

HOUSE COMMITTEE ON GENERAL GOVERNMENT

April 29, 1999 Hearing Room D

1:15 p.m. Tapes 78 - 79

MEMBERS PRESENT: Rep. Carl Wilson, Chair

Rep. Jason Atkinson, Vice-Chair

Rep. Chris Beck, Vice-Chair

Rep. Jo Ann Bowman

Rep. Ryan Deckert

Rep. Bruce Starr

Rep. Ron Sunseri

Rep. Terry Thompson

EXCUSED: Rep. Steve Harper

STAFF PRESENT: Cara Filsinger, Administrator

Faye D. Trupka, Administrative Support

MEASURE/ISSUES HEARD: HB 2894 Public Hearing and Work Session

HB 2766 Work Session

HB 2883 Public Hearing

HB 2463 Work Session

HB 2976 Work Session

HB 2657 Work Session

TAPE/#	Speaker	Comments
TAPE 78, A		
004	Chair Wilson	Opens meeting at 1:20 p.m. and opens public hearing on HB 2894.
<u>HB 2894 PUBLIC HEARING</u>		
005	Cara Filsinger	Administrator. Explains HB 2894.
009	Rep. Lane Shetterly	Representative, House District 34. Explains HB 2894.
030	Ken Armstrong	International City Management Association Retirement Corporation (ICMA-RC). Testifies in support of HB 2894 (EXHIBIT A). States that HB 2894 will align Oregon's fidelity bonding requirements with those of federal law. Explains that federal law requires a bond of no less than 10 percent of plan assets, up to certain dollar limits, for qualified retirement plans and for mutual funds.
054	Chair Wilson	Asks why the previous law was written to require 100% coverage of a plan's assets.
057	Armstrong	Replies he does not know.
060	Chair Wilson	Closes public hearing on HB 2894 and opens work session on HB 2894.
<u>HB 2894 WORK SESSION</u>		
063	Rep. Bowman	MOTION: Moves HB 2894 to the floor with a DO PASS recommendation.
		VOTE: 7-0 AYE: 7 - Atkinson, Beck, Bowman, Starr, Sunseri, Thompson, Wilson EXCUSED: 2 - Deckert, Harper
Chair Wilson		The motion Carries.

		REP. SHETTERLY will lead discussion on the floor.
069	Chair Wilson	Closes work session on HB 2894 and opens work session on HB 2766.
<u>HB 2766 WORK SESSION</u>		
072	Filsinger	Distributes hand engrossed proposed HB 2766 amendments (EXHIBIT B).
080	Dennis Mulvihill	Washington County. Testifies in support of HB 2766-2 amendments. States that the counties are also in support of HB 2766-2 amendments.
110	Gordon Fultz	Association of Oregon Counties. States support of the HB 2766-2 amendments.
115	John McCulley	Oregon Fairs Association. Testifies in support of HB 2766-2 amendments.
118	Rep. Atkinson	Asks if all of the counties are in agreement.
120	McCulley	Replies that the Oregon Fairs Association supports HB 2766-2 amendments.
125	Rep. Bowman	Points to the hand engrossed HB 2766-2 amendments and asks what is the purpose of actions explained in lines 6 and 7.
130	Mulvihill	Responds to question.
133	Chair Wilson	Asks if there is a comma or a period after "matters" on line 12 of the hand engrossed HB 2766-2 amendment EXHIBIT B .
134	Mulvihill	Responds that it is a period.
137	Rep. Starr	Expresses his appreciation of the fairs and counties in their combined efforts to correct this problem.
138	Chair Wilson	Agrees with Rep. Starr.
145	Rep. Bowman	MOTION: Moves to ADOPT HB 2766-2 amendments dated 04/29/99 and that the amendments be FURTHER AMENDED on page 1 deleting lines 6 and 7, and in line 10 deleting "when" and after "court" inserting "may", and in line 12

		inserting a period after "matters".
		VOTE: 7-0 AYE: 7 - Atkinson, Beck, Bowman, Deckert, Starr, Thompson, Wilson EXCUSED: 2 - Harper, Sunseri
	Chair Wilson	The motion Carries.
160	Rep. Bowman	MOTION: Moves HB 2766 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0 AYE: 7 - Atkinson, Beck, Bowman, Deckert, Starr, Thompson, Wilson EXCUSED: 2 - Harper, Sunseri
	Chair Wilson	The motion Carries. REP. MONTGOMERY will lead discussion on the floor.
185	Chair Wilson	Closes work session on HB 2766 and opens public hearing on HB 2883.
<u>HB 2883 PUBLIC HEARING</u>		
190	Jon Chandler	Oregon Building Industry Association (OBIA). Testifies in support of HB 2883 (EXHIBIT C). Explains HB 2883-1 amendments.
213	Chair Wilson	Asks purpose of the HB 2883-1 amendments.
214	Chandler	Responds with example of home versus lot size restriction.

