Oregon

John A Kitzhaber MD., Governor

EXHIBIT: C AGENDA ITEM: 10
LAND CONSERVATION & DEVELOPMENT COMMISSION
DATE: ODA + OFW
SUBMITTED BY:

OREGON Fish & Wildlife

Oregon Department of Agriculture
635 Capitol Street N.E.
Salem, OR 97301-2532

September 18, 2014

Land Conservation and Development Commission
Attn: Casaria Taylor
635 Capitol St., Ste. 150
Salem, Oregon 97301

RE: Proposed Administrative Rules Regarding Youth Camps on EFU in Eastern Oregon

Dear Commission Members:

The Oregon Department of Agriculture (ODA) and the Oregon Department of Fish and Wildlife (ODFW) appreciate the opportunity to participate on the Rule Advisory Committee (RAC) established by the Land Conservation and Development Commission (Commission or LCDC), and to review the proposed administrative rules for establishing youth camps on Exclusive Farm Use lands (Division 660-033-0130(40)). The proposed rules must comply with HB 3098, passed by the 2013 Oregon Legislature, which includes provisions for the protection of adjacent uses and must be based on current LCDC rules authorizing youth camps in forest zones (Division 660-006). ODA and ODFW offer the follow comments for consideration by the Commission.

First, it is vital to maintain a broad perspective when developing new administrative rules that would apply across eastern Oregon. This broad perspective approach is consistent with the language in HB 3098 Section 1(2), which directs that the implementing administrative rules apply to Exclusive Farm Use lands across eastern Oregon. Secondly, HB 3098 (Section 2(2)(b)) directs that the proposed rules must be based on the current rules for youth camps on forestland (Division 660-006). This includes the definition of "youth camp", number of youth camp participants and other standards, limitations and criteria as outlined in Division 6.

Detailed comments and recommendations on the September 11, 2014 draft of the proposed rules, as provided in the LCDC Agenda Item 10 meeting packet, include:

to maintain compatibility with Goal 3 and Goal 5 resources. Youth camps should provide for an "outdoor recreational and educational experience" (OAR 660-033-0130(40)(a)(B)). Amenities associated with destination resort type development should not be allowed without greater scrutiny.

OAR 660-033-0130(40)(h)(A): The proposed rules do not provide clarity for how many 40 acre camps may be developed on a 1000+ acre parcel. This is a concern, because the cumulative effects of the associated facilities of youth camps may not be compatible with adjacent uses.

OAR 660-033-0130(40)(h)(B): ODA and ODFW support the proposed language for protection of archeological and cultural resources.

OAR 660-033-0130(40)(h)(F): Youth camps and facilities that allow up to 350 participants may not be compatible with Goal 5. We support the proposed language for protecting Goal 5 resources, except for the inclusion of the sunset clause in (OAR 660-033-0130(40)(h)(F)(iii)). The sunset clause is of concern, because it does not provide any incentive for local governments to pursue updating resource inventories or adopting updated Goal 5 programs. Compatibility with Goal 5 resources needs to be addressed. The Department of Land Conservation and Development (DLCD) rules no longer require periodic review for counties. As a result, many Goal 5 resources are not evaluated in local land use decisions, because current inventories are outdated in nearly every Oregon county, and therefore, are not included in an acknowledged local comprehensive plan.

Thank you for the opportunity to provide input on the proposed rules. Again, we believe it is vital to view this process from a broad perspective, because these rules will be applicable to Exclusive Farm Use lands across Eastern Oregon, as directed in HB 3098 Section 1(2). Developing rules that accommodate an existing single facility, but would apply to any new youth camps may have unintended consequences if applied to other areas within eastern Oregon. We request that this letter be made part of the record of the Land Conservation and Development Commission hearing scheduled for September 26, 2014. We look forward to continued coordination and maintaining a statewide perspective for youth camp development in Eastern Oregon, consistent with the intent of HB3098.

Respectfully,

James W. Johnson
Land Use and Water Planning Coordinator
Oregon Department of Agriculture

Joy Vaughan
Land Use and Waterway Alterations Coordinator
Oregon Department of Fish and Wildlife

C: Katy Coba, ODA
Curt Melcher, ODFW
Richard Whitman, Governor's Office
Jon Jinings, DLCD