

HOUSE COMMITTEE ON
ENVIRONMENT AND LAND USE

January 23, 2003 Hearing Room HR E
8:30 AM Tapes 6 - 7

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

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

MEASURE/ISSUES HEARD: **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 6, A		
005	Chair Garrard	Chair calls the meeting to order at 8:34, and opens the public hearing on HB 2137.
HB 2137 – PUBLIC HEARING		
013	Gene Prete	From Sisters. Gives personal testimony in support of HB 2137, having purchased property in 1990 and been told that he was unable to build on the land.
134	Rep. Greenlick	Asks what assurances were given that they could build on the land at the time of purchase.
138	Prete	States that he assumed they could build because others have done so.
146	Rep. Greenlick	Asks the witness whether he received official permission to build on the land.
151	Prete	Responds that he didn't receive permission, but observed that others were doing so. Thus they assumed that they could also build.
158	Rep. Zauner	Asks for an explanation of the \$80,000 rule.
161	Prete	Explains the \$80,000 rule as it relates to building a farm house.
167	Rep. Zauner	Asks the witness how long they've been working on the property and how much money they've spent.
170	Prete	States that they've spent \$100,000 for over seven years. years.
179	Chair Garrard	Asks what the surrounding plot sizes were.
182	Prete	Responds to the sizes of his neighbors' plots.
190	Chair Garrard	Asks if farming exists on each of the neighboring plots.
197	Prete	Speaks to the surrounding farming activity.

200	Chair Garrard	Asks where the witness gets his water.
202	Prete	Responds that he gets it from Squaw Creek irrigation.
212	Chair Garrard	Asks how much the witness originally paid for the land.
214	Prete	Answers that he paid \$105,000.
217	Chair Garrard	Asks what the land is presently worth.
218	Prete	Responds that he estimates it to be worth at least \$300,000.
220	Chair Garrard	Asks that if this law passed, what the witness' claim would be.
225	Prete	Responds that he doesn't want money, just to be able to build their home.
228	Rep. Rosenbaum	Asks the witness to describe the appeals process.
231	Prete	Describes the process.
250	Rep. Rosenbaum	Asks if Mr. Prete sought legal counsel.
252	Prete	Responds affirmatively.
254	Rep. Rosenbaum	Asks if they were advised to discontinue appeal the process.
256	Prete	Responds affirmatively.
260	Rep. Ackerman	Asks how many square feet might be involved.
264	Prete	Answers 2500 square feet in addition to the barn which is already standing.
267	Rep. Ackerman	States assumption that they wouldn't take any farm use out of production.
270	Prete	Responds affirmatively.
287	Barbara Prete	Testifies that for the Pretes, the American Dream is being taken away.
330	Eurick	Testifies in support of HB 2137. Gives personal testimony as to the problems he has experienced in utilizing his property to it's full potential.
385	Rep. Zauner	Asks the location of Mr. Eurick's property in relationship to the drive-in theatre
390	Eurick	Explains the location of the property and the theater.
TAPE 7, A		
023	Rep. Greenlick	Asks about access to the property.
029	Eurick	Explains further the location of the property and available access.
033	Rep. Greenlick	Confirms the timing of the improvements to the land.
037	Eurick	Responds by elucidating the process he took.
041	Rep. Greenlick	Asks about increase in the value of land.
045	Eurick	States specifics of the appraisals.
068	Kay Finney	Corbett, Oregon. Testifies in favor of HB 2137. Gives personal testimony of how local control has worked against her. States that HB 2137 is their last resort
113	Rep. Ackerman	Asks witness to confirm the sequence of events.
117	Finney	Confirms the sequence.
120	Rep. Ackerman	States concern that two witnesses have testified that they weren't appraised of their rights.

123	Chair Garrard	Asks the witness if Measure 7 was in effect, what compensation she would want to receive.
133	Finney	States that she doesn't want financial compensation. She just wants to erect their house.
136	Rep. Zauner	Asks witness how many years the process has been ongoing.
143	Finney	Responds that they've been pursuing a remedy since 1986.
153	Joseph Burke	States that he is a casualty of the Columbia Gorge Commission. Testifies in support of HB 2137. States that he bought his recreational property with the assumption that someday he would subdivide-something he is unable to do.
253	Jeff Herbst	Testifies in support of HB 2137. States that he bought property on Columbia River for recreation with certain assumptions and now he is unable to subdivide.
303	Rep. Zauner	Asks as to the location of the property.
306	Herbst	Clarifies the location of the property.
308	Rep. Zauner	Asks if the rules are different on the other side of the freeway.
311	Herbst	States that he is not sure, but that the parcels seem to be smaller.
325	Chair Garrard	Asks whether the Scenic Area Act is involved in this instance.
329	Herbst	Responds that it is. Describes development in the area.
383	Chair Garrard	Asks how many organizations he's had to deal with during this process.
385	Herbst	Responds that he personally hasn't had to, but that generally it is very difficult dealing with the Columbia Gorge Commission. Details troubles.
433	Rep. Greenlick	Asks witness how the property value would have increased if he had been allowed to subdivide.
438	Herbst	Responds that it would be significant.

