

**HB 2031 A -A3, -A5, -A6, -A8 STAFF MEASURE SUMMARY**

**Senate Committee On Environment and Natural Resources**

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

**Meeting Dates:** 5/15, 5/24

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**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.

-A5 Directs that rules adopted by Land Conservation and Development Commission (LCDC) require a city east of the Cascade Mountains, when evaluating the priority of land for inclusion in its urban growth boundary, to select as much land as necessary to satisfy the need for land from land that is designated as agricultural land in county comprehensive plan, is on a tract of land 320 acres or less, has not been in active commercial farm use in the previous 10 years, and consists predominantly of specified soil and slope. Directs LCDC to adopt by goal or rule a process and criteria for designating urban reserves, including provision requiring a local government located east of the Cascade Mountains to select as a first priority land in study area established by the city that is designated as agricultural land in county comprehensive plan, is on a tract of land 320 acres or less, has not been in active commercial farm use in the previous 10 years, and consists predominantly of specified soil and slope.

-A6 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. Removes list of five counties where small-scale recreation community may be established and provision allowing establishment in additional counties based on unemployment rate and replaces with list of 21 counties where small-scale recreation community may be established Declares emergency, effective upon passage.

-A8 Direct weed inspector to notify county court if land owner or occupant fails or refuses to immediately destroy or cut noxious weeds in accordance with ORS 569.360 to 569.495. Directs county court to take steps to enforce laws.

**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.

This Summary has not been adopted or officially endorsed by action of the committee.

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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.

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.