



**ORCA: Oregon Coast Alliance**  
*Protecting the Oregon Coast*

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February 21, 2018

Senate Committee on Environment and Natural Resources  
Senator Michael Dembrow, Chair  
State Capitol  
Salem, Oregon

Via Email: [senr.exhibits@oregonlegislature.gov](mailto:senr.exhibits@oregonlegislature.gov)

Re: HB 4031: Oppose

Dear Sen. Dembrow and Members of the Committee,

Oregon Coast Alliance (ORCA) is an Oregon nonprofit corporation whose mission is protection of coastal natural resources and working with residents to promote community livability.

ORCA opposes HB 4031, the bill before you today. Unfortunately the bill has a very broad relating clause, and is now cluttered up with completely unrelated amendments. ORCA has no opinion on these amendments; our concern is directed at the original bill and relevant amendments to the original language, which deals with transfer of development opportunities to build a small-scale recreation community.

This bill grants even more relaxation of the land use laws to a developer who is seeking to build a small-scale recreation resort in Clatsop County. Despite the bill's language, it is known that the developer is interested primarily in the so-called Bradwood Landing site in Clatsop County. He has provided conceptual plans to the Department of Land Conservation and Development for a resort at Bradwood. Several of the provisions of this current bill make it clear a coastal location is being targeted.

Supersiting an individual project always weakens the land use laws by allowing exemptions to the rules for a particular project that might very well be rejected locally. This TDO resort is no exception.

This proposal arose out of the protection of the Metolius Basin in 2009 as an Area of Critical State Concern, to facilitate transfer of development opportunities originally proposed for the Metolius. But the resort "proposal" at that time was not finalized and

had not entered the land use approval process. There was a concept, no development rights. Why has the misconception continued that there are development *rights* available to be protected and that should be continuously nurtured with further special interest legislation?

Even had there been development rights that could be transferred from the Metolius Basin, this is now the ninth year! There is no policy reason at all to allow further special interest legislation – lately another bill appears nearly each session, there having been one in 2011, 2015 and another in 2017 – to smooth the path for this proposal by further weakening the land use laws. The premise of our land use statutes is that all players have equal footing, and must meet the requirements of an objective system. Supersiting such as this undermines that foundational premise of the entire system.

There is certainly no need to exempt the developer from the exceptions process, which is a critical safeguard in the land use system. It protects the surrounding human and natural communities to ensure that there are solid, factual grounds for converting land out of the zones and Goal requirements that protect it. If a resort approved under the current special interest statutory framework could not otherwise gain the status of “acknowledged exception” under ORS 197.732 *except* via further special interest legislation, that provides the basis on which this bill must be rejected. This pre-emption of the land use process only weakens the structure to which all applicants must adhere.

The current legislation goes far beyond any original agreement from 2009. It provides rights where there are none. It puts in jeopardy an ecologically important area along the lower Columbia River. It weakens the land use system statewide for a special interest. It continues a nine-year charade at the public expense. ORCA recommends the Committee deny HB 4031.

Please enter this testimony into the record for this matter.

Thank you,

*Cameron La Follette*

Cameron La Follette  
Executive Director