



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

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December 31, 2003

**To:** Cities, Counties and Councils of Government  
**From:** Gail Churchill, Landowner Notification Specialist  
**Re:** Reimbursement of Mailing Costs for Landowner Notification--Form

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### **Reimbursement Procedure:**

1. Complete and sign the attached reimbursement form. Incomplete forms will delay reimbursement process.
2. Attach copy of notice sent to landowners.
3. Attach detailed invoice for reimbursement request. Detailed invoice may include:
  - \*Employee wages for preparing or answering questions regarding notice (this invoice needs to include: employee classification, number of hours spent, hourly salary, and salary reimbursement requested)
  - \*Printing, copying charges
  - \*Postage charges
  - \*Cost of materials (i.e. paper and envelopes)
4. Mail reimbursement request within 30 days of sending notice.

### **Background**

Ballot Measure 56 initially was approved by the 1997 Legislature as HB 2515 with a referral to the voters. On November 3, 1998, the measure was approved. Oregon Revised Statute (ORS) 197.047, commonly known as Ballot Measure 56, became effective on December 3, 1998. The 2003 Legislature approved Senate Bill 516 (SB516) amending ORS 197.047 (Measure 56). SB516 is effective as of January 1, 2004.

SB516 requires local governments to mail written individual notice to affected landowners as follows:

- 45 days prior to LCDC's final public hearing on a proposed administrative rule change that causes a rezone.
  - 45 days prior to effective date of rule or statutory change that causes a rezone unless previously notified.
- (IF rule or statutory rezone changes are effective within 90 days of adoption, then notice is required within 30 after local government receives DLCD notice.)*

ORS, Chapter 668 (SB516) states that notice sent as a result of a proposed new or amendment to administrative rule or statute requires local jurisdictions to include a copy of the DLCD notice. <http://www.leg.state.or.us/03orlaws/0668.pdf>

### **Mailing Costs Eligible for DLCD Reimbursement**

The measure establishes a dual system of paying for the mailing of notices to landowners whose property is rezoned:

1. If the rezoning is initiated by the local government, the local government does the mailing and pays for it.
2. If the rezoning is initiated by **a requirement of periodic review** OR by **a new or amendment to administrative rule or statute**, then the local government does the mailing and DLCD "shall reimburse the local government for all actual and reasonable costs of providing notice."

### **For More Information**

For any legal questions, please contact your local legal counsel. Questions regarding reimbursements or requests for additional reimbursement forms should be directed to Landowner Notification Support-Gail Churchill at (503) 373-0050 ext. 267.

DISCLAIMER: This memo summarizes certain provisions under SB516. It is not a complete or official statement of the provisions of SB516

Enclosures