



American Planning Association
Oregon Chapter

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Making Great Communities Happen

June 4, 2013

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Representative Chris Garrett, Chair
 House Rules Committee
 State Capitol
 Salem, Oregon 97301

RE: House Bill 3536, Relating to the Deschutes Basin

AT-LARGE

DIRECTORS

Alwin Turiel, AICP

Terri Harding, AICP

Ann Pytynia, AICP

Peter Gutowsky, AICP

Dear Representative Garrett,

The Oregon chapter of the American Planning Association (OAPA) represents over 900 professional and citizen planners in Oregon. The organization supports state policies and legislation that fosters good community planning. For the following reasons, we do not support House bill 3536:

PLANNING

COMMISSIONER

REPRESENTATIVES

City: Ric Stephens

County: David Sykes

Benefits a single property owner. This bill would grant special privileges to a “Heritage Guest Ranch,” which, by definition, is limited to a single property owner. One of the guiding principles for our Legislative and Policy Agenda is that a proposal should be *“helpful to a broad range of citizens rather than a narrow special interest.”* This proposal is in direct contradiction to this principle.

PROFESSIONAL

DEVELOPMENT

OFFICER

Jon Makler, AICP

EDUCATION &

OUTREACH

Angela Lazarean

Contradicts 2009 Legislation and Deschutes County Comprehensive Plan. 2009 legislation, which this bill would amend, was intended to transfer development opportunity (“TDO”) from the Metolius area to other forest lands. The choice of “forest lands” for the receiving area was intentional to (1) target the coast and (2) prevent the TDO from occurring in Deschutes County, which prohibits destination resorts on forest lands. The provision for transferring development was intended to direct development to an area where it could develop with appropriate public facilities and not impact forest and wildlife resources.

LEGISLATIVE &

POLICY AFFAIRS

Jeannine Rustad, Chair

STUDENT

REPRESENTATIVES

University of Oregon

Joe McAndrew

Portland State

University

Brooke Jordan

Prevents public input from affected property owners. This last minute effort does not allow neighboring property owners adequate opportunity to testify and express the impacts to their properties and investments. This effort runs afoul of Statewide Land Use Planning Goal 1- Citizen Involvement. As noted above, this legislation would allow a destination resort in an area currently prohibited under the Deschutes County Comprehensive Plan. Local governments are required to give notice whenever they make a land use decision that involves discretion and the exercise of policy and legal judgment.

STAFF

Executive Director

Patricia A. Zepp

Legislative Liaison

Stephen Kafoury

Potential Negative Impacts to the Environment. There are potential impacts to Whychus Creek and groundwater in the intended receiving area that have not been

taken into account with the proposed legislation. Also not taken into account is potential negative impact to wildlife.

Creation of an Ex-Urban Community. OAPA's issue statement on destination resorts in its 2013 Legislative Agenda for states:

*The OAPA has cautiously supported the Destination Resort concept, believing it can provide a long-term economic base that takes advantage of Oregon's bountiful natural resources in a non-consumptive and sustainable manner. However, **Destination Resort siting and development must be done in a manner that directly addresses recreation needs and does not jeopardize established urban and rural communities**, so that resorts become little more than ex-urban developments. The major purpose for Destination Resorts must be, in both the long and short term, to provide recreation opportunities for visitors and vacationers.*

*We have and will continue to support efforts to update Destination Resort regulations to respond to the changing economic, climate and recreation market, **but not at the expense of compromising Statewide Planning Goals**. Generally, residential homes are not necessary for recreational activities and should not be allowed in non-urban areas.*

In 2009, it was intended that the TDOs would be limited to a "small-scale recreation community." In contrast, HB 3536 would allow an additional 480 residential unities, an unspecified additional overnight unites, a 100-space motor coach resort facility and an additional golf course, as well as other unspecified facilities. Not only does this allow for the creation of an ex-urban community in contradiction to the 2009 legislation, it does so without consideration of transportation impacts, and by leaving adjacent landowners in the dark as to how the proposal may affect the use and enjoyment of their own property.

For these reasons, **we urge you to not support the bill.**

Thank you for your thoughtful consideration of this testimony.

Sincerely,



Jeannine Rustad, J.D.
Chair, Legislative and Policy Affairs Committee

Cc: OAPA Board