention of building on it someday.

359 Lease Responds yes and explains.

360 Chair Ringo Remarks that this kind of situation is very common. Discusses reasons for support of Measure 37.

365 Lease Confirms that he was frustrated with the bureaucracy.

370 Chair Ringo Asks what witness would have this legislature do with Measure 37.

375 Lease Explains what he would like the legislature to do.

380 Chair Ringo Verifies that witness would have the legislature move the land use system down to the county level.

382 Lease Confirms this.

385	Chair Ringo	Remarks that then the Hood River County Commission is the one who would tell Mr. Benton what can be done with his property.
386	Lease	Believes that appellate needs to be involved.
387	Chair Ringo	Verifies that witness believes there should be state sideboards.
390	Lease	Confirms this. Gives reasons for filing Measure 37 claims.
405	Jean Pekarek	Resident, Enterprise. Submits informational packet including pictures, letters, area map, and a copy of a petition addressed to Governor Ted Kulongoski for the protection of the Marr Property and Old Chief Joseph's Cemetery ( <b>EXHIBIT O</b> ). Describes first Measure 37 claim in Wallowa Lake Basin. Gives history of Wallowa Lake Basin.

**TAPE 21, A**

050	Chair Ringo	Asks about Measure 37 claim.
051	Pekarek	Describes claim. Conveys that the Nez Perce tribe is analyzing the effect Measure 37 may have on the tribe's treaty rights and land holdings. Conveys concerns outlined in a letter to Governor Ted Kulongoski ( <b>EXHIBIT O, Page 5</b> ).
070	Chair Ringo	Mentions if the Nez Perce want to send the committee an analysis, they are welcome to send it to committee staff.
075	Sen. Shields	Asks where the Marr Property is in the picture.
076	Pekarek	Explains location.
080	Chair Ringo	Recesses committee for lunch at 12:05 p.m.
081	Chair Ringo	Calls meeting to order at 1:30 p.m.
100	Gail Hagee	Resident, Hood River. Gives history of owned property, and explains how building rights were taken away by an administrative rule. Expresses support for Measure 37, but states that she is more supportive of Measure 7. Expresses support for Lot of Record and believes that the county should have the final determination for who should develop their property and who should not.
110	Chair Ringo	Asks if she had buildable rights when property was purchased.
111	Hagee	Confirms this.
112	Chair Ringo	Asks what her intention was for building on the property.
115	Hagee	Explains that they wanted to farm until they got too old and then sell off the parcels for their retirement.
118	Chair Ringo	Asks how many parcels they could have sold.
120	Hagee	States that they have five parcels altogether.
125	Chair Ringo	Verifies that she was hoping to subdivide the property into the five parcels.
128	Hagee	Clarifies that the property was already divided. Explains that is why they paid a premium for their property. Conveys that they have done everything in their ability to make a profit.
130	Sen. Beyer	Asks if witness is still waiting for profit.
131	Hagee	Confirms this.
135	Steven Andersen	Consulting Land Use Planner, Cascade Planning Associates. Submits and reads written testimony ( <b>EXHIBIT P</b> ).
185	Chair Ringo	Asks if witness thinks that Measure 37 is well written.
186	Andersen	Believes the intent is well stated.
190	Chair Ringo	Asks if witness understands the difference between good intentions and what reality can be.
191	Andersen	Responds yes. Explains that it would be good if the legislature can fine tune Measure 37 to meet the intent better than the original framers.
192	Chair Ringo	Discusses issues with language in Measure 37. Asks if witness is

