

HOUSE COMMITTEE ON ENVIRONMENT AND ENERGY

March 24, 1997 Hearing Room E

1:00 P.M. Tapes 43 - 44

MEMBERS PRESENT:

Rep. Leslie Lewis, Chair

Rep. Frank Shields, Vice-Chair

Rep. Michael Fahey

Rep. Mike Lehman

Rep. Dennis Luke

MEMBER EXCUSED: Rep. Simmons

Rep. Welsh

STAFF PRESENT:

Pat Zwick, Policy Analyst

Marjorie Taylor, Administrative Support

MEASURE/ISSUES HEARD:

HB 2021 Work Session

HB 2378 Work Session

HB 2641 Work Session

HB 2515 Work Session

HB 2863 Public Hearing and Work Session

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 43, A		
003	Chair Lewis	Calls the meeting to order at 1:13 p.m. and opens a work session on HB 2021.

<u>HB 2021</u> <u>WORK</u> <u>SESSION</u>		
007	Rep. Sowa	State Representative, explains changes proposed by the -4 amendments. States that an existing non-conforming use may continue without extra conditions being placed on it by local governments. Outside of a residential area, the non-conforming use may expand by 10% (EXHIBIT A) .
022	Rep. Lewis	Asks if Rep. Luke has seen the -4 amendments.
024	Rep. Sowa	Answers affirmatively.
025	Chair Lewis	Verifies that the committee rescinded from previously adopted -1 amendments.
027	Rep. Shields	MOTION: Moves to ADOPT HB 2021-4 amendments dated 3/24/97.
032	Chair Lewis	Hearing no objection, declares the motion CARRIED.
033	Rep. Shields	MOTION: Moves HB 2021 to the floor with a DO PASS AS AMENDED recommendation.
040		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 3 - Luke, Simmons, Welsh
	Chair Lewis	The motion CARRIES. REP. SOWA will lead discussion on the floor. (Rep. Luke votes NO later.)
044	Chair Lewis	Closes the work session on HB 2021 and opens a work session on HB 2378.
<u>HB 2378</u> <u>WORK</u> <u>SESSION</u>		
050	Pat Zwick	Policy Analyst, explains provisions of the bill and Parks Subcommittee action on HB 2378.
059	Rep. Shields	Asks how the bill limits liability in parking areas.
062	Pat Zwick	Explains amendments to HB 2378.
075	Chair Lewis	Asks to review the amendments. Explains that amendments were adopted in the subcommittee and therefore do not need to be adopted in the full committee.
081	Rep. Fahey	MOTION: Moves HB 2378 to the floor with a DO PASS AS AMENDED recommendation.

091		<p>VOTE: 4-0</p> <p>AYE: In a roll call vote, all members present vote Aye.</p> <p>EXCUSED: 3 - Luke, Simmons, Welsh</p>
	Chair Lewis	<p>The motion CARRIES.</p> <p>REP. LEHMAN will lead discussion on the floor.</p> <p>(Rep. Luke votes AYE later.)</p>
094	Chair Lewis	Closes the work session on HB 2378 and opens a work session on HB 2641.
<u>HB 2641</u> <u>WORK</u> <u>SESSION</u>		
103	Don Miner	Representative, Oregon Manufactured Housing Association. Explains the - 1 amendments. It gives local governments the ability to regulate the appearance of manufactured dwellings. Explains roofing, siding, and pitched roof requirements. States another amendment is needed to require that developments be at least one acre in size (EXHIBIT B).
117	Philip Fell	Representative, League of Oregon Cities. Expresses appreciation for language included that regulates the exteriors of manufactured dwellings. Describes another possible amendment. Page 1, line 18 after the word "zone" insert "in which they are an allowed use." States that there will be costs associated with potential changes to redrafting plans and maps, and therefore a possible Measure 30 impact.
140	Chair Lewis	Verifies that more work needs to be done on the bill.
143	Rep. Fahey	Asks what the average roof pitch is on a manufactured house.
147	Miner	States that a 3/12 roof is most commonly available.
149	Rep. Fahey	Asks what change is being made if 3/12 is required and it is also the most available roof pitch.
152	Miner	The language is used to keep out older, flat roof styles of homes.
154	Rep. Fahey	Asks if the language is intended to require the roofs to conform to neighboring roofs.
157	Miner	States that is not the intent of the language.
160	Rep. Fahey	Verifies that there is really no change in roof pitch language.
162	Miner	Explains that original language did not express the architectural standards for roofs.
165	John Brenneman	Representative, Manufactured Housing Communities of Oregon. Explains that HB 2641 allows options in a community for affordable housing. States that mobile home owners believe that the bill provides them with more

