

HB 4031 A STAFF MEASURE SUMMARY
House Committee On Agriculture and Natural Resources

Carrier: Rep. Clem

Action Date: 02/13/18

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 9-0-0-0

Yeas: 9 - Barreto, Clem, Esquivel, McKeown, McLain, Salinas, Smith DB, Sprenger, Witt

Fiscal: No fiscal impact

Revenue: Has minimal revenue impact

Prepared By: Laura Kentnesse, LPRO Analyst

WHAT THE MEASURE DOES:

Allows small-scale recreation communities established in conjunction with a transfer of development opportunity (TDO) to be sited on land that is both planned and zoned for forest use, and rural use and not subject to statewide land use planning goals relating to agricultural lands or forestlands. Clarifies that TDOs are prohibited from being sited in natural or conservation estuaries. Clarifies that county approval of a TDO application that also requires a federal license or permit shall constitute an acknowledged exception to a statewide land use planning goal with which the use would not otherwise comply. Requires a small-scale recreation community applicant demonstrate to the county that adequate streets, utilities, and services are available or will be made available prior to occupancy. Reduces the required minimum distance from 100 miles to 78 air miles between the urban growth boundary of a large city and the urban growth boundary of a city selected by the Land Conservation and Development Commission (Commission) economic development pilot program (Pilot Program). Requires the Commission to select a Pilot Program city that is located in a county with at least seven percent unemployment over the preceding five-year period. Corrects an erroneous cross-reference in statute. Extends sunset for statutes authorizing the establishment of guest ranches in eastern Oregon until April 15, 2020. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Review of Metolius legislation
- History of transfer of development opportunities in Oregon
- Description of Oregon guest ranches, and impact of guest ranch statute sunset
- Madras airport technical fixes from 2017 legislation
- Federal consistency review requirements in coastal zones

EFFECT OF AMENDMENT:

Clarifies that transfer of development opportunities (TDO) are prohibited from being sited in natural or conservation estuaries. Clarifies that county approval of a TDO application that also requires a federal license or permit, shall constitute an acknowledged exception to a statewide land use planning goal with which the use would not otherwise comply. Requires the Land Conservation and Development Commission to select an economic development pilot program city that is located in a county with at least seven percent unemployment over the preceding five-year period. Extends sunset for statutes authorizing the establishment of guest ranches in eastern Oregon until April 15, 2020.

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

HB 4031 A STAFF MEASURE SUMMARY

opportunity (TDO) from a Metolius resort site. Legislative initiatives in 2009, 2011, 2015, and 2017 have extended the time limit by which the owner of a Metolius resort site must notify the Department of Land Conservation and Development (DLCD) of the intent to seek approval for a small-scale recreation community. In 2017, a Metolius resort site owner began exploring the Bradwood Landing Site in Clatsop County as a potential TDO site. House Bill 4031 A would allow small-scale recreation communities established in conjunction with a TDO to be sited on land that is zoned for both forestlands and exception lands; allow siting in development estuaries and prohibit siting in natural or conservation estuaries; and clarifies that county approval of a TDO application that also requires a federal license or permit, shall constitute an acknowledged exception to a statewide land use planning goal with which the use would not otherwise comply.

The guest ranch statute extension is a separate provision, unrelated to Metolius TDO resort siting. In 1997, the Oregon Legislature authorized the establishment of guest ranches in exclusive farm use zones as a way to both provide the public an opportunity for a ranch stay experience and to allow ranchers to generate a supplementary means of income. Over the years, the guest ranch statutes were revised and reauthorized, and they recently sunset on January 2, 2018. The statutes authorized guest ranches to be established in areas of eastern Oregon that are zoned for exclusive farm use, subject to state and county approval or siting standards. They required guest ranches to be located on land that is at least 160 acres and contains the dwelling of the individual conducting the livestock operation, and to contain four to ten overnight lodging units. They prohibited guest ranch establishment on high-value farmland or certain federally designated areas of protection, or in conjunction with a campground or golf course. House Bill 4031 A would reauthorize the establishment of guest ranches through April 15, 2020.