

HOUSE COMMITTEE ON NATURAL RESOURCES ENVIRONMENT AND ENERGY SUBCOMMITTEE

March 31, 1993      Hearing Room D 1:30 p.m.      Tapes 59 - 60

MEMBERS PRESENT:    Rep. Bob Repine, Chair Rep. Marilyn Dell, Vice-Chair  
Rep. Sam Dominy Rep. Bill Fisher Rep. Carl Hosticka Rep. Dennis Luke  
Rep. Bill Markham Rep. Ray Baum

MEMBER EXCUSED:    Rep. Nancy Peterson

VISITING MEMBER:    Rep. Tim Josi

STAFF PRESENT:            Kathryn Van Natta, Committee Administrator Karen  
McCormac, Committee Clerk

MEASURES CONSIDERED:            Public Hearing and Possible Work Session -  
HB 2197

Public Hearing - HB 2835

WITNESSES:                    DON MINER, Oregon Manufactured Housing  
Association CYNTHIA COVERSTONE, Citizen RHONDA HOLMAN, Citizen ARDYTHE  
BADGER, Oregon State Tenants' Association PATRICK LEWIS, Building Codes  
Agency EMILY CEDARLEAF, Multi-Family Housing Council PHILLIP FELL,  
League of Oregon Cities

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These minutes contain materials which paraphrase and/or summarize  
statements made during this session. Only text enclosed in  
quotation marks report a speaker's exact words. For complete contents  
of the proceedings, please refer to the tapes. [--- Unable To Translate  
Graphic ---]

TAPE 59, SIDE A

005      CHAIR REPINE:    Calls meeting to order at 2:55 p.m.

OPENS PUBLIC HEARING ON HB 2835

010      KATHRYN VAN NATTA,    Committee Administrator:    Introduces  
meeting materials, including a preliminary staff measure summary  
(EXHIBIT A), a fiscal analysis (EXHIBIT B) showing a fiscal impact on  
the Department of Land Conservation and Development (LCDC), and a  
revenue impact analysis (EXHIBIT C) showing no revenue impact. Reads  
into the record a letter

from David Foster of the Housing and Community Services Department dated  
March 26, 1993 (EXHIBIT D,) and a letter from Oneita Turner dated March  
30, 1993 (EXHIBIT E) in support of HB 2835.

031      DON MINER, Oregon Manufactured Housing Association:    Presents  
written testimony (EXHIBIT F) in support of HB 2835.

187      REP. MARKHAM:    Questions highlighted areas on map of Oregon City.

189 MINER: Those are the only areas within Oregon City where you can purchase a lot and place a manufactured home on that lot. Resumes testimony. The city of Durham used 1989 legislation to exclude manufactured homes from where they were formerly allowed. Cities which have taken discriminatory action have done so because they believe manufactured homes will ruin property values. Usually there is no evidence to support that belief. I have a copy of a study done by the Joint Center for Housing Studies at the Massachusetts Institute of Technology and Harvard University which disputes that belief.

247 REP. FISHER: Are manufactured homes delivered on wheels?

249 MINER: Yes. They come in large components which are assembled at the site.

253 REP. LUKE: Will this bill interfere with covenants or deed restrictions in subdivisions?

255 MINER: We don't believe that it would, even without the amendments. With the amendment, there clearly will be no interference with covenants or deed restrictions.

258 REP. DOMINY: One of the biggest arguments that the Oregon League of Cities has against this bill is that some city councils currently have a hearings process to allow sitings of manufactured homes. Would this

bill prohibit them from doing that?

264 MINER: No. This bill would allow them to establish standards and hold hearings to decide whether a home met those standards. If it did not,

they could exclude that home.

272 REP. DOMINY: The City of Cottage Grove holds public hearings before the siting of any manufactured home. They are concerned that this bill

would take away their right to hold a public hearing before the siting of a manufactured home.

277 MINER: I'm not familiar with their process, but if manufactured homes are listed in their ordinances, it's either a permitted or conditional

use. The city can hold a hearing to determine whether or not that application meets ordinance requirements. It's my understanding they wouldn't be impacted.

288 CYNTHIA COVERSTONE, Citizen of Durham: Presents written testimony (EXHIBIT G) in support of HB 2835.

366 REP. MARKHAM: Who turned you down for your loan application because it was for a manufactured home?

368 COVERSTONE: West One Bank. U.S. Bank accepted our loan application.

374 RHONDA HOLMAN: Testifies in support of HB 2835. Describes discrimination by the City of Durham regarding the siting of

manufactured home on her property. Our house is comparable to adjoining homes, and suffered no damage from the recent earthquake.