231	Rep. Bowman	Asks for explanation of 25% to 35% columns.
234	Jerry Reeves	J.C. Reeves Development and Construction. Testifies in support of HB 2883 (EXHIBIT D) . Explains that from jurisdiction to jurisdiction the range varies from 25% to 35%.
245	Rep. Bowman	Asks why are there restrictions on lot size.
249	Reeves	Replies that he does not know the origin of the law.
261	Rep. Bowman	Suggests that restrictions may have been enacted so that large mansions were not built on small lots.
265	Reeves	Points to Lake Oswego project and states that one-level homes could not be built because of the restrictions on lot size versus size of structure.
285	Chair Wilson	Asks if there have been complaints concerning the building of more one-story versus two-story homes in certain areas.
294	Chandler	Replies that blockage of the view is an area of concern for many communities.
310	Reeves	Explains that in some areas there are regulations requiring 20% open space per building lot.
334	Rep. Bowman	Mentions that she lived in California where there were no lot restrictions. States that because of the lack of restrictions there were large homes built on small lots.
349	Chandler	Explains that as the population of Oregon ages, people no longer need larger homes and they do not want to have to go up and down stairs.
374	Chair Wilson	Asks why they went from 7,000 to 12,000 square feet.
380	Reeves	Replies that the square footage varies to accommodate larger one-story homes.
389	Chair Wilson	Asks if set-back requirements in municipalities will be changed.
394	Reeves	Replies that the set-back requirements will not be changed under HB 2883.
396	Chair Wilson	Asks with passage of HB 2883, if municipalities will respond by increasing set-back requirements.
403	Reeves	Replies no.

411	Rep. Starr	Asks if HB 2883 will affect Metro.
416	Chandler	Replies no.
421	Rep. Starr	Asks why building requirements must be changed in local government.
TAPE 79, A		
004	Chandler	Responds to question.
009	Rep. Starr	Asks how many jurisdictions have similar regulations.
011	Reeves	States that most jurisdictions have regulations.
013	Rep. Starr	Asks if Beaverton, Tualatin and Tigard have regulations.
018	Reeves	Replies that they all have regulations.
020	Rep. Starr	Asks Chair if there are other witnesses.
022	Chair Wilson	Replies no.
023	Rep. Starr	Asks if the requirements can be appealed.
025	Reeves	Replies no.
028	Rep. Starr	Asks if there is a variance.
035	Chandler	Responds that a variance could be requested.
037	Reeves	States that his company has been denied a variance.
040	Rep. Starr	Asks if it is true that no one knows why these regulations are on the books.
044	Chandler	States that OBIA does not know the reason for the regulations.
046	Rep. Starr	Asks whether anyone has inquired of local government why the regulations are on the books.

048	Reeves	Replies that he has asked numerous times.
050	Rep. Starr	States that if local governments are passing land use requirements and they do not know why they are doing so, it should be a simple process to repeal those laws at the local level.
054	Chandler	Replies that efforts to repeal laws at the local level have not been successful.
056	Rep. Starr	Asks if this has been used in a campaign for elected officials.
060	Chandler	Responds that Hillsboro's lot coverage restriction is 35% to 45%.
063	Reeves	States that builders are doing speculative-type buildings. Describes examples of families needing one-story dwellings because of a family member with multiple sclerosis.
071	Rep. Beck	Asks about the impervious surface issues regarding Endangered Species Act restrictions in the Metro area. States concerns about neighborhoods with numerous homes on small lots with no open ground.
099	Chandler	Replies that the impervious surface issues are a concern.
115	Phil Fell	League of Oregon Cities. Testifies in opposition to HB 2883. Describes Ballot Measure 66 mailing requirements. Explains costs will vary widely. States that storm water costs could be expensive.
165	Fell	States that the land use issue is complicated.
180	Chair Wilson	Closes public hearing on HB 2883 and opens work session on HB 2463.
<u>HB 2463 WORK SESSION</u>		
205	Rep. Kurt Schrader	Representative, House District 23. Testifies in support of HB 2463-2 amendments (EXHIBIT E). Explains HB 2463-2 amendments.
265	Schrader	Details sections of HB 2463-2 amendments.
318	Rep. Bowman	Asks why county commissioners are being asked to make decisions about land use rather than the Land Conservation and Development Commission (LCDC).
340	Rep. Schrader	States that the work group addressed that issue and the counties did not object to the process. Explains that the county commissioners do not make the final determination.

