

Testimony on Hazards Bill HB 2633

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My name is Evan White, and I live at 4553 Brock Loop S, Salem 97302.

There is a Bible story told two thousand years ago about a poor widow and a corrupt judge. The Judge had no sense of shame and did not care what other people thought of him. He ignored the poor widow, but day after day she sat outside his chambers until the corrupt judge finally relented and gave her justice just to get rid of her.

I've had that story in mind for the past seven years, because I've been involved in seemingly endless litigation with my neighbor and with the City of Salem. All of this could have been avoided if the City of Salem had development codes which implemented Goal 7. Here's what I have learned over the past seven years:

I've learned that under Salem's current development codes, in some instances anyone can excavate a completely vertical cut right next to his neighbor's property, without any setback or soil study indicating that the excavated slope will be stable under foreseeable conditions.

I've learned that any damage that occurs to a homeowner's property from an unsafe excavation will not be covered by his or her homeowner's insurance policy.

I've learned that the legal system is very expensive and does not always produce justice. Geological processes work very slowly and there is a ten year Statute of Limitations on seeking damages. There are several Oregon court cases which resulted in "so sorry" court decisions for homeowners whose property was damaged by careless excavations, when the damage occurred after the ten year Statute of Limitations.

All my wife and I ever wanted was an interpretation of Salem's development codes, which we felt that the City was not enforcing. This simple request ultimately resulted in seven (7) circuit court hearings and two trips to the Oregon Court of Appeals. This would have been avoided if the City of Salem had a grading code to protect homeowner property.

Finally, I've learned that even a small slide can have devastating consequences. One dump truck holds about 18 tons of soil and rock. As for a larger slide, well, just ask survivors of the 43 persons who were killed last year at Oso, Washington.

For these reasons, I urge you to adopt HB 2633. Thank you.