



Oregon

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To the Senate Environment Committee:

Thank you for this opportunity to provide testimony on HB 3367. This bill would make trails that are transportation facilities an allowed use subject to review and approval by counties in Exclusive Farm Use (EFU) zones, where compatible with surrounding farm and forest uses under the criteria in ORS 215.296. However, such trails are already an allowed use subject to ORS 215.296 review under the existing provisions of ORS 215.213(10), 215.283(3), and LCDC's transportation rule at OAR 660-012-0065. Therefore, the bill would create no change to the current land use review criteria or process required by law. Benton County recently reviewed two trail proposals consistent with this process.

This bill does not affect trails established in parks. Trails may be reviewed as a park use in EFU zones, subject to the same ORS 215.296 review criteria.

Trails that are transportation facilities may currently be reviewed by local governments either as a conditional use or as part of a county's Transportation System Plan. Because such trails typically involve multiple properties, a Transportation System Plan is usually the recommended review path.

We acknowledge that there has been some confusion about the required review process for trails as transportation facilities. DLCD has written a memo clarifying its interpretation of statute and rule in this regard that we are prepared to share with counties and others. If the committee believes that clarification in rule would be helpful, DLCD staff is prepared to make that technical fix. Our preference would be for a rule, rather than statutory, solution to the misunderstanding.

If the committee wishes to proceed with the bill, we do not anticipate that the current bill wording would create any consistency problems with existing land use regulations. We do not believe that there is any need for amendments.

Thank you, again, for this opportunity to provide you with information about HB 3367. If committee members have technical questions about this testimony, please contact Katherine Daniels at 503-934-0069 or katherine.daniels@state.or.us. Policy-related questions should be referred to Michael Morrissey at michael.morrissey@state.or.us.