

**A-Engrossed
House Bill 2031**

Ordered by the House April 21
Including House Amendments dated April 21

Sponsored by Representative CLEM (Pre-session filed.)

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.

[Allows owner of land to receive liquidated damages in amount not to exceed \$1,000 in action in which owner establishes that owner closed land to specific activities and defendant entered upon land and engaged in prohibited activities without permission of owner.]

Permits owner of Metolius resort site to apply to county for approval of small-scale recreation community within five years if owner meets certain requirements.

Modifies areas on which small-scale recreation community may not be sited.

A BILL FOR AN ACT

1
2 Relating to use of land; amending section 3, chapter 636, Oregon Laws 2009.

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

4 **SECTION 1.** Section 3, chapter 636, Oregon Laws 2009, as amended by section 1, chapter 888,
5 Oregon Laws 2009, section 1, chapter 404, Oregon Laws 2011, and section 1, chapter 748, Oregon
6 Laws 2015, 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, prior to June 29, 2010, the owner of a Metolius resort site notified the Department of Land
10 Conservation and Development that it had elected to seek approval of a small-scale recreation commu-
11 nity, the owner may, within three years after the effective date of this 2015 Act, apply to a county for
12 approval of a small-scale recreation community.]*

13 **(2) The owner of a Metolius resort site may apply to a county for approval of a small-
14 scale recreation community within five years after the effective date of this 2017 Act if:**

15 **(a) Prior to June 29, 2010, the owner notified the Department of Land Conservation and
16 Development that the owner elected to seek approval of a small-scale recreation community;
17 and**

18 **(b) The owner renews the election described in paragraph (a) of this subsection within
19 30 days after the effective date of this 2017 Act.**

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

26 (a) Agree to limit the use of the Metolius resort site, consistent with the management plan in

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 consideration for the opportunity to participate in the development of the small-scale recreation
2 community; and

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

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

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

6 (C) Contains other provisions, as required by the Department of Land Conservation and Devel-
7 opment, that are necessary to ensure that the conservation easement is enforceable.

8 (4)(a) A small-scale recreation community authorized under sections 2 to 5, chapter 636, Oregon
9 Laws 2009, must be sited on land that is within a county described in paragraph (b) of this sub-
10 section and that is either:

11 (A) Planned and zoned for forest use; or

12 (B) Rural and not subject to statewide land use planning goals relating to agricultural lands or
13 forestlands.

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

15 (A) Morrow County;

16 (B) Sherman County;

17 (C) Umatilla County;

18 (D) Clatsop County;

19 (E) Wheeler County; or

20 (F) A county that has, on June 29, 2009, a seasonally adjusted average annual unemployment
21 rate over the preceding 10 calendar years that is more than 110 percent of the unemployment rate
22 for the entire state over the same period, as reported by the Employment Department.

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

25 (a) Within an area identified as "Area 1" or "Area 2" in the management plan.

26 *[(b) Within an area described in ORS 197.455 in which destination resorts may not be sited.]*

27 *[(c)]* (b) Within an area protected *[by or inventoried]* as a significant resource in an acknowl-
28 edged comprehensive plan provision implementing statewide land use planning goals relating to:

29 (A) Open space~~[,]~~ **and** scenic and historic areas *[and natural resources]*;

30 (B) Estuarine resources; **or**

31 *[(C) Coastal shorelands; or]*

32 *[(D)]* (C) Beaches and dunes.

33 *[(d) Within an area identified as subject to a natural hazard by an acknowledged comprehensive*
34 *plan provision implementing a statewide land use planning goal relating to protection from natural*
35 *hazards.]*

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

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

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