

A Notice Required by Ballot Measure 56 About Changes in Oregon Administrative Rules that May Affect Your Land

OAR 660-004-0040

On June 9, 2000, the Land Conservation and Development Commission (LCDC) adopted a new administrative rule (OAR 660-004-0040) on the application of State-wide Planning Goal 14, *Urbanization*, to rural residential lands. The commission has determined that this rule will affect the permissible uses of property in your jurisdiction and may reduce the value of subject property.

OAR 660-004-0040 is available for inspection at the Department of Land Conservation and Development (DLCD), at 635 Capitol Street NE, Suite 150, Salem, Oregon 97301-2540. A copy of the rule is available for purchase at a cost of \$1.00 prepaid from DLCD. The rule is posted on the department's web site at www.lcd.state.or.us. The rule is also published in the Secretary of State's monthly *Bulletin* available from your local jurisdiction or public library.

For additional information, contact the Department of Land Conservation and Development at 503-373-0050, ext. 237.

About this notice . . .

In 1998, Oregon's voters passed a new law known as Ballot Measure 56. It requires that notices like the one above be mailed to landowners when a change in land-use laws might limit use of their property. The new law requires us to use the above wording in all such notices. But sometimes that wording doesn't describe the likely effects from the change in land-use laws very well. Please read on for further explanation.

Measure 56 requires the notice to say that LCDC has determined that the new rule "will affect the permissible uses of property." But Oregon has thousands of rural residential lots and parcels. LCDC can't know whether the rule really will affect *your* property. The best way to find that out is to contact your local planning department.

Measure 56 requires LCDC to send the above notice to local governments. Local officials then must mail a copy of the notice to certain landowners whose property may be affected by the change in land-use regulations. But local officials don't always know whose property will be affected or how it will be affected. They may send notices to some people whose land will not be affected. Your getting this notice does not necessarily mean the rule will affect your property. Again, the best way to find out is to contact your local planning department.

Also, Measure 56 requires the above notice to say that LCDC has determined the rule "may reduce the value of subject property." But LCDC has no way to know how these amendments might affect the value of your property.

About the new rural residential (RR) rule . . .

The new RR rule will take effect October 4, 2000. The Land Conservation and Development Commission (LCDC) plans to make corresponding changes to Goal 14 at its regularly scheduled meeting September 28 and 29, 2000.

The rule applies to about 700,000 acres of rural land zoned for residential use. Goal 14 already prohibits urban use of such rural lands. The rule's main purpose is to keep those RR lands from being cut into small lots that may be urban in nature. The new rule is expected to have five main effects.

1. Vacant lots and parcels of any size that already exist in RR zones will be "grandfathered in" to allow one dwelling on each. The "grandfathering" only is with regard to Goal 14: it does not exempt a landowner from other land-use and environmental regulations.
2. The "minimum lot size" for about 100,000 acres of RR land will be raised. Any **new** lot or parcel to be created there will be required to have at least two acres. The current zoning in these areas allows for new lots as small as half an acre.
3. Another 100,000 acres of RR land where new lots and parcels of two or three acres now are allowed will be approved under the new rule. No changes in the current zoning will be required.
4. Approximately 500,000 acres of RR land where current zoning requires larger minimum lot sizes (mostly five and ten acres) will retain that zoning. "Upzonings" to allow smaller minimum lot sizes will be allowed only in special cases, with an "exception."
5. For several thousand acres of RR land near key urban areas, local governments will have to set a large minimum lot size **or** adopt "urban reserve" zoning. For most RR lands within one mile of the Portland metropolitan area's urban growth boundary, the minimum lot size will be 20 acres. However, the rule allows local governments to establish a ten-acre minimum for some RR lands near that boundary. The rule requires a ten-acre minimum **or** urban reserves within one mile of the urban growth boundaries for Ashland, Central Point, Medford, Newberg, and Sandy. Newberg and Sandy already have "urban reserves," so the new rule will bring no changes there.

The new rule's requirements will **not** affect permit applications submitted before the rule takes effect October 4, 2000. The rule specifies that such an application is to be reviewed against whatever regulations were in effect when the application was accepted for review.

Thank you for your attention !