		options.
181	Frank Burlison	Chairman, Coalition of the Mobile Home Park Residence Associations. States that the coalition sees HB 2641 as a progressive move to solve a problem.
196	Chair Lewis	States that additional amendments are needed and closes the work session on HB 2641.
201	Rep. Shields	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. LUKE to vote on HB 2021.
203	Chair Lewis	Hearing no objections, declares the motion CARRIED.
213	Rep. Luke	Asks if the committee adopted the -4 amendments.
214	Rep. Luke	Votes NO.
216	Chair Lewis	Notes for the record that Rep. Luke votes NO on HB 2021.
220	Chair Lewis	Asks if Rep. Luke would like to vote on 2378.
222	Rep. Luke	States that he will vote on HB 2378.
227	Rep. Shields	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. LUKE to vote on HB 2378.
230	Chair Lewis	Hearing no objections, declares the motion CARRIED.
232	Rep. Luke	Votes YES.
235	Chair Lewis	Notes for the record that Rep. Luke votes AYE on HB 2378.
237	Chair Lewis	Opens the work session on HB 2515.
<u>HB 2515</u> <u>WORK</u> <u>SESSION</u>		
242	Jay McCaulley	States that the work group assigned to the bill has not come to a unanimous consensus. The parties agree that the bill is fair, but don't know how to pay for it or make it work. Explains discussions about fiscal impacts. The depth of notification is in question which makes fiscal impact hard to determine. There is also a question about which land use proposals will require notification. States confusion about who should receive the notices. There was discussion about the notification itself and whether it should be specific or generic. States that there are no cost savings associated with the proposed legislation. Explains that there should be costs savings from litigation if the bill is worded properly.
324	McCaulley	States that discussions were held with the Multnomah County Assessors office and they suggested printing the notice in the tax statement. Suggests that Measure 47 might have indirect effects on the notification process. Zoning would have to be updated annually. States that the Department of

		Revenue is looking at redesigning the property tax statement. Gives more explanation about fiscal impacts, primarily from the Department of Land Conservation and Development.
394	McCaulley	States that there are two programs in Multnomah County which provide notification of land use changes. Explains that the programs provide examples of true cost accounting. States that four notifications were made to 800 people at about \$1200 per notification. The packets were extensive and mailed first class. Cost efficiencies can be made.
TAPE 44, A		
019	McCaulley	Comments that the chief planner in Multnomah County thought that a notification process would lead to better land use planning. Expresses the desire for an accounting system per program to keep the costs in check. Asks for more time to work on the bill.
043	Rep. Luke	Asks if fiscal impacts are based on the legislature or the Land Conservation and Development Commission (LCDC) mandating land use changes.
046	McCaulley	Answers affirmatively.
047	Rep. Luke	Verifies that there would be no costs if there were no mandates for change in land use.
049	McCaulley	Answers affirmatively.
050	Rep. Luke	Explains that the bill is attractive since it would force the legislature and LCDC to consider the effects of land use change on local governments.
054	McCaulley	States that the land owners need to know what is being proposed.
057	Rep. Luke	Verifies that the bill is related to non-requested zone changes.
059	McCaulley	Answers affirmatively.
060	Rep. Lehman	Verifies that there is a consensus that notification is good.
063	McCaulley	The only consensus is that notification is fundamentally fair.
066	Rep. Lehman	Verifies that a current problem is that the number and type of notices that need to be sent out and how much they will cost is still in question.
072	McCaulley	States that the type of notification is known, but the fiscal impact is unknown. Fiscal information can be figured out later.
078	Rep. Lehman	Verifies that currently, the fiscal impact is not known.
080	McCaulley	With appropriate information, the impact would be known.
082	Rep. Lehman	States that he likes the concept. Explains a possibility of passing the bill into law and requiring LCDC and local governments to keep track of program costs.
099	Rep. Luke	Clarifies that the legislature and LCDC should know what costs they are handing local governments when they pass laws and rules.
107	Rep. Lehman	Explains that there is a problem with telling local governments that they must send out notices before they make zone changes.
		Verifies that the local governments are not making the zone changes, but

