

Date: June 4, 2013

Representative Chris Garret
Chair, House Rules Committee
Members of the House Rules Committee
Representative John Huffman

RE: House Bill 3536

Thank you for hearing my comments.

We are writing in opposition to the proposed HB 3536 Heritage Guest Ranch.

As business owners we do have a commitment to a healthy and robust economy for our community.

However, the proposal in HB3536 fails on this count, as well as many others.

1) This bill seeks to disenfranchise the local community. It is extremely concerning that rather than honoring the established processes for approval, the architects of this proposal wish to completely thwart the interests of the local community as a whole.

One must ponder why the proposal is not being submitted through the channels established for such an enterprise? Why not go through the local and state processes – why circumvent this process?

The mere action of choosing to submit legislation, at a late date in the term, as an “emergency bill,” belies the true nature of the proposal – which is that it is very controversial.

Were the proposal not a huge concern to many within the local town of Sisters and Deschutes County as a whole, then the proposal’s architects would not be seeking this underhanded approach to its approval.

2) This bill seeks to circumvent land use rules regarding destination resorts via rhetorical device – specifically it conflates “destination resorts” (which in this case includes a planned residential community) and “guest ranches.” Such changes in definition are disingenuous and underhanded. Confusion in terminology and meaning will lead to varied, unpredictable interpretations of “guest ranches” across the state.

Counties and the legislature should predict that this bill will set a precedent for others seeking to redefine various development proposals as “guest ranches,” with this bill being the precedent.

Note that Wikipedia defines “guest ranch” as, “...also known as a *dude ranch*, is a type of ranch oriented towards visitors or tourism. It is considered a form of agritourism. *Ranch* is defined as, “an area of landscape, including various structures, given primarily to the practice of **ranching**, the *practice of raising grazing livestock such as cattle or sheep for meat or wool*.”

While it might be charmingly referred to as a “Guest Ranch” this proposal is quite clearly a large Destination Resort, planned housing development, recreational campground, and golf course.

The bill further confuses terminology regarding development proposals by referring to the proposal as a “small-scale recreation community.” A 480 house development is hardly small, nor is a 100 RV campground, or a golf course, or hotel, or lake, etc. Under destination resort rules, 20 acres is a “small” resort, not 1000 acres.

Admittedly, guest ranch sounds far more appealing than “1000 acre planned residential and resort community.” (Which in this case translates to a 480 household housing development, campground for 100 RVs, lake, hotel and resort, and golf course).

3. Circumventing water right policy and processes is another travesty included into this Trojan horse. Other groups have addressed this, but as a property owner whose well could be affected I find this proposal hard to swallow.

We all know what is coming down the pike for the Cascades....a lack of water for all of Deschutes and Jefferson Counties. Snow pack continues to not be high enough, warm winters make our lands dryer and we are expecting yet another fire risky and parched summer.

Clearly the architects of the plan predict this as well and are attempting to make sure they have enough water for themselves.

Water allotments for development should also follow the rules that everyone else follows, writing special legislation for water rights is again disenfranchising the local town and county community.

4. Is the Legislature now the land-use department for the state. And are the committees willing to review and hold meetings on every land use proposal proffered? And, are our representatives willing to create bills for all of us with a bit of land who are seeking specialty treatment?

IF not, then what we have are acts of favoritism (to be kind). What does it take to have your own bill created and put on an "emergency" plan through the state legislature?

If the legislature passes this bill, will it be open to becoming the go-to place for land-use approvals? Will landowners across the state see this vague proposal that notably pays special attention to one family and think well, why not me? I certainly would.

5. Legislated changes in zoning: Measure 37 had a public vote; the proposed changes essentially create new land use rules. Oregon land use laws are fundamentally at risk if this bill is passed.

6. Destination resorts in Central Oregon are plentiful, but also encourage growth beyond the limits of what a local community can support.

Does Salem really want to decide what Sisters is going to look and feel like for the next 100 years? Is that the kind of decision the legislators deciding on this bill are comfortable with? Would they like to have major decisions like this in their own communities left to Salem?

The decision to add to our already burgeoning resorts should be made by locals and the community (county) at large. Not Salem. Notably, many of these new resorts have struggled financially for a reason. Often out of way from town traffic, few people want to drive this far to go to a restaurant.

Are there really that many people chomping at the bit to come to Sisters at a new resort, off the beaten path of Hwy 20?

7. Finally, are there impacts? You bet. Given this proposal is significantly larger than the current Aspen Lakes Resort, we can expect far more impacts from the increase in houses, population, traffic, water use, and land use.

Just a few of these impacts include:

a) increased traffic, with the impacts to roads, wildlife, neighbors, and county resources. Will the taxpayer pick up this tab? Will we see yet another bond for road improvements? How will the new traffic patterns impact what is right now a small, rural road? What mitigation plans do they have?

b) water use: what is the current status of the aquifer? What will the usage look like compared to what is expected to in the aquifer? A neighbor in the vicinity has already had to drill a second well, how many new wells would the neighbors be expected to have to drill? What compensation will there be for them?

c) non-point source pollution, that pollution that comes from run-off is a major issue: there has been an enormous financial investment in the restoration of Wychus Creek and re-introduction of steelhead back into the creek.

Golf courses use an enormous amount of herbicides, pesticides, and fungicides, these and can make their way through run-off into Wychus Creek, and seep into the ground into the aquifer. Human habitation comes with infrastructure and ground maintenance, as mentioned previously; homeowners produce an enormous amount of pollution from home and yard maintenance. These will make it to the creek, this is a given. There is not one water body close to human habitation that is spared from these impacts.

What mitigation plans do the architects have for mitigating these impacts on Wychus Creek (which the bill says adjoins the property)? Will they be exempt from these regulations as well, as they are other County and State codes and regulations?

d) habitat loss and pressure: as a wildlife rehabilitator I can speak firsthand about wildlife impacts from human structures, golf courses, the associated pollution, traffic, and increase in pets. In particular, the residents will want to walk the Wychus Creek, likely with their dogs. Much of the Creek is now a conservation area with huge financial investments going into restoring wildlife habitat. Deschutes Land Trust just expended a huge amount to fire treat their property.

Homeowners accessing this area would bring impacts to nesting birds, small mammals and reptiles, as well as native vegetation. Cats come with every housing development, 480 homes would introduce a huge number of outdoor cats to the Wychus Creek and surrounding lands.

Window strikes, car strikes, pesticides, loss of nesting habitat, loss of wildlife corridors, and a host of other wildlife impacts are expected.

e) noise pollution, to the adjacent communities, and to the general area as a whole...

In sum, we do not own several thousand acres or have a family with deep roots into all matters of life in Sisters, but we should still matter. For the majority who are not tied in and did not get this last minute call to comment, well those people are left out.

We do need more community development in Sisters – I am in full support of that. But I want the community to decide how they want to create their future. Not one family; not this way.

Bend is an excellent example of runaway development and the impacts it can have on the community, financially and otherwise.

The recession didn't hit Bend because it had allowed thoughtful and conscientious development. It hit Bend and made it one of the worst impacted cities in the country because of unfettered sprawl and rubber stamping of developments. It was the city's and County's own fault. This was repeated throughout the country, added up it equated to the housing bubble.

I hope the committee takes the time to fully consider the ramifications of this bill.

We appreciate your time,

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