

HOUSE COMMITTEE ON
NATURAL RESOURCES
SUBCOMMITTEE ON ENERGY & ENVIRONMENT

Hearing Room
Tapes - 37

MEMBERS PRESENT:

Rep. Leslie Lewis, Chair
Rep. Lisa Naito, Vice-Chair
Rep. Bill Fisher
Rep. Dennis Luke
Rep. Chuck Norris
Rep. Terry Thompson
Rep. Judy Uherbelau

STAFF PRESENT:

Mark Bauer, Committee Administrator
Sandy Ceballos, Committee Assistant

MEASURES HEARD: HB 2697 Public Hearing
HB 2707 Work Session
HB 2501 Public Hearing and Work Session

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.

TAPE , SIDE A

03 CHAIR LEWIS: Calls the meeting to order at 1:37 PM

05 Opens PUBLIC HEARING on HB 2697.
Witnesses: Bill Pye, President, Albany Chapter Northwest Steelhead Assn.
Don Eichsenberger, Salem, Oregon
Howard Harpole, Albany, Oregon
Wade Newbegin, Clackamas, Oregon
Paul Don Hefner, State Marine Board
Jill Zarnowitz, Chief, Habitat Conservation, ODFW
Dale Farley
Bruce Harpole, President, Oregon Fishing Club
Jim Myron, Oregon Trout
Mike Huddleston, Salem Chapter of Steelheaders
William Holmes, Sandy River Property Owners Association
Ken Evans, Oregon Anglers

012 BILL PYE, PRESIDENT, ALBANY CHAPTER, NORTHWEST STEELHEAD ASSN.:
Testifies in opposition to HB 2697.

057 REP. NAITO: For the record, "Rep. Thompson is a very fine politician as well (as a fisherman)."

056 DON EICHSENBERGER, Salem, Oregon: Testifies in opposition to HB 2697.

129 HOWARD HARPOLE, Albany, Oregon: Gives previous history of attempts to legislate navigability of Oregon's rivers. Presents written testimony to

improve intent and wording of the HB 2697. (EXHIBIT A)

185 WADE NEWBEGIN, Clackamas, Oregon: Testifies in opposition to HB 2697.

(EXHIBIT B)

251 PAUL DON HEFNER, State Marine Board: Testifies in opposition to HB 2697. (EXHIBIT C)

337 -Continues to testify in opposition to HB 2697.

344 REP. LUKE: Asks if Mr. Hefner feels all citizens should have access to all privately held land.

350 HEFNER: No.

368 HEFNER: States float rights are an administrative policy.

385 REP. LUKE: Asks what minimum of stream flow should be.

391 HEFNER: It varies.

TAPE 34, SIDE A

030 REP. THOMPSON: Asks how Mr. Hefner feels about the six foot log test.

035 HEFNER: Responds regarding boats and canoes.

041 JILL ZARNOWITZ, Chief, Habitat Conservation, ODFW: Testifies on HB 2697. (EXHIBIT D)

071 DALE FARLEY: Testifies in opposition to HB 2697.

139 REP. NORRIS: Asks how reliable is the high water mark.

145 FARLEY: States that the high water mark is reasonably definable.

150 REP. NORRIS: Says the high water mark changes dramatically.

151 FARLEY: Responds regarding high water marks.

178 FARLEY: Responds to Rep. Lewis regarding rule making.

183 BRUCE HARPOLE, President, Oregon Fishing Club: Testifies in opposition to HB 2697.

254 -Responds to Rep. Luke regarding fish habitat and land use.

281 -Responds to Rep. Thompson regarding Mr. Harpole's club members fishing on leased land.

318 -Responds to Rep. Luke regarding is his club owns any space on the Deschutes (River).

322 -Responds to Rep. Fisher asks for clarification of "navigable".

337 -Responds to Rep. Fisher regarding access to "non-navigable" waterways.

400 -Responds to Rep. Fisher regarding "anchoring" and "floating easements".

TAPE 33, SIDE B

009 HARPOLE: -Responds to Rep. Fisher regarding what federal laws now cover this situation.

036 -Responds to Rep. Norris that it was a general survey, not a legal

survey to determine the where the bottom of the river is regarding
"meandered the river."

049 -Responds "yes to Rep. Thompson regarding whether he would consider
beaver trapping as a form of commerce in 1859.

063 JIM MYRON, Oregon Trout: Testifies in opposition to HB 2697. (EXHIBIT
E)

081 MIKE HUDDLESTON, Salem Chapter of Steelheaders: Testifies in opposition
to HB 2697.

130 -Would like to see the floatage easement in the bill re-written.

