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SENATE COMMITTEE ON LIVABILITY

April 15, 1997 Hearing Room C

3:00 P.M. Tapes 43 - 44

MEMBERS PRESENT:

Sen. Ted Ferrioli, Chair

Sen. Bob Kintigh, Vice-Chair

Sen. Kate Brown

Sen. Ginny Burdick

Sen. Eileen Qutub

MEMBER EXCUSED:

STAFF PRESENT:

Christin Smith, Administrator

Nora Carlson, Administrative Support

MEASURE/ISSUES HEARD:

SB 306 Reconsideration and Work Session

SB 849 Public Hearing and Work Session

SB 868 Public Hearing and Work Session

SB 995 Public Hearing

SB 1037 Public Hearing

SB 1038 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 43, A		
003	Chair Ferrioli	Calls meeting to order at 3:05 p.m.
<u>SB 306 RECONSIDERATION AND WORK SESSION</u>		
006	Sen. Kintigh	MOTION: Moves to SUSPEND the rules for the purpose of reconsidering SB 306.
007	Chair Ferrioli	Hearing no objection, declares the motion CARRIED.
015	Christin Smith	Administrator, reviews provisions of the proposed -3 amendments to SB 306 and the purpose for reconsideration of the -2 amendments (EXHIBIT A).
018	Sen. Qutub	Asks why the -3 amendments appear to include more language than the -2 amendments.
022	Smith	Responds that the -3 amendments incorporate the -2 amendments.
027	Sen. Burdick	Asks if there was agreement on the -2 amendments.
030	Chair Ferrioli	Responds that there had been disagreement, and indicates that the amendments address licensure and training requirements.
035	Sen. Burdick	Observes that the bill does not that provide for supervision of licensed building maintenance electricians.
038	Chair Ferrioli	Responds that the bill still requires safety and practicum hours but the supervised, on-the-job training was eliminated.
042	Sen. Qutub	MOTION: Moves to ADOPT SB 306-3 amendments dated 04/14/97.
		AYE: In a roll call vote, all members present vote Aye.

043	Chair Ferrioli	The motion CARRIES.
045	Sen. Qutub	MOTION: Moves SB 306 to the floor with a DO PASS AS AMENDED recommendation.
046	Chair Ferrioli	VOTE: 3-2 AYE: 3 - Kintigh, Qutub, Ferrioli NAY: 2 - Brown, Burdick
046	Chair Ferrioli	The motion CARRIES. SEN. FERRIOLI will lead discussion on the floor.
050	Chair Ferrioli	Closes work session on SB 306; opens public hearing on SB 868.
<u>SB 868 PUBLIC HEARING</u>		
065	David Hunnicut	Representing Oregonians in Action, submits proposed amendments and provides testimony on SB 868 (EXHIBIT B).
099	Sen. Brown	Refers to Dennis and Cathee Brown's earlier testimony (heard on 4/10/97) and asks if there is another option for the Brown's to apply for a comprehensive plan map amendment and a zoning plan amendment to allow the entire area to be rezoned.
105	Hunnicut	Responds that after the hearing on the Brown's application, one of the Multnomah County Commissioners informed them that there were not enough votes to comply with their application for a map and zoning plan amendment.
119	Sen. Brown	Asks whether the Browns have another option at the county level.
121	Hunnicut	Responds that the Browns can reapply but maintains that there were not enough votes for rezoning.
126	Ron Eber	Agriculture and Land Specialist, Department of Land Conservation and Development (DLCD), provides testimony in support of SB 868.
134	Sen. Kintigh	Asks if their department would recommend to the governor that he should sign the bill.
136	Eber	Responds that he would recommend this to their director.
	Sen.	Asks if his interpretation of the amendments is that dwellings would be located in areas which would be less

