

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

April 06, 2001
8:30 a.m.

Hearing Room E
Tapes 69 - 70

MEMBERS PRESENT: **Rep. Betsy Close, Chair**
 Rep. Laurie Monnes Anderson, Vice-Chair
 Rep. Susan Morgan, Vice-Chair
 Rep. Mark Hass
 Rep. Deborah Kafoury
 Rep. Jeff Kruse
 Rep. Jan Lee

MEMBER EXCUSED: **Rep. Bob Jenson**
 Rep. Al King

STAFF PRESENT: **Megan Palau, Administrator**
 Shannon Relaford, Committee Assistant

MEASURE/ISSUES HEARD:
 HB 3571 Work Session
 HB 3239 Work Session
 HB 3144 Public Hearing
 HB 3486 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 69, A		
004	Chair Close	Convenes meeting at 8:11 a.m. Opens work session on HB 3571.
012	Megan Palau	Committee Administrator, explains HB 3571 which requires State Fish and Wildlife Commission to establish annual swan hunting season.
<u>HB 3571 WORK SESSION</u>		
016	020	MOTION: Moves HB 3571 WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Agriculture and Forestry.
		VOTE: 9-0
	Chair Close	Hearing no objection, declares the motion CARRIED.
026	Chair Close	Closes work session on HB 3571 and opens work session on HB 3239.
<u>HB 3239 WORK SESSION</u>		
028	Robert Hoyden	Oregon Association of County Engineers and Surveyors, presents testimony in support of HB 3239, which prohibits correction or change to original plat recorded with county clerk.
037	Rep. Kruse	Questions what the bill would do to Wasco County.
040	Hoyden	Replies they may have to change their procedures.
043	Rep. Kruse	States his concern with the possible fiscal impact on Wasco

044	Hoyden	County. Continues with an explanation of the system Wasco County is currently using.
045	Charles Stern	Yamhill County Clerk, presents testimony in support of HB 3239.
070	Stephan Kafoury	Professional Land Surveyors of Oregon, presents testimony in support of the bill.
075	George Cathy	Professional Land Surveyors of Oregon, presents testimony in support of the bill.
080	Chair Close	States Rep. Morgan has given her approval for the bill.
091	Rep. Kruse	MOTION: Moves HB 3239 to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR. VOTE: 6-0 AYE: 6 - Hass, Kafoury, Kruse, Lee, Monnes Anderson, Close EXCUSED: 3 - Jenson, King, Morgan The motion CARRIES.
	Chair Close	
105	Chair Close	Closes work session on HB 3239 and opens public hearing on HB 3144.

HB 3144 PUBLIC HEARING

110	Palau	Summarizes HB 3144 which modifies priority of land to be included in urban growth boundary.
115	Rudy Kadlub	Chief Executive Officer, Coast Pacific Homes, presents testimony in support of the bill. (EXHIBIT A)
200	Rep. Kruse	States nothing requires them to develop on the north side of the freeway but this change basically prohibits them from doing so.
204	Kadlub	Responds that is not the intent of the bill.
205	Rep. Kruse	Continues with the way its written if its on the other side of the freeway its not adjacent land.
206	Kadlub	Explains the bill changes the priority of the land so its not exception land.
207	Rep. Kruse	Follows by stating the fact that it has to be considered does not mean that's where it has to happen.
210	Kadlub	Responds that's true but not clearly defined.
218	Rep. Monnes Anderson	Asks if this will decrease the chance of litigation.
220	Kadlub	Concurs.
224	Rep. Monnes Anderson	If the city did decide to use the exception land, this would allow them to go there.
230	Rep. Lee	Comments this would seem to have a lot of unknown impact to adjacent lands along I-205 and I-5 and wonders if they have looked into that impact.
235	Kadlub	States the intent is to affect a city that is only on one side of the freeway.
240	Rep. Lee	Compares the situation to that of Happy Valley.
244	Don Otterman	City of North Plains, explains the purpose of the bill, presents testimony in support of the bill.
275	Rep. Monnes Anderson	Asks for a definition of a freeway.
280	Otterman	States the bill refers to a specific ORS that defines freeway.
300	Herb Hirst	City Council President, City of North Plains, presents testimony in support of the bill. (EXHIBIT B)

367 Chair Close Asks if the City Council has debated and has passed a resolution or some sort of vote.

370 Hirst Replies it was included in the information about the periodic review.

405 Rep. Hass Asks for the location of the North Plains airport.

408 Hirst Addresses the issues of developing near the airport.

422 Rep. Hass Asks if the preferred alternative is the area across the freeway and next to the airport.

425 Hirst States that is not the preferred alternative and continues by clarifying what the law states.

426 Rep. Kruse Comments that the system is overly bureaucratic but can't see anything in the current law that forces you to expand south.

455 Hirst States that a hearings officer would hear it differently and developers will litigate to force them to develop there.

477 Kruse Follows that he understands the issue but would like an opinion from LUBA.

TAPE 70, A

047 Otterman Informs the Committee that North Plains is in periodic review, and the appeal would not go to LUBA but to the Court of Appeals.

053 Chair Close Asks for an estimate on the costs for litigation.

055 Hirst Responds thousands.

061 Otterman Emphasizes ORS 197.005. Continues by explaining that they are just asking for flexibility and not be put in a situation where they have to defend an action.

087 Rep. Witt District 7, presents testimony in support of the bill and clarifies the language in the bill.

132 Rep. Kruse Expresses concern that the bill will set up a city's ability to expand across a freeway when there would be compelling reason not to.

