

## HB 4012 A -A8 STAFF MEASURE SUMMARY

### Senate Committee On Environment and Natural Resources

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

**Meeting Dates:** 2/25

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#### WHAT THE MEASURE DOES:

Defines key terms. Authorizes the Department of Land Conservation and Development (DLCD) to approve Stevens Road planning amendments submitted by the City of Bend on or before January 2026. Stipulates that actions taken by the City of Bend or DLCD are not land use decisions, not considered rulemaking, and are a final action that is not subject to appeal. Defines development opportunity as the unused right to establish a small-scale recreation community. Authorizes the holder of a development opportunity to convey the opportunity to another person by written contract. Stipulates that if the holder of the development opportunity or owner of the Metolius resort site applies to a county for the approval of a small-scale recreation community on or before June 29, 2020 the opportunities in Act are voided. Authorizes the Department of State Lands (DSL) to use money in the Common School Fund to purchase a development opportunity. Prohibits DLCD from approving Stevens Road planning amendments unless the City of Bend demonstrates that: on or before June 29, 2020, the holder of the development opportunity has submitted letter to DSL and the City of Bend expressing its interest in selling the holder's development opportunity to DSL; on or before July 31, 2020 DSL submits a letter to the interested holder and the City of Bend expressing its interest in purchasing the development opportunity; and on or before the first submission of any Stevens Road planning amendments to DLCD, DSL is the holder of the development opportunity. Prohibits DLCD from approving Stevens Road planning amendments until it has first approved the City of Bend's conceptual plan. Authorizes the City of Bend to approve a conceptual plan and submit to DLCD no later than January 31, 2021. Authorizes DLCD to approve the conceptual plan provided they are able to determine certain factors. Notwithstanding any statewide land use planning goal related to housing or urbanization, directs DLCD to approve an amendment to the urban growth boundary submitted by the City of Bend if it determines certain factors. Authorizes DLCD to approve Stevens Road planning amendments if it determines certain factors. Authorizes DLCD to approve or remand in whole or in part any Stevens Road planning amendment based on a determination notwithstanding statewide land use planning goals that the City of Bend has met certain standards. Sunsets Act January 2, 2027. Declares an emergency, effective on passage.

*No subsequent referral*

*Minimal fiscal impact*

*No revenue impact*

*House vote: Passed. Ayes, 48; Nays, 8; Excused, 2; EBOH, 2*

#### ISSUES DISCUSSED:

#### EFFECT OF AMENDMENT:

-A8 Defines key terms. Prohibits Department of Land Conservation and Development (DLCD) from approving an urban growth boundary amendment or Stevens Road planning amendments under the Act unless: on or before June 29, 2020, the holder of the development opportunity has submitted letter of nonbinding interest to the owner of the Stevens Road tract and the city of Bend expressing its interest in selling the holder's development opportunity to the owner of the Stevens Road tract; on or before July 31, 2020 the owner of the Stevens Road tract submits a letter of nonbinding interest to the holder of the development opportunity and the city of Bend expressing its interest in purchasing the development opportunity; and at the time of approval the owner of the

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

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Stevens Road tract is the holder of the development opportunity. Establishes public participation process required to happen prior to the city of Bend consideration of a conceptual plan. Authorizes DLCD to approve conceptual plan if it meets certain requirements and was submitted on or before March 31, 2021. Requires that DLCD approve or remand the conceptual plan within 90 days. Stipulates that if the city of Bend receives a notice of remand it has 120 days to approve and submit amended conceptual plan. Notwithstanding any statewide land use planning goal related to housing or urbanization, DLCD shall approve an amendment to the urban growth boundary (UGB) submitted by the City of Bend if it determines certain factors. Stipulates lands added to the UGB under Act may not be included within an adopted inventory of buildable lands before the earlier of January 1, 2026 or the date the land is no longer owned by DSL. Requires DLCD to approve or Stevens Road planning amendments within 180 days submitted by the City of Bend if it determines certain factors. Authorizes the city of Bend, within 180 days of a remand, to resubmit Stevens Road planning amendments. Establishes process for city of Bend to approve by ordinance Stevens Road planning amendments. Authorizes DLCD to approve or remand in whole or in part any Stevens Road planning amendment based on a determination, notwithstanding statewide land use planning goals, that the Stevens Road Planning amendments include certain requirements. Requirements include the designation of between 12.4 and 12.6 acres so that the area may be zoned, planned, sited or developed on or before January 1, 2029 for residential housing units that meet certain income requirements. Stipulates that if the holder of the development opportunity or owner of the Metolius applies to a county for the approval of a small-scale recreation community on or before June 29, 2020 the opportunities in Act are voided. Stipulates that actions taken by the City of Bend are not subject to any review except by DLCD and actions taken by DLCD are not considered rulemaking, and are appealable directly to the Court of Appeals. Sunsets Act January 2, 2030.

### **BACKGROUND:**

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. 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 4012-A authorizes the owner of the Stevens Road tract to purchase the development opportunity from the holder of the transferrable development opportunity at the Metolius resort site and establishes a process for the development opportunity to be applied to a parcel of land known as the "Stevens Road Tract," effectively bringing the land into the City of Bend's urban growth boundary as defined by the measure.