

## Hamre Jaime

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**From:** Paul Lipscomb <judgelipscomb@gmail.com>  
**Sent:** Sunday, February 4, 2018 9:33 PM  
**To:** Rep Brian Clem; Rep Clem; rep.susanmclain@state.or.us;  
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**Cc:** Hamre Jaime; HAGNR Exhibits  
**Subject:** Fwd: HB 4031

**Follow Up Flag:** Follow up  
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Dear Chair Clem and members of the House Committee on Agriculture and Natural Resources.

My name is Paul Lipscomb and I am Vice President of OLAWA, the Oregon Land and Water Alliance. Please accept this as my written testimony on this bill on behalf of OLAWA, and please make it part of the record.

This bill is the latest in a series of bills that have appeared in virtually every session since 2009, each designed to sweeten the deal reached with a landowner in the Metolius basin when that basin was declared to be an area of statewide concern.

I write to express OLAWA's particular objections to subsection 7 of the bill. Subsection 7 is a brand new provision that purports to completely sidestep the statewide acknowledgement process that is otherwise required when local governments seek to take an exception to any applicable statewide planning goal with which the proposed use would not otherwise comply.

No matter how well intentioned it may be, this provision is simply bad public policy.

As the chair and members of this committee know and understand, the statewide planning goals are important state policies inscribed in statutes of statewide application. There is an existing procedure set forth in Goal 2 for cities and counties seeking an exception to any particular goal due to a local need or condition that might justify an exception. A series of specific state standards is required to be met, a public hearing is required, and the local government's decision must be reviewed and approved by the state's Land Conservation and Development Commission before any proposed exception becomes effective.

Subsection 7 of this bill is an attempt at an end run around these universal state statutory policies and procedures. By legislative fiat, subsection 7 of HB 4031 would allow the county government to avoid this otherwise universal statewide exception process for this developer, and only for this developer, so that he can build a resort that does not comply with state land use policies and procedures, and it would insulate that county's exemption decision from the state's normal review process by the Land Conservation and Development Commission.

The rule of law is the backbone of our constitutional democracy and of our economic system as well. All individuals, institutions and corporations, large and small, are governed by the same rules of law which have universal application to everyone. Since we are all charged with following the same governmental rules and regulations, economic competition takes place on a level playing field. If the government makes special rules for special individuals, the rule of law is undermined and our constitutional democracy and our economic system both suffer accordingly.

One-off bills of any kind represent a failure of the normal legislative process. The one-off exemption in this bill is worse than usual for it would abrogate the application of statewide goals and guidelines for a single developer even though

those same goals and guidelines have been recognized as important state policies designed for universal application to protect the lands and waters of this state.

Please do not pass HB 4031 without deleting Subsection 7 in its entirety.

Thank you,

Paul Lipscomb, Vice Chair OLAWA.  
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