



CENTRAL OREGON LANDWATCH

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*Protecting Central Oregon's natural environment
and working for sustainable communities.*

In Opposition to HB 3098

Central Oregon LandWatch (“LandWatch”) is a 501(c)(3) not for profit organization located in Bend, Oregon. Our mission is to help achieve a balanced and integrated approach to land use planning that will safeguard our natural resources and foster economically thriving communities. We encourage effective land use planning by: providing information and support for meaningful public participation; researching, drafting, and disseminating ideas on public policy; and pursuing litigation when necessary to enforce federal, state, and local land use and environmental laws and codes.

LandWatch was founded by Attorney Paul Dewey in 1986. Mr. Dewey served under two Oregon governors reviewing roadless areas and was on Governor Kitzhaber’s Eastside Forest Advisory Council for 6 years. He has over 25 years of litigation experience representing clients throughout Central Oregon in land use cases before local governments, the Land Use Board of Appeals, State Circuit Court, the Oregon Court of Appeals and the Oregon Supreme Court. LandWatch maintains an active database of well over 2500 supporters from all across Oregon. LandWatch will continue its legislative advocacy for:

- Sound solutions that lesson the tension within our land use system
- Protections of special places and natural resources for this and future generations
- Fair, open, and accessible decision making processes.

HB 3098 is the latest in a line of bills that exempt one entity from having to comply with the land use laws that apply to everyone else. Passage of these special entitlement bills would be inherently unfair to the hundreds of applicants who do choose to follow the law. They also send a message to future applicants that hiring a lobbyist and writing a special state law to supersite your development plans is a preferable path to complying with the existing planning goals and comprehensive plans.

These bills also send a disturbing message to the public that, with the right access, influence, and lobbyist, a single entity can be exempted from the laws that apply to every one else. These 'one-off' bills create special entitlements for the well connected, and collectively undermine our entire land use system. For these reasons, COLW is leading a request to make HB 3098 the first Oregon Conservation Network Major Threat of the this session. I ask you to put an end to this practice of writing bills that single out one entity, whether Young Life or the Cyrus Family or others, for public benefits that don't apply to everyone else.

The law that applies to everyone else provides a process for Young Life to seek the expansion approval described in this bill. Young Life is proposing what current Oregon law calls a Destination Resort. The plans described in the bill ("up to and including" 1500 overnight beds, campsites, shooting ranges and recreational facilities, cooking and eating facilities, housing for staff, camp activity buildings, permanent structures, roads, and utilities) all fit well within the resort amenities and overnight unit provisions laid out in Destination Resort law. As provided for in current law, their first step need not be crafting a special entitlement bill and seeking a hearing before the Oregon House of Representatives, but rather getting their 4000 acre expansion area mapped for a destination resort by each of Wasco and Jefferson Counties.

Beyond the disturbing trend of special interest legislation to benefit one entity, the particulars of this bill stink to high heaven.

- Line 25 of Page 1 (subsection 3) authorizes Young Life to develop expansion area facilities without any limits. Please note the clause, "...Including but not limited to..."
- Line 17 of page 2 indicates that residential dwellings are not authorized....except for those authorized by subsection 3. Again, subsection 3 says there are not limits to facilities that could be developed.

- Line 26-28 of page 2 directs the counties to approve Young Life's site plan if they find a number of conditions have been met. One of those conditions is found on line 1 of page 3 states "Minimizes adverse impacts on Native American cultural sites."

I do not speak for the Confederated Tribes of the Warm Springs Indian Reservation of Oregon. But I, and my clients, very strongly believe that Oregon should respect sites of cultural significance and the culture itself of the CTWS. There are sites of cultural significance found on these lands. The standard in this bill does not provide protection or demonstrate appropriate respect to them. For example, one could 'minimize adverse impacts' to say, a burial site, and still destroy much of the site. Let's imagine the possibility of 10 grave sites being found. Young Life could pave over or dig up or otherwise adversely impact 7 of the 10, and still demonstrate that they 'minimized impacts' by leaving the other 3 in tact.

I respectfully urge your opposition to this bill, and I ask that you do what you can to make sure it, or others like it, are not resurrected later in the session.

-Jonathan Manton, Advocate

Central Oregon LandWatch