

HOUSE COMMITTEE ON
ENVIRONMENT AND LAND USE

January 28, 2003 HR E
8:30 AM Tapes 8 - 9

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 - Invited Testimony**
 1000 Friends of Oregon
 Oregonians in Action
 American Planners Association

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 8, A		
004	Chair Garrard	Calls meeting to order at 8:36 and reopens the public hearing on HB 2137.
HB 2137 – PUBLIC HEARING		
018	Stephen Kafoury	Oregon chapter of the American Planning Association (APA). Introduces Mitch Rohse and gives a broad overview of the history of land use planning.
044	Mitch Rohse	President, Oregon American Planning Association. Submits (EXHIBIT A) and testifies in support of HB 2137. States that Oregonians have generally been the recipient of benefits, not the victims of land use planning.
152	Rohse	States that we don't usually hear about land use planning success stories. Gives anecdotes of how land use planning has helped property values.
281	Rohse	Asks committee to look for a range of options in compensation. Asserts that while skeptical about compensation, the APA would like to see positive legislative ensue from this committee.
371	Rep. Richardson	Asks Rohse if he would rethink the issue if he was a victim of land use planning.
389	Rohse	Responds that he would feel pretty bad, but that there are provisions in the current law which allow for relief, which the public needs to be appraised of.
TAPE 9, A		

013	Rep Greenlick	Asks how the appeals process could be made simpler.
023	Rohse	Responds that he doesn't really know. Addresses the low cost of LUBA's services, relative to an attorney.
074	Randy Tucker	Legislative Director, 1000 Friends of Oregon. Offers broad testimony in opposition to HB 2137 and submits (EXHIBIT B) .
148	Tucker	Introduces (EXHIBIT C) cartoon, emphasizing his claim that the passage of Measure 7 did not indicate a voter mandate on land use planning, but rather compensation. Introduces (EXHIBIT D) as further evidence.
221	Tucker	States opposition to prospective compensation, that workable solutions are not included in HB 2137. Introduces (EXHIBIT E) --statutes pertaining to disposition of realty.
311	Tucker	Concludes with anecdotes, including the Tahoe case where the Supreme Court ruled land use protection as integral for desirable communities. Restates that protecting public good also protects property rights.
363	Dave Hunnicutt	Oregonians In Action. Submits (EXHIBIT F) and (EXHIBIT G) in support of HB 2137. Explains why a measure is needed to address the iniquities of the takings clause.

TAPE 8, B

002	Hunnicutt	Continues testimony in support of HB 2137.
097	Dorothy English	The poster child for Measure 7. Gives testimony of her property purchase and intent to build an extra house on her land. Testifies that LCDC imposes autocratic controls as a matter of course.
173	Hunnicutt	States that he appreciates the compensation argument, but reaffirms that the landowner is being greatly compromised. Suggests that we take a another look at much of the so-called agricultural land.
233	English	Emphatically questions the authority and initiative of the state in taking away her right to the land.
244	Hunnicutt	Offers to serve on a work group in order to arrive at a fair and comprehensive solution.
265	Rep. Doyle	Asks witnesses to discuss tax assessment outside of urban growth boundaries.
299	Hunnicutt	Restates Rep Doyle's question. States that there was an agreement on whether the said provisions would be valid.
330	Rep. Doyle	Asks if there been any analysis on property appraisal.
336	Hunnicutt	States that he has very little experience in that area, but offers a personal anecdote
351	Tucker	Adds his understanding of taxes in relation to urban growth areas.
366	Rep. Doyle	Asks for a clarification of the Tahoe Case.
374	Hunnicutt	Elaborates on the Tahoe Case.
393	Tucker	Addresses the partial takings clause in the Tahoe Case.
411	Rep. Greenlick	Asks for clarification of term reasonable investment-backed expectations.
417	Hunnicutt	Responds with the legal precedent for that term.

TAPE 9, B

002	Hunnicutt	Relates the term to the Oregon takings clause.
013	Tucker	Adds his understanding with a different legal precedent.
027	Rep. Rosenbaum	Asks where there might be points of consensus where we could come

		up with a compromise solution.
039	Tucker	Asserts that the concept of fairness first needs to be addressed where people have been unduly affected.
055	Hunnicutt	Asserts that HB 2137 is fairly close to the solution arrived at by the last committee. Believes that past misdeeds need addressing, first.
081	Tucker	Reasserts skepticism with prospective legislation.
124	Bob Leipper	Testifies and submits (EXHIBIT H) with a personal anecdote. Notes that HB 2137 could become a good bill with some revision.
184	Paul Phillips	Pac/West Communications representing Metro Regional Services. Submits (EXHIBIT I). Affirms interest in this legislation with revisions. Offers to serve on a work group.
270	Rep. Doyle	Asks for clarification about remunerations for takings.
280	Phillips	Responds that this is an area of clarification which needs addressing.
294	Roger Kaye	Introduces (EXHIBIT J) in opposition to HB 2137, and addresses his concerns with the proposed legislation.
369	Jim Welsh	Oregon State Grange. Addresses his support for HB 2137, including takings and compensation. Offers that the agrarian foundation which our country was founded upon is being greatly compromised.
444	Chair	Adjourns meeting at 10:31.

EXHIBIT SUMMARY

- A – HB 2137, written testimony, Mitch Rohse, 13 pp**
- B – HB 2137, written testimony, Randy Tucker, 2 pp**
- C – HB 2137, written material, Randy Tucker, 1 p**
- D – HB 2137, written material, Randy Tucker, 1 p**
- E – HB 2137, written material, Randy Tucker, 2 pp**
- F – HB 2137, written testimony, Dave Hunnicutt, 4 pp**
- G – HB 2137, written materials, Dave Hunnicutt, 26 pp**
- H – HB 2137, written testimony, Bob Leipper, 2 pp**
- I – HB 2137, written testimony, Paul Phillips, 4 pp**
- J – HB 2137, written testimony, Roger Kaye, 1 p**