

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass with Amendments to the A-Eng. Measure (Printed B-Eng.)

Vote: 3 - 2 - 0

Yeas: Burdick, Metsger, Devlin

Nays: Atkinson, Ferrioli

Exc.: 0

Prepared By: Beth Herzog, Administrator

Meeting Dates: 6/3

WHAT THE MEASURE DOES: Defines “Metolius Area of Critical State Concern.” Approves Land Conservation and Development Commission (Commission) recommendation that Metolius Area of Critical State Concern be designated area of critical state concern. Approves management plan. Requires Commission to change management plan to require Commission to notify governing bodies of Jefferson County and Confederated Tribes of the Warm Springs Indian Reservation of proposed amendments to management plan. Requires Commission to make specified findings by clear and convincing standard in order to adopt such amendments if written objection is made by said governing bodies. Requires Commission to change management plan to allow development of specific small-scale community and to replace references to “annual average water use” with “annual average consumptive water use.” Describes location and sets parameters for small-scale community. Prohibits Commission from enforcing any provisions of management plan that are inconsistent with said changes. Requires Commission to change inconsistent provisions. Requires that in addition to development limitations in plan, new development allowed by amendment of plan may not result in negative impacts to Metolius River or fish and wildlife resources. Prohibits county from approving siting of destination resort in Metolius Area of Critical State Concern. Declares emergency; effective upon passage.

ISSUES DISCUSSED:

- Timeline of process
- Proposed development plan
- Potential for fiscal impact related to compensation for Measure 49 claim

EFFECT OF COMMITTEE AMENDMENT: Replaces measure.

BACKGROUND: The legislation that created Oregon’s land use planning program, Senate Bill 100 (1973), authorizes designation of areas of critical state concern. 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 Commission amended Goal 8 in 1984 to allow the development of destination resorts.

The Metolius River Basin is located mostly in Jefferson County with a small part in Deschutes County. In 2006, Jefferson County amended its comprehensive plan to make two sites available to destination resorts: The Ponderosa and 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. On April 2, 2009, the Commission recommended to the Legislative Assembly that the Metolius River Basin be designated an area of critical statewide concern.

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