348	Rep. Starr	States that local governments consistently make these types of decisions.
352	Rep. Bowman	Explains that cities make these types of decisions more often than counties.
354	Rep. Starr	MOTION: Moves to ADOPT HB 2463-2 amendments dated 04/29/99.
362	Rep. Beck	Presents scenario of an urban reserve area which lies in the direction the city may grow. Describes five to six land owners who are interested in developing and residents of the already developed urban area who oppose the development. Asks how the city can satisfy the needs of both parties.
TAPE 78, B		
004	Rep. Schrader	Replies that few land owners will annex areas because of the expense of an annexation.
032	Rep. Beck	Asks if the adjacent city wants to acquire the urban reserve area for open space.
036	Rep. Schrader	Replies that HB 2463 is an opportunity to have discreet communities with livable space around them which does not burden the taxpayer and still allows farms to operate.
044	Rep. Beck	Asks if this would have allowed Rajneeshpuram to incorporate.
050	Rep. Schrader	Replies he is not familiar with that issue.
065		VOTE: 8-0 AYE: 8 - Atkinson, Beck, Bowman, Deckert, Starr, Sunseri, Thompson, Wilson EXCUSED: 1 n Harper
	Chair Wilson	The motion Carries.
069	Rep. Starr	MOTION: Moves HB 2463 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-1

		<p>AYE: 7 - Atkinson, Bowman, Deckert, Starr, Sunseri, Thompson, Wilson</p> <p>NAY: 1 - Beck</p> <p>EXCUSED: 1 - Harper</p>
	Chair Wilson	<p>The motion Carries.</p> <p>REP. SCHRADER will lead discussion on the floor.</p>
072	Chair Wilson	Closes work session on HB 2463 and opens work session on HB 2976.
<u>HB 2976 WORK SESSION</u>		
080	Rep. Atkinson	MOTION: Moves HB 2976 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Rules, Elections and Public Affairs.
		<p>VOTE: 6-0</p> <p>AYE: 6 - Atkinson, Beck, Bowman, Starr, Thompson, Wilson</p> <p>EXCUSED: 3 - Deckert, Harper, Sunseri</p>
	Chair Wilson	The motion Carries.
087	Chair Wilson	Closes work session on HB 2976 and opens work session on HB 2657.
<u>HB 2657 WORK SESSION</u>		
091	Chandler	OBIA. Testifies in support of HB 2657. Explains HB 2657-2 amendments

		(EXHIBIT F).
116	Rep. Starr	MOTION: Moves to ADOPT HB 2657-2 amendments dated 04/29/99.
125	Rep. Bowman	States that she will not be supporting HB 2657-2 amendments.
128	Rep. Thompson	States his support of HB 2657-2 amendments.
		VOTE: 6-1 AYE: 6 - Atkinson, Beck, Starr, Sunseri, Thompson, Wilson NAY: 1 - Bowman EXCUSED: 2 - Deckert, Harper
	Chair Wilson	The motion Carries.
147	Rep. Starr	MOTION: Moves HB 2657 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-2 AYE: 5 - Atkinson, Starr, Sunseri, Thompson, Wilson NAY: 2 - Beck, Bowman EXCUSED: 2 - Deckert, Harper
	Chair Wilson	The motion Carries. REP. LEWIS will lead discussion on the floor.
157	Chair Wilson	Closes work session on HB 2657 and adjourns at 2:27 p.m.

Faye D. Trupka, Cara Filsinger,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ HB 2894, written testimony, Ken Armstrong, 1 p.

B - HB 2766, hand engrossed proposed HB 2766ñ2 amendments, staff, 1 p.

C - HB 2883, HB 2883-1 amendments, Jon Chandler, 1 p.

D - HB 2883, written testimony, Jerry Reeves, 5 pp.

E - HB 2463, HB 2463-2 amendments, Rep. Kurt Schrader, 3 pp.

F ñ HB 2657, HB 2657-2 amendments, Jon Chandler, 2 pp.