

## HB 2633 – Planning for Natural Hazards in Oregon

Dear Chair Clem and members of the committee

February 11, 2015

I live on a street in Unincorporated Clackamas County where landslides have wrought much devastation. I would like to submit very important information regarding the extreme need for the State of Oregon, to not only write further Natural Hazards regulation, but possibly to mandate some of these changes into State Law for the protection of the people.

In 1995,96,97 & 2002, my neighborhood suffered severe damages from landslides when six homes were either destroyed or severely damaged. A small home went sliding down a steep slope towards Hwy 213 as the land beneath liquefied, the home was destroyed. Liquefaction also struck a two story home, with such force, that the liquid soil came up from beneath the basement, completely buckling the concrete. This home was destroyed. Two more homes were complete losses while two others were severely damaged. FEMA helped to a minimal extent since only six homes were involved. FEMA covers landslide damages, at a higher dollar rate, when an entire hill or neighborhood is destroyed. Our people here received a few thousand dollars, which didn't even come close to the hundreds of thousands of dollars worth of damages and losses.

Five very important concerns that I want to bring to your attention are:

1. Homeowners are unable to obtain insurance to cover losses due to landslides. Homeowners Insurance may have covered losses at one time, but since the 1990's is no longer written. The type of insurance that covers losses due to hazards is called "Difference in Conditions" insurance, this also is not available, to my knowledge, on a national basis. I ask then, why are our municipalities allowed to continue to develop in hazardous areas without strict regulation and building codes? I can tell you that I have testified for almost ten years to my County and nearby City and it seems that these concerns simply fall on deaf ears. A prime example comes from the street I live on. The City proposes future development that will produce at least 80,000 added vehicle trips per day. Most of these are being planned to come down my street. This means my landslide ridden two-lane country road, where homes sit just a few feet from the road, will be widened to at least four lanes. I have testified to the City that just excavating and widening can easily re-activate the many landslides that exist here, and I have made them aware that "the people cannot obtain insurance for losses due to landslides". I asked the City, if you widen and cause landslides to re-activate, who will pay the damages? The City has never answered this question. They do have landslide policies, but some question the extent they are used.
2. When this City considers lands for future development, they must meet certain factors. One factor is for safety of the people which would be Goal 7 requirements. I have asked the City how they can meet Goal 7 requirements when they are allowing development to take place in hazardous areas?. I couldn't understand how the City was approving development after development and ignoring Goal 7 requirements. It is my hope, that Goal 7 can either be revised to have "teeth" in these requirements or that Goal 7 be made strict law.

3. ORS 105.462 (8e) – Sellers Property Disclosure Statement – This State law is not being upheld. People are buying homes all over Oregon, the Sellers and Realtors are not disclosing to prospective buyers that the property they are interested in, lies within a landslide zone. The prospective buyer is NOT made aware that they will be unable to purchase insurance to cover any losses due to landslides. This scenario is happening on a daily basis. I have seen several people purchase homes, that just a few years later were victims to a landslide, perhaps losing the entire back of their home, or having it severely damaged or destroyed. Yes, they did seek legal compensation for their losses, only to find out their homeowner's insurance would not cover. Sadly, these people lost everything.
4. Homeowners living in areas of landslides are concerned they may lose home or property value if the Title Deed labels their property as being in a landslide zone. This may be adding to the reluctance, by the seller or realtor, to dutifully notify prospective buyers that the property lies in a landslide zone.
5. Government should NOT be excluded from complying with the “Sellers property disclosure statement”. I have seen a City hide behind this exclusion when selling property to a private developer and to a school district where a huge area of landslides exist. When I asked the City to comply with this State law, they simply stated that government entities were excluded from this law.

On my street, since 2004, we have had a small active group of citizens working on steep slope and landslide issues. We contacted the Governor and DOGAMI in 2007 and we rallied for stricter regulations in these dangerous areas. I can tell you we have done a plethora of work and have given literally hundreds of testimonies to our County and our nearby City, simply asking them to write landslide regulations to protect the people. Unfortunately, we have felt mostly ignored, and at times, thoughts of giving up the fight have come easily to us.

Thank you for taking on the task to protect the people of Oregon. This legislation has been needed for a long time and will be extremely necessary as our State develops into these more challenging lands. It is my hope that our State will lead the charge for smart and responsible development in hazardous areas. Goal 7 states in (C3a) of Implementation, “avoiding development in hazard areas where the risk to people and property cannot be mitigated”. The words “hazard areas” needs to be broken down and further defined, just what constitutes a hazard area, how should it be classified and to what degree?

I sincerely appreciate the opportunity to present my testimony to you regarding the urgent need for stronger regulations over hazardous areas of steep slopes and landslides. I would be happy to help you in any way by providing you with any information, photos, news articles, testimonies or studies that would be helpful to you.

Respectfully,

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