

Enrolled
House Bill 3572

Sponsored by Representatives CLEM, CANNON; Representative WHISNANT, Senator BATES (at the request of Jim Kean)

CHAPTER

AN ACT

Relating to small-scale recreation communities; amending section 3, chapter 636, Oregon Laws 2009.

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

SECTION 1. Section 3, chapter 636, Oregon Laws 2009, as amended by section 1, chapter 888, Oregon Laws 2009, is amended to read:

Sec. 3. (1) Notwithstanding ORS 215.700 to 215.780, one or two small-scale recreation communities may be established as specified in sections 2 to 5, chapter 636, Oregon Laws 2009.

(2) If, within one year after [*the effective date of chapter 636, Oregon Laws 2009*] **June 29, 2009**, the owner of a Metolius resort site notifies the Department of Land Conservation and Development that it has elected to seek approval of a small-scale recreation community, the owner may, within [*three*] **six** years after [*the effective date of chapter 636, Oregon Laws 2009*] **June 29, 2009**, apply to a county for approval of a small-scale recreation community.

(3) A small-scale recreation community authorized under sections 2 to 5, chapter 636, Oregon Laws 2009, may be established only in conjunction with a transfer of development opportunity from a Metolius resort site. A transfer of development opportunity must be carried out through an agreement between the owner of a Metolius resort site and the owner of the site proposed for development of a small-scale recreation community. In the agreement, the owner of the Metolius resort site must:

(a) Agree to limit the use of the Metolius resort site, consistent with the management plan in consideration for the opportunity to participate in the development of the small-scale recreation community; and

(b) Agree to grant a conservation easement pursuant to ORS 271.715 to 271.795 that:

(A) Limits the use of the Metolius resort site to be consistent with the management plan;

(B) Allows public access to that portion of the site that is not developed; and

(C) Contains other provisions, as required by the Department of Land Conservation and Development, that are necessary to ensure that the conservation easement is enforceable.

(4) A small-scale recreation community authorized under sections 2 to 5, chapter 636, Oregon Laws 2009, must be sited on land that is within a county that has, **on June 29, 2009**, a seasonally adjusted average annual unemployment rate over the preceding 10 calendar years that is more than 110 percent of the unemployment rate for the entire state over the same period, as reported by the Employment Department and that is either:

(a) Planned and zoned for forest use; or

(b) Rural and not subject to statewide land use planning goals relating to agricultural lands or forestlands.

(5) A small-scale recreation community authorized under sections 2 to 5, chapter 636, Oregon Laws 2009, may not be sited on land that is:

- (a) Within an area identified as "Area 1" or "Area 2" in the management plan.
- (b) Within an area described in ORS 197.455 in which destination resorts may not be sited.
- (c) Within an area protected by or inventoried as a significant resource in an acknowledged comprehensive plan provision implementing statewide land use planning goals relating to:
 - (A) Open space, scenic and historic areas and natural resources;
 - (B) Estuarine resources;
 - (C) Coastal shorelands; or
 - (D) Beaches and dunes.
- (d) Within an area identified as subject to a natural hazard by an acknowledged comprehensive plan provision implementing a statewide land use planning goal relating to protection from natural hazards.

Passed by House April 11, 2011

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Passed by Senate May 26, 2011

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2011

Approved:

.....M,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2011

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Kate Brown, Secretary of State