



Oregon

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DATE: April 8, 2010

TO: Land Conservation and Development Commission (LCDC)

FROM: Judith Moore, Measure 49 Development Services Division Manager

SUBJECT: **Agenda Item 8, April 21-23, 2010 LCDC meeting**

PUBLIC HEARING AND POSSIBLE ADOPTION OF PROPOSED TEMPORARY ADMINISTRATIVE RULES AND RULE AMENDMENTS TO IMPLEMENT SENATE BILL 1049 – RELATING TO BALLOT MEASURES 37/49

I. AGENDA ITEM SUMMARY

This item is a public hearing regarding the proposed adoption of temporary administrative rules and rule amendments to implement Senate Bill (SB) 1049 relating to Ballot Measures 37/49 (ORS 195.300 to 195.336, Oregon Laws, chapter 424 Oregon Laws 2007). The commission will hear public testimony and may adopt the proposed rules (Attachment A) at the conclusion of the hearing. Danielle Aglipay of the Department of Justice General Counsel, Natural Resources Division drafted the proposed rules, in consultation with the department, and Judith Moore will present the staff report at the commission meeting.

The proposed rules will be codified in Division 41 under Oregon Administrative Rules (OAR) Chapter 660, and would result in the following:

- Add one new rule that addresses department coordination with counties for purposes of identifying claims that are the subject of Section 6 of SB 1049.
- Provide for fee collection and process for SB 1049 claims.
- Clarify that the same notification standards apply to authorizations for single dwellings under SB 1049 as applied to authorizations for home site approvals.
- Update the department's explanation of the lawfully permitted analyses that were affected by SB 1049 as they pertain to pre-acknowledgement and post-acknowledgement claims with no minimum lot sizes.

For more information about this agenda item, contact Judith Moore at 503-373-0050 ext. 320, or by email at judith.moore@state.or.us.

II. SUMMARY OF RECOMMENDED ACTION

The department recommends that the commission receive testimony on the proposed temporary rules and rule amendments and, at the conclusion of the public hearing, adopt the proposed temporary rules and rule amendments.

III. BACKGROUND AND HISTORY

The proposed rules amend OAR Chapter 660, Division 41, which includes rules adopted in 2004 to implement Ballot Measure 37. The Measure 37 rules were initially adopted as temporary rules, but were adopted as permanent rules in January 2007. In June 2008, the commission approved the conversion of temporary Measure 49 (M49) rules to permanent rules, and also added new M49 permanent rule provisions. In March 2009, the commission approved permanent rules pertaining to the process for evaluating M49 Elections and the requirement for local governments to notify the department of land use applications relating to home sites authorized under M49. In July 2009, the commission approved temporary rules which: (1) allowed the department to reevaluate under House Bill (HB) 3225 and M49 approximately 400 Measure 37 claims that had been deemed ineligible for supplemental review, or that were subject to denial; (2) allowed for the collection of a \$175 fee to defray costs of processing the 400 claims; and (3) set timeframes for submission of information by the department and by claimants for payment of fees and for completion of claims processing.

IV. PROPOSED RULES

Detailed Explanation of the Proposed Permanent Rules

The proposed permanent M49 rules will be included in Division 41 of Oregon Administrative Rules (OAR) Chapter 660, and would facilitate additional review under SB 1049 and Measure 49. Division 41 was adopted in 2004 in order to implement 2004 Ballot Measure 37.

Summary by Rule:

DIVISION 41

Existing Claim Rules

OAR 660-041-0000: Purpose and Applicability:

This rule is amended to include additional Oregon Laws adopted during the 2009 Legislative Assembly (HB 3225) and the February 2010 Legislative Assembly (SB 1049).

OAR 660-041-0010: Definitions:

This rule deletes from Section (2) “Claim” definition the requirement that claims be filed with the State of Oregon. Senate Bill (SB) 1049 allows supplemental review of claims filed only with counties.

This rule adds to Section (15) “Measure 49” additional Oregon Laws adopted in 2009 and 2010.

Adds to Section (16) “Measure 49 Authorization” to include authorization “of a dwelling, and lot or parcel when applicable” as amended by SB 1049.

This rule deletes from Section (17) “Supplemental Information” the requirement for information needed by the department “under section 8(3) of Measure 49”. Section 8(3) requires a claimant to choose whether to proceed under section 6 or 7 of Measure 49.

This rule adds to Section (18) “Supplemental Review” additional Oregon laws adopted in 2009 and 2010.