200	Andersen	okay with attempting to clarify meaning. Discusses reading of statutes. Believes that language might not be an issue because people can go to an attorney or a professional land use planner and receive assistance.
205	Chair Ringo	Remarks that there are a number of uncertainties raised with the language of Measure 37.
220	John Sheppard	Retired Farmer, Hood River Valley. Introduces himself. Discusses pear farming and value of farmland. Discusses prices of pears. Discusses labor market. Discusses conditional use permit. States that he plans to file a Measure 37 claim. Explains that he doesn't want compensation but wants land use regulations waived. Explains reasons for support of Measure 37.
300	Dan Ericksen	Wasco County Judge and cherry grower. Addresses question from earlier regarding examples of land use planning and effects on farming in Washington. Gives an illustration of cherry orchards and spraying. Discusses spraying of orchards in Oregon and spray drift. Explains that if a farmer loses ability to spray crops, then the ability to market the fruit is also lost. Explains that the right to farm law in Oregon does not include spray drift.
380	John Wilson	Resident, O'Dell. WWII Veteran. Introduces himself. Explains that he has lived in the O'Dell area since 1964. Describes property, original surroundings and current surroundings. Explains that he wants to have his property included in the O'Dell township. Expresses support for Measure 37 but explains that he has not yet made a Measure 37 claim.
<b>TAPE 22, A</b>		
020	Sen. Beyer	Asks where O'Dell is.
021	Wilson	Explains where O'Dell is located.
030	Pasquale Barone	Resident, Hood River County. Introduces himself. Urges committee to make sure there is involvement of the public in this process. Recognizes this is a complex situation.
075	David Meriwether	County Administrator, Hood River County. Introduces himself. Submits and highlights written testimony ( <b>EXHIBIT Q</b> ). Refers to questions within testimony asking for definitions ( <b>EXHIBIT Q</b> ).
135	Chair Ringo	Makes comment regarding uncertainties.
140	Scott Franke	Lawyer, owner of property, and President, Hood River Valley Residents Committee, Hood River County. Introduces himself. Submits articles ( <b>EXHIBIT R</b> ). Discusses reasoning for Measure 37. Urges legislature to review land use laws to create a fair balance. Urges committee to create a funding mechanism and to stop the 180 day timeline.
205	Chair Ringo	Discusses timeline. Discusses funding mechanism. Agrees that it is vital that the legislature act to address Measure 37. Believes that it is the responsibility of the legislature to address Measure 37.
225	Franke	Agrees that the funding mechanism is difficult to address.
230	Chair Ringo	States that not all potential funding sources are realistic.
235	Cindy Walbridge	Planning Director, City of Hood River. Introduces herself. Submits and reads written testimony ( <b>EXHIBIT S</b> ).
295	Jeff Hunter	Real Estate Broker, Hood River. <ul style="list-style-type: none"> <li>• States that neighbors should be involved in the claim process</li> </ul>



		<ul style="list-style-type: none"> <li>• Addresses issue of fairness when a separate class of people is created, those who can do what they wish with their property and those who cannot. Refers to lawsuit brought by 1000 Friends of Oregon</li> <li>• Addresses issue of transferability. Addresses long term impacts. Talks about competing with pears grown in Argentina and Chile.</li> <li>• Points out that the voters in Oregon have now said twice that the land use planning system does not work. Discusses SB 100 (1973). Talks about 19 Goals and asks legislature to set out new goals in view of new problems. Gives an illustration</li> <li>• Explains that, as a realtor, he needs to get a handle on this problem. Discusses investments in town</li> </ul>
405	Chair Ringo	Discusses how a claim is valued. Discusses long term effect.
<b>TAPE 21, B</b>		
005	Gary Harris	Farmer, Madras. Submits and explains map titled “Oregon High Value Farmland Soils” ( <b>EXHIBIT T</b> ). Discusses what would happen if Measure 37 claims are allowed to take place in irrigation districts. Gives recommendations.
130	Heather Blaine-McCurdy	Orchardist, Hood River County. Introduces herself. Submits and reads written testimony ( <b>EXHIBIT U</b> ). Submits and refers to article entitled “Establishing and Producing High Density Pears in Hood River County.” ( <b>EXHIBIT V</b> ). Submits computer printed photos ( <b>EXHIBIT W</b> ).
210	Willard Gaul	Resident, Portland. Introduces himself. Owns property in the Columbia River Gorge. Expresses support for Measure 37. Gives background on himself.
270	Gaul	Explains that he is stuck with 46 acres in the Columbia River Gorge that he can’t do anything with because of conflict of interest between the Land Conservation and Development Commission (LCDC) and the Friends of the Gorge.
280	Chuck Williams	Resident, The Dalles. Introduces himself. Submits articles ( <b>EXHIBIT X</b> ). Discusses land use planning in the Columbia River Gorge. Explains that there are two standards with land use. Gives illustrations. Discusses compensation in the Columbia River Gorge. Suggests committee look at the California Coastal Commission Conservancy. Discusses acreage that he can no longer build on. Gives an example of inconsistency in land use planning system.
355	Chair Ringo	Asks if this is because of the Columbia River Gorge Scenic Act.
356	Williams	Responds no. Explains that he is under LCDC because he is outside of the Columbia River Gorge. Discusses building in the Columbia River Gorge. Urges committee to look at a conservancy.
370	Chair Ringo	Recognizes frustration and agrees that land use needs flexibility.
375	Williams	Suggests that committee look at the California Coastal Commission Conservancy.
400	Peter Cornelisun	Resident, Hood River. Introduces himself. Discusses unexpected consequences of Measure 37. Gives example involving the construction of a Super Wal-Mart in Hood River.

