

## HB 2031 -A3, -A4 STAFF MEASURE SUMMARY

### Senate Committee On Environment and Natural Resources

---

**Prepared By:** Beth Patrino, LPRO Analyst

**Meeting Dates:** 5/15

---

#### WHAT THE MEASURE DOES:

Extends time that owners of Metolius resort site may seek approval of small-scale recreation community and sets requirements for application. Clarifies area in which such resort may be sited.

*Fiscal statement issued, no revenue impact*

*House Vote: Passed. Ayes, 52; Nays, 4--Barnhart, Holvey, Nathanson, Rayfield; Excused, 1--McKeown; Excused for Business of the House, 3--Lininger, McLane, Sollman*

#### ISSUES DISCUSSED:

#### EFFECT OF AMENDMENT:

-A3 Allows county governing body to authorize planning commission or hearings officer to conduct hearings and make decisions on plan amendment application applying to lands designated under statewide planning goal addressing agricultural lands if the county is acting on remand of the decision for the Land Use Board of Appeals (LUBA). Establishes that appeal of decision by planning commission or hearings officer is to LUBA. Applies to decisions made by the county after remand on or before the effective date of Act. Declares emergency, effective upon passage.

-A4 Changes time allowed for resort site owner to apply to county for approval of small-scale recreation community from five to three years after effective date of Act. Authorizes establishment of small-scale recreation community in additional counties. Removes provision allowing establishment in a county based on unemployment rate.

#### BACKGROUND:

The Metolius River Basin is located primarily in Jefferson County, with a small portion in Deschutes County. In 2009, the Legislative Assembly adopted House Bill 3298 which designated a portion of the Metolius River Basin as an area of critical state concern, prohibiting the siting of a destination resort in that area. The measure also described the location and set parameters for a small-scale recreational community and ensured that any new development allowed by plan amendment could not result in negative impacts to the Metolius River or fish and wildlife resources.

In 2009, the Legislative Assembly also adopted House Bill 2228 which allowed for the establishment of one or two small-scale recreational communities in conjunction with a transfer of development opportunity from a Metolius resort site. House Bill 3313 (2009) extended the time limit for the owner of a Metolius resort site to notify the Department of Land Conservation and Development (DLCD) of election to seek approval for a small-scale recreation community from 90 days to one year and extended the time limit from two to three years for applying to a county for similar approval.

## HB 2031 -A3, -A4 STAFF MEASURE SUMMARY

In 2011, the Legislative Assembly extended from three to six years the time limit for applying to a county for approval of a small-scale recreation community. In 2015, House Bill 3431 extended the time limit an additional three years.

House Bill 2031A would extend the amount of time that a Metolius resort site owner may seek the approval of a small-scale recreation community to within five years of the effective date of the Act if the owner notified DLCD prior to June 30, 2010 of their election to seek such approval and they renew the election within 30 days of the effective date of the Act. The measure would also modify the area in which such a resort may not be sited.