

**PROPOSED AMENDMENTS TO
HOUSE BILL 3431**

1 On page 1 of the printed bill, line 2, delete “sections 2, 3 and 4” and insert
2 “section 3”.

3 In line 3, before the period insert “; and declaring an emergency”.

4 Delete lines 5 through 30 and delete pages 2 through 4 and insert:

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

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

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

17 **“(3)** A small-scale recreation community authorized under sections 2 to
18 5, chapter 636, Oregon Laws 2009, may be established only in conjunction
19 with a transfer of development opportunity from a Metolius resort site. A
20 transfer of development opportunity must be carried out through an agree-
21 ment between the owner of a Metolius resort site and the owner of the site
22 proposed for development of a small-scale recreation community. In the

1 agreement, the owner of the Metolius resort site must:

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

5 “(b) Agree to grant a conservation easement pursuant to ORS 271.715 to
6 271.795 that:

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

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

11 “(C) Contains other provisions, as required by the Department of Land
12 Conservation and Development, that are necessary to ensure that the con-
13 servation easement is enforceable.

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

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

22 “[*b*] (B) Rural and not subject to statewide land use planning goals re-
23 lating to agricultural lands or forestlands.

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

25 “(A) **Clatsop County; or**

26 “(B) **A county that has, on June 29, 2009, a seasonally adjusted av-**
27 **erage annual unemployment rate over the preceding 10 calendar years**
28 **that is more than 110 percent of the unemployment rate for the entire**
29 **state over the same period, as reported by the Employment Depart-**
30 **ment.**

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

3 “(a) Within an area identified as ‘Area 1’ or ‘Area 2’ in the management
4 plan.

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

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

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

11 “(B) Estuarine resources;

12 “(C) Coastal shorelands; or

13 “(D) Beaches and dunes.

14 “(d) Within an area identified as subject to a natural hazard by an ac-
15 knowledged comprehensive plan provision implementing a statewide land use
16 planning goal relating to protection from natural hazards.

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

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

24 **SECTION 2. This 2015 Act being necessary for the immediate pres-
25 ervation of the public peace, health and safety, an emergency is de-
26 clared to exist, and this 2015 Act takes effect on its passage.”.**

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