

Chair Clem and members of the House Committee on Agriculture & Natural Resources:

My name is Paul Lipscomb, and I am unable to attend the scheduled hearing on this bill later this week because I will be in Tennessee visiting with my baby granddaughter. I ask that this email be accepted as my written testimony and placed into the official record of this committee.

I am the Vice President of OLAWA, the Oregon Land and Water Alliance, which is based in Central Oregon. OLAWA is a 501c3 non profit group that advocates for protection of land use laws and sustainable water policy. OLAWA actively monitors, analyzes, and raises awareness of issues affecting residents and visitors in Sisters Country. The task of responding to the proposed amendment to HB 2031 has been delegated to me by the Board of Directors of OLAWA.

OLAWA's members have been involved with legislative issues relating to the Metolius TDO's for many years and for several legislative sessions. We do not want to see these TDO's exercised in Deschutes or Jefferson Counties as has been proposed in the past. It is distressing to see these same issues back before the Oregon Legislature yet again.

The TDO's were originally granted as a compromise response to two resort development proposals in the Metolius basin in 2009. The Metolius Basin was protected by the legislature as an area of statewide critical concern. The original TDO grant was for 5 years.

That 5 year extension period expired in 2014. During that interim, the developer sought to site a resort in an area adjacent to Whychus Creek, an area of similar statewide concern, just outside of Sisters, Oregon. That effort was vigorously resisted by local citizens because of those same ecological concerns, and it was ultimately unsuccessful.

In 2015, the developer again sought and secured another legislative extension and was granted an additional 3 year period. That extension, however, imposed several conditions to insure that the development would not be sited in Deschutes or Jefferson Counties, and would not be sited in any other ecologically sensitive areas of statewide concern. With those additional compromise conditions, OLAWA members agreed not to oppose that extension. The developer now is back before this legislature once again seeking yet another extension, this time for another 5 years, and this time without the compromise conditions.

The current proposal is in the form of a "gut and stuff" amendment that still has not been publicly promulgated. The draft form I obtained through the courtesy of the chair of this committee indicates that the proposed 5 year extension would this time eliminate each of the previous protective provisions that had been designed to protect ecologically sensitive areas of statewide concern.

With considerable reservations, OLAWA would not oppose a 3rd extension, but only if the following changes are made to the draft amendment. First, the amendment should make clear once again that the TDO's cannot be exercised in Deschutes and Jefferson counties.

Central Oregon is already overburdened by an excessive number of "destination resorts". This area has absorbed far more destination resorts than exist in the entire remainder of the State of Oregon.

Second, any further extension should be limited to one final 2 year extension, and not the additional 5 year extension currently sought.

If the developer cannot secure funding for the proposed development in a total of 10 years (from 2009 to 2021), then this special development opportunity should be allowed to expire for once and for all.

Third, if the amendment is allowed, the bill should not allow the developer to remove any of the compromise restrictions previously imposed by this legislature to prevent its use to develop ecologically sensitive areas of statewide concern.

The Metolius TDO's were originally a legislative compromise that grew out of the decision to protect the Metolius area from resort development as an area of statewide critical concern. As with any compromise, limitations and conditions were agreed upon by the parties involved. However, ever since the original compromise this developer has been seeking to expand and extend the development opportunities granted. Enough is enough. If the TDO's are to be extended one final time, it should only be on the same terms and conditions as before, and for one final limited time only.

Thank you for the opportunity to weigh in on this important matter.

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