

**Enrolled**  
**House Bill 3431**

Sponsored by Representatives CLEM, HUFFMAN

CHAPTER .....

AN ACT

Relating to transferable development opportunities; amending section 3, chapter 636, Oregon Laws 2009; and declaring an emergency.

**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, and section 1, chapter 404, Oregon Laws 2011, 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 June 29, 2009]* **prior to June 29, 2010**, the owner of a Metolius resort site *[notifies]* **notified** the Department of Land Conservation and Development that it *[has]* **had** elected to seek approval of a small-scale recreation community, the owner may, within *[six years after June 29, 2009]* **three years after the effective date of this 2015 Act**, 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) 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]* **described in paragraph (b) of this subsection** and that is either:

*[(a)]* (A) Planned and zoned for forest use; or

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

**(b) A small-scale recreation community may be established in:**

- (A) Morrow County;**
- (B) Sherman County;**
- (C) Umatilla County;**
- (D) Clatsop County;**
- (E) Wheeler County; or**

**(F) 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.**

(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.

**(6)(a) All land on which a small-scale recreation community authorized under sections 2 to 5, chapter 636, Oregon Laws 2009, is sited must be at least one-quarter mile from the nearest state park.**

**(b) Any buildings or other improvements developed within the boundaries of land on which a small-scale recreation community authorized under sections 2 to 5, chapter 636, Oregon Laws 2009, is sited must be located at least one mile from the nearest state park.**

**SECTION 2. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.**

**Passed by House July 2, 2015**

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate July 3, 2015**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2015

**Approved:**

.....M,....., 2015

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2015

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Jeanne P. Atkins, Secretary of State