163 -Responds on Rep. Fisher's comments regarding floating easement doesn't
differ from the federal easement.

239 WILLIAM HOLMES, Sandy River Property Owners Association: Testifies in
support of HB 2697. (EXHIBIT F)

366 -Responds to Rep. Uherbelau regarding federal and state law.

398 -Responds to Rep. Uherbelau regarding what is "navigable".

TAPE 34, SIDE B

002 HOLMES: Responds to Rep. Uherbelau regarding the State selling the
lands.

029 REP. NAITO: Expresses concern about the state giving up rights to
property when there is no way to know if the rights will be needed in the
future.

036 HOLMES: Responds to Rep. Naito regarding ownership of streams in
Oregon.

064 -Responds to Rep. Thompson regarding the State taking the bays and
estuaries on the Oregon coast.

083 -Responds to Rep. Thompson regarding the taking of beaver pelts in 1889
in Oregon.

106 -Responds to Rep. Luke regarding the state owning the streambed and
banks as they were in 1859.

124 -Responds to Rep. Uherbelau regarding whether the state can sell it's
(stream) banks.

159 -Responds to Rep. Uherbelau regarding whether the legislation could be
challenged on public trust issues.

177 -Responds to Rep. Norris regarding what is established within our
statutes as "public trust

218 KEN EVANS, Oregon Anglers: Testifies in supports some of the parts of
HB 2697.

325 REP. LUKE: Would volunteer to be in a work group to work out this
legislation

337 Closes the PUBLIC HEARING on HB 2697.

346 CHAIR LEWIS: Asks Rep. Luke, Rep. Thompson, Rep. Uherbelau, Bill Perry,
William Holmes, Mr. Gustafson, Bruce Harpole and Mr. Evans to serve on work
group and sets time schedule for review of group.

396 Opens WORK SESSION on HB 2707

TAPE 35, SIDE A

028 MOTION: REP. LUKE: Moves HB 2707 to the full committee with a DO PASS AS
AMENDED recommendation.

VOTE: 7-0
All members present vote AYE.

CHAIR: The motion CARRIES.

031 Closes WORK SESSION on HB 2707.

Opens PUBLIC HEARING on HB 2501.

Witnesses: Jon Chandler, General Counsel, Home Builders Assn., of
Metropolitan Portland
Dan Maks
Cathy Stanton
Linda Adlard, Chief of Staff, City of Beaverton
Ernie Platt
Jim Standring
Bob Rapp
Mike Duncan
David Orendolph

033 Mark Bauer, Committee Administrator: Presents overview on HB 2501.

053 JON CHANDLER, General Counsel, Home Builders Assn., of Metropolitan
Portland: Testifies in support of HB 2501. (EXHIBIT G)

175 -Responds to Rep. Thompson regarding crowded schools in Lincoln County.

226 REP. UHERBELAU: Accepts that the intent is not to impact schools or
kids. Has a concern that other school districts are not prepared.
References memorandum from City of Beaverton. Asks if Mr. Chandler would
consider an amendment for a time frame.

255 CHANDLER: States that there is a time frame included in the hand
engrossed version of the bill.

265 REP. UHERBELAU: Has concerns about unintended consequences to the
schools.

275 CHANDLER: Addresses the school problems in Beaverton.

326 -Responds to Rep. Luke regarding Mr. Chandler involvement with the
amendments to SB 908 in the 1993 Legislative session.

380 -Responds to Rep. Uherbelau regarding HB 2501's limited to high growth
areas.

418 -Responds to Rep. Fisher regarding working together to solve schools and
high growth areas.

TAPE 36, SIDE A

050 JON CHANDLER: Responds to Rep. Luke regarding examples of figures from
the 1993 Legislative session survey.

062 CHAIR LEWIS: Calls a five minute recess.

065 DAN MAKES: Testifies in opposition to HB 2501. (EXHIBIT H & I)

130 -Urges the members to reject HB 2501.

148 -Responds to Rep. Luke regarding not allowing the schools to participate
in the overall planning process.

190 -Responds to Rep. Luke as to whether the City of Beaverton set aside
property that is designated for schools.

253 -Resounds to Rep. Luke regarding how the school district determines how
many children there will be per residential home.

259 REP. FISHER: Believes that balance is a tricky thing. Feels that
perhaps the crowding would put pressure on the schools to build more
schools.