OAR 660-041-0080: Supplemental Information for Supplemental Review of Measure 37 Claims under Measure 49 and Fees under Chapter 855, Oregon Laws 2009 and Chapter 8, Oregon Laws 2010:

A new Section (3) is added, requiring a \$2,500 fee from claimant; and if the claim is divided into more than one claim, then an additional \$2,500 fee is due for each resultant claim. If the claim is combined with one or more claims, then only one \$2,500 fee is due for the resultant claim. Section (3) also specifies that the fee for a claim is due no later than September 30, 2010; but if changes to the number of claims occurs after the department requests the fee, then the department may request additional fees or refund fees after September 30, 2010.

The existing Section (3) is now Section (4) and is amended to include additional Oregon Laws adopted in 2009 and 2010, and reference to the \$2,500 fee. The existing Section (4) is now Section (5) and is amended to state that the department will not extend the period for filing the \$2,500 fee. The existing Section (5) is now Section (6) and there are no further changes.

A new Section (7) is added, which directs a repayment of the \$2,500 fee if a final order is not issued by the department by June 30, 2011. The existing Section (6) is deleted.

OAR 660-041-0090: Procedures for Supplemental Review of Measure 37 Claims under Measure 49:

This rule adds to Section (1) additional Oregon Laws adopted in 2009 and 2010. Sections (7) and (8) are amended to include authorization for a dwelling as allowed by SB 1049.

OAR 660-041-0105: County Identification of Claims Described in Section 6 of Chapter 8, Oregon Laws 2010:

This new rule addresses the department's coordination with counties for purposes of identifying claims that are the subject of Section 6 of SB 1049. The claim filed with a county but not with the state must have been both valid and not withdrawn. A claim is valid if the county finds that the claim met the county's filing requirements. This new rule requires counties to submit certified copies of these claims on or before June 30, 2010; and establishes that the department will notify and request fees only from claimants whose claims are submitted to the department by counties as provided in this new rule.

OAR 660-041-0110: Determining What Was Lawfully Permitted on the Claimant's Acquisition Date:

Proposed amendments to Section (2) add whether a claimant was lawfully permitted to establish one dwelling for claims described in SB 1049. Subsection (2)(b) is amended to state that the department will apply standards set forth in SB 1049.

OAR 660-041-0120: Evaluation of Measure 37 Contiguous Property in Supplemental Review:

This rule adds to Section (2) the exception for claims described in SB 1049 (i.e., county-only claims and claimants who elected section 7 review of M49 claims but who failed to provide the department an appraisal that met statutory requirements) from the department's determination for relief for claims under section 6 or section 7 of M49.

OAR 660-041-0170: Notice of County Applications and Decisions Under Measure 49 Authorizations:

This rule adds to Sections (1) and (2) that counties must provide notice of an application for a dwelling, and lot or parcel when applicable as provided by SB 1049.

V. OVERALL CONCLUSION AND RECOMMENDATION

The department recommends that the commission receive testimony on the proposed temporary rules and rule amendments and adopt the rules.

ATTACHMENTS

- A. Proposed Temporary Rules
- B. Statement Required by Law for Adoption of Temporary Rules
- C. Housing Cost Impact Statement

1 DIVISION 41

2 MEASURE 49

3 Existing Claim Rules
4 (Measure 37 Claims, Including Supplemental Review Under Ballot Measure 49)

5 660-041-0000

6 Purpose and Applicability

7 (1) The purpose of OAR 660-041-0000 to 660-041-0150 is to implement Chapter 424,
8 Oregon Laws 2007 (2007 Oregon Ballot Measure 49), Chapter 855, Oregon Laws 2009
9 (2009 House Bill 3225), and Chapter 8, Oregon Laws 2010 (2010 Senate Bill 1049), by
10 establishing procedures for Supplemental Review of Measure 37 Claims. These rules also
11 contain requirements for notice of applications and decisions regarding Measure 37
12 Permits, and clarify when a DLCD Measure 37 Waiver was required in addition to a
13 waiver from a city or county. Finally, these rules also explain the effect of Measure 49 on
14 DLCD Measure 37 Waivers.

15 (2) OAR 660-041-0010 applies to all Claims, Measure 37 Permits and DLCD Measure 37
16 Waivers that are subject to OAR 660-041-0020 to 660-041-0160, as well as to the
17 Supplemental Review of Measure 37 Claims under OAR 660-041-0080 to 660-041-0160.

18 (3) OAR 660-041-0020 applies only to Claims that were received by DAS after
19 December 4, 2006 and before December 6, 2007, and that are based on one or more
20 DLCD Regulations and that are not described in section 3 of Chapter 855, Oregon Laws
21 2009.

22 (4) OAR 660-041-0030 applies to applications for and decisions on a Measure 37 Permit
23 filed or made on or after February 20, 2007.

