

Watts Remy

From: hopsbran@aol.com
Sent: Thursday, May 2, 2019 1:02 PM
To: SENR Exhibits
Subject: Commentary re HB 3384

Please distribute to Committee members the following comments regarding HB 3384.

Thank you.

Robert Emmons

May 2, 2019

Chair Dembrow and the Senate Committee on Environment and Natural Resources:

The following comments are offered on my own behalf and on behalf of LandWatch Lane County, a non-profit dedicated to the protection of Lane County's rural landscape. What's at stake in HB 3384 is the strength and integrity of Oregon's land use program: whether we will continue to honor Tom McCall's legacy of protection for our farm and forest land, natural areas and open spaces or continue to inflict upon it the death of a thousand cuts.

One of those cuts at issue here is the expansion of a non-conforming use—Oak Hill School-- on land zoned Exclusive Farm Use (EFU). This school was first approved in the EFU zone in 1994 as a conversion of a single-family dwelling, and then it was fast-tracked by staff to help the school obtain a building permit "prior to the effective date of LDCD's Goal 3 Rule." It has been allowed to continue as a non-conforming use, i.e. a use not allowed in the zone, since 2009. The property and the development, together assessed at close to \$4.5 million, are paying no taxes. In exchange for these generous concessions came a certain responsibility: the school could not become more non-conforming by expanding and proliferating uses and activities inappropriate in the farm zone and could not cross the divide between urban and rural.

Notwithstanding, Oak Hill expanded in 2012. Now it wants to expand again and is asking the legislature to nullify two court decisions, first by LUBA, then by the Court of Appeals, agreeing with LandWatch Lane County that the proposed expansion violates state law.

Passing this bill will not only promote a special interest that has lost twice in the court system, it will also corrupt the intent of the non-conforming use provision to protect our resource land and set a precedent by erasing the jurisdictional line that separates the powers of state government. That's a long way down a slippery slope from the original promise of Oregon's land use program.

With that in mind we urge you to vote no on HB 3384.

Thank you.

Robert Emmons, President
LandWatch Lane County

