

June 5, 2013

Representative John Huffman
900 Court St. NE, H-476
Salem, OR 97301
JohnHuffman@state.or.us

Re: HB 3536

Dear Representative Huffman,

I am opposed to HB 3536. I am a resident of the Aspen Lakes community near Sisters and would be impacted by the proposed HB 3536. Your sponsorship of HB 3536 is a mystery to me so I request that you explain several provisions of the bill that trample on the rights of citizens to have any meaningful voice on matters that directly affect them.

Please explain why you are sponsoring this bill that establishes a new one-off category of development called "heritage guest ranch". HB 3536 appears to be an attempt to by-pass the process for gaining approval for a statute-defined "destination resort" that has been attempted more than once for the particular property at issue and has not been successful due at least to some extent to voiced public opposition.

Please explain why you are sponsoring this bill that blatantly exempts this one parcel of land from the Deschutes County planning process thereby dismissing any meaningful public commentary on plans proposed by the developer that will impact neighboring citizens. Section 3 (1) states that "an applicant may establish a small-scale recreation community on a heritage guest ranch as an outright permitted use, notwithstanding contrary provisions of: (a) ORS chapters 195, 196, 197, 215, and 227, including administrative rules authorized by ORS chapters 195, 196, 197, 215, and 227". This is outrageous as those statutes make it clear that the public has a right to voice their opinions in a meaningful way regarding land use matters that impact them.

In addition to the foregoing objection, the language in the bill repeatedly gives the developer wide and permissive development latitude while repeatedly restricting and bypassing the public process normally engaged in by the County and its citizens regarding land use planning and approvals. Just one example should suffice to make the point: Section 3(6) and (7) states that the "**developer ... may** submit an application to the county ... for approval"...and that "the **county shall** approve the master plan **when the developer ...demonstrates its intention to substantially comply** with the following requirements". Demonstrates its intention to substantially comply? How does the developer demonstrate its intention? What is "substantial compliance"? What are the consequences of non-compliance?

Please explain why you are sponsoring a bill that relates to only one parcel of land and one owner of land. Are the citizens that would directly benefit from the passage of this bill the only ones you were elected to represent? It is widely recognized that Oregon's

land use laws are a cumbersome mess and need a complete overhaul. Because that may be a daunting task, are you establishing a precedent or model where land uses will be approved in the future on a case-by-case basis by legislative fiat? If so, is that your intended result?

Please explain why you consider the passage of this bill to be an “emergency”.

Please explain how sections 5 regarding the development of a small-scale recreation community and the other sections regarding a heritage guest ranch interrelate. Is it that one or two small-scale recreation communities consisting of up to 320 acres and up to 240 units each (for a total of 640 acres and 480 units) would be developed on the approximate 1,000 acres to be defined by HB 3536 as a “heritage guest ranch”? Section 5 regarding a small-scale recreation community states in subsection (e) that the community may not include a golf course. However, Section 3 states that a small-scale recreation community may include “not more than one golf course developed on or after January 1,2013”. Are these two quoted provisions in conflict? The provisions regarding overnight lodgings are also very unclear and confusing.

I am not opposed to further development occurring in our area by the Cyrus family or others, it will undoubtedly happen at some point in the future; however, I am opposed to any development especially of the magnitude proposed by HB 3536 that is exempt from public scrutiny. Any development must be subjected to the same scrutiny via the public planning process that has been established by our legislature to protect the procedural and substantive due process rights of all citizens provided by the 14th amendment. Since HB 3536 denies all citizens of any meaningful voice in the planning process regarding development plans for the land addressed by this bill, I am strenuously opposed to HB 3536.

Sincerely,

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Cc: Chairman Garrett, Rules Committee, House of Representatives;
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