

HOUSE COMMITTEE ON
ENVIRONMENT AND LAND USE

January 21, 2003 Hearing Room E
8:30 AM Tapes 4 - 5

MEMBERS PRESENT: Rep. Bill Garrard, Chair
Rep. Dennis Richardson, Vice-Chair
Rep. Cliff Zauner, Vice Chair
Rep. Robert Ackerman
Rep. Mitch Greenlick
Rep. Diane Rosenbaum

MEMBER EXCUSED: Rep. Dan Doyle

STAFF PRESENT: Ray Kelly, Committee Administrator
David Peffley, Committee Assistant

MEASURE/ISSUES HEARD: Informational meeting
Invited testimony
Dr. John Beaulieu, Oregon Department of Geology and
Mining Industries (DOGAMI)
Don Schellenberg, Oregon Farm Bureau (OFB)
Bob Rendy, Department of Land Conservation and
Development (LCDC)
HB 2137 - 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 4, A		
005	Chair Garrard	Chair calls meeting to order at 8:40 AM. Announces his intent to begin the hearing on HB 2137 at 9:15. Opens the informational meeting.
<u>INFORMATIONAL MEETING</u>		
008	Dr. John Beaulieu	Oregon Department of Geology and Mineral Industries (DOGAMI). Gives brief introduction to DOGAMI, and their strategic plan through <ul style="list-style-type: none">• (EXHIBIT A) Mission Statement• (EXHIBIT B) Water and Geology informational piece• (EXHIBIT C) Benefits explanation.• (EXHIBIT D) Legislative interests for the 72nd legislative session.
111	Rep. Greenlick	Asks witness to explain how maps stop development.
113	Dr. Beaulieu	Responds that a provision in SB 12 provides a 10-month moratorium on development.
133	Rep. Greenlick	Asks for copies of these maps.

136	Dr. Beaulieu	Explains that it's not financially prudent due to exorbitant mapping costs.
161	Don Schellenberg	Oregon Farm Bureau. Introduces testimony (EXHIBIT E) States concern with land use planning's effect on farming. Also states concerns with the 20-year buildable supply requirement.
264	Rep. Ackerman	Asks whether the urban growth boundary is a "no growth boundary."
266	Schellenberg	Responds that it could be in certain instances, although it's not necessarily so.
294	Bob Rindy	Legislative Coordinator for Department of Land Conservation and Development (LCDC). Presents departmental overview and LCDC's dedication to Oregon's 19 Statewide Planning Goals and Guidelines. Describes the process of appeals and review.
346	Rindy	Continues with key provision introduction: urban growth boundaries
400	Rep. Richardson	Comments that in his district, land has been maintained and protected, but that there is a significant loss in actual farm land. Asks whether that is generally the case and what can be done.
408	Rindy	Responds that LCDC can not enforce how the land is actually used.

TAPE 5, A

002	Rindy	Continues with the difficulties in enforcing land use.
030	Rep. Greenlick	States that he would like to also hear at a later time the process by which decisions are made on METRO plans.
034	Chair Garrard	Closes informational part of meeting and opens a public hearing on HB 2137.

The following testimony was submitted for the record without public testimony.

Jason Heuser	Submits (EXHIBIT F) .
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HB 2137 – PUBLIC HEARING

040	Rep. Close	Interim co-chair of Joint Natural Resources Committee, which produced HB 2137. Introduces (EXHIBIT G) as her testimony
103	Rep. Ackerman	Asks whether joint committee has identified a fiscal impact.
109	Rep. Close	Remarks that she has not gone to legislative fiscal.
113	Rep. Ackerman	Asks whether the Joint Natural Resources Committee consulted with county or city officials regarding fiscal impact.
115	Rep. Close	Responds that their joint committee did solicit such testimony.
122	Rep. Ackerman	Asks whether there are municipalities which support the bill in its present form.
124	Rep. Close	Responds that Linn County commissioners support the bill.
126	Rep. Ackerman	Asks whether the support is formal.
128	Rep. Close	Responds that they have only discussed it casually and that there's no resolution at this point.
131	Rep. Ackerman	Asks what would be the extent of the awards fiscally.
133	Rep. Close	Responds that it can not be determined until it goes through Legislative Fiscal.
136	Rep. Ackerman	Asks if she might support an amendment which would eliminate cash awards.
138	Rep. Close	Responds that such an amendment would be up to the committee, but that we need the cash alternative
141	Rep. Ackerman	Asks what the fiscal impacts of Measure 7 would have been