24 (5) OAR 660-041-0040 to 660-041-0070 apply to all DLCD Measure 37 Waivers.

25 (6) OAR 660-041-0080 to 660-041-0160 apply to the Supplemental Review of a Claim
26 by DLCD.

27 Stat. Auth.: ORS 197.040, 197.065 & Ch. 424, OL 2007

28 Stats. Implemented: ORS 195.300 - 195.336, 197.015, 197.040, 197.065, 197.353 & Ch.
29 424, OL 2007

30 Hist.: LCDD 10-2006(Temp), f. 12-1-06, cert. ef. 12-4-06 thru 6-2-07; LCDD 1-2007, f.
31 2-5-07, cert. ef. 2-9-07; LCDD 2-2007(Temp), f. & cert. ef. 12-10-07 thru 6-7-08; LCDD
32 2-2008(Temp), f. & cert. ef. 2-21-08 thru 6-10-08; LCDD 4-2008, f. & cert. ef. 5-23-08

33 660-041-0010

1 **Definitions**

2 The following definitions apply to OAR 660-041-0000 to 660-041-0160:

3 (1) "Agency" has the meaning provided by ORS 183.310.

4 (2) "Claim" means a written demand for compensation under ORS 197.352 (2005) that
5 was filed ~~with the State of Oregon~~ before December 6, 2007. ~~If the Claim was filed with~~
6 ~~the State of Oregon after June 28, 2007, it qualifies as a Claim only if a corresponding~~
7 ~~Claim for the Measure 37 Claim Property was filed prior to that date with the city or~~
8 ~~county with land use jurisdiction over the Measure 37 Claim Property.~~

9 (3) "Claimant" means a person who submitted a Claim.

10 (4) "DAS" means the Department of Administrative Services.

11 (5) "DLCD" means the Department of Land Conservation and Development.

12 (6) "DLCD Measure 37 Waiver" means a decision by LCDC or DLCD that was made
13 before December 6, 2007 under ORS 197.352 (2005) to modify, remove or not apply one
14 or more DLCD Regulations to allow a Claimant to use the Measure 37 Claim Property
15 for a use that was permitted when the Claimant acquired the Measure 37 Claim Property.

16 (7) "DLCD Regulation" means a Land Use Regulation that is also a state statute codified
17 in ORS chapter 92, 195, 197, 215 or 227, a Statewide Planning Goal, or an LCDC rule.
18 An "Existing DLCD Regulation" means a DLCD Regulation that was enacted by the
19 State of Oregon or adopted by LCDC with an effective date prior to December 2, 2004. A
20 "New DLCD Regulation" means a DLCD Regulation that was enacted by the State of
21 Oregon or adopted by LCDC with an effective date of on or after December 2, 2004.

22 (8) "Elected" means signed and filed the form provided by DLCD ~~with a box checked.~~

23 (9) "Land Use Application" means an application for a "land use decision," a "limited
24 land use decision," or an "expedited land division," as those terms are defined by ORS
25 197.015 and 197.360, or an application for a permit or zone change under ORS 227.160
26 to 227.187 or under 215.402 to 215.437.

27 (10) "Land Use Regulation" has the meaning provided by ORS 197.352(11) (2005).

28 (11) "LCDC" means the Land Conservation and Development Commission.

29 (12) "Measure 37 Claim Property" means the private real property described in a
30 Measure 37 Claim.

1 (13) "Measure 37 Permit" means a final decision by a city, a county, or by Metro to
2 authorize the development, division or other use of Measure 37 Claim Property pursuant
3 to a Measure 37 Waiver. A Measure 37 Permit may be a land use decision, a limited land
4 use decision, an expedited land use decision, a permit (as that term is defined in ORS
5 215.402 and 227.160), a zone change, or a comprehensive plan amendment. A Measure
6 37 Permit also includes a final decision by a city, a county, or by Metro that a person has
7 a vested right to complete or continue a use based on a Measure 37 Waiver.

8 (14) "Measure 37 Waiver" means a decision by a city, a county, Metro or the State of
9 Oregon that was made before December 6, 2007 under ORS 197.352 (2005) to modify,
10 remove or not apply one or more Land Use Regulations to allow a Claimant to use the
11 Measure 37 Claim Property for a use that was permitted when the Claimant acquired the
12 Measure 37 Claim Property.

13 (15) "Measure 49" means Chapter 424, Oregon Laws 2007 as amended by Chapter 855,
14 Oregon Laws 2009, and Chapter 8, Oregon Laws 2010.

