

Metolius Basin: Proposed Area of Critical State Concern

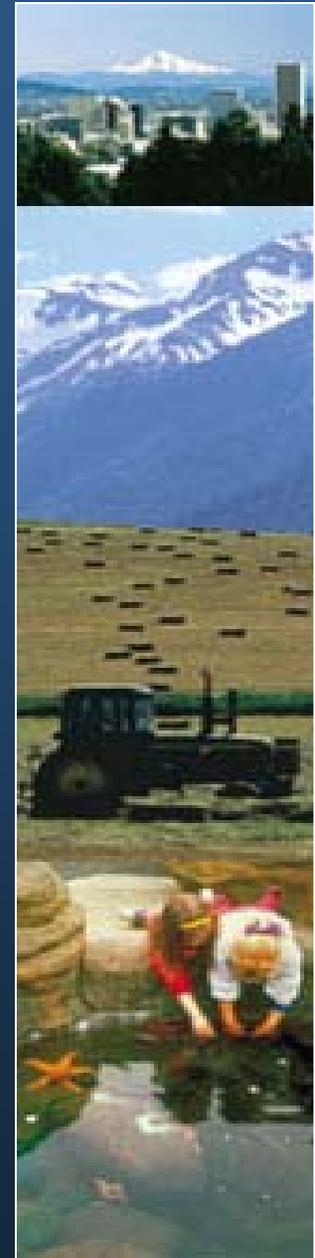
Initial Public Hearings for the Oregon Land
Conservation and Development Commission

February 2009



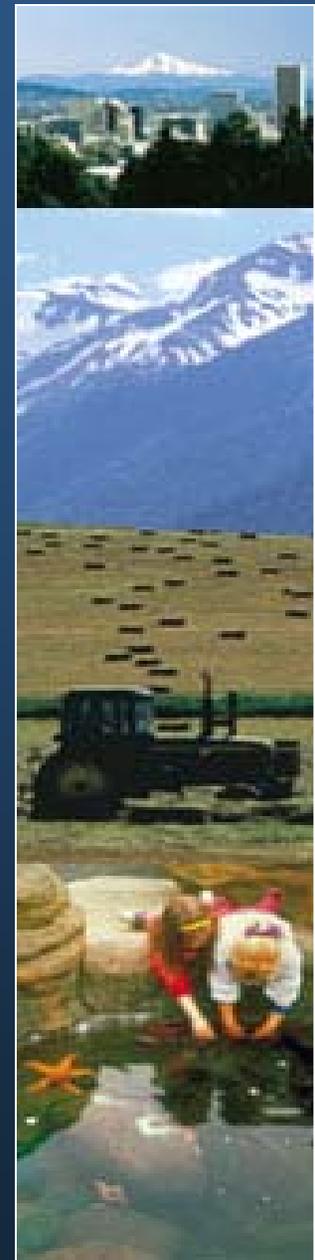
What We'll Cover:

- What is an Area of Critical State Concern (ACSC)?
- What is the process for considering an ACSC?
- What would the effect of an ACSC be?
- What key questions does the state want information on to decide whether there should be an ACSC and, if so, what form it should take?



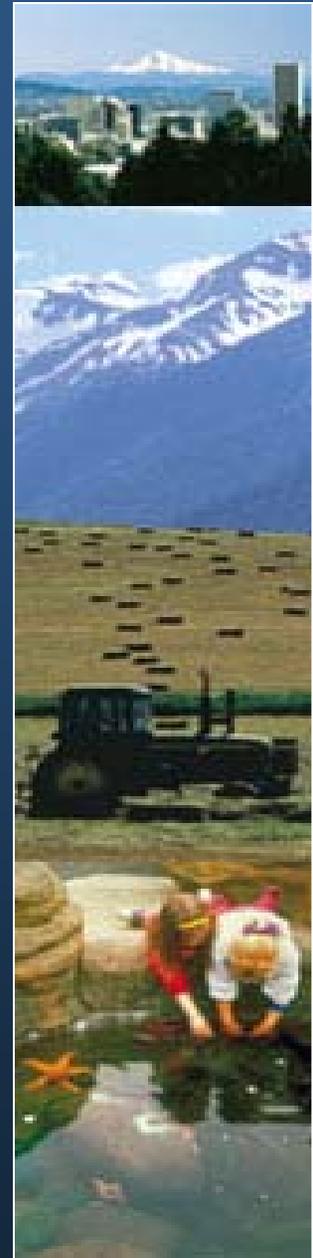
What is an Area of Critical State Concern (ACSC)?

