

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 3298

By COMMITTEE ON RULES

June 10

1 On page 1 of the printed A-engrossed bill, line 2, after “reserves;” delete the rest of the line and
2 insert “and declaring an emergency.”.

3 Delete lines 4 through 25 and delete pages 2 and 3 and insert:

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

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

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

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

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

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

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

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

29 **“(4) Except as otherwise provided in this section, the commission may amend the man-**
30 **agement plan only as provided in the management plan and only pursuant to applicable**
31 **rulemaking procedures.**

32 **“(5) In addition to limitations on development that are contained in the management**
33 **plan, new development allowed by amendment of the management plan, except development**
34 **allowed by the administrative amendments required by subsection (3) of this section, may**
35 **not result in:**

1 “(a) Negative impact on the Metolius River, its springs or its tributaries;
2 “(b) Negative impact on fish resources in the Metolius Area of Critical State Concern;
3 or
4 “(c) Negative impact on the wildlife resources in the Metolius Area of Critical State
5 Concern.
6 “(6) A county may not approve siting a destination resort in the Metolius Area of Critical
7 State Concern.
8 “SECTION 2. This 2009 Act being necessary for the immediate preservation of the public
9 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect
10 on its passage.”
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