140	Burdick	disruptive to agriculture and asks about the benefits to agricultural land.
145	Eber	Responds that the bill does not specifically address the issue, but that current statute allows replacement dwellings anywhere on the single zone portion of the property subject to applicable setbacks and siting standards to keep it from conflicting with adjacent operations.
161	Art Schlack	Association of Oregon Counties, provides testimony in opposition to SB 868, issues discussed: * split zone properties * zoning errors * irrevocable deed restrictions
221	Schlack	Continues with testimony on deed restrictions which could limit the ability to divide property.
223	Sen. Burdick	Asks if Mr. Schlack could offer a different approach in directing counties on how to handle split zoning.
230	Schlack	Responds that there has been discussion on the issue and describes a proposal that would allow local governments to rezone based on the predominant characteristics of an area.
241	Sen. Burdick	Asks if he would consider his proposal a better alternative than what is currently being proposed.
245	Schlack	Responds that his proposal would have more merit than the proposed amendments.
250	Sen. Qutub	Asks how easy is it to change zoning.
254	Schlack	Responds that part of rezoning depends on the county's jurisdiction.
268	Sen. Qutub	Asks if there is a lack of understanding of goals by Multnomah County.
276	Schlack	Responds that he is not to clear on what the problem is but that he has had discussion with Multnomah County in seeking local alternatives.
290	Sharon Tempko	Representing Multnomah County, responds that she does not have anything specific to add to testimony already given.
297	Chair Kintigh	Closes public hearing on SB 868; opens public hearing on SB 849.
SB 849 PUBLIC HEARING		
		Representing the Oregon Lodging Association, submits written materials and proposed amendments in support of SB 849 (EXHIBIT C), issues discussed:

340	Larry Campbell	<p>* re-establishing state building code concerning RV parks</p> <p>* disallowing cities and counties from adding their own standards</p> <p>* Recreational Vehicle (RV) park codes</p>
400	Joe Brewer	Administrator, Building Codes Division, submits and provides testimony on SB 849 (EXHIBIT D).
TAPE 44, A		
002	Sen. Burdick	Asks if there have been any problems around the proposed legislation.
004	Brewer	Responds that problems are becoming more apparent as counties recognize that the RV park code is not preemptive.
006	Sen. Burdick	Asks if the preemption codes apply to electrical and construction standards in buildings.
008	Brewer	Responds that all specialty codes are preemptive and set both a maximum and minimum standard statewide.
021	Bob Blewett	RV Sales, provides testimony in support of SB 849.
034	Sen. Burdick	Refers to the difficulties Mr. Blewett described concerning RV parks and asks if the areas mentioned are zoned for that use.
036	Blewett	Responds that the two RV parks mentioned are already established.
038	Sen. Burdick	Asks to describe some of the requirements that are making it difficult to site RVs.
040	Blewett	Identifies the park model trailer as one that many parks will not accept because they do not appear to look like an RV.
050	Jim McLean	<p>RV Park Owner, submits and provides testimony in support of SB 849 (EXHIBIT E), issues discussed:</p> <p>* arbitrary rules and decisions by counties</p> <p>* new RV park ordinance</p>
090	Sen. Burdick	Asks if zoning was an issue within his RV park.
092	McLean	Responds that it was not an issue.
103	Bob McNeely	<p>Licensed RV Manufacturer, provides testimony in support of SB 849, issues discussed:</p> <p>* RV county regulations</p>