112	Rep. Luke	the are making unrequested, mandated zone changes.
118	Rep. Fahey	States that the impact is to the individual whose land is rezoned. States that notification is fundamental.
135	Rep. Shields	Asks what happened to other notification alternatives.
142	McCaulley	Explains that alternatives were discussed, but beliefs in the work group were diverse.
160	Rep. Shields	Asks for Chair Lewis' experience with the work group.
162	Chair Lewis	Explains that there has been very little progress.
164	Rep. Shields	Asks if the committee can pursue the discussion if the work group can't.
173	Rep. Fahey	Asks for one more meeting with the work group.
179	Chair Lewis	Asks Art Schlack to discuss conceptual amendments.
185	Art Schlack	Land Use Specialist, Association of Oregon Counties. Explains conceptual amendments. First, the state would have to reimburse local governments for the cost of notification if the zone change is related to mandates from the legislature or LCDC. Second, on page 3, line 32, retain the provision that is proposed to be deleted. Explains that if the provision is deleted, there would be a great fiscal impact on local governments (EXHIBIT C).
236	Rep. Luke	Asks if there was discussion about limiting the timeframe of when non-requested zone changes could go into effect.
239	Schlack	Explains that discussion was centered around the type of notice that would be sent out. The idea of a subscription notice was also discussed.
250	Rep. Luke	Asks about a previously discussed time window for notices.
261	Schlack	States that the group will investigate options. Explains that notices would be related to hearing dates.
267	Rep. Luke	Verifies that there would have to be planning in the system.
269	Schlack	Answers affirmatively.
270	Rep. Luke	States that traditionally, people never know what is happening, zone-wise, to their land.
277	Chair Lewis	States that some citizens have problems following the status of land use zoning since they might live in another jurisdiction than their property.
283	Schlack	Explains that a problem with the bill are the references to rezoning. The definition of rezoning is very broad and therefore it is hard to identify when notifications need to be made.
307	Rep. Luke	That's the point. States that there needs to be notification for any change in land use zoning.
317	Rep.	Asks if notifications are in all newspapers.

	Shields	
321	Chair Lewis	Every county is different, but many counties have some notice.
330	Rep. Shields	Asks where the notification would have been for the requester of the bill.
336	Chair Lewis	Does not have the answer.
338	Rep. Shields	States that there should be a way to get the notification out without having to spend much money. Explains that part of the responsibility is on the land owner also.
358	McCaulley	Explains that the requester of the bill verified proper zoning before buying the property. When he wanted to build on the property he found out that it had been rezoned. After this incident, the county decided to start notifying citizens of zone changes in rural areas.
396	Chair Lewis	States that newspaper notices are not sufficient. States that land use laws are too confusing to understand in the paper, but notification is a very important issue.
TAPE 43, B		
006	Chair Lewis	Asks if the conceptual amendment to retain a provision applied to zone changes by the legislature and LCDC. If a county makes zone changes on its own, it needs to be financially responsible.
012	Schlack	Answers affirmatively.
014	Chair Lewis	Suggests that the work group give one more try.
017	Rep. Lehman	States that the bill is a good one, but he has problems with not knowing how much it will cost. Suggests that the idea of notification in the mail is a good one, but people will still wonder what the message is.
032	Chair Lewis	Closes the work session on HB 2515 and opens the public hearing on HB 2863.
<u>HB 2863</u> <u>PUBLIC</u> <u>HEARING</u>		
039	Pat Zwick	Policy Analyst, summarizes provisions of the bill.
048	Jon Chandler	Director of Government Affairs, Oregon Building Industry Association. Explains that HB 2863 was introduced in response to problems with enforcing the 120 rule. States that some jurisdictions are accepting incomplete land use applications and this bill proposes to require a checklist of materials needed for a complete application. If the application is incomplete when approved, the applicant can refuse to provide other material at a later date. States that there is a difference between an application being complete and one that is sufficient (EXHIBIT D).
		States that amendments will be proposed to delete language on page 1, lines 28-30 and page 2, lines 7-9. Explains that the language in the deletion

