

HOUSE AMENDMENTS TO HOUSE BILL 2227

By COMMITTEE ON LAND USE

April 6

1 On page 2 of the printed bill, delete lines 22 through 45.

2 On page 3, delete lines 1 through 11 and insert:

3 **“SECTION 2. (1) The Land Conservation and Development Commission may:**

4 **“(a) Evaluate the state’s destination resort policies and implementation of those policies;**
5 **and**

6 **“(b) Update key requirements and address issues through special studies and, as neces-**
7 **sary, through the amendment of statewide land use planning goals or the adoption of ad-**
8 **ministrative rules.**

9 **“(2) If the commission undertakes an evaluation authorized in subsection (1) of this sec-**
10 **tion, the issues to be addressed and the key requirements to be updated include, but are not**
11 **limited to:**

12 **“(a) The adequacy of siting provisions to ensure that destination resorts function, as**
13 **originally intended, to attract tourism and serve visitors rather than to establish residential**
14 **subdivisions or to establish suburban communities that compete with urban areas.**

15 **“(b) The impact of existing and planned destination resorts on nearby urban areas, in-**
16 **cluding the impact of large amounts of permanent, exurban housing on nearby communities,**
17 **on facilities and on service providers.**

18 **“(c) The protection of important natural resources impacted by destination resorts, in-**
19 **cluding farm and forest resources, water resources and natural areas and habitats, and the**
20 **adequacy of requirements for identifying and evaluating the important natural resources**
21 **before resort approval.**

22 **“(d) The effects of a concentration of destination resorts in particular regions of this**
23 **state and whether the number of destination resorts or the number of permanent dwelling**
24 **units allowed in resorts should be capped by region or county.**

25 **“(e) Provisions to avoid or mitigate transportation and wildlife impacts caused by desti-**
26 **nation resorts.**

27 **“(f) Mitigation and control of natural hazards, including prevention and suppression of**
28 **wildfires, that may be exacerbated by destination resort siting.**

29 **“(g) The availability of workforce housing and related transportation needs in destination**
30 **resorts and nearby communities.**

31 **“(h) The suitability of excluding destination resort development on lands within irrigation**
32 **districts.**

33 **“(i) The economic benefits of destination resorts to local economies and the state econ-**
34 **omy.”.**

35 In line 13, after “197.445.” insert “(1)”.

1 In lines 16 and 17, delete the boldfaced material and insert “:

2 “(a) Satisfy the requirements of a goal relating to recreational needs and rules implementing the
3 goal; and

4 “(b) Have as its primary use the provision of visitor-oriented overnight accommodations in per-
5 manent structures.

6 “(2) A county that approves siting of a destination resort shall make findings that the primary
7 use of the destination resort meets the standard in subsection (1)(b) of this section.”.

8 On page 5, delete lines 16 through 45.

9 On page 6, delete lines 1 through 33 and insert:

10 “**SECTION 5.** ORS 197.455 is amended to read:

11 “197.455. (1) A destination resort [*must*] **may** be sited **only** on lands mapped as eligible for des-
12 tination resort siting by the affected county. The county may not [*allow destination resorts approved*
13 *pursuant to ORS 197.435 to 197.467 to be sited in any of the following areas*] **map lands as eligible**
14 **for destination resort siting or approve siting a destination resort if the lands are:**

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*
17 *resort.*]

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 area*
22 *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 “[*(2) In carrying out subsection (1) of this section, a county shall adopt, as part of its comprehen-*
30 *sive plan, a map consisting of eligible lands within the county. The map must be based on reasonably*
31 *available information and may be amended pursuant to ORS 197.610 to 197.625, but not more fre-*
32 *quently than once every 30 months. The county shall develop a process for collecting and processing*
33 *concurrently all map amendments made within a 30-month planning period. A map adopted pursuant*
34 *to this section shall be the sole basis for determining whether tracts of land are eligible for destination*
35 *resort siting pursuant to ORS 197.435 to 197.467.*]

36 “**(a) Within 24 air miles of an urban growth boundary with a population of 100,000 or**
37 **more;**

38 “**(b) On a site that is within three miles of a high value crop area;**

39 “**(c) On a site that is within an irrigation district organized under ORS chapter 545;**

40 “**(d) On a site in which the lands are predominantly classified as being in fire regime**
41 **condition class 3, unless the county prepares a community wildfire protection plan that**
42 **demonstrates the site can be developed without being at a high overall risk;**

43 “**(e) Forestlands that are not subject to an approved exception to a goal relating to ag-**
44 **ricultural lands or forestlands and that are determined by the State Forestry Department**
45 **to be predominantly Cubic Foot Site Class 1 or 2 forestlands;**

1 “(f) In the Columbia River Gorge National Scenic Area as defined by the Columbia River
2 Gorge National Scenic Area Act, P.L. 99-663; or

3 “(g) In an area of especially sensitive big game habitat.

4 “(2) As used in this section, ‘high value crop area’ means an area in which there is a
5 concentration of commercial farms capable of producing crops or products with a minimum
6 gross value of \$1,000 per acre per year.

7 “**SECTION 6.** ORS 197.460 is amended to read:

8 “197.460. A county shall [*insure*] **ensure** that a destination resort is compatible with the site and
9 adjacent land uses [*through the following measures*]. **The county shall require that:**

10 “(1) Important natural features **within the destination resort**, including habitat of threatened
11 or endangered species, streams, rivers and significant wetlands [*shall be*], **will be** retained.

12 “(2) Riparian vegetation within 100 feet of streams, rivers and significant wetlands [*shall be*]
13 **within the destination resort will be** retained. **A county may allow** alteration of important na-
14 tural features, including placement of structures [*which*] **that** maintain the overall values of the
15 feature [*may be allowed*].

16 “[(2)] (3) Improvements and activities [*shall be*] **will be** located and designed to avoid or [*mini-*
17 *mize*] **mitigate** adverse effects of the resort on uses on surrounding lands, particularly effects on
18 [*intensive*] farming operations in the area. At a minimum, measures to accomplish this shall include:

19 “(a) Establishment and maintenance of buffers between the resort and adjacent land uses, in-
20 cluding natural vegetation and where appropriate, fences, berms, landscaped areas and other similar
21 types of buffers.

22 “(b) Setbacks of structures and other improvements from adjacent land uses.

23 “(4) **A destination resort:**

24 “(a) **Avoid or mitigate direct and indirect adverse effects on state highways, county roads**
25 **and city streets.**

26 “(b) **Provide for adequate fire-fighting facilities and services.**

27 “(c) **Provide for workforce housing, on-site or off-site, for individuals working at the re-**
28 **sort.”.**

29 In line 34, delete “8” and insert “7”.

30 In line 35, delete “9” and insert “8”.

31 In line 39, delete “10” and insert “9”.

32 On page 7, delete lines 29 through 35 and insert:

33 “**SECTION 10. Section 2 of this 2009 Act, the amendments to ORS 197.440, 197.445, 197.450,**
34 **197.455, 197.460, 197.462 and 197.825 by sections 1, 3 to 6, 8 and 9 of this 2009 Act and the re-**
35 **peal of ORS 197.435 and 197.465 by section 7 of this 2009 Act apply to an application for ap-**
36 **proval of the siting of a destination resort first submitted under ORS 215.427 (3) on or after**
37 **the effective date of this 2009 Act.”.**