- An area of *state* concern.
- An area with natural, cultural, or other values of importance to the state as a whole, where those important values are threatened by sources that are not controlled by existing systems (e.g., Columbia Gorge).
- Under the statute authorizing an ACSC, the ACSC and management plan must include the designation of an area to be protected, and may include new policies or other measures to accomplish that protection.
- An ACSC does not take effect unless and until approved by the legislature.



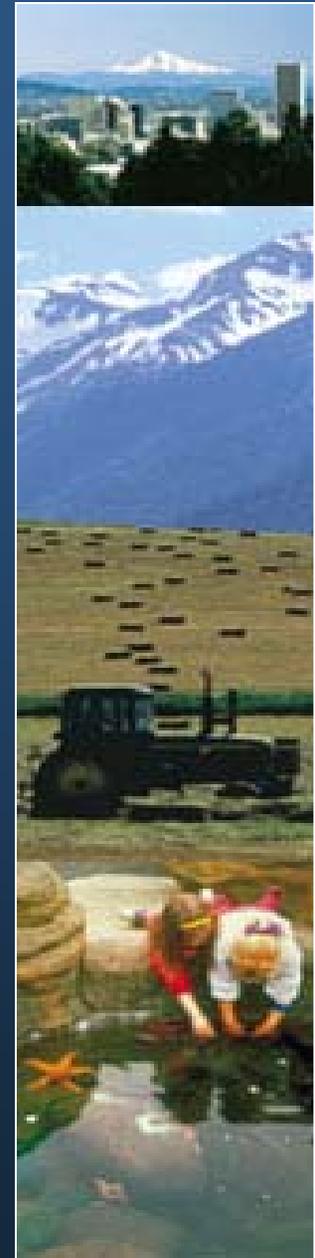
What is the process for considering an ACSC?

- Recommendation to the Land Conservation & Development Commission (LCDC).
- LCDC decides whether to consider the recommendation.
- If LCDC moves forward, it carries out a public process to gather input.
- LCDC may: (a) make no recommendation, or (b) make a recommendation to the legislature.
- If there is a recommendation, the legislature may approve, amend or reject it, via the normal legislative process.



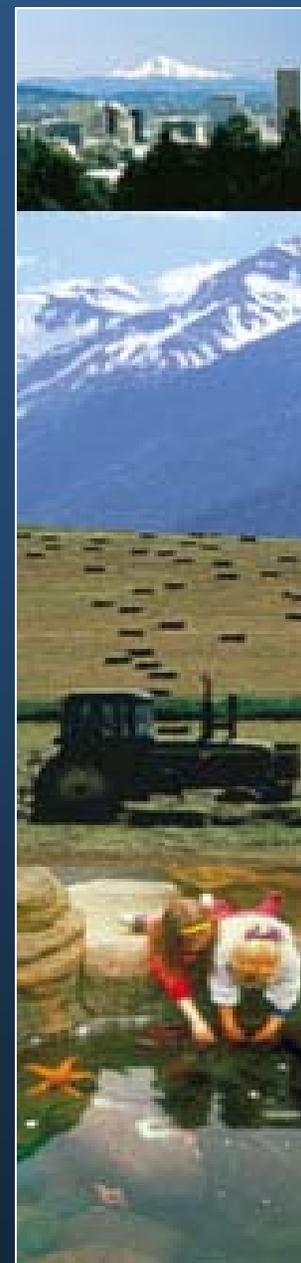
What would the effect of an ACSC be?

- An ACSC is a flexible tool, but most likely it would supplement rather than replace local land use regulations.
- This ACSC could include additional policies to manage resort and other large-scale development in and/or around the Metolius basin.
- The ACSC that LCDC is considering probably would not affect most uses in or around the Metolius basin, and is not anticipated to affect any existing uses.
- The ACSC could authorize some uses that are not currently allowed (it can both limit and expand allowed uses).



What key questions does the state and LCDC want information on?

- Should resorts and/or other large-scale development be allowed in the Metolius basin?
- Should an ACSC assure that Jefferson County may proceed with some destination resort development? If so, where?
- Should an ACSC provide relief to property owners if they are unable to proceed with resort development as a result of the ACSC?



