

HOUSE COMMITTEE ON LAND USE AND REGULATORY FAIRNESS

May 17, 2001
3:30 p.m.

Hearing Room 357
Tapes 17 - 18

MEMBERS PRESENT: **Rep. Max Williams, Chair**
 Rep. Kurt Schrader, Vice-Chair
 Rep. Chris Beck
 Rep. Betsy Close
 Rep. Kathy Lowe
 Rep. Karen Minnis
 Rep. Susan Morgan

STAFF PRESENT: **Virginia Gustafson Lucker, Counsel**
 Jane Bodenweiser, Committee Assistant

MEASURE/ISSUES HEARD: **LC 4258, 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 17, A		
004	Chair Williams	Calls the meeting to order at 3:45 p.m.
024	Keith Cubic	Douglas County Planning Director Introduces Dave Camramon. Submits testimony and testifies on transferable development rights and the potential application of them (EXHIBIT A). Says that his comments are as a representative of rural Oregon.
110	Vice Chair Schrader	Asks about exceptions.
114	Cubic	Replies that within the rules an exception is a way to vary the standards of Oregon's law.
120	Rep. Close	Asks if a variance is the same as an exception.
122	Cubic	Explains the differences.
142	Rep. Morgan	Asks about a transferable development right and wonders if it is a forward development fix as opposed to a backward development fix.
146	Cubic	Replies that it is solutions oriented toward future development.
152	Vice Chair Schrader	Asks if exceptions should be used in a coordinated fashion to avoid a patchwork of different types of uses.
156	Cubic	Replies that it has to be coordinated.

200	Vice Chair Schrader	Wonders if it would be helpful for members of a community to have discussions about the transferable development rights.
214	Cubic	Says yes, it could happen, but it could be unsuccessful.
219	Rep. Morgan	Wonders what the nature would be of the types of claims that might be expected to see.
231	Cubic	Explains a very simple approach for rural Oregon.
262	Rep. Morgan	Asks about the nature of development in Douglas County.
268	Cubic	Replies that it is a very large county with one of the lowest per acre housing densities in western Oregon.
298	Rep. Beck	Asks about dealing with entitlement of a landowner.
310	Cubic	Discusses the fairness issues.
410	Rep. Lowe	Wonders about compensation for an investment that went bad, and if there should be some element of proof that the intention was to subdivide.
446	Cubic	Replies that Oregon does not have a statutory vesting provision that would provide proof of the intention.
TAPE 18, A		
024	Rep. Lowe	Suggests a possible method of providing an element of proof.
032	Cubic	Speculates that this would be unreasonable.
058	Rep. Close	Asks for clarification of what year he would consider with regard to land ownership.
063	Cubic	Replies that his recommendation would be 1985 when all county comprehensive planning was acknowledged.
094	Chair Williams	Asks for some input on the retroactive concept piece.
098	Cubic	Gives an overview of his response to the retroactive concept piece.
149	Rep. Beck	Asks if a waiver would be discretionary on the state's part, and wonders if the state had the discretion, should it have the ability to direct where development should occur on a property.
169	Cubic	Replies yes to the discretion of the state, and says no at the state level on directing where development should occur.
186	Rep. Lowe	Wonders about the standards for a locality with regard to waivers, and how to develop consistency.
217	Cubic	Responds with regard to individual rights.
292	Rep. Close	Asks how the "broad public purpose" is dealt with.
300	Cubic	Replies that it will be controlled by the available funds.
305	Cubic	Continues his sectional analysis of the retroactive concept piece.
TAPE 17, B		
023	Rep. Lowe	Wonders about a time period for presenting claims, so that the state could assess funding needs.
037	Cubic	Says he likes that idea but doesn't think that 6 months is adequate.
056	Rep. Beck	Asks if it is appropriate for the State to receive something in return for compensation.
074	Cubic	States that it is a reasonable part of the balance.
103	Don Schellenberg	Oregon Farm Bureau Submits testimony and testifies on the rural concepts document (EXHIBIT B). Says that the Farm Bureau supports the direction that the rural concepts draft is taking.
179	Rep. Beck	Expresses his concerns about waivers.
198	Rep. Lowe	Wonders if a waiver plan could be developed.
212	Schellenberg	Says that such a plan might work in some areas but not all.

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Chair Williams

Adjourns the meeting at 4:55 p.m.

Submitted By,

Reviewed By,

Jane Bodenweiser,
Committee Assistant

Virginia Gustafson Lucker,
Counsel

EXHIBIT SUMMARY

A – Written testimony submitted by Keith Cubic, dated 5/17/01, 12 pp

B – Written testimony submitted by Don Schellenberg, dated 5/17/01, 1 p