

**REVENUE: No revenue impact**

**FISCAL: May have fiscal impact, statement not yet issued**

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Rules by Prior Reference
<b>Vote:</b>	5 - 2 - 1
<b>Yeas:</b>	Clem, Cowan, Garrett, Greenlick, Nolan
<b>Nays:</b>	Hanna, Wingard
<b>Exc.:</b>	Esquivel
<b>Prepared By:</b>	Cheyenne Ross, Administrator
<b>Meeting Dates:</b>	4/7, 4/9, 4/21

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**WHAT THE MEASURE DOES:** Approves the recommendation and management plan of the Land Conservation Development Commission and designates the Metolius River Basin an area of critical state concern (ACSC).

**ISSUES DISCUSSED:**

- Authority and criteria for ACSC designation
- Legal perspectives from both the state and Jefferson County
- State usurping process that county relied on
- Local landowners no different than developers; both sides protecting their respective self-interests
- Metolius Basin area a large part of Jefferson county; primarily federal and tribal lands
- Small percentage of basin is private land; mostly zoned forest and agriculture
- Desire to encourage low-impact, sustainable approach to development
- Concern that Metolius River Basin has reached or exceeded capacity to support recreation
- Concern that compromise for developers will “open the door”
- Request the matter be put to a vote for Oregonians to decide
- Not unusual for action to be taken only after a threat has presented itself
- Imperfect but reasonable recommendation and management plan

**EFFECT OF COMMITTEE AMENDMENT:** Replaces the original bill. Adds the date that the Land Conservation Development Commission made its recommendation to the Legislative Assembly. Defines “contiguous” in the management plan.

**BACKGROUND:** The Metolius River Basin (the Basin) is located mostly in Jefferson County with a small part in Deschutes. It is described as an exceptional natural area with unique hydrology that sustains a wide variety of plants, fish, and wildlife. It has long been the subject of special recognitions and protections.

The legislation that created Oregon’s land use planning program, Senate Bill 100 (1973), authorizes designation of areas of critical state concern (ACSC). Since its passage, areas considered appropriate for such designation, like the Columbia River Gorge, have been protected instead through the use of special statewide land use planning goals, by the federal government, and through other specialized state and federal designations.

The Land Conservation and Development Commission (LCDC) amended Goal 8 in 1984 in such a way as to allow the development of destination resorts on certain forestlands, including forestlands in the Metolius River Basin.

In 2006 Jefferson County amended its comprehensive plan in order to make two sites available to destination resorts, one called The Ponderosa and the other called The Metolian. The siting of a destination resort is an issue of statewide concern under ORS 197.440(4), and the action is pending appeal before the state’s Supreme Court.

4/29/2009 9:00:00 AM

***This summary has not been adopted or officially endorsed by action of the committee.***

The legislature introduced Senate Bill 30 in 2007 to ban destination resort development in and around the Basin, but the measure was not adopted. The same year, the Governor asked state agencies to review whether current law was adequate to protect the Basin. Responses were received in the negative.

On April 2, 2009, the LCDC recommended to the Legislative Assembly that the Basin be designated an area of critical statewide concern.