



133 SW 2nd Avenue, Suite 201 • Portland, OR 97204 • (503) 497-1000 • fax (503) 223-0073 • www.friends.org
Southern Oregon Office • PO Box 2442 • Grants Pass, OR 97528 • (541) 474-1155 • fax (541) 474-9389
Central Oregon Office • 155 NW Irving Ave • Bend OR 97703 • (541) 797-6761

February 6, 2018

House Committee on Agriculture and Natural Resources
State Capitol
900 Court Street NE
Salem, OR 97301

RE: Testimony on HB 4031

Chair Clem and members of the Committee:

Thank you for the opportunity to provide testimony on HB 4031, a bill relating to land use. 1000 Friends of Oregon is a nonprofit, membership organization that works with Oregonians to support livable urban and rural communities; protect family farms, forests and natural areas; and provide transportation and housing choice. We have several concerns about this bill:

1) The “relating to” clause is very broad and we are concerned about what may be added into the bill via amendments. In particular, we are concerned about attempts to super-site uses by exempting them from the land use system. We strongly oppose supersiting of any land use; Oregon has a land use process that works..

2) We understand that the current language in HB 4031 is intended to address a particular deal that was made back when the Metolius area was designated as an Area of Critical State Concern (ACSC), in which a resort developer would be allowed to transfer that development opportunity (TDO) to another area, under certain timelines and parameters. However, the current bill goes beyond what was originally intended and gives the developer far more rights than he would have had, had he gone forward with the Metolius development. By waiving the Goal 2 exceptions process when siting the resort elsewhere, the bill removes important safeguards for public involvement in the land use process. In addition, the exceptions process ensures that where the proposed development site is otherwise protected by Goals 3, 4, 14, 16, 17 or 18, there are adequate reasons and benefits to the surrounding community to justify the conversion. See e.g. OAR Chapter 660 Part 4. By excepting the Metolius TDO from the exceptions process this bill will undermine these protections.

The developer of the Metolius TDO has already had over eight years to develop his project. He has been given previous concessions and extensions through legislative changes to the law (see e.g. HB 2031 (2017); HB 3572 (2011)). The TDO should not be exempt from the exceptions process, putting at risk Oregon’s high-value farmlands, coastal shorelands and other areas currently protected through the exceptions process. We strongly encourage the Committee to remove Section (1) Subsection (7) of the bill as introduced.

Respectfully submitted,

Meriel L. Darzen
Circuit Rider Staff Attorney