

B-Engrossed Senate Bill 30

Ordered by the Senate May 18
Including Senate Amendments dated May 7 and May 18

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 **or in specified areas within three miles of 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. The Legislative Assembly finds that:**

6 **(1) The Metolius River Basin is an invaluable and highly sensitive natural area that is**
7 **ecologically and scientifically significant because of the basin's unique hydrogeologic char-**
8 **acteristics, wetlands and ground water resources.**

9 **(2) The Metolius River was added to the federal Wild and Scenic River system in the**
10 **Omnibus Oregon Wild and Scenic Rivers Act of 1988 because the federal government deter-**
11 **mined the river to be remarkable in all areas of evaluation.**

12 **(3) The basin has unique hydrological and geological features that cannot be adequately**
13 **protected through current mitigation practices. Pumping ground water will likely result in**
14 **diminished discharge at the principal spring complexes at the head of the Metolius River.**

15 **(4) The Metolius River and its tributaries are home to sensitive and threatened species**
16 **of fish, including Redband Trout and Bull Trout, and the Metolius River Subbasin is critical**
17 **to the restoration of anadromous fish populations, including Spring Chinook, Sockeye and**
18 **Summer Steelhead.**

19 **(5) The basin contains highly sensitive ranges for wintering deer and elk.**

20 **(6) The basin holds significant cultural, economic, religious and historical value for Na-**
21 **tive American tribes.**

22 **(7) The basin features outstanding scenic views and sites.**

23 **(8) Recognizing the unique values and special qualities of the region's natural resources**
24 **and spiritual values, the United States Forest Service, in the Deschutes National Forest Land**
25 **and Resource Management Plan of 1990, designated 86,000 acres in the basin as the Metolius**

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 **Conservation Area, to be managed subject to heightened standards of protection.**

2 **(9) Protections against resort development in similar significant, noteworthy and na-**
3 **tionally recognized areas is already codified and should be extended to the basin.**

4 **(10) After nearly 80 years in various private ownership, in recognition of the**
5 **transcendent nature of this Oregon treasure, private citizens donated the Metolius**
6 **headwater-springs trail, viewpoint area and permanent scenic easement to the United States**
7 **Government in 1967, for perpetual preservation and maintenance for the benefit of all people.**

8 **(11) The protection of the basin's natural resources, wildlife habitat and historical, cul-**
9 **tural and scenic values from urban and similar forms of development is a matter of utmost**
10 **importance and concern to the State of Oregon.**

11 **SECTION 2.** ORS 197.455 is amended to read:

12 197.455. (1) A destination resort must be sited on lands mapped as eligible for destination resort
13 siting by the affected county. The county may not allow destination resorts approved pursuant to
14 ORS 197.435 to 197.467 to be sited in any of the following areas:

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

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

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

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

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

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

29 **(f) In the Metolius River Basin.**

30 **(g) Within three miles of the Metolius River Basin if on a site located, in whole or in**
31 **part, within Jefferson County that is:**

32 **(A) Not owned by a federally recognized Indian tribe; and**

33 **(B) West of Southwest Grandview Loop Road.**

34 (2) In carrying out subsection (1) of this section, a county shall adopt, as part of its compre-
35 hensive plan, a map consisting of eligible lands within the county. The map must be based on rea-
36 sonably available information and may be amended pursuant to ORS 197.610 to 197.625, but not more
37 frequently than once every 30 months. The county shall develop a process for collecting and pro-
38 cessing concurrently all map amendments made within a 30-month planning period. A map adopted
39 pursuant to this section shall be the sole basis for determining whether tracts of land are eligible
40 for destination resort siting pursuant to ORS 197.435 to 197.467.

41 **SECTION 3. The amendments to ORS 197.455 by section 2 of this 2007 Act apply to lands**
42 **mapped as eligible for destination resort siting based on comprehensive plan amendments**
43 **that were acknowledged on or after December 25, 2006.**

44 **SECTION 4. Notwithstanding the limitation in ORS 197.455 (2) on amending a map of el-**
45 **igible lands for siting a destination resort, Jefferson County may amend the map that was**

1 adopted as an amendment to the county's comprehensive plan after December 1, 2006, and
2 before January 1, 2007.

3 **SECTION 5.** This 2007 Act being necessary for the immediate preservation of the public
4 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect
5 on its passage.
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