097	Chandler	is related to pre-application meetings with neighborhood associations and interest groups that are a waste of time and money. The language was to encourage meetings only if they are productive. As worded, the language won't be effective in the desired way.
135	Rep. Lehman	Asks if the bill, if passed, will act as an impediment to some local governments.
142	Chandler	Hopes that the bill will encourage dialogue between local governments and developers. States that if there are inefficiencies in the application they will be obvious.
160	Rep. Luke	Asks what benefits exist for the counties.
162	Chandler	The land use process will be easier for them, also. States that the current land use process is very difficult to use. Explains that it's very different to work with somebody developing a small property and a person that develops professionally.
179	Rep. Luke	Asks if the 120 day rule could be extended to 130 days.
180	Chandler	States that people are working on changing the 120 day rule. There are propositions to break up the decision making process.
193	Rep. Luke	Asks how the bill will benefit citizens who aren't familiar with the land use system and laws.
197	Chandler	States that this should make things easier for them. With a checklist, citizens will know what is expected of them.
207	Rep. Luke	States that it is important for people to be able to understand what they are doing without having to hire professionals.
211	Chandler	States that the local governments have been very cooperative.
222	Chair Lewis	Asks about provisions that are proposed for deletion. Verifies that the 120 days do not start until the pre-application meetings are over.
230	Chandler	States that different jurisdictions have different timeclocks. Some require the meeting and others don't, but it is not stated that they have to be productive. Most of the meetings are a waste of time.
261	Dave Hunnicutt	Representative, Oregonians in Action. Expresses support for the bill. Explains that the 120 day rule is a good rule that it protects land owners.
270	Rep. Luke	Asks if he supports the conceptual amendments.
271	Hunnicutt	Answers affirmatively.
274	Art Schlack	Land Use Specialist, Association of Oregon Counties (AOC). States that Mr. Chandler's deletion of Section 6 in the bill relieves major problems with the bill. Explains that the pre-application meetings are used to provide information to potential applicants and weed them out. The meeting describes what is expected during the land use application process. Indicates that most local governments already provide a checklist to land use applicants stating what is required to complete the application. States that there are many types of land use applications which would require many checklists. There are costs attributed to creating the checklist, but it would not be affected by Measure 30.

348	Rep. Luke	States that citizens could be charged for requested forms.
354	Schlack	Explains that many jurisdictions do not charge for the forms.
365	Rep. Luke	Asks if AOC is not opposed to the bill with the conceptual amendments.
370	Schlack	Verifies that with amendments they would not be opposed.
391	Chair Lewis	Closes the public hearing on HB 2863 and opens a work session on HB 2863.
<u>HB 2863 WORK SESSION</u>		
405	Jon Chandler	Director of Governmental Affairs, Oregon Building Industry Association. Proposes conceptual amendments. Page 1, delete lines 28-30 and page 2, delete lines 7-9.
<u>TAPE 44, B</u>		
005	Rep. Lehman	Asks for clarification of the conceptual amendments.
008	Rep. Luke	MOTION: Moves to DRAFT the amendments offered by the Jon Chandler, Oregon Building Industry Association to HB 2863.
014	Chair Lewis	Hearing no objections, declares the motion CARRIED.
016	Chair Lewis	Closes the public hearing on HB 2863 and adjourns the meeting at 2:37 p.m.

Submitted By, Reviewed By,

Marjorie Taylor, Pat Zwick,

Administrative Support Policy Analyst

EXHIBIT SUMMARY

A - HB 2021, -4 amendments, Rep. Sowa, 1 p.

B - HB 2641, -1 amendments, Don Miner, 1 p.

C - HB 2515, Proposed amendments, Art Schlack, 1 p.

D - HB 2863, Written testimony, Jon Chandler, 1 p.