



To: Senate Committee on Environment and Natural Resources
The Honorable Chris Edwards, Chair The Honorable Alan Olsen, Vice-Chair
The Honorable Michael Dembrow The Honorable Floyd Prozanski
The Honorable Chuck Thomsen

RE: Opposition to House Bill 3367

On behalf of nearly 1,000 members of the Oregon Recreation and Park Association (ORPA), including 62 park and recreation agencies as well as professionals and volunteers, we are writing to express opposition to House Bill 3367, which would authorize local government to conditionally approve the establishment of recreational trails on land zoned for exclusive farm use.

House Bill 3367, which would negatively affect the ability of parks and recreation agencies and other organizations to develop recreational trails in exclusive farm use zones.

The simple fact is that for decades, state land use practice has been that the establishment of recreational trails is an *outright allowable use* of exclusive farm use (EFU) zoned land. Trails especially are excepted from OAR 660-015-0000(3). Park and recreation agencies and other trail developers have followed that practice, which has allowed many hundreds of miles of trails to be created in EFU lands, providing significant health and recreational benefit to the greater public in Oregon and strong economic benefit to communities in which these trails have been located. Further, trail development by park and recreation agencies *already* is subject to public input by local jurisdictions' trail planning and approval processes.

Unfortunately, a recent and highly controversial trails project in Benton County – one that *does not* represent normal procedure for the development of recreational trails in Oregon – has caused trails opponents to seek to overturn decades of land use practice in Oregon by proposing House Bill 3367 and seeking to make any and all trails, public or private, developed in EFU zones subject to conditional review. We oppose House Bill 3367 for a variety of other reasons.

The current practice of trails as an allowable use of exclusive farm use (EFU) lands has worked very well in the vast majority of trails projects. To change the system now – primarily because of one isolated incident – simply adds an unnecessarily burdensome approval layer to a process that has worked well for many years.

Adding conditional review to purely recreational trails puts an undue burden on private landowners who would like to have their lands included in a recreational trail system. Heretofore, trails were developed on their lands through an easement negotiation in which the property owner determines the terms and to which the property owner voluntarily agrees. To subject these types of transactions to conditional use review would likely require the property owner to incur the cost of retaining legal counsel and extend the amount of time necessary for the transaction to be completed. Parks and recreation trails developers seek and rely on the private sector's cooperation, as do our friends in the land trust community. We expect that this statute would effectively cause all trail negotiations with and among private landowners to grind to a halt – or require protracted time and expense to the process.

House Bill 3367 is very likely to create additional administrative effort and costs for land use permitting agencies who will see an increase in conditional use permits at a time when most local governments are strapped for human and financial resources to serve existing requirements and demands of the public.

HB 3367 threatens the linkage of communities who seek to develop nonmotorized trail linkages (bicycle, pedestrian, etc.) which necessarily must be routed through lands that are designated Exclusive Farm Use, which will impact residents' opportunities for recreation and exercise – when we ought to be doing everything possible to encourage exercise, health, and wellness among Oregon's populous. For example, the central Oregon communities of Bend, Prineville, Redmond, and Sisters are currently working collaboratively to establish a regional trail linking each community; this project and others like it would be significantly hindered under the proposed legislation.

Last, the question of land use in rural areas, including EFU zones, is very complex and deserves greater consideration and consultation among all affected parties and agencies than this bill has been given. As we dig into the issue, we are finding conflicting interpretations among seasoned professionals. Additionally, Senate Bill 204 proposes a task force to convene and examine these very issues. At the very least, we encourage opposition of HB 3367 so that the issue may be considered as part of the comprehensive discussion proposed by SB 204.

However, the reality remains that for decades, outright allowable use of recreational trails on EFU lands has been the practice and it has worked well for many years and to great benefit. While proponents of HB 3367 are presenting this bill as a simple clarification of the statute, the reality is that it overturns land use practice and will dramatically impact all park and recreation agencies' (and others') ability to develop new trails for public benefit in the future. For these reasons, we strongly encourage you to oppose House Bill 3367.

Thank you for your consideration, and please feel free to contact me or Cindy Robert, ORPA's lobbyist, if we may offer any additional information to the Committee.

Sincerely,



Stephanie Redman
Executive Director