15 (16) "Measure 49 Authorization" means a final order and authorization issued by the
16 department under Measure 49 that authorizes a claimant to seek local approval of one or
17 more home sites; or, for Claims described in section 5 or 6 of Chapter 8, Oregon Laws
18 2010, of a dwelling and, when applicable, a lot or parcel for that dwelling.

19 (17) "Supplemental Information" means information needed by DLCD, ~~under section~~
20 ~~8(3) of Measure 49,~~ to proceed with the Supplemental Review of a Claim.

21 (18) "Supplemental Review" means review by DLCD of a Claim under either section 6
22 or section 7 of Measure 49 and when applicable, Chapter 855, Oregon Laws 2009 and
23 Chapter 8, Oregon Laws 2010.

24 Stat. Auth.: ORS 197.040, 197.065 & 2007 OL Ch. 424

25 Stats. Implemented: ORS 195.300 - 195.336, 197.015, 197.040, 197.065, 197.353 &
26 2007 OL Ch. 424

27 Hist.: LCDD 10-2006(Temp), f. 12-1-06, cert. ef. 12-4-06 thru 6-2-07; LCDD 1-2007, f.
28 2-5-07, cert. ef. 2-9-07; LCDD 2-2007(Temp), f. & cert. ef. 12-10-07 thru 6-7-08; LCDD
29 2-2008(Temp), f. & cert. ef. 2-21-08 thru 6-10-08; LCDD 4-2008, f. & cert. ef. 5-23-08;
30 LCDD 1-2009, f. & cert. ef. 4-2-09

31 **660-041-0020**

32 **Contents of a Measure 37 Claim Based on a DLCD Regulation**

33 (1) Unless otherwise described in section 3 of Chapter 855, Oregon Laws 2009, when a
34 Claim was received by DAS after December 4, 2006 and was based on one or more
35 Existing DLCD Regulations, then the Claim must:

- 1 (a) Demonstrate that a city, county, Metro, or an Agency applied one or more Existing
2 DLCD Regulations, or applied one or more city, county or Metro land use regulations
3 that implement Existing DLCD Regulations, as approval criteria to an application
4 submitted by the Claimant; and
- 5 (b) Include one of the following:
 - 6 (A) A copy of the final written decision by a city, a county, or Metro on a Land Use
7 Application that included the Measure 37 Claim Property and that requested
8 authorization for the specific use that the Claim is based on, in which the city, county, or
9 Metro determined that one or more Existing DLCD Regulations or city, county or Metro
10 Land Use Regulations that implement Existing DLCD Regulations were approval criteria
11 for the decision; or
 - 12 (B) A copy of the final written action by an Agency on a complete application to the
13 Agency, in which the Agency determined that one or more Existing DLCD Regulations
14 were approval criteria for the application.
- 15 (2) Unless otherwise described in section 3 of Chapter 855, Oregon Laws 2009, when a
16 Claim was based on one or more New DLCD Regulations, then the Claim must:
 - 17 (a) Have been received by DAS within two years of:
 - 18 (A) The effective date of the New DLCD Regulation; or
 - 19 (B) Within two years of the date the Claimant submitted a Land Use Application in
20 which the Land Use Regulations were approval criteria, whichever was later; and
 - 21 (b) If the Claim was submitted more than two years after the effective date of the New
22 DLCD Regulation, the Claim must include a copy of the final written decision by a city, a
23 county, or Metro on a Land Use Application that includes the Measure 37 Claim Property
24 and that requested authorization for the specific use that the Claim was based on, in
25 which the city, county, or Metro determined that the New DLCD Regulation or city or
26 county or Metro Land Use Regulation that implemented the New DLCD Regulation were
27 approval criteria for the decision.
- 28 (3) Unless otherwise described in section 3 of Chapter 855, Oregon Laws 2009, when a
29 Claim was based on both Existing and New DLCD Regulations, the requirements of
30 section (1) of this rule must be met with respect to the Existing DLCD Regulation, and
31 the requirements of section (2) of this rule must be met with respect to the New DLCD
32 Regulation.
- 33 (4) A DLDC Regulation was applied as an approval criterion for purposes of this rule and
34 ORS 197.352(5) (2005) when a city, county or Metro made a final written decision on a
35 Land Use Application, or when an Agency took final written action on an application to

1 that Agency, and that final written decision or final written action denied the application
2 or conditioned the approval of the application on the basis (in whole or in part) of the
3 DLCD Regulation.

4 (5) This rule applies only to Claims that were received by DAS after December 4, 2006,
5 and that were based on one or more DLCD Regulations, and that are not described in
6 section 3 of Chapter 855, Oregon Laws 2009.

7 Stat. Auth.: ORS 197.040, 197.065 & Ch. 424, OL 2007

8 Stats. Implemented: ORS 195.300 - 195.336, 197.015, 197.040, 197.065, 197.353 & Ch.
9 424, OL 2007

10 Hist.: LCDD 10-2006(Temp), f. 12-1-06, cert. ef. 12-4-06 thru 6-2-07; LCDD 1-2007, f.
11 2-5-07, cert. ef. 2-9-07; LCDD 2-2008(Temp), f. & cert. ef. 2-21-08 thru 6-10-08; LCDD
12 4-2008, f. & cert. ef. 5-23-08

13 **660-041-0030**

14 **Notice of Applications and Decisions**

15 (1) Except for a building permit that is not a "land use decision" under ORS
16 197.015(11)(b)(B), cities, counties and Metro must provide written notice to DLCD of all
17 applications for a Measure 37 Permit, and all final written decisions on a Measure 37
18 Permit, filed with or made by the city, county or Metro after February 20, 2007.

19 (2) Notice of an application for a Measure 37 Permit required under section (1) of this
20 rule must be mailed to DLCD's Salem office at least ten (10) calendar days before any
21 deadline for comment on the application for a Measure 37 Permit. If there is no
22 opportunity for comment, then the notice must be sent ten (10) days before the decision
23 becomes final. The notice must include:

24 (a) A copy of the applicable Measure 37 Waiver issued by the city, county, or by Metro;

25 (b) A copy of any notice provided under ORS 197.195, 197.365, 197.615, 197.763,
26 227.175 or 215.416;

27 (c) The claim number of the Measure 37 Waiver issued by the State of Oregon (if any);

28 (d) The terms of the State's Measure 37 Waiver as applicable criteria in the subject Land
29 Use Application; and,

30 (e) The name of the present owner of the Measure 37 Claim Property.

31 (3) Notice of a final decision on a Measure 37 Permit required under section (1) of this
32 rule must be mailed to DLCD's Salem office within ten (10) calendar days of the date of
33 the final written decision. The notice must include a copy of the final written decision.

1 Stat. Auth.: ORS 197.040 & 197.065, Ch. 424, OL 2007
2 Stats. Implemented: ORS 195.300 - 195.336, 197.015, 197.040, 197.065, 197.353 & Ch.
3 424, OL 2007
4 Hist.: LCDD 10-2006(Temp), f. 12-1-06, cert. ef. 12-4-06 thru 6-2-07; LCDD 1-2007, f.
5 2-5-07, cert. ef. 2-9-07; LCDD 2-2007(Temp), f. & cert. ef. 12-10-07 thru 6-7-08; LCDD
6 2-2008(Temp), f. & cert. ef. 2-21-08 thru 6-10-08; LCDD 4-2008, f. & cert. ef. 5-23-08

7 **660-041-0040**

8 **When a DLCD Measure 37 Waiver Was Required**

9 Before a Claimant could lawfully use Measure 37 Claim Property for a use under a
10 Measure 37 Waiver, the Claimant must have obtained a DLCD Measure 37 Waiver for
11 that use of the Measure 37 Claim Property in all cases where that use was restricted by a
12 DLCD Regulation or by a city, county or Metro Land Use Regulation that implements a
13 DLCD Regulation. These cases include, but are not limited to, all cases where the use is a
14 use of land, and the Measure 37 Claim Property includes:

15 (1) Land zoned for farm use under Goal 3;

16 (2) Land zoned for forest use under Goal 4; or

17 (3) Land outside of an acknowledged urban growth boundary where the Claimant's
18 desired use of the Measure 37 Claim Property was an urban use under Goal 14, or that
19 use included the establishment or extension of a sewer or water system restricted under
20 Goal 11.

21 Stat. Auth.: ORS 197.040, 197.065 & Ch. 424, OL 2007
22 Stats. Implemented: ORS 195.300 - 195.336, 197.015, 197.040, 197.065, 197.353 & Ch.
23 424, OL 2007
24 Hist.: LCDD 1-2007, f. 2-5-07, cert. ef. 2-9-07; LCDD 2-2007(Temp), f. & cert. ef. 12-
25 10-07 thru 6-7-08; LCDD 2-2008(Temp), f. & cert. ef. 2-21-08 thru 6-10-08; LCDD 4-
26 2008, f. & cert. ef. 5-23-08

27 **660-041-0060**

28 **Effect of 2007 Ballot Measure 49 on DLCD Measure 37 Waivers**

29 Any authorization for a Claimant to use Measure 37 Claim Property without application
30 of a DLCD Regulation provided by a DLCD Measure 37 Waiver expired on December 6,
31 2007, as did the effect of any order of DLCD denying a Claim. A Claimant may continue
32 an existing use of Measure 37 Claim Property that was authorized under ORS 197.352
33 (2005). A Claimant may complete a use of Measure 37 Claim Property that was begun
34 prior to December 6, 2007, only if the Claimant had a common law vested right to

1 complete and continue that use on December 6, 2007, and the use complies with the
2 terms of any applicable DLCDC Measure 37 Waiver.

3 Stat. Auth.: ORS 197.040, 197.065 & Ch. 424, OL 2007
4 Stats. Implemented: ORS 195.300 - 195.336, 197.015, 197.040, 197.065, 197.353 & Ch.
5 424, OL 2007
6 Hist.: LCDD 2-2007(Temp), f. & cert. ef. 12-10-07 thru 6-7-08; LCDD 2-2008(Temp), f.
7 & cert. ef. 2-21-08 thru 6-10-08; LCDD 4-2008, f. & cert. ef. 5-23-08

8 **660-041-0070**

9 **State Agency and Special District Land Use Coordination and DLCDC Measure 37**
10 **Waivers**

11 After December 5, 2007, when a state agency or a special district is required to take an
12 action in a manner that complies with the Statewide Planning Goals and that is
13 compatible with comprehensive plans and land use regulations under ORS 197.180 (for a
14 state agency), or under ORS 195.020 (for a special district), the state agency or special
15 district must not take that action if it involves a use of Measure 37 Claim Property based
16 on a Measure 37 Waiver. After December 5, 2007, any authorization to not apply a Land
17 Use Regulation based on a DLCDC Measure 37 Waiver has expired, and a DLCDC Measure
18 37 Waiver may not serve as the basis for a finding required under ORS 197.180 or
19 195.020. This rule does not apply to a use that was lawfully established or vested based
20 on a DLCDC Measure 37 Waiver on December 6, 2007.

21 Stat. Auth.: ORS 197.040, 197.065 & Ch. 424, OL 2007
22 Stats. Implemented: ORS 195.300 - 195.336, 197.015, 197.040, 197.065, 197.353 & Ch.
23 424, OL 2007
24 Hist.: LCDD 2-2007(Temp), f. & cert. ef. 12-10-07 thru 6-7-08; LCDD 2-2008(Temp), f.
25 & cert. ef. 2-21-08 thru 6-10-08; LCDD 4-2008, f. & cert. ef. 5-23-08

26 **660-041-0080**

27 **Supplemental Information for Supplemental Review of Measure 37 Claims under**
28 **Measure 49 and Fees under Chapter 855, Oregon Laws 2009 and Chapter 8, Oregon**
29 **Laws 2010.**

30 (1) If the record for the Claim does not include the information needed for DLCDC to
31 proceed with the Supplemental Review of the Claim, DLCDC will request Supplemental
32 Information from a Claimant or the Claimant's authorized agent.

33 (2) If the Claim is described in sections 2 through 5a or Section 13 of Chapter 855,
34 Oregon Laws 2009 a Claimant or Claimant's authorized agent must submit a \$175 fee to
35 DLCDC. DLCDC will request the fee from a Claimant or the Claimant's authorized agent.

1 (3) If the Claim is described in section 5 or 6 of Chapter 8, Oregon Laws 2010, a
2 Claimant or Claimant’s authorized agent must submit a \$2,500 fee to DLCD. If the
3 Claim is divided into more than one claim under OAR 660-041-0150, an additional
4 \$2,500 fee is due for each resultant claim. If the Claim is combined with one or more
5 other Claims, only one \$2,500 fee is due for the resultant claim. DLCD will request the
6 \$2,500 fee for a Claim from a Claimant or the Claimant’s authorized agent by no later
7 than September 30, 2010. However, if changes to the number of claims occur under OAR
8 660-041-0150 after DLCD has requested the fee for a Claim, DLCD may request
9 additional fees or refund fees after September 30, 2010.

10 ~~(43)~~ Supplemental Information, or a \$175 fee for a Claim described in sections 2 through
11 5a or section 13 of Chapter 855, Oregon Laws 2009, or a \$2,500 fee for a Claim
12 described in section 5 or 6 of Chapter 8, Oregon Laws 2010 requested by DLCD must be
13 filed with DLCD within fifty-six (56) days of the date the request is sent and must be
14 filed in the manner described in OAR 660-041-0100.

15 ~~(54)~~ For good cause shown, DLCD may extend the period for filing Supplemental
16 Information or a \$175 fee beyond fifty-six (56) days. DLCD will not extend the period
17 for filing a \$2,500 fee.

18 ~~(65)~~ If DLCD fails to issue a final order on a Claim described in sections 2 through 5a, or
19 Section 13 of Chapter 855, Oregon Laws 2009 by December 31, 2010, DLCD shall
20 refund any \$175 fee submitted for that Claim.

21 (7) If DLCD fails to issue a final order on a Claim described in section 5 or 6 of Chapter
22 8, Oregon Laws 2010 by June 30, 2011, DLCD shall refund any \$2,500 fee submitted for
23 that Claim.

24 ~~(6) For purposes of this division, “Supplemental Review” means review by DLCD of a~~
25 ~~Claim under either section 6 or section 7 of Measure 49 and when applicable, sections 2~~
26 ~~through 5a or section 13 of Chapter 855, Oregon Laws 2009.~~

27 Stat. Auth.: ORS 197.040, 197.065 & Ch. 424, OL 2007
28 Stats. Implemented: ORS 195.300 - 195.336, 197.015, 197.040, 197.065, 197.353 & Ch.
29 424, OL 2007
30 Hist.: LCDD 2-2008(Temp), f. & cert. ef. 2-21-08 thru 6-10-08; LCDD 4-2008, f. & cert.
31 ef. 5-23-08

32 **660-041-0090**

33 **Procedures for Supplemental Review of Measure 37 Claims under Measure 49**

34 (1) If a Claimant files an Election seeking relief under section 6 or section 7 of Measure
35 49 and when applicable, Chapter 855, Oregon Laws 2009 and Chapter 8, Oregon Laws
36 2010, DLCD will review the Claim, as supplemented by the Election and the

1 Supplemental Information, and prepare a Preliminary Evaluation of the relief that the
2 Claimant may be entitled to. The Preliminary Evaluation will be based on and include an
3 initial preliminary assessment of the number of lots, parcels and dwellings, if any, the
4 Claimant lawfully was permitted to establish on the date the Claimant acquired the
5 Measure 37 Claim Property.

6 (2) Prior to the issuance of the Preliminary Evaluation, DLCD will mail written notice of
7 the Supplemental Review and a copy of any materials submitted by the Claimant to the
8 county with land use jurisdiction over the Measure 37 Claim Property, and will provide
9 that county an opportunity to submit written comment on the Supplemental Review.
10 DLCD will consider all comments from the county in its preparation of the Preliminary
11 Evaluation.

12 (3) DLCD will mail Notice of the Preliminary Evaluation to the Claimant, the Claimant's
13 authorized agent, the county with land use jurisdiction over the Measure 37 Claim
14 Property, and to any person who is an owner of record of real property located either
15 within 250 feet of the Measure 37 Claim Property, if the Measure 37 Claim Property is
16 not within a farm or forest zone, or within 750 feet of the Measure 37 Claim Property if it
17 is located in a farm or forest zone, and to any neighborhood or community
18 organization(s) whose boundaries include any portion of the Measure 37 Claim Property
19 or that has made a written request for a copy of the Preliminary Evaluation.

20 (4) Any person may submit written comments, evidence or information in response to the
21 Preliminary Evaluation as provided in OAR 660-041-0100 within twenty-eight (28) days
22 of the date the Preliminary Evaluation is mailed under section (3) of this rule.

23 (5) DLCD will mail copies of any comments, evidence and information concerning the
24 Preliminary Evaluation that are timely received under section (4) of this rule to the
25 Claimant and the Claimant's authorized agent.

26 (6) The Claimant and the Claimant's authorized agent may file written comments,
27 evidence or information in response to any materials filed by a third party or county. To
28 be considered by DLCD, the response must be filed as provided in OAR 660-041-0100
29 within twenty-one (21) days after the date DLCD mailed the comments, evidence and
30 information to the Claimant and the Claimant's authorized agent as provided under
31 section (5) of this rule.

32 (7) Based on the record, DLCD will prepare a Final Decision on the Claim, which either
33 will deny the authorization of home sites or a dwelling; or will approve a the specific
34 number of home sites under section 6 or section 7 of Measure 49 or a dwelling, and lot or
35 parcel when applicable, for Claims described in section 5 or 6 of Chapter 8, Oregon Laws
36 2010. to which the Claimant is entitled. If approved, the Final Decision will authorize the
37 county with land use jurisdiction over the Measure 37 Claim Property to approve a permit
38 to allow the number of home sites approved or the approved dwelling, and unless the

1 property includes a vacant lot or parcel, a lot or parcel for the dwelling, for Claims
2 described in section 5 or 6 of Chapter 8, Oregon Laws 2010.

3 (8) Following issuance of the Final Decision, the owner of the Measure 37 Claim
4 Property may file an application with the county with land use jurisdiction over the
5 Measure 37 Claim Property for a permit to establish home sites authorized or to establish
6 an authorized dwelling, and unless the property includes a vacant lot or parcel, a lot or
7 parcel for the dwelling, for Claims described in section 5 or 6 of Chapter 8, Oregon Laws
8 2010. under the Final Decision.

9 (9) For good cause shown, DLCD may extend any time period under this rule.

10 Stat. Auth.: ORS 197.040, 197.065 & Ch. 424, OL 2007
11 Stats. Implemented: ORS 195.300 - 195.336, 197.015, 197.040, 197.065, 197.353 & Ch.
12 424, OL 2007
13 Hist.: LCDD 2-2008(Temp), f. & cert. ef. 2-21-08 thru 6-10-08; LCDD 4-2008, f. & cert.
14 ef. 5-23-08

15 **660-041-0100**

16 **Submissions to DLCD Regarding Supplemental Review of a Measure 37 Claim**
17 **under Measure 49**

18 (1) A Claimant may file the form electing how the Claimant wishes to proceed under
19 sections 5 to 11 of Chapter 424, Oregon Laws 2007 (2007 Oregon Ballot Measure 49)
20 only after receiving the notice and form from DLCD.

21 (2) All information filed with DLCD regarding the Supplemental Review of a Claim
22 must be filed at: Supplemental Measure 49 Claim Review, 635 Capitol Street NE, Suite
23 150, Salem, Oregon 97301-2540

24 (3) Submissions regarding a Supplemental Review shall not be submitted by facsimile or
25 electronically.

26 (4) The date information is filed is the date the information is received by DLCD, or the
27 date it is mailed, provided it is mailed by registered or certified mail and the person filing
28 the information has proof from the post office of such mailing date. If the date of mailing
29 is relied upon as the date of filing, acceptable proof from the post office shall consist of a
30 receipt stamped by the United States Postal Service showing the date mailed and the
31 certified or registered number.

32 Stat. Auth.: ORS 197.040, 197.065 & Ch. 424, OL 2007
33 Stats. Implemented: ORS 195.300 - 195.336, 197.015, 197.040, 197.065, 197.353 & Ch.
34 424, OL 2007

1 Hist.: LCDD 2-2008(Temp), f. & cert. ef. 2-21-08 thru 6-10-08; LCDD 4-2008, f. & cert.
2 ef. 5-23-08

3 **660-041-0105**

4 **County Identification of Claims Described in Section 6 of Chapter 8, Oregon Laws**
5 **2010**

6 (1) To qualify for Supplemental Review under section 6 of Chapter 8, Oregon Laws
7 2010, a Claim filed with a county but not with the state must have been both valid and
8 not withdrawn. For purposes of this subsection, a Claim is “valid” if the county found
9 the Claim to meet the county’s own filing requirements. For purposes of this subsection,
10 a Claim is “not withdrawn” if the county found that the Claim had not been withdrawn
11 according to the county’s own standards.

12 (2) Counties must submit certified copies of any Claims described in section 6 of
13 Chapter 8, Oregon Laws 2010 to DLCD on or before June 30, 2010 in accordance with
14 the standards for submissions to DLCD in OAR 660-041-0100, except that for purposes
15 of this subsection a county may submit certified copies of Claims electronically. For
16 purposes of this subsection, a county may certify copies of Claims by providing a single
17 statement in writing from an agent of the county confirming that all Claim materials
18 provided are for Claims that meet the criteria of section 6 of Chapter 8, Oregon Laws
19 2010.

20 (3) DLCD will notify and request Elections and fees as provided in OAR 660-041-0080
21 only from Claimants whose Claims are submitted by counties as provided in subsection
22 (2) of this rule and who may be eligible for relief under section 6 of Chapter 8, Oregon
23 Laws 2010. Claims that are not submitted by counties as provided in subsection (2) of
24 this rule on or before June 30, 2010 are not eligible for Supplemental Review.

25 **660-041-0110**

26 **Determining What Was Lawfully Permitted on the Claimant’s Acquisition Date**

27 (1) A Claimant lawfully was permitted to establish one or more lots, parcels or dwellings
28 on the Claimant’s acquisition date if DLCD determines that the characteristics of the
29 Measure 37 Claim Property as it existed on that date, including the size, soil quality and
30 location of the Measure 37 Claim Property, would have allowed the Claimant to satisfy
31 the standards and criteria for approval of the lot, parcel or dwelling in effect on that date.

32 (2) Based on the Claimant’s acquisition date, as determined under ORS 195.328, DLCD
33 will apply the following standards and criteria to determine the number of lots, parcels or
34 dwellings that were lawfully permitted; or, for Claims described in section 5 or 6 