

**Summary of Testimony to
Oregon State House Committee on Rules
Regarding House Bill 3536
June 5, 2013**

- Mr. Chairman, members of the Committee, thank you for allowing me to testify on this important—and unique—piece of legislation. In the interests of time, I will briefly summarize my testimony and I request that you include by written testimony as part of the hearing record on HB 3536.
- I am Thomas M. Thompson, a resident of the Cyrus development commonly referred to as Aspen Lakes Golf Course, residing at 17100 Golden Stone Drive, in Sisters, Oregon 97759. And I will be directly impacted by the proposed legislation and only learned about the proposed legislation on May 31st.
- I have followed the Cyrus family's attempts to develop property adjacent to our home, and, in fact, have on previous occasions publicly supported the family's unsuccessful application to develop a "destination resort" before the Deschutes County Commissioners as late as 3 years ago. In succeeding years legislation on this issue on behalf of the Cyrus' has been introduced but died in Committee.
- I am attending this hearing in a sincere effort to better inform myself about HB 3536, a confusing piece of legislation introduced late in your 2013 session without, unfortunately, much time for informed public input. After listening to testimony in this hearing, I have chosen to present my views.
- Following a careful reading and study of the language of HR 3536, and listening to today's testimony, I state to the full Rules Committee that I am opposed to the Bill in its present form.
- I understand and accept that the land in question will in due course be developed by the Cyrus', or a successor interest. But HR 3536 is not the appropriate vehicle for future development of these tracts. Instead, the land should be developed under existing/revised Oregon land use rules and regulations, not a special interest bill.
- Interestingly, I find myself in the unfamiliar territory of agreeing with parties in opposition to HB 3536 with whom I do not often find myself aligned.
- In particular, I commend to the full Committee the well-reasoned and thorough analysis and testimony of Mr. Paul Dewey, on behalf of Central Oregon LandWatch.
- My personal opposition is grounded in the following.

- The practice of land use “planning” on a tract-by-tract and/or family-by-family basis is objectionable and certainly poor public policy. This practice creates uncertainty in the State land use process and engenders, in my view, unrealistic “hope” on the part of applicants for special interest legislation. The HB 3536 approach is not a solution to clear deficiencies in Oregon’s land use planning program as regards destination resorts and other recreation uses, nor is the States interference helpful in what should be local planning decisions. A broader, comprehensive solution in the Legislature including local entity input to address these deficiencies is more appropriate than a tract-by-tract approach.
- This amendment does violence to, and is a long reach from the original stated purpose and intent to the Metolius law as contained in Chapter 636 ORS. The Metolius bill was designed to provide relief—via a local political entity—to a different County (Jefferson), a different resource (forests), and a different land use (small recreation community(s)).
- HB 3536—inappropriately--provides valuable land use benefits and rights to a single party with insufficient local agency review and control, and without reasonable public input into the land use planning for the project. A plain reading of HB 3536 language reveals both overly permissive uses but restrictive local land use review and control, and limited public input.
- I question the “rush to judgment” being presented by the late introduction of this Bill and the Rules Committee’s fast track schedule for this Bill and the important issues it raises, and challenge the need for “emergency” designation for the Bill.
- Even a casual reading should raise significant alarms with regard to several of the proposed, but nebulous land uses embodied in HB 3536. For instance, questions should be raised about: the proposed transfer of surface water rights for in ground water rights; the possible siting of a RV park contiguous to existing, higher end developments; a golf course (not further defined), etc.

In conclusion, I request that the Rule Committee not hold further public hearings on, nor report HR 3536 out of Committee. In short, this Bill should share the fate of similar bills identified as HR 2741, SB 1584, and HB 3372.

Respectively,

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