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June 5, 2013

House Committee on Rules  
State Capitol  
900 Court Street NE  
Salem, OR 97301

RE: HB 3536 - Oppose

Chair Garrett and members of the committee:

Thank you for this opportunity to present testimony opposing HB 3536, legislation to supersite an urban level development on farm land. 1000 Friends of Oregon is a nonprofit, membership organization that works with Oregonians to support livable urban and rural communities, protect family farms and forests, and provide transportation and housing choice.

Supersiting is the practice of legislatively suspending the operation of the land use laws to allow a particular use at a particular place. Often, there are other paths to take to allow the desired use and the party seeking legislation simply wants special treatment. That is the case here. Aspen Lakes is an existing gated rural residential subdivision and an expansion could be achieved through the destination resort process. Part of the land is already mapped and eligible to become a destination resort. Due to overwhelming local opposition the developers simply want to short-circuit the public process and get the project approved legislatively.

This is no small proposal. In addition to authorizing 480 new houses in the subdivision, there is an authorization for an indefinite number of “additional overnight lodgings, including but **not limited to** single-family houses, lodging units, cabins, condominiums, townhouses or units in fractional ownership.” There is an authorization for unlimited “[r]estaurants, meeting and conference facilities and commercial uses to serve the needs of visitors. . . .” There is also an authorization for unlimited “[d]eveloped recreational facilities, including but **not limited to** tennis courts, spas, equestrian facilities, swimming pools and bicycle and hiking paths.” There are also authorizations for a 100 space RV park, undefined accessory amenities and services, another golf course, and urban level infrastructure including roads and utilities. What is proposed is the supersiting of large-scale, urban-level services and amenities on farm lands. This level of urbanization is simply not appropriate for rural lands especially without any local input.

In addition, the use of the language “including but not limited to” begs the question, “what are the limits?” The bill is not clear on that. In fact, it is unclear exactly what the bill authorizes, but it is above and beyond what is included in the plain language of the bill.

HB 3536 suspends the land use laws to circumvent the local approval process. It suspends ORS chapters 195, 196, 197, 215 and 227; the administrative rules implementing those sections; the statewide land use planning goals; the rules implementing the goals; and the Deschutes County

comprehensive plan and land use regulations that apply to the development area. The entire local process and the locally adopted plans are superseded. All of this to supersite urban levels of development on farm lands. Goal 1 of the land use program is citizen involvement. This proposal completely circumvents local citizen involvement in the decision.

For the reasons above, 1000 Friends of Oregon asks you to oppose HB 3536. Aspen Lakes can pursue its expansion plans through the existing land use process rather than through an open-ended carve-out.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. McCoy', with a stylized flourish at the end.

Steven D. McCoy

Farm and Forest Staff Attorney