

HOUSE COMMITTEE ON LAND USE AND REGULATORY FAIRNESS

May 22, 2001
3:30 p.m.

Hearing Room 357
Tapes 19 - 20

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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 19, A		
004	Vice Chair Schrader	Calls the meeting to order at 4:00 p.m. and opens a hearing on LC 4258.
<u>LC 4258 PUBLIC HEARING</u>		
006	Sue Hanna	Legislative Counsel Introduces LC 4258 relating to compensation for loss of property value resulting from land use regulation (EXHIBIT A). Gives a sectional analysis of LC 4258.
034	Rep. Beck	Asks if it would be appropriate to provide the state with a list of qualified appraisers.
047	Hanna	Says that it is a policy call that the committee can make, but wonders if it might be inappropriate.
056	Rep. Beck	Contends that there are standards that need to be met.
063	Hanna	Says the committee must be careful not to take an unconstitutional route in selecting a list of appraisers. Explains the criteria would have to be clearly laid out.
115	Vice Chair Schrader	Asks if there is any constitutional problem with developing new appraiser standards for the purposes of implementation of this act.
125	Hanna	Replies, no.
147	Rep. Beck	Wonders if an extra certification could be added to an appraiser's qualifications that would acknowledge land use laws.
172	Hanna	Says it is doable, but laborious.
176	Rep. Beck	Asks about out of state appraisers.
183	Hanna	Replies that this needs more research. Continues sectional analysis of LC 4258. Talks about valuation dates and case law

		on valuation.
243	Rep. Beck	Asks about fair market value.
247	Hanna	Discusses competing appraisals with regard to fair market value.
		Continues with the sectional analysis of LC 4258.
292	Vice Chair Schrader	Asks for clarification of “corporation” with regard to land ownership.
301	Hanna	Cites ORS 174.100, which gives general definitions for all statutes.
311	Vice Chair Schrader	Asks about the definition of reinterpretation.
313	Hanna	Replies that a reinterpretation can be just like adopting a new ordinance.
337	Hanna	Continues sectional analysis of LC 4258.
TAPE 20, A		
014	Rep. Lowe	Discusses the intent of a landowner with regard to development.
101	Rep. Close	States that she objects to not having time to review the LC draft and not having the opportunity to provide input.
144	Hanna	Continues the sectional analysis.
157	Rep. Morgan	Asks about the status of transitional zones that are a combination of agricultural and forestry zone.
162	Hanna	States that that issue needs more research.
175	Rep. Morgan	MOTION: Moves LC 4258 BE INTRODUCED as a committee bill.
		VOTE: 4-1-2
		AYE: 4 – Lowe, Schrader, Morgan, Beck
		NAY: 1 – Close
		EXCUSED: 2 – Williams, Minnis
182	Vice Chair Schrader	The motion Carries.
189	Hanna	Continues the sectional analysis.
203	Rep. Morgan	Asks why all references are to cash compensation rather than variances or other tools discussed.
210	Hanna	Replies that this is a policy decision that was made. Continues sectional analysis.
232	Rep. Morgan	States that based on prior testimony a variance is something to be considered.
241	Hanna	Comments that the variance addressed is to standards, not a variance to use.
276	Rep. Morgan	Says that it would be helpful to find a way to address a variance to use.
279	Rep. Beck	Agrees.
316	Vice Chair Schrader	Calls a recess of the committee at 4:30 p.m. for a call of the house.
318	Vice Chair Schrader	Reconvenes the meeting at 4:45 p.m.
320	Rep. Morgan	Discusses the variance terminology.
332	Hanna	Replies that it needs to be very clear in the bill what the intent is. Contends that to deal with variances on a case by case basis could jeopardize equal protection.
365	Rep. Lowe	Says that the committee must preserve the ability to fashion a remedy to the particular needs of a citizen.
395	Hanna	Continues with sectional analysis.
471	Rep. Morgan	Asks about the date she chose on page 8, line 3.
479	Hanna	Explains how she determined the date.
TAPE 19, B		
043	Chair Williams	Responds that the date is very flexible.

073	Hanna	Continues analysis of Section 7, 8, and 9.
104	Rep. Lowe	Asks about collections made by the county that are not received by the state.
111	Chair Williams	Explains county revenue sharing.
140	Hanna	Continues sectional analysis.
181	Chair Williams	Recesses the meeting for another call of the house at 5:15 p.m.
185	Chair Williams	Reconvenes the meeting at 5:30 p.m.
191	Hanna	Continues her analysis of LC 4258.
211	Chair Williams	Talks about section 12 with regard to the threshold and says that it will need to be rewritten.
243	Hanna	Continues the analysis and talks about reinterpretation with regard to land use regulations.
293	Rep. Morgan	States her opposition to the Section 12C reference to the Endangered Species Act.
308	Hanna	Continues the sectional analysis.
444	Chair Williams	Adjourns the meeting at 6:15 p.m.

Submitted By,

Reviewed By,

Jane Bodenweiser,
Committee Assistant

Virginia Gustafson Lucker,
Counsel

EXHIBIT SUMMARY

A - LC 4258 submitted by staff, dated 5/22/01, 12 pp