**TAPE 22, B**

015	Patrick Scallon	Resident, Hood River Valley. Introduces himself. Explains that he has learned a lot from attending the public hearing. Discusses inequity and inflexibility of the land use system. Encourages committee to do what it takes to fix the problems. Explains that he came to Hood River by choice and explains why.
075	Chair Ringo	States that he will be meeting with Dave Hunnicutt from Oregonians In Action on Saturday, February 12, 2005.
080	Jennifer Euwer	Orchardist, Hood River. <ul style="list-style-type: none"> <li>• Discusses pear business in Argentina</li> <li>• Discusses EFU zones and certainty of farming</li> <li>• Discusses unique land in Hood River for growing pears and late season, high elevation cherries</li> <li>• Explains that the production of fruit in Hood River County has been increasing and packing houses have invested in infrastructure. Explains that in order to cover overhead, more volume is necessary</li> </ul>
135	Sen. Shields	Recognizes that she has invested a lot of money over several years in her orchards. Wonders if she could get back the investment in resources as well as the loss in property value if she filed a Measure 37 claim.
150	Euwer	Explains that she couldn't get back the investment she has in her orchards. States that she has no intention of filing a Measure 37 claim because she wants to farm. Discusses the possibility of all of her neighbors filing Measure 37 claims.
160	Sen. Shields	States that it sounds like a system that can implode on itself.
165	Bob Benton	Resident, Hood River County. Introduces himself. Explains that his family farms in Hood River County. Explains that his family has invested over a million dollars. Shares intent of family to file a Measure 37 claim and reasons why. Explains that, according to the laws in place before Measure 37 passed, his family should have been able to develop the land and that the county just said no. Refers to SB 100 (1973). Asks what happened to the joint legislative committee that was supposed to be formed to come up with a way to compensate people who lost value because of rules and regulations.
200	Chair Ringo	Addresses question about joint legislative committee. Believes that it was discussed but never happened.
213	B. Benton	Believes that is why Oregon is where it is at today.
210	Chris Crean	Counsel. Explains that it did happen. Refers to ORS 197. Gives details of committee meetings and outcomes.
220	B. Benton	Asks if it no longer exists because of amendments.
225	Crean	Explains that it still exists in statutes but it has been awhile since anyone has been appointed to the interim committee.
230	Gorham Blaine	Farmer, Hood River Valley. Introduces himself. Urges committee to do something so that the courts do not decide the outcome. Explains that he has benefited from land use planning laws.
253	Chair Ringo	Asks what witness farms.
255	G. Blaine	States that he mostly farms pears with some apples and some cherries. Discusses farm industry and farm land value. Discusses agriculture market. Discusses that there are those who have benefited and those who have not from land use planning. Asks committee to balance out potential negatives and positives.

305 Kate McBride Real Estate Agent and Resident, Hood River. Introduces herself. Discusses evaluation and appraisal questions. Discusses adding a sunset clause.

345 Chair Ringo Discusses market for real estate and effect of Measure 37.

352 Sen. Shields Asks if witness is saying that the value placed on a Measure 37 claim should be subject to appraisal.

360 McBride Confirms this. Explains.

365 Chair Ringo Talks about the process of appraisal evaluation. States that there is a workgroup of economists to figure out how to do appraisals.

370 McBride Believes this is a good idea.

**The following written testimony is submitted for the record without public testimony:**

Jeff Hunter Resident, Hood River. Submits written testimony (**EXHIBIT Y**).

Richard Kenward Resident, Hood River. Submits written testimony (**EXHIBIT Z**).

