

SENATE COMMITTEE ON WATER AND LAND USE

April 28, 2003
3:00 p.m.

Hearing Room D
Tapes 57 – 58

MEMBERS PRESENT: **Sen. Ted Ferrioli, Chair**
 Sen. Charlie Ringo, Vice-Chair
 Sen. Jason Atkinson
 Sen. Rick Metsger

STAFF PRESENT: **Judith Callens, Committee Administrator**
 Megan Jensen, Committee Assistant

MEASURE/ISSUES HEARD: **HB 2689 Public Hearing**
 SB 538 Public Hearing and Work Session
 HB 3261 Public Hearing and Work Session
 HB 3265 Public Hearing
 HB 3213 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 57, A		
005	Chair Ferrioli	Calls meeting to order at 3:15 p.m. and opens public hearing on HB 2689.
<u>HB 2689 – PUBLIC HEARING</u>		
010	Judith Callens	Committee Administrator. Provides overview of HB 2689.
021	Ben Boswell	Walla County Commissioner. States support for HB 2689. Believes HB 2689 will provide more assistance for improving economic conditions.
048	Chair Ferrioli	Closes public hearing on HB 2689 and opens public hearing on SB 538.
<u>SB 538 – PUBLIC HEARING</u>		
050	Judith Callens	Committee Administrator. Provides overview of SB 538 and -1 amendments dated 4/25/03 (EXHIBIT A).
075	Ross Day	Oregonians in Action. Provides testimony in support of SB 538 and -1 amendments (EXHIBIT B). States that the -1 amendments: <ul style="list-style-type: none">• Clarify that gatherings defined by ORS 433.735 are not subject to land use regulation• Clarify that a property owner may hold outdoor gatherings of less than 3,000 persons without a land use permit provided the gathering is not anticipated to last more than 120 hours and the property owner shall not have more than 3,000 attendees in any three-month period• Clarify that permanent structures may not be constructed in conjunction with the outdoor gathering
114	Sen. Ringo	Asks what types of mass gatherings are included.
117	Day	Lists weddings, bar mitzvahs, religious gatherings, political gatherings, and concerts.
124	Ron Eber	Department of Land Conservation and Development. Provides testimony in support of SB 538 and -1 amendments (EXHIBIT

175 Carrie MacLaren C). Discusses the definition of “land use decision.”
1000 Friends of Oregon. States support of SB 538 and expresses concern regarding unintended consequences of SB 538-1 amendments.

199 Sen. Metsger Asks if her concern is that -1 amendment states a limit of 120 hours or 3,000 people, which could be construed to mean that a gathering might not exceed 120 hours but 20,000 people could attend.

208 MacLaren Affirms.

212 Chris Crean Legislative Counsel. Suggests the wording should reflect 120 hours *and* 3,000 people instead of 120 hours *or* 3,000 people.

230 Day Comments that the “and” makes it broader and recommends keeping the “or.”

242 MacLaren Suggests the wording should not change but the record should show the intention.

250 Chair Ferrioli States the record should reflect the intention of 120 hours in a consecutive three-month period or 3,000 in a consecutive three-month period.

255 Sen. Metsger Asks if the wording in SB 538 should be changed.

257 Chair Ferrioli Responds that changing the wording of the bill would broaden the bill.

258 Sen. Metsger Suggests changing the language to state that the gathering should not exceed *either* 3,000 people or 120 hours.

260 Crean Confirms that inserting “either” would clarify the intent of the -1 amendment.

SB 538 – WORK SESSION

280 Sen. Ringo Asks for clarification on the proposed changes.

285 Chair Ferrioli Explains the proposed changes.

300 Sen. Metsger **MOTION: Moves to ADOPT SB 538-1 amendments dated 4/25/03 and that the measure be FURTHER AMENDED on page 3, line 23, by inserting "either" after "exceed" and on page 8, line 5, by inserting "either" after "exceed".**

305 **VOTE: 4-0**

Chair Ferrioli **Hearing no objection, declares the motion CARRIED.**

310 Sen. Metsger **MOTION: Moves SB 538 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.**

315 **VOTE: 4-0**

Chair Ferrioli

Hearing no objection, declares the motion **CARRIED**.

SEN. FERRIOLI will lead discussion on the floor.

Closes work session on SB 538 and opens public hearing on HB 3261.

HB 3261 – PUBLIC HEARING

339 Judith Callens

Committee Administrator. Provides overview of HB 3261.

