

B-Engrossed
House Bill 3431

Ordered by the House July 2
Including House Amendments dated June 17 and July 2

Sponsored by Representatives CLEM, HUFFMAN

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.

Permits owner of Metolius resort site that notified Department of Land Conservation and Development prior to June 29, 2010, that owner has elected to seek approval of small-scale recreation community to apply to county for approval of small-scale recreation community within five years of effective date of Act.

Modifies acceptable locations of small-scale recreation community.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to transferable development opportunities; amending section 3, chapter 636, Oregon Laws
3 2009; and declaring an emergency.

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

5 **SECTION 1.** Section 3, chapter 636, Oregon Laws 2009, as amended by section 1, chapter 888,
6 Oregon Laws 2009, and section 1, chapter 404, Oregon Laws 2011, is amended to read:

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

9 (2) If, [*within one year after June 29, 2009*] **prior to June 29, 2010**, the owner of a Metolius re-
10 sort site [*notifies*] **notified** the Department of Land Conservation and Development that it [*has*] **had**
11 elected to seek approval of a small-scale recreation community, the owner may, within [*six years*
12 *after June 29, 2009*] **three years after the effective date of this 2015 Act**, apply to a county for
13 approval of a small-scale recreation community.

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

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

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

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

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

26 (C) Contains other provisions, as required by the Department of Land Conservation and Devel-

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 opment, that are necessary to ensure that the conservation easement is enforceable.

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

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

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

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

11 **(A) Morrow County;**

12 **(B) Sherman County;**

13 **(C) Umatilla County;**

14 **(D) Clatsop County;**

15 **(E) Wheeler County; or**

16 **(F) A county that has, on June 29, 2009, a seasonally adjusted average annual unemploy-**
17 **ment rate over the preceding 10 calendar years that is more than 110 percent of the unem-**
18 **ployment rate for the entire state over the same period, as reported by the Employment**
19 **Department.**

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

22 (a) Within an area identified as “Area 1” or “Area 2” in the management plan.

23 (b) Within an area described in ORS 197.455 in which destination resorts may not be sited.

24 (c) Within an area protected by or inventoried as a significant resource in an acknowledged
25 comprehensive plan provision implementing statewide land use planning goals relating to:

26 (A) Open space, scenic and historic areas and natural resources;

27 (B) Estuarine resources;

28 (C) Coastal shorelands; or

29 (D) Beaches and dunes.

30 (d) Within an area identified as subject to a natural hazard by an acknowledged comprehensive
31 plan provision implementing a statewide land use planning goal relating to protection from natural
32 hazards.

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

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

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

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