Summary of the Discussion Draft Management Plan

- Three subareas
- Prohibitions
- Limitations (area 3)
- Jefferson County Resort Map

The proposed ACSC includes three subareas: 1) The Basin (except for Fly Creek); 2) Lands within the Fly Creek subbasin; and 3) Lands within three miles of the Basin. A draft land use management plan, including use limitations and authorizations for each of the three areas, is described in Section IV. The following is a summary of the proposed management prescriptions.

1. The Metolius Basin

Lands within the Metolius Basin are delineated according to the watershed map provided by the Oregon Water Resources Department. Much of the Basin is located in Jefferson County. A small portion of the Basin is located in northern Deschutes County. Large-scale development, including destination resorts, are proposed to be prohibited within this subarea.

2. Lands in the Fly Creek Subbasin

Lands in the Fly Creek subbasin are entirely within Jefferson County. Large-scale development, including destination resorts, also are proposed to be prohibited in this area, except that certain open space and passive recreational uses (possibly associated with a resort) would be allowed.

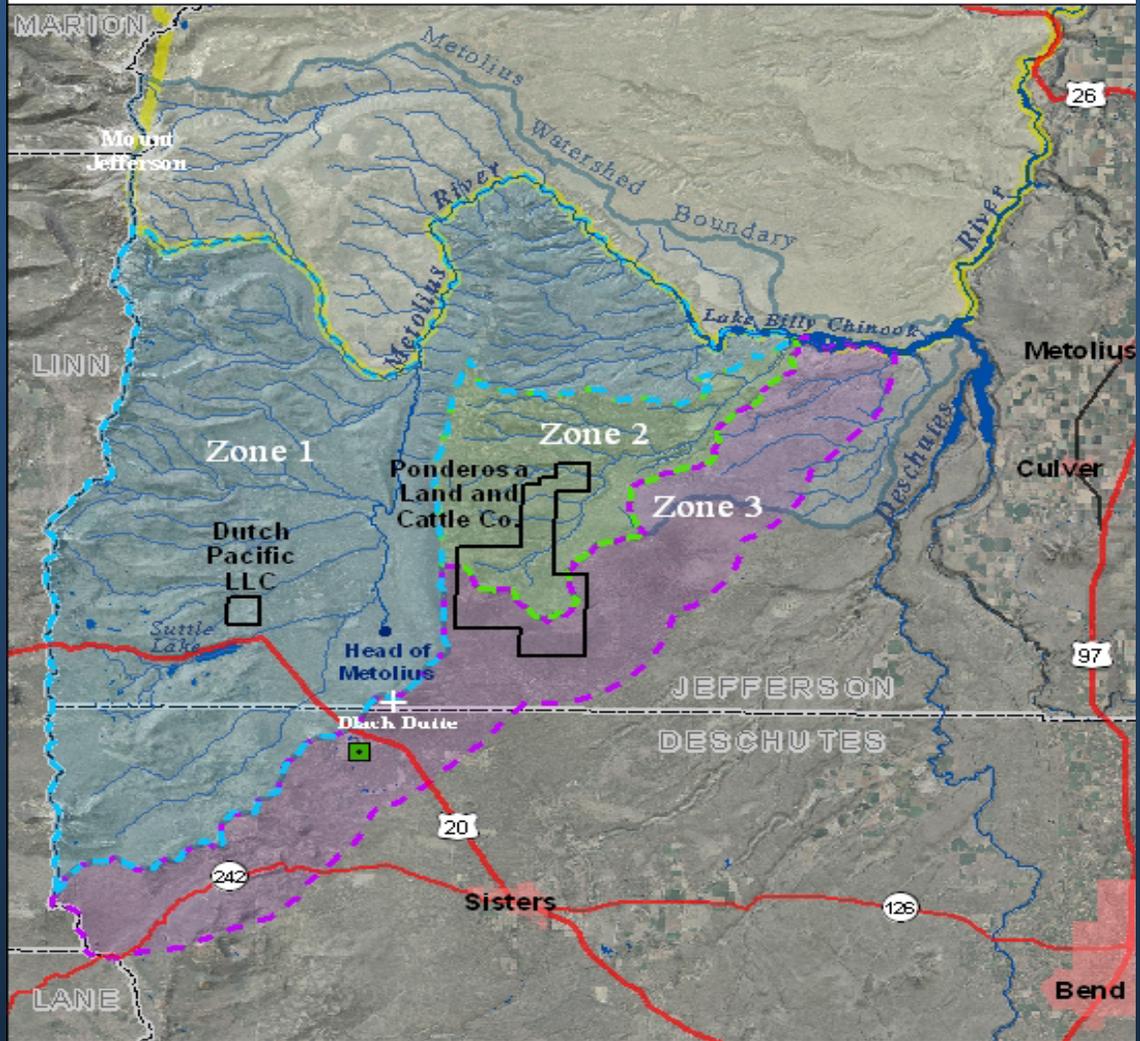
3. Lands within the Three-Mile Buffer Area