412 REP. MARKHAM: For what amount are you suing the City of Durham?

414 COVERSTONE: The total amount is \$750,000.

TAPE 60, SIDE A

010 ARDYTHE BADGER, Oregon State Tenants' Association: Provides written testimony in support of HB 2835 (EXHIBIT H).

027 REP. FISHER: Are these homes subject to removal, or are they permanent?

028 BADGER: If they are allowed to be placed on a private lot, I would see no reason to remove them. Once they're off the wheels, they're just as

permanent as any site-built house.

036 REP. LUKE: Usually a city requires a permanent foundation when homes are placed on a private lot.

038 PATRICK LEWIS, Building Codes Agency: Our agency regulates manufactured homes, and I am responsible for developing the building codes which

regulate manufactured home installation and siting. The Building Codes

Agency is neutral on this bill, but we wanted the committee to know that we are not opposed to this bill in any way. We have no concerns

regarding safety.

053 REP. MARKHAM: Are there differences in plumbing regulations between a site-built home and a manufactured home?

054 LEWIS: Yes.

056 EMILY CEDARLEAF, Multifamily Housing Council: Testifies in support of HB 2835.

066 PHILLIP FELL, League of Oregon Cities: Testifies in opposition to HB 2835. Legislation from 1989 required that cities and counties conduct

housing needs analyses to establish zones in which they would allow manufactured homes. Mr. Miner has mentioned that there are some cities which have not yet complied. At least some of those cities have hearings on their ordinances scheduled for next month, and the rate of compliance has been extremely high.

082 CHAIR REPINE: Wasn't compliance with the 1989 legislation supposed to be demonstrated by a specific date?

083 FELL: You are correct. However, some cities incorporated this into their periodic review process with other land-use changes which will be added to their comprehensive plan. If cities have not yet complied,

LCDC has enforcement authority, which ought to be used. Noncompliance by a handful of cities does not justify the passage of HB 2835.

Most cities have complied with the 1989 legislation requiring the identification of zones. If HB 2835 passes, all cities will be required to amend their zoning ordinance for all single-family zones, amend comprehensive plans, and change policies. Then they will be required to go through the public hearings process and take action to the city council for approval. A cost estimate from the City of Milwaukie shows that they would spend between \$40,000 to \$50,000 on staff time to implement this change.

115 REP. MARKHAM: Why do they have to go through the hearings process if the law is changed?

117 FELL: On Page 2, Section 4 (Line 30) of HB 2835, they will be required to deliver the proposed amendments to LCDC and meet the requirements of this act prior to May 1, 1994. You must go through the public hearing

process when a zoning ordinance or a comprehensive plan policy is changed.

124 REP. MARKHAM: But if they just ignored it and followed the state law, who will take them to court?

125 FELL: Probably people who didn't get an opportunity to comment during the public hearing process.

130 REP. DOMINY: Once we start changing LCDC laws this session, it shouldn't cost any more to add one more item.

138 FELL: That's true if the same public hearing process continues.

145 REP. DOMINY: In many cities today, they must hold hearings

regarding manufactured homes before they can be sited. How much will cities save

by eliminating those hearings?

155 FELL: I don't know how many cities require specific hearings. Most large cities allow manufactured housing on any infill lot as an outright permitted use.

162 CHAIR REPINE: CLOSES PUBLIC HEARING ON HB 2835

The public hearing for House Bill 2197 will be rescheduled for next week. Adjourns meeting at 3:29.

Submitted by:

Reviewed by:

Karen McCormac  
Administrator

Kathryn Van Natta Assistant

EXHIBIT LOG:

A - HB 2835 Preliminary Staff Measure Summary - Staff - 1 page B  
- HB 2835 Fiscal Analysis - Staff - 1 page C - HB 2835 Revenue  
Impact Analysis - Staff - 1 page D - HB 2835 Testimony - David B.  
Foster - 1 page E - HB 2835 Testimony - Oneita J. Turner - 2 pages F  
- HB 2835 Testimony - Don Miner - 12 pages F-1 - HB 2835 Oversized  
Exhibit G - HB 2835 Testimony - Cynthia Coverstone - 3 pages H -  
HB 2835 Testimony - Ardythe Badger - 1 page