HB 4012 A   STAFF MEASURE SUMMARY

Carrier: Rep. Helm

House Committee On Agriculture and Land Use

Action Date:	02/12/20
Action:	Do pass with amendments. (Printed A-Eng.)
Vote:	5-2-0-0
Yeas:	5 - Boshart Davis, Clem, Helm, Post, Smith DB
Nays:	2 - McLain, Williams
Fiscal:	Has minimal fiscal impact
Revenue:	No revenue impact
Prepared By:	Beth Reiley, LPRO Analyst
Meeting Dates:	2/10, 2/12

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, DLCD shall 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.

ISSUES DISCUSSED:

* Work group to further refine the Act
* Previous legislation related to the Metolius resort site considered by the legislature
* Timeline and process for bringing the Stevens Road Tract into the urban growth boundary

EFFECT OF AMENDMENT:

Replaces measure.

BACKGROUND:

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

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 Department of State Lands to purchase the development opportunity from the holder of the transferrable development opportunity at the Metolius resort site and provides and establishes a process for the development opportunity to be applied to the Stevens Road Tract, effectively bringing the land into the City of Bend's urban growth boundary as defined by the measure.