

HB 2031 B STAFF MEASURE SUMMARY

Carrier: Sen. Olsen

Senate Committee On Environment and Natural Resources

Action Date: 05/31/17

Action: Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

Vote: 5-0-0-0

Yeas: 5 - Baertschiger Jr, Dembrow, Olsen, Prozanski, Roblan

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: Beth Patrino, LPRO Analyst

WHAT THE MEASURE DOES:

Extends time that owner of Metolius resort site may apply to county for approval of small-scale recreation community and sets requirements for application. Modifies list of areas where such resort may not be sited. 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.

Directs weed inspector to notify county court if landowner 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.

Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- History of Metolius resort site legislation
- Opportunity for application for new resort site
- Updating noxious weed statute to reflect current practice

EFFECT OF AMENDMENT:

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.

Directs weed inspector to notify county court if landowner 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.

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BACKGROUND:

The Metolius River Basin is located primarily in Jefferson County, with a small portion in Deschutes County. In 2009, the Legislative Assembly adopted three measures related to the Metolius River Basin. House Bill 3298 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 described the location and set parameters for a small-scale recreational community and directed that any new development allowed by plan amendment not result in negative impacts to the Metolius River or fish and wildlife resources. House Bill 2228 allowed 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 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 and 2015, the Legislative Assembly extended the time limit for an owner to apply to a county for approval of a small-scale

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recreation community.

House Bill 2031B would extend the amount of time that a Metolius resort site owner may seek the approval of a small-scale recreation community to within three 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. House Bill 2031B would also direct a weed inspector to notify the county court if a landowner or occupant fails or refuses to immediately destroy or cut noxious weeds in accordance with ORS 569.360 to 569.495.