

A Landowner Notification Notice As Required by ORS 197.047 About Changes in State Law That May Affect Land in Your Jurisdiction HB 3375

On May 28, 2003 the Legislative Assembly enacted HB 3375. The Department of Land Conservation and Development has determined that HB 3375 may affect the permissible uses of property in your jurisdiction and may reduce the value of certain property.

A copy of HB 3375 is available for inspection at the Department of Land Conservation and Development, located at 635 Capitol Street NE, Ste. 150, Salem, Oregon 97301-2540. A copy of HB 3375 is also available at no cost from the Office of Legislative Publications, Room 49, State Capitol, Salem OR 97310; telephone (503) 986-1180.

For additional information, contact the Department of Land Conservation and Development at (503) 373-0050, ext. 267.



A few words of explanation to landowners who get this notice.

In May 2003, the Legislative Assembly adopted House Bill 3375. HB 3375 is effective January 1, 2004. Here is a brief summary of the law.

This bill amends Oregon Revised Statute 195.260, et. seq. to require local governments to amend land use regulations or adopt new land use regulations to regulate the siting of dwellings in areas mapped by the Oregon Department of Geology and Mineral Industries (DOGAMI) as having evidence of substantial risk for rapidly moving landslides. DOGAMI has implemented rules to define the preparation of maps identifying further review areas for rapidly moving landslides (ORS 632-007-0000 to ORS 632-007-0030). DOGAMI is currently working on a follow-up pilot mapping project to refine the further review area models.

Preliminary maps can be viewed and commented upon on the following website.

<http://www.coastalatlantlas.net/learn/topics/hazards/landslides/index.asp>

1. This Law May or May Not Limit the Use of Your Land.

ORS 197.047, also known as Ballot Measure 56, requires notices such as the one in the box above. Under ORS 197.047, the notice must contain substantially the following language:

“the Department of Land Conservation and Development has determined that HB 3375 will affect the permissible uses of property.” But Oregon has more than a million parcels of land, and most will not be affected by the new law described in this notice. We don’t know whether this law will affect uses allowed on *your* property.

ORS 197.047 requires the Department of Land Conservation and Development (DLCD) to mail the above notice to all cities and counties. Local officials then must mail a copy of the notice to certain landowners whose property might be affected by the new law. But local governments often cannot know exactly whose property will be affected or how it will be affected. They may inadvertently send notices to some people whose land will not be affected. Your getting this notice does not necessarily mean that these laws will limit the use of your property. If you have questions about the regulations that apply to your land, please call your local planning department.

2. This Law May Not Affect the Value of Your Land.

ORS 197.047 requires the notice to say that DLCD “has determined that HB 3375. . . may reduce the value of subject property.” But DLCD has no way to know whether, how, or when the law might affect the value of *your* property.

3. This Law May Not Apply To Your Community.

ORS 197.047 requires DLCD to send a notice like the one above to *all* cities and counties in Oregon whenever the Legislature passes certain types of land-use legislation. Local governments need to send a copy of this notice only to the owners of land that may be affected by the laws listed, not to all landowners. HB 3375 applies only to properties that may be in the path of rapidly moving landslides (debris flows). In Oregon, this type of hazard generally occurs west of the crest of the Cascades. The DOGAMI maps of rapidly moving landslide hazards cover only the areas west of the crest of the Cascades.

Preliminary maps can be viewed and commented upon on the following website.

<http://www.coastalatlantlas.net/learn/topics/hazards/landslides/index.asp> Local officials with questions about how ORS 197.047 applies to their city or county should consult with their local legal counsel.

4. A Copy of HB 3375 is Available.

A copy of HB 3375 is available at no cost from the Office of Legislative Publications, Room 49, State Capitol, Salem OR 97310; telephone (503) 986-1180. A copy of this bill or any other legislation is available from the Internet at <http://www.leg.state.or.us/billsset.htm>. A copy of HB 3375 is also available for inspection at the Department of Land Conservation and Development, located at 635 Capitol St NE, Ste 150, Salem OR 97301-2540.

DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT (DLCD)
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