285 MAKES: Responds.

323 CATHY STANTON: Testifies in opposition to HB 2501.

454 -Responds to Rep. Luke regarding how she proposes the school would come
up with a plan and a time frame to lift the moratorium. States that
moratorium's are not permitted under SB 908.

TAPE 35, SIDE B

154 LINDA ADLARD, Chief of Staff, City of Beaverton: States that the city
of Beaverton is in the middle on this bill. (EXHIBIT L)

170 REP. NORRIS: Feels that the primary means of expansion of schools is
overcrowding. Feels that overcrowding is inevitable.

183 ADLARD: States that only 10 per cent of the land in Beaverton is left
to build on. 70% of residents of Beaverton do not have children in the
schools.

210 -Responds to Rep. Norris regarding the growth limits of the urban growth
boundary.

226 -Responds to Rep. Luke regarding Beaverton including the school
districts in their planning decisions.

240 -Responds to Rep. Luke regarding a letter from the school district of
with no remaining capacity in Beaverton.

255 REP. FISHER: Asks if they are still actively trying to increase
economic development in the Beaverton area..

300 ERNIE PLATT: Reads written testimony of Vlad M. Voytilla, President,
Green Mountain Homes in support of HB 2501. (EXHIBIT J)

370 -Testifies on HB 2501.
-Responds to Rep. Uherbelau regarding needs of communities.

420 JIM STANDRING: Testifies in support of HB 2501.

TAPE 36, SIDE B

030 STANDRING: -Cites market survey that shows that local people buy in his
project

082 Responds to Rep. Luke regarding letter of no capacity.

100 REP. FISHER: What has the process has cost you?

STANDRING: It's "significant"; \$100,000 for a forty lot subdivision in
various costs, including lost opportunity cost.

-Responds to Rep. Fisher regarding if the costs were more reasonable, would people look more favorably at supporting schools

148 BOB RAPP: Testifies in support of HB 2501.

200 MIKE DUNCAN: Testifies in support of HB 2501.

292 DUNCAN: Continues testimony.

372 DUNCAN: Continues testimony.

TAPE 37, SIDE A

012 DUNCAN: Concludes testimony.

-Housing is at least as important a basic need as education

-Housing should not be scarified for education

-For each incremental increase in a house some portion of the population is

excluded from buying a house

032 DAVID ORENDOLPH: Testifies on HB 2501.

056 Closes PUBLIC HEARING on HB 2501

060 Opens WORK SESSION on HB 2501

MOTION: REP. LUKE: Moves HB 2501 be sent to the full committee with a DO PASS recommendation.

Closes WORK SESSION on HB 2501

Reopens PUBLIC HEARING ON HB 2501.

077 BAUER: Presents testimony from 1000 Friends of Oregon in opposition to HB 2501. Submitted for the record. (EXHIBIT K).

Closes PUBLIC HEARING on HB 2501

Reopens WORK SESSION on HB 2501.

084 REP. NAITO: Comments on schools and land use issues.

108 REP. UHERBELAU: Discusses the effect of the law on school districts.

132 REP. THOMPSON: Discusses problems of HB 2501.

142 REP. NORRIS: Discusses overcrowding in schools.

REP LUKE: Declares possible conflict of interest because he is a sponsor of HB 2501.

VOTE: 5-2

AYE: 5 - Fisher, Lewis, Luke, Naito, Norris

NO: 2 - Thompson, Uherbelau

CHAIR: The motion CARRIES.

160 CHAIR LEWIS Adjourns the meeting at 5:35 p.m.

Submitted by,

Reviewed by,

Sandy Ceballos
Committee Assistant

Mark Bauer
Committee Administrator

EXHIBIT LOG:

A - Testimony on HB 2697, Howard Harpole, 2 pages
B - Testimony on HB 2697, Wade Newbegin, 2 pages
C - Testimony on HB 2697, Paul Don Hefner, 3 pages
D - Testimony on HB 2697, Jill Zarnowitz, 2 pages
E - Testimony on HB 2697, Jim Myron, 1 page
F - Testimony on HB 2697, William Holmes, 3 pages
G - Testimony on HB 2501, Jon Chandler, 2 pages
H - Testimony on HB 2501, Dan Marks, 2 pages
I - Testimony on HB 2501, Dan Marks, 18 pages
J - Testimony on HB 2501, Vlad Voytilla, 2 pages
K - Testimony on HB 2501, Mary Kyle McCurdy, 1 page
L - Testimony on HB 2501, Linda Adlard, 1 page
M - Testimony on HB 2707, Jon Chandler, 3 pages