149	Rep. Close	Replies that you'd need to speak with the drafters of the measure. She personally doesn't remember.
153	Rep. Ackerman	Asks if seven billion dollars is an accurate number.
155	Rep. Close	Responds that she doesn't believe that figure to be accurate.
159	Rep. Ackerman	Asks if she could conceive of land use regulations which could lead to the appreciation of property.
161	Rep. Close	Believes that it is conceivable, but that she's more comfortable leaving a judge to answer such questions.
164	Rep. Ackerman	Asks if it would be reasonable to support an amendment regarding appreciated value.
168	Rep. Close	Believes it's an interesting idea and that Rep Ackerman should propose such an amendment.
172	Chair Garrard	Thanks witness. Informs that this committee will be deliberate with this very important issue.
174	Clif Kenagy	Introduces testimony (EXHIBIT H) in opposition to HB 2137. Mr. Kenagy states that he could potentially support it with provisions for appropriate and adequate funding.
233	Liz Frankel	League of Women Voters. Introduces testimony (EXHIBIT I) stating that the LWV believes the bill to be in opposition to the Oregon Statewide Land User Planning program.
278	Rep. Rosenbaum	Questions the appropriate use of the legislature in this matter.
289	Frankel	Responds that she thinks that the legislature is an appropriate forum, although that may not necessarily be the LWV's position. Disagrees with Rep. Close's testimony.
322	Rep. Greenlick	Follows up on Rep Ackerman's concern. Asks whether the LWV believes that the government should compensate for its takings. Asks whether the property owners should share the value of a property increase.
345	Frankel	Responds that they may, but adds that it's difficult to quantify.
350	Rep. Greenlick	Agrees and believes that fairness should go in both directions.
354	Frankel	Restates that fairness is in the eye of the beholder.
376	Rep. Williams	Gives experience from his work on this issue during the last session. States complicity of this issue. Denotes issues to consider and that it will be a difficult task to strike a fair balance.

TAPE 4, B

001	Rep. Williams	Continues testimony on the complexities of figuring property values and compensation in isolated cases.
088	Rep. Ackerman	Asks Rep Williams for the financial impact of the measure.
096	Rep. Williams	Responds that he doesn't know the exact figures. Continues that issues such as subdivisions complicate the issue. Doesn't think that anyone really knows the answer.
150	Rep. Ackerman	Asks if it would be prudent to pass this bill without available funds or without realizing the full financial impact.
161	Rep. Williams	Responds that if we deal with financial issues first, the bill wouldn't get out the door. Believes that we should solve the issue first, then worry about the financial impact.
203	Rep. Ackerman	Asks if Rep Williams would support an offset based on what the appreciated value would be.
218	Rep. Williams	Responds that he would.
221	Chair Garrard	Asks if land takings are more an issue for the federal or local

		government.
235	Rep. Williams	Responds that this issue too is very vague. It's difficult to know whether an agency is following a federal or state statute.
262	Rep. Zauner	Asks whether Rep Williams ever came up with any idea as to how many parcels were effected.
254	Rep. Williams	Believes that parcels are limited at 10, but isn't appraised of all the amendments, so that number may be outdated.
280	Rep. Rosenbaum	Believes that the sense of urgency has waned and that there could be another way of approaching this issue.
296	Rep. Williams	Responds that this is a real issue and believes that an initiative isn't the best way to go about. Adds that if we don't act, there will be an initiative which may not be as good as what the legislature can do.
342	Rep. Greenlick	Sees that the bill contains two main elements. Asks if it's appropriate to address both by this bill.
353	Rep. Williams	Affirms that they are both vital issues that need to be addressed. Also adds that there was even disagreement within the committee.
389	Rep. Greenlick	Asks whether Rep Williams would support breaking this into 2 separate bills.
395	Rep. Williams	Believes that this is an issue which will need to be addressed by the committee.

TAPE 5, B

011	Charlotte Lehan	Mayor of Wilsonville. Submits (EXHIBIT J) in opposition to HB 2137 Asserts that the bill is flawed and ill-advised at a time when funding is at a nadir.
081	Chair Kropf	Introduces Harlan Levy.
084	Harlan Levy	Staff attorney for the Oregon Association of Realtors. Affirms support for HB 2137. States that the iniquities alluded to by Rep. Williams. and need to be addressed by legislature.
125	Rep. Richardson	Asks if the issue that private lands should not be taken without just compensation is what is at the heart of this bill.
131	Levy	Responds affirmatively.
134	Rep. Richardson	Follows by asking that if it is his position that if they don't deal with the underlying problem then we'll have to deal with the wrath of the people.
138	Levy	Concurs that Rep Richardson's concern is their position.
140	Rep. Greenlick	Asks whether the degree of provision is what's at issue here.
143	Levy	Reasserts that they don't want to address compensation. Compensation should be a last resort.
148	Rep. Greenlick	Asks if the constitutional requirement is covered, but just triggered at the wrong level.
153	Levy	Concurs with Rep Greenlick. States need to reduce bureaucratic red tape in the court system.
163	Art Schlack	Policy Manager, Association of Oregon Counties. Introduces testimony (EXHIBIT K) -six principles guiding their position on HB 2137.
247	Chair Garrard	Adjourns meeting.

EXHIBIT SUMMARY

A – Informational materials, Dr. John Beaulieu, 12 pp.

B – Informational materials, Dr. John Beaulieu, 6 pp.
C – Informational materials, Dr. John Beaulieu, 1 p.
D – Informational materials, Dr. John Beaulieu, 1 p.
E – Informational materials, Don Schellenberg, 2 pp.
F – HB 2137, City of Eugene written testimony, Jason Heuser, 1 p.
G - HB 2137, written testimony, Representative Betsy Close, 1 p.
H - HB 2137, written testimony, Clif Kenagy, 1 p.
I -- HB 2137, written testimony, Liz Frankel, 1 p.
J – HB 2137, written testimony, Charlotte Lehan, 2 pp.
K - HB 2137, written testimony, Art Schlack, 2 pp.