TAPE 6, B

012	Evan Manvel	Oregon Community Protection Coalition (OCPC) Chair. Introduces (EXHIBIT B) - testimony in opposition to HB 2137. Testifies that average Oregonians don't understand takings law and that Measure 7 didn't actually address land use planning.
134	Rep. Richardson	Tells witness that we are concerned and must also protect minority rights, not just the majority viewpoint.
156	Chair Garrard	Asks what OCPC seeks to protect.
161	Manvel	States that OCPC stands for fairness issues regarding community, environment, and taxpayers in relation to Measure 7 issues.
173	Don Schellenberg	Associate Director of Governmental Affairs, Oregon Farm Bureau. Testifies that HB 2137 is a mixed bag, that it addresses important issues, but that it has some shortcomings. Encourages committee to be deliberate and understand the full consequences of the actions taken.
265	Rep. Ackerman	States that cautionary advice is well taken. Asks if the witness has a dollar figure in mind for the passage of this bill.
280	Schellenberg	Responds that it would vary from farm to farm, depending on the proximity to urban areas.
291	Rep. Ackerman	Asks whether the depreciation values stated by the witness are speculative.
294	Schellenberg	Responds in the affirmative.

301	Linda Ludwig	Senior Staff Associate, League of Oregon Cities (LOC). Submits (EXHIBIT D) in support of her testimony, affirming issues to consider while hearing HB 2137.
TAPE 7, B		
030	Ludwig	Continues testimony pointing out concerns about compensation claims contained in HB 2137.
061	Ludwig	Introduces (EXHIBIT E) -a letter to Rep. Betsy Close from the Albany City Council expressing concerns with HB 2137.
124	Rep. Ackerman	Asks whether any of the municipalities have the resources to pay the potential liabilities expressed by HB 2137.
127	Ludwig	Responds that they do not.
135	Chair Garrard	Cites a problem with the lack of notification and asks if notification varies from municipality to municipality and asks further if it has changed.
140	Ludwig	Affirms that yes, it has changed. Asserts that the requirements changed in 1997.
147	Rep. Rosenbaum	States concern about the grandfathering issue and asks for the witness' comments on the issue.
153	Ludwig	States that 90% of these issues occur outside of the urban growth boundaries. Suggests that perhaps the \$80,000 rule needs to be addressed.
178	Bob Rindy	Legislative coordinator, Department of Land Conservation and Development (LCDC). States concern with the possible relaxation of regulations which would come about as a result of this bill.
218	Ron Eber	Farm and Forest Land Specialist, LCDC. States concerns with the bill, but offers to participate in a work group. Submits written testimony (EXHIBIT F) .
271	Rindy	States that they were asked to estimate cost, but that the cost has not been able to be sufficiently ascertained due to a myriad of factors.
291	Rep. Greenlick	Asks the witness to elaborate on the background of the Sisters case.
311	Eber	Provides history of legislation dealing with developing farm dwellings.
366	Chair Garrard	Schedules invited testimony for the next meeting.

The following testimony is submitted for the record without public testimony for HB 2137.

	Jeanette Holman	Submits written testimony (EXHIBIT A) .
	Don Schellenberg	Submits written testimony (EXHIBIT C) .
432	Chair Garrard	Adjourns meeting at 10:30

EXHIBIT SUMMARY

- B – HB 2137, written testimony, Evan Manvel, 6 pp.**
- D – HB 2137, written testimony, Linda Ludwig, 5 pp.**
- E – HB 2137, Linda Ludwig, 1 p.**
- F – HB 2137, Ron Eber, 3 pp.**

The following exhibits are listed out of order in the body of the tape log.

- A – HB 2137, written testimony, Jeanette Holman, 1 p.**
- C – HB 2137, written testimony, Don Schellenberg, 2 pp.**