

A-Engrossed
Senate Bill 30

Ordered by the Senate May 7
Including Senate Amendments dated May 7

Sponsored by Senator WESTLUND; Senators BATES, BROWN, BURDICK, CARTER, COURTNEY, DECKERT, JOHNSON, WALKER, Representatives BOONE, CLEM, MERKLEY, ROSENBAUM

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Prohibits siting of destination resort in or within three miles of Metolius River Basin **unless county finds siting will not have significant adverse impact on specified elements. Allows Jefferson County to amend map of eligible lands for siting destination resorts that was adopted as amendment to county's comprehensive plan after December 1, 2006, and before January 1, 2007.**

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to destination resort siting; creating new provisions; amending ORS 197.455; and declaring
3 an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 197.455 is amended to read:

6 197.455. (1) A destination resort must be sited on lands mapped as eligible for destination resort
7 siting by the affected county. The county may not allow destination resorts approved pursuant to
8 ORS 197.435 to 197.467 to be sited in any of the following areas:

9 (a) Within 24 air miles of an urban growth boundary with an existing population of 100,000 or
10 more unless residential uses are limited to those necessary for the staff and management of the re-
11 sort.

12 (b)(A) On a site with 50 or more contiguous acres of unique or prime farmland identified and
13 mapped by the United States Natural Resources Conservation Service, or its predecessor agency.

14 (B) On a site within three miles of a high value crop area unless the resort complies with the
15 requirements of ORS 197.445 (6) in which case the resort may not be closer to a high value crop
16 area than one-half mile for each 25 units of overnight lodging or fraction thereof.

17 (c) On predominantly Cubic Foot Site Class 1 or 2 forestlands as determined by the State
18 Forestry Department, which are not subject to an approved goal exception.

19 (d) In the Columbia River Gorge National Scenic Area as defined by the Columbia River Gorge
20 National Scenic Act, P.L. 99-663.

21 (e) In an especially sensitive big game habitat area as determined by the State Department of
22 Fish and Wildlife in July 1984 or as designated in an acknowledged comprehensive plan.

23 **(2) In addition to the limitations established in subsection (1) of this section, a county**
24 **may not allow destination resorts approved pursuant to ORS 197.435 to 197.467 to be sited in**
25 **or within three miles of the Metolius River Basin unless the county first finds that siting**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 destination resorts in or within three miles of the basin will not have a significant adverse
2 impact on:

- 3 (a) Significant fish and wildlife areas and habitats in the basin;
- 4 (b) Ecologically and scientifically significant natural areas in the basin;
- 5 (c) Scenic views in the basin;
- 6 (d) Significant wetlands, watersheds and ground water resources in the basin;
- 7 (e) Significant wilderness areas in the basin;
- 8 (f) Significant historic sites, structures and objects in the basin;
- 9 (g) Significant cultural areas in the basin; or
- 10 (h) Approved federal wild and scenic rivers and state scenic waterways in the basin.

11 [(2)] (3) In carrying out [subsection (1)] subsections (1) and (2) of this section, a county shall
12 adopt, as part of its comprehensive plan, a map consisting of eligible lands within the county. The
13 map must be based on reasonably available information and may be amended pursuant to ORS
14 197.610 to 197.625, but not more frequently than once every 30 months. The county shall develop a
15 process for collecting and processing concurrently all map amendments made within a 30-month
16 planning period. A map adopted pursuant to this section shall be the sole basis for determining
17 whether tracts of land are eligible for destination resort siting pursuant to ORS 197.435 to 197.467.

18 **SECTION 2. The amendments to ORS 197.455 by section 1 of this 2007 Act apply to lands**
19 **mapped as eligible for destination resort siting based on comprehensive plan amendments**
20 **that were acknowledged on or after December 25, 2006.**

21 **SECTION 3. Notwithstanding the limitation in ORS 197.455 (2) on amending a map of el-**
22 **igible lands for siting a destination resort, Jefferson County may amend the map that was**
23 **adopted as an amendment to the county's comprehensive plan after December 1, 2006, and**
24 **before January 1, 2007.**

25 **SECTION 4. This 2007 Act being necessary for the immediate preservation of the public**
26 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
27 **on its passage.**