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Subject: HB 2027-A - Testimony in Opposition
Date: Wednesday, May 10, 2017 1:09:59 PM

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To: Senate Committee on Environment and Natural Resources

via e-mail to senr.exhibits@oregonlegislature.gov

Re: HB 2027-A – Testimony in Opposition

Hearing date: May 10, 2017

We respectfully urge you not to adopt HB 2027-A, with or without amendments. It is a special-interest bill, developed unilaterally and out of public view, that undoes a 20-year public process of local planning, citizen participation, and intergovernmental coordination. That process is detailed in the excellent testimony of Bruce Ronning, retired director of planning and development for the Bend Park and Recreation District.

The Bend Urban Trails Plan is the hard-won result of the kind of planning process which this legislature has long championed. It is a process in which the participants, public and private, invested with the expectation that their investments of time, energy, money, and thought would be respected. What you are asked to do in voting on this bill is answer the question, for these participants and for participants in future such processes throughout the state: will you respect our

investment?

That investment creates an entitlement to your respect. It is quite different from the investment described by Mr. Phillips, which creates no entitlement whatsoever. He states that he purchased his property “knowing the land was protected by the Oregon Scenic Waterways act passed by ballot measure in 1970.” In other words, he bought land with a lovely view of a scenic waterway and now lives in a house which may well impair the scenic quality of the waterway for many users of that waterway.

Mr. Phillips is less like users of the trail and more like us. We purchased our home in Bend knowing it and the surrounding area are protected by planning and zoning regulations limiting the types, densities, and mixes of housing, with associated impacts, in ways that appealed to us. That doesn't mean we have any entitlement to prevent changes in planning and zoning regulations allowing different kinds of development.

Two additional comments:

1. We agree with John Cushing's observation that completion of the trail with the bridge is likely to reduce traffic. Cushing testimony, May 8, 2017.
2. Removing the option of eminent domain will either give a veto power to a privileged few private landowners or give them a windfall of scarce public funds and divert them from legitimate public uses.

One of us is a retired local and state land use planner. The other is a retired land use lawyer. We have invested a good part of our lives in local planning and citizen participation process like those you are being asked to pre-empt. We hope you care as much about the integrity of those process, and your own, as we do.

Please vote No on HB 2027-A.