

**Enrolled**  
**House Bill 3298**

Sponsored by Representatives CLEM, CANNON; Representatives BAILEY, C EDWARDS, GARRETT, READ, J SMITH (at the request of Oregon Farm Bureau, Oregon Association of Nurseries)

CHAPTER .....

AN ACT

Relating to land reserves; and declaring an emergency.

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

**SECTION 1. (1) As used in this section, “Metolius Area of Critical State Concern” means the areas identified as Area 1 and Area 2 in the management plan recommended by the Land Conservation and Development Commission.**

**(2) Pursuant to ORS 197.405 (4), the Legislative Assembly hereby approves the recommendation of the commission, submitted to the Legislative Assembly on April 2, 2009, that the Metolius Area of Critical State Concern be designated an area of critical state concern.**

**(3) The Legislative Assembly approves the management plan included in the commission’s recommendation pursuant to ORS 197.405 (1)(c) and directs the commission to adopt the management plan, by rule, without change except that:**

**(a) The management plan must require:**

**(A) The commission to give notice of proposed amendments to the management plan to the governing bodies of Jefferson County and of the Confederated Tribes of the Warm Springs Indian Reservation; and**

**(B) If either governing body files a written objection to the proposed amendments, the commission to adopt the proposed amendments only if the commission finds by clear and convincing evidence that the proposed amendments meet the requirements of subsection (5) of this section.**

**(b) The management plan must limit development of a small-scale recreation community within township 13 south, range 10 east, sections 20, 21, 28 and 29 in Jefferson County so that all units must be sited within up to 25 clusters that may be connected only by a road system. The commission may not enforce, and shall modify, a contrary provision in the management plan.**

**(c) Descriptions in the management plan of annual average water use must refer to annual average consumptive water use. The commission may not enforce, and shall modify, a contrary provision in the management plan.**

**(4) Except as otherwise provided in this section, the commission may amend the management plan only as provided in the management plan and only pursuant to applicable rulemaking procedures.**

**(5) In addition to limitations on development that are contained in the management plan, new development allowed by amendment of the management plan, except development al-**

lowed by the administrative amendments required by subsection (3) of this section, may not result in:

- (a) Negative impact on the Metolius River, its springs or its tributaries;
- (b) Negative impact on fish resources in the Metolius Area of Critical State Concern; or
- (c) Negative impact on the wildlife resources in the Metolius Area of Critical State Concern.

(6) A county may not approve siting a destination resort in the Metolius Area of Critical State Concern.

**SECTION 2.** This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on its passage.

Passed by House May 8, 2009

Received by Governor:

Repassed by House June 22, 2009

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Approved:

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Chief Clerk of House

.....M,....., 2009

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Speaker of House

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Governor

Passed by Senate June 12, 2009

Filed in Office of Secretary of State:

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President of Senate

.....M,....., 2009

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Secretary of State