Camille Hukari Orchardist, Hood River. Submits written testimony (**EXHIBIT AA**).

380 Chair Ringo Closes public hearing on Understanding Measure 37 and opens work session on introduction of committee measures.

**INTRODUCTION OF COMMITTEE MEASURES – WORK SESSION**

381 Matt Shields Committee Administrator. Introduces Legislative Counsel (LC) drafts. Reads LC numbers and relating to clauses.

Lists bills: LC's: 2107 (**EXHIBIT BB**), 2108 (**EXHIBIT CC**), 2164 (**EXHIBIT DD**), 2184 (**EXHIBIT EE**), 2199 (**EXHIBIT FF**), 2511 (**EXHIBIT GG**), 2523 (**EXHIBIT HH**), 2596 (**EXHIBIT II**), 2737 (**EXHIBIT JJ**).

385 Chair Ringo **MOTION: Moves LC's: 2107, 2108, 2164, 2184, 2199, 2511, 2523, 2596, 2737, BE INTRODUCED as committee bills.**

**VOTE: 3-0-2**

**EXCUSED: 2 - Atkinson, Burdick**

**Chair Ringo Hearing no objection, declares the motion CARRIED.**

**NOTE:**

**LC 2107 printed as SB 649**

**LC 2108 printed as SB 650**

**LC 2164 printed as SB 652**

**LC 2184 printed as SB 656**

**LC 2199 printed as SB 657**

**LC 2511 printed as SB 659**

**LC 2523 printed as SB 660**

**LC 2596 printed as SB 661**

**LC 2737 printed as SB 663**

390 Chair Ringo Closes work session on introduction of committee measures and adjourns meeting at 3:17 p.m.

**EXHIBIT SUMMARY**

- A. Measure 37, informational packet, Sydney Blaine, 4 pp**
- B. Measure 37, written testimony, Eric Burnette, 11 pp**
- C. Measure 37, written testimony, John Benton, 5 pp**
- D. Measure 37, informational packet, Marilyn Reeves, 6 pp**
- E. Measure 37, newspaper articles, Marilyn Reeves, 11 pp**
- F. Measure 37, written testimony, Mike McCarthy, 2 pp**

- G. Measure 37, brochure, Jack Mills, 4 pp**
- H. Measure 37, written testimony, Kay Finney, 2 pp**
- I. Measure 37, written testimony, Larry Martin, 1 p**
- J. Measure 37, written testimony, Rita Swyers, 2 pp**
- K. Measure 37, written testimony, Michael Lang, 2 pp**
- L. Measure 37, memo, Michael Lang, 2 pp**
- M. Measure 37, written testimony, Gary Kahn, 3 pp**
- N. Measure 37, written testimony, Wayne Lease, 3 pp**
- O. Measure 37, informational packet, Jean Pekarek, 24 pp**
- P. Measure 37, written testimony, Steven Andersen, 3 pp**
- Q. Measure 37, written testimony, David Meriwether, 2 pp**
- R. Measure 37, articles, Scott Franke, 2 pp**
- S. Measure 37, written testimony, Cindy Walbridge, 1 p**
- T. Measure 37, map, Gary Harris, 2 p**
- U. Measure 37, written testimony, Heather Blaine-McCurdy, 1 p**
- V. Measure 37, article, Heather Blaine-McCurdy, 25 pp**
- W. Measure 37, photos, Heather Blaine-McCurdy, 4 pp**
- X. Measure 37, articles, Chuck Williams, 14 pp**
- Y. Measure 37, written testimony, Jeff Hunter, 2 pp**
- Z. Measure 37, written testimony, Richard Kenward, 1 p**
- AA. Measure 37, written testimony, Camille Hukari, 2 pp**
- BB. Introductions, LC 2107, Staff, 2 pp**
- AC. Introductions, LC 2108, Staff, 3 pp**
- AD. Introductions, LC 2164, Staff, 2 pp**
- AE. Introductions, LC 2184, Staff, 9 pp**
- FF. Introductions, LC 2199, Staff, 9 pp**
- AG. Introductions, LC 2511, Staff, 2 pp**
- HH. Introductions, LC 2523, Staff, 5 pp**
- II. Introductions, LC 2596, Staff, 13 pp**
- JJ. Introductions, LC 2737, Staff, 4 pp**