

HB 4031 -2, -3, -11, -14 STAFF MEASURE SUMMARY

House Committee On Agriculture and Natural Resources

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Meeting Dates: 2/6, 2/8, 2/13

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 and not subject to statewide land use planning goals relating to agricultural lands or forestlands. Allows county approval of application for small-scale recreation community to constitute an acknowledged exception to applicable statewide planning goal with which the use would not otherwise comply. Requires 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 required minimum distance between urban growth boundary of large city and urban growth boundary of selected city for economic development pilot program from 100 miles to 78 air miles. Corrects erroneous cross-reference in statute. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

- 2 Changes reference to statewide land use planning goals relating to estuarine resources, to statewide land use planning goals relating to natural or conservation management unit requirements for estuarine resources.
- 3 Authorizes a guest ranch to be established in an area of eastern Oregon that is zoned for exclusive farm use subject to state and county approval or siting standards. Requires guest ranch to be located on land that is at least 160 acres and contains the dwelling of the individual conducting the livestock operation. Prohibits guest ranch establishment on high-value farmland or certain federally designated areas of protection, or in conjunction with a campground or golf course. Requires guest ranch to contain four to ten overnight lodging units, and for units to not exceed 12,000 square feet of floor area. Requires counties to amend their land use regulations to conform to the requirements of the act.
- 11 Requires Land Conservation and Development Commission to select an economic development pilot program site from a city that is located in a county with at least seven percent unemployment over the preceding five-year period, rather than a county with at least eight percent unemployment over the five-year period.
- 14 Clarifies that it is for the purposes of federal consistency review that approval by a county of an application for a small-scale recreation community will be deemed to constitute an acknowledged exception to a statewide land use planning goal with which the use would not otherwise comply.

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 also described the location and set parameters for a small-scale recreational community and ensured 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 opportunity from a Metolius resort site.

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House Bill 3313 (2009) extended the time limit for the owner of a Metolius resort site to notify the Department of Land Conservation and Development of election to seek approval for a small-scale recreation community from 90 days to one year and extended the time limit from two to three years for applying to a county for similar approval. In 2011, the Legislative Assembly extended from three to six years the time limit for applying to a county for approval of a small-scale recreation community. In 2015, House Bill 3431 extended the time limit an additional three years. House Bill 2031 (2017) extended time in which owners of Metolius resort site may seek approval of small-scale recreation community and sets requirements for applications. The bill clarified the area in which such a resort may be sited.