		* park models
148	Sen. Burdick	Asks for definition of a park model.
150	McNeely	Describes a park model as a recreational vehicle wider than 8 feet across that transported like a traditional RV.
177	Sen. Qutub	Asks if ANSI is an acronym.
180	McNeely	Defines ANSI as the American National Standards Institute.
190	Sen. Qutub	Asks if the issues are mostly with RV park vehicles.
192	McNeely	Identifies building decks, size and deck set backs as other county regulation problems.
195	Sen. Kintigh	Asks Mr. McNeely to provide the committee with the RV Sales brochure referred to in his testimony (EXHIBIT F).
220	Chair Ferrioli	Invites Multnomah County representative to provide response to Sen. Burdick's earlier question.
233	Sen. Burdick	Asks about the county's position in making the state code uniform.
243	Scott Pemble	Representing Multnomah County, responds that he is not familiar with the issue and that he was prepared to testify on SB 868 not SB 849.
250	Chair Ferrioli	Closes public hearing on SB 849; opens work session on SB 849.
<u>SB 849 WORK SESSION</u>		
255	Sen. Kintigh	MOTION: Moves to ADOPT SB 849-1 amendments dated 03/27/97.
256	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
258	Sen. Kintigh	MOTION: Moves SB 849 to the floor with a DO PASS AS AMENDED recommendation.
259	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES. SEN. QUTUB will lead discussion on the floor.
281	Chair Ferrioli	Closes work session on SB 849; re-opens public hearing on SB 868.

SB 868 PUBLIC HEARING

290	Scott Pemble	Representing Multnomah County, provides testimony on SB 868.
306	Sen. Brown	Asks Mr. Pemble to walk through the comprehensive plan amendment and zoning plan amendment options that are available to the Brown family.
308	Pemble	Describes the comprehensive plan zoning code amendment as a quasi-judicial process, initiated by an applicant, which allows the county board to consider requests and render decisions.
329	Sen. Brown	Asks how much it would cost for someone to go through this process.
340	Pemble	Responds that in Multnomah County it costs \$1000 for the comprehensive plan amendment and approximately \$1500 for the zone change.
345	Brown	Comments on the amount of money the Brown family has invested in the process and asks Mr. Pemble if he knows the exact amount.
347	Pemble	Responds that he does not know the exact amount.
350	Sen. Kintigh	Asks about the time it would take to go through the process.
352	Pemble	Responds that it would take approximately three months.
343	Chair Ferrioli	Asks if there is a guaranteed outcome for the Browns if they continue through the process.
345	Pemble	Responds that the criteria and the facts related to the case must be considered to discern whether the facts satisfy the criteria.
353	Sen. Qutub	Asks how easy it would be to propose a zone change.
355	Pemble	Responds that there is a provision in county ordinance to hear requests.
375	Sen. Qutub	Comments that based on the testimony they have heard it seems that there is an error in the system, and asks for clarification that there were not enough votes to approve the Brown's request.
396	Pemble	Responds that if a comment was made during proceedings it was inappropriate and with respect to the errors aspect of the comprehensive plan, he believes the Browns were victims of changes in statute.
TAPE 43, B		
016	Sen. Brown	Asks if the Browns knew of other options available to them.
022	Pemble	Responds that the Browns were aware of other options available to them.

024	Chair Ferrioli	Summarizes the Brown's earlier testimony for Sen. Burdick.
036	Sen. Brown	Shares concern about passing legislation in response to one situation when the Browns did have another remedy available which they chose not to pursue.
047	Chair Ferrioli	Agrees that proposed legislation has broader applications and notes that other remedies could be suggested.
053	Chair Ferrioli	Close public hearing on SB 868; opens work session on SB 868.
<u>SB 868 WORK SESSION</u>		
060	Sen. Kintigh	MOTION: Moves to ADOPT SB 868-2 amendments dated 04/14/97.
062	Chair Ferrioli	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
065	Sen. Kintigh	MOTION: Moves SB 868 to the floor with a DO PASS AS AMENDED recommendation.
067	Chair Ferrioli	VOTE: 3-2 AYE: 3 - Kintigh, Qutub, Ferrioli NAY: 2 - Brown, Burdick
070	Chair Ferrioli	The motion CARRIES. SEN. FERRIOLI will lead discussion on the floor.
080	Chair Ferrioli	Closes work session on SB 868; opens public hearing on SB 1037.
<u>SB 1037 PUBLIC HEARING</u>		
101	Rich Vial	Condominium attorney, submits proposed amendments and supporting data and provides testimony in support of SB 1037 (EXHIBIT G), issues discussed: * commercial condominiums * parking spaces
150	Vial	Continues with testimony on disclosure statements.
	Stan	Manager, Oregon Real Estate Agency, provides testimony in support of SB 1037, issues discussed:

180	Mayfield	* common elements * transfer of parking space
230	Gene Grant	Condominium Working Group, provides testimony in support of SB 1037 and describes the condominium liens process.
307	Chair Ferrioli	Comments on a proposed amendment submitted earlier to the committee, which would add river-going vessels for consideration under the condominium act, and directs the working group to review all of the proposed amendments (EXHIBIT H) .
333	Sen. Qutub	Asks if the working group's purpose is to accept or reject changes to the proposed amendments.
340	Chair Ferrioli	Clarifies that the committee will make the final decision and asks the working group to consider river-going vessels language.
357	David Bennett	Attorney, provides testimony in support of SB 1037, issues discussed: * converting the River Queen in Portland into condominiums * parking units as common areas * marina condominiums
410	Bennett	Continues with testimony on title insurance requirements.
TAPE 44, B		
002	Sen. Brown	Asks what would prevent someone who owned a large house boat from converting it into a condominium.
005	Bennett	Responds that there is a 15 year lease requirement.
030	Chair Ferrioli	Restates his suggestion for the working group to review the proposed amendments and asks Ms. Kanz to coordinate the working group.
038	Chair Ferrioli	Closes public hearing on SB 1037. Defers SB 874 from the agenda and asks proponents of SB 874 to form a working group.
045	Chair Ferrioli	Opens public hearing on SB 995.
SB 995 PUBLIC HEARING		
079	Rich Vial	Condominium attorney, provides testimony in opposition to SB 955 and explains that the industry is unclear as to the origin of the bill and further explains the legal effects of the bill.
	Chair	Closes public hearing on SB 955; opens public hearing on

107	Ferrioli	SB 1038.
<u>SB 1038 PUBLIC HEARING</u>		
130	Lyle Woodcock	Representing Douglas, Josephine and Jackson Counties' Farm Bureau and the Jackson County Cattlemen's Association, submits and provides testimony in support of SB 1038, (EXHIBIT I).
175	Woodcock	Continues with testimony, issues discussed: * forest service practice rules (OAR 629-635-130 (1)) * farm applications for flood damage repair work
225	Woodcock	Continues with testimony on eroding hillsides due to flood waters.
275	Woodcock	Continues with description of damage caused by a fallen pine tree located at a pumping station.
295	Sen. Qutub	Questions regarding allowing property owners the flexibility to mitigate potential hazards.
335	Chair Ferrioli	Comments on the choices that landowners have concerning permits.
374	Chair Ferrioli	Announces that bill will be rescheduled to allow for further testimony.
382	Chair Ferrioli	Adjourns meeting at 4:59 p.m.
	Robert Mienen	Written testimony on SB 1038, submitted but not read (EXHIBIT J).

Submitted By, Reviewed By,

Nora Carlson Christin Smith,

Administrative Support Administrator

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EXHIBIT SUMMARY

- A - SB 306, proposed amendments, committee staff, 2 p**
- B - SB 868, proposed amendment, Dave Hunnicutt, 1 p**
- C - SB 849, proposed amendments and written materials, Larry Campbell, 6 pp**
- D - SB 849, testimony, Joe Brewer, 1 p**
- E - SB 849, testimony, Jim McLean, 2 pp**
- F - SB 849, RV brochure, Bob McNeely, 2 pp**
- G - SB 1037, proposed amendments and written materials, Richard Vial, 36 pp**
- H - SB 1037, proposed amendments, committee staff, 8 pp**
- I - SB 1038, testimony, Lyle Woodcock, 2 pp**
- J - SB 1038, testimony, Robert Meinen, 2 pp**
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