360 Chair Ferrioli

Closes public hearing and opens work session on HB 3261.

HB 3261 – WORK SESSION

360 Sen. Ferrioli

MOTION: Moves HB 3261 to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.

365

VOTE: 3-0

Chair Ferrioli

EXCUSED: 1 - Sen. Metsger

Hearing no objection, declares the motion **CARRIED**.

SEN. FERRIOLI will lead discussion on the floor.

Closes work session on HB 3261 and opens public hearing on HB 3265.

HB 3265 – PUBLIC HEARING

393 Mike Dewey

Waste Management. States support of HB 3265. Explains amendments are being drafted in Legislative Counsel and requests another public hearing.

413 Chair Ferrioli

Closes public hearing on HB 3265 and opens public hearing on HB 3213.

TAPE 58, A

HB 3213 – PUBLIC HEARING

001 Judith Callens

Committee Administrator. Provides overview of HB 3213.

015 Kristin Udvari

Sunriver Resort and Eagle Crest Resort Attorney. Provides testimony in support of HB 3213 (**EXHIBIT D**). Discusses proposed amendments to HB 3213.

100 Linda Swearingen

Eagle Crest Resort, Sunriver Resort. Provides testimony in support of HB 3213 (**EXHIBIT E**). Discusses real property accounts, houses and condominiums at destination resorts such as Sunriver Resort, Black Butte Ranch and Eagle Crest Resort.

163 Jerry Andres

Eagle Crest Resort. Provides testimony in support of HB 3213 (**EXHIBIT F**). Explains Eagle Crest's difficulties with encouraging individual investment in single-family dwellings when potential buyers can only use the dwelling for seven weeks per year and must turn over responsibility for rental of the dwelling to a central rental service. Believes the issue can be remedied by allowing resorts to count a portion of individually owned second homes as overnight lodgings.

225 Sen. Atkinson

Asks if HB 3213 would be beneficial for other resorts in the state.

235 Udvari

Responds that a test run with Eagle Crest and Sunriver should occur first.

242 Sen. Atkinson

Asks if there is a sunset clause on HB 3213.

245 Udvari

Replies that there is no sunset clause.

253 Tom Leursen

Sunriver Resort. Provides testimony in support of HB 3213 (**EXHIBIT G**). States that HB 3213 will create a third option for resorts to meet the overnight lodging standards.

300 Sen. Atkinson

Asks if there are other developers who could build under HB 3213.

305 Leursen

Responds that he does not know of any developers but believes it

325	Don Schellenberg	is possible.
360	Sen. Ringo	Oregon Farm Bureau. Asks for clarification on the use of “may.” Clarifies that “may” is permissive but “may not” is not permissive.
374	Chris Crain	Clarifies “shall not” and “may not” are both mandatory prohibitions.
380	Schellenberg	Asks if comments by Gary Harris have been submitted.
384	Chair Ferrioli	Clarifies that the bill will have amendments which will be considered in the future.
395	Carrie MacLaren	1000 Friends of Oregon. Provides testimony in opposition to HB 3213. Discusses destination resorts in Oregon and overnight lodging versus second homes.
TAPE 57, B		
005	MacLaren	Continues expressing concerns regarding HB 3213.
059	Chair Ferrioli	Asks if she believes HB 3213 will create less opportunity for overnight accommodations.
062	MacLaren	Affirms.
066	Chair Ferrioli	Asks for recommendations to address concerns.
070	MacLaren	Offers to research the issue of comparable vacancy rates and suggests that members of the industry have access to information relevant to the issues.
080	Chair Ferrioli	Requests proponents of the bill research possible solutions for the next public hearing.
095	Chair Ferrioli	Closes work session on HB 3213 and adjourns meeting at 4:17 p.m.

EXHIBIT SUMMARY

A – SB 538, SB 538-1 amendments dated 4/25/03, staff, 10 pp.

B – SB 538, written testimony, Ross Day, 1 p.

C – SB 538, written testimony, Ron Eber, 1 p.

D – HB 3213, written testimony, Kristin Udvari, 5 pp.

E – HB 3213, written testimony, Linda Swearingen, 1 p.

F – HB 3213, written testimony, Jerry Andres, 2 pp.

G – HB 3213, written testimony, Thomas Luersen, 2 pp.

H – HB 3213, written testimony, Sen. Beverly Clarno, 1 p.

I – HB 3213, written testimony, Bob Rindy, 2 pp.