

Requested by Representative CLEM

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2031**

1 On page 1 of the printed bill, line 2, after “land” delete the rest of the line  
2 and insert “; amending section 3, chapter 636, Oregon Laws 2009.”.

3 Delete lines 4 through 31 and delete page 2 and insert:

4 **“SECTION 1.** Section 3, chapter 636, Oregon Laws 2009, as amended by  
5 section 1, chapter 888, Oregon Laws 2009, section 1, chapter 404, Oregon  
6 Laws 2011, and section 1, chapter 748, Oregon Laws 2015, is amended to read:

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

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

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

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

21 **“(b) The owner renews the election described in paragraph (a) of**

1 **this subsection within 30 days after the effective date of this 2017 Act.**

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

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

12 “(b) Agree to grant a conservation easement pursuant to ORS 271.715 to  
13 271.795 that:

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

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

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

21 “(4)(a) A small-scale recreation community authorized under sections 2 to  
22 5, chapter 636, Oregon Laws 2009, must be sited on land that is within a  
23 county described in paragraph (b) of this subsection and that is either:

24 “(A) Planned and zoned for forest use; or

25 “(B) Rural and not subject to statewide land use planning goals relating  
26 to agricultural lands or forestlands.

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

28 “(A) Morrow County;

29 “(B) Sherman County;

30 “(C) Umatilla County;

1 “(D) Clatsop County;

2 “(E) Wheeler County; or

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

7 “(5) A small-scale recreation community authorized under sections 2 to  
8 5, chapter 636, Oregon Laws 2009, may not be sited on land that is:

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

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

13 “[*(c)*] **(b)** Within an area protected [*by or inventoried*] as a significant re-  
14 source in an acknowledged comprehensive plan provision implementing  
15 statewide land use planning goals relating to:

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

17 “(B) Estuarine resources; **or**

18 “[*(C) Coastal shorelands; or*]

19 “[*(D)*] **(C)** Beaches and dunes.

20 “[*(d) Within an area identified as subject to a natural hazard by an ac-*  
21 *knowledged comprehensive plan provision implementing a statewide land use*  
22 *planning goal relating to protection from natural hazards.*]

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

26 “(b) Any buildings or other improvements developed within the bounda-  
27 ries of land on which a small-scale recreation community authorized under  
28 sections 2 to 5, chapter 636, Oregon Laws 2009, is sited must be located at  
29 least one mile from the nearest state park.”.

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