

May 15, 2017

Testimony of
Robert Bailey, Oregon Shores Conservation Coalition
On House Bill 2031 A-Engrossed
Relating to Metolius Small-Scale Resort Siting
Before the
Senate Committee on Environment and Natural Resources

Chairman Dembrow, Vice-chair Olsen, and Committee Members:

My name is Robert Bailey. I represent the Oregon Shores Conservation Coalition which for more than 45 years Oregon Shores has worked to protect Oregon's ocean beaches and coastal shorelands from inappropriate and, at times, just plain stupid development. We oppose HB 2031-A for three reasons:

First, we are concerned that this is the third time an individual developer has sought special legislation to enable his development to be built. We understand the original compromise made by the legislature to protect the Metolius River and the original Transfer of Development Opportunity afforded the developer. But we believe that the Oregon legislature has no business giving a developer such special treatment with yet another extension of time that represents three bites at the apple.

Second, and worse are the amendments to subsection (5) of this bill that delete two critical categories of lands from the list of areas where the development may not be sited. These two areas are "coastal shorelands" and "an area identified as subject to a natural hazard by an acknowledged comprehensive plan provision implementing a statewide land use planning goal relating to protection from natural hazards." These deletions essentially give license to the developer to build his resort in areas where others cannot and thereby circumvent the requirements of Statewide Planning Goal 17, Coastal Shorelands, as well as the requirements of Statewide Planning Goal 7, Natural Hazards that apply to any other development.

The requirements of these longstanding goals are there for several very good reasons. One is to make sure that development is not built where powerful and on-going natural forces can cause damage to or loss of property in the development or even adjacent properties. The second reason is to make sure that development does not interfere with or harm the unique natural resources that occur only in coastal shorelands. It is irresponsible for the legislature to exempt this development, and this development only, from these very logical, practical requirements.

Our third objection is because this bill undercuts the statewide land use planning program and sends a very powerful message that the legislature is willing to allow a developer to avoid critical state land use requirements if they nag long enough. Why should any other developer or property owner in a coastal shoreland comply with Goal 17's requirements or natural hazards requirements when they can go to the legislature and get an exemption? Special treatment for a developer to parachute their development into a site where it otherwise might not be allowed is simply bad public policy.

We urge you to vote NO on this bill.