

# Senate Bill 741

Sponsored by COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Declares Metolius River Basin and area of influence to be area of critical state concern. Directs Department of Land Conservation and Development to review land in area and recommend management plan. Restricts siting of destination resort in Metolius River Basin.

## A BILL FOR AN ACT

1  
2 Relating to protection of Metolius River Basin.

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

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Area of influence" means land within three miles of the boundaries of the Metolius**  
6 **River Basin except land:**

7 (A) **East of the Deschutes River.**

8 (B) **Owned by the Confederated Tribes of the Warm Springs Indian Reservation.**

9 (C) **Owned by the federal government.**

10 (b) **"Metolius River Basin" means the area of land drained by the Metolius River and its**  
11 **tributaries.**

12 (c) **"Local government" has the meaning given that term in ORS 197.015.**

13 (d) **"Special district" has the meaning given that term in ORS 197.015.**

14 (2) **The Legislative Assembly declares that the Metolius River Basin and the area of in-**  
15 **fluence on the basin constitutes an area of critical state concern.**

16 (3) **The Department of Land Conservation and Development shall review the lands in the**  
17 **Metolius River Basin and the area of influence that are subject to the declaration in sub-**  
18 **section (2) of this 2009 Act and, based on the review, the Land Conservation and Development**  
19 **Commission shall:**

20 (a) **Determine, in cooperation with the Water Resources Department and local govern-**  
21 **ments and special districts with jurisdiction over the land area in the Metolius River Basin**  
22 **and the area of influence, and describe the precise boundaries of the basin and the area of**  
23 **influence;**

24 (b) **Summarize the local, state and federal:**

25 (A) **Programs that apply to the basin and the area of influence; and**

26 (B) **Policies and measures that apply to the identified natural and open space values of**  
27 **the basin and the area of influence;**

28 (c) **Evaluate whether the applicable acknowledged comprehensive plans preserve the na-**  
29 **tural and open space values of the basin and the area of influence; and**

30 (d) **Recommend a management plan for the basin and the area of influence that:**

31 (A) **Designates permissible use standards for all or part of the lands within the area; or**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1       **(B) Establishes standards for issuance or denial of designated state or local permits**  
2 **regulating specified uses of lands in the area; and**

3       **(C) Ensures that new development will not:**

4       **(i) Result in a reduction of in-stream flows in the Metolius River; or**

5       **(ii) Have an adverse effect on fish and wildlife resources in the basin and the area of in-**  
6 **fluence.**

7       **(4) In performing the actions required by this section, the department shall consult with**  
8 **other appropriate entities including, but not limited to, members of the public, affected state**  
9 **agencies, local governments, special districts and agencies of the federal government.**

10       **(5) The commission shall make the determinations and recommendations required by**  
11 **subsection (3) of this section in a report to the appropriate legislative committee not later**  
12 **than January 31, 2011.**

13       **SECTION 2. Notwithstanding the map of lands eligible for destination resort siting**  
14 **adopted pursuant to ORS 197.455 (2) by Jefferson County on or after September 1, 2006, a**  
15 **county may not approve siting a destination resort in the Metolius River Basin or the area**  
16 **of influence of the basin, as those terms are defined in section 1 of this 2009 Act.**