There would be no prohibition on destination resorts or other large-scale uses within this area. However, such uses could not exceed a total dwelling/unit number of _____ residential units in Deschutes County [note: need to make sure this includes Black Butte approved units, plus some room for future development] and ___ residential units in Jefferson County.

Large-scale development within this area (including resorts) would have to comply with special management standards designed to protect against or avoid the following:

- Adverse effects to quantity or quality of water in the Metolius River;
- Adverse effects to restoration efforts in the Wychus Creek subbasin;
- Adverse effects to deer winter range or elk populations, including conflicts between human development and wildlife;
- Adverse effects to state and local transportation facilities.

Metolius Basin Watershed and Areas of Interest



 Zone 1	Metolius Basin south of WSIR, less Fly Creek subbasin	 Warm Springs Indian Reservation (WSIR)	 Watercourses
 Zone 2	Fly Creek subbasin	 Urban Areas	 Highways
 Zone 3	Lands east of Cascades crest, outside WSIR, and within 2 miles of basin	 Metolius Watershed	 County Lines
	Oregon Department of Land Conservation & Development 20090206-01		 Black Butte Ranch

Landcover: Oregon Imagery Explorer
 Hydrologic Unit Boundaries: NRCS
 Cities & Highways: ODOT
 County Boundaries: BLM
 Hike: ODF

Other Provisions of the Discussion Draft

- Jefferson County resort map approved, but only includes portions outside of the Metolius basin.
- Only new large-scale development prohibited in zone 1 (exceeds size for rural communities – limit needed for residential units).
- Provision for small-scale recreational uses in zone 1.
- Unit and water caps in zone 3.

Questions

(1) Should resorts and other large-scale development be allowed in the Metolius basin?

- What specific areas should be protected, if any, from large-scale development?
 - o Should development be allowed to proceed under current rules?
 - o Should large-scale development be prevented in the Upper Metolius basin (what about the portion in Deschutes County)?
 - o Should large-scale development be prevented throughout the entire Metolius basin?
 - o Should large-scale development be prevented both inside the entire Metolius basin, and in a buffer area around the basin? If so, what should the size of the buffer area be?
- If large-scale development is not allowed, what is "large-scale?"
 - o Should only resorts be limited?
 - o Should resorts and subdivisions be limited?
 - o Should any development that is not allowed under current law on forest lands and in unincorporated communities (Camp Sherman) be limited?
- L • Should there be a buffer area around the basin where large-scale development is managed to limit its effects inside the basin? If so:
 - o How large should the buffer be?
 - o What use limitations should be included?
 - Should no use limitations be included?
 - Should only land uses that involve very low water use be allowed (no golf courses)?

Questions (continued)

What limitations are appropriate to protect water quantity or quality in the (upper/lower) Metolius?

- What limitations are appropriate to protect restoration efforts in Whychus Creek?
- What limitations are appropriate to protect deer winter range and/or elk habitat in or around the Metolius?
- Should there be management tools to address effects of large-scale development on local roads or state highways?
- Are there other adverse effects that should be managed through an ACSC?

(2) Should an ACSC assure that Jefferson County may proceed with some destination resort development? If so, where and in what form?

(3) Should an ACSC provide relief to property owners if they are unable to proceed with resort development as a result of the ACSC?

o If so, what form should relief take?

o Is a smaller-scale, outdoor recreation-oriented resort with a small footprint a concept the state should encourage in other locations? If so, where?

More Information

http://www.oregon.gov/LCD/metolius_river_basin_acsc.shtml