140 Rep. Witt Disagrees with that interpretation.

155 Rep. Kruse Argues that he can see problems for other communities in another point in time.

163 Rep. Witt Asks if this passes what is the second priority.

165 Rep. Kruse Replies all land adjacent to the urban growth boundary that isn't across the freeway.

170 Rep. Witt Disagrees with his reading of the bill.

178 Rep. Kruse Follows by explaining the language in the bill and the definition of second priority land.

184 Rep. Witt Concurs to an extent.

188 Rep. Monnes Asks if the growth goes south and they need to put in a new overpass, how much would it cost and who would fund it.

Anderson

193 Rep. Witt Replies in the tens of millions of dollars.

195 Otterman Comments that Oregon Department of Transportation has no funding and they have closed sidewalks on the overpass. The estimate for repairs and replacement is fifteen million dollars.

218 Chair Close Asks if people are prohibited from using the overpass.

220 Otterman Concurs.

225 John DiLorenzo Attorney, presents testimony in opposition to the bill.

237 Robert Van Brocklin Attorney with Stoel Rives, presents testimony in opposition to the bill. **(EXHIBIT C)**

TAPE 69, B

079 Chair Close Asks what chance the city would have in a lawsuit.

087 Van Brocklin Responds litigation cases almost always involve private parties

104	John DiLorenzo	not public parties. Adds there will likely be litigation anyway and continues with testimony in opposition to the bill.
126	Rep. Monnes Anderson	Asks how much is land within the urban growth boundary and outside the urban growth boundary.
132	Van Brocklin	Not sure what the per acre difference is but expects it is several fold inside to what it is outside.
142	Rep. Monnes Anderson	Addresses land use issues and how she has a problem with the City of North Plains deciding how they want to expand and one person doesn't like it and asks for comments.
155	Van Brocklin	Responds that the city is required to expand the growth boundary in accordance with state law.
185	Rep. Kafoury	Asks for illustration (on map) of land owned by his clients and dates of purchase.
190	Van Brocklin	Points out on map where the land is.
219	Art Schlack	Association of Oregon Counties, explains urban growth boundary joint decision between at least 2 local governments. Expresses concerns with amendments making a local level decision. Continues with testimony in opposition to the bill.
277	Don Otterman	Presents further testimony in support of the bill.
366	Randy Tucker	1000 Friends of Oregon, presents testimony in opposition to the bill. Addresses language in the bill as being too broad. (EXHIBIT D)
446	Chair Close	Closes public hearing on HB 3144 and requests an opinion from LUBA on the issue. Opens a public hearing on HB 3486.

HB 3486 PUBLIC HEARING

460	Phil Donovan	Oregon Guides and Packers presents testimony in support of the bill which requires fishing derby organizer intending to use guide registered in state other than Oregon to register derby with State Marine Board. (EXHIBIT F)
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TAPE 70, B

060	Rep. Monnes Anderson	Asks if this could be abused.
065	Donovan	Responds the chances of abuse would be rare.
070	Rep. Morgan	Comments that violations are addressed in the bill.
074	Donovan	Concurs.
085	Paul Donheffner	Director, Oregon State Marine Board, presents testimony in support of the bill. (EXHIBIT G)
120	Rep. Kruse	Asks if would not allow reciprocity to expand to other rivers.
125	Donheffner	Replies it would allow for derbies on other Oregon rivers, not just on the Chetco.
134	Rep. Kruse	Continues by asking if there was a guide in California that wanted to bring up a bunch of people to fish the Umpqua, this would allow that.
136	Donheffner	Replies if it was part of a multi-day, multi-state tournament. States it has to be reciprocal.
140	Rep. Monnes Anderson	Asks what the fiscal impacts would be.
147	Donheffner	Explains the original bill called for agency to issue temporary registrations but the amendments have reduced that.
156	Rep. Morgan	Asks if the exemptions are only for derbies that are running concurrently in another state and where in the bill it shows that.
166	Donheffner	Further explains the lines in the bill that shows mutli-day and multi-state.

173	Fred Van Matta	Presents background on the derbies and presents testimony in support of bill.
180	Burton Weist	Presents testimony in support of the bill.
228	Rep. Morgan	States this is truly a model for fish enhancement derbies and its important to note that the guides donate their services.
240	Weist	Concurs.
250	Vam Matta	Continues urging adoption of the bill.
260	Chair Close	Closes the public hearing on HB 3486, and opens a work session on HB 3486.

HB 3486 WORK SESSION

270	Rep. Morgan	MOTION: Moves the –2 amendments to HB 3486.
275	Rep. Morgan	MOTION: Moves HB 3486 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0
		AYE: 7 – Hass, Kafoury, Kruse, Lee, Monnes Anderson, Morgan, Close
		EXCUSED: 2 - Jenson, King
	Chair Close	The motion CARRIES.
		Rep. MORGAN will lead discussion on the floor.
300	Chair Close	Closes work session on HB 3486 and adjourns meeting at 9:55 a.m.

Submitted By,

Reviewed By,

Shannon Relaford,
Administrative Support

Megan Palau,
Administrator

EXHIBIT SUMMARY

- A – HB 3144, written testimony, Rudy Kadlub, 1 p.**
- B – HB 3144, written testimony, Herb Hirst, 1 p.**
- C – HB 3144, written testimony, Bob Van Van Brocklin, 21 pp.**
- D – HB 3144, written testimony, Randy Tucker, 2 pp.**
- E – HB 3144, written testimony, Timothy Wilson, 3 pp.**
- F - HB 3486, written testimony, Phil Donovan, 1 p.**
- G – HB 3486, written testimony, Paul Donheffner, 1 p.**
- H – HB 3486, written testimony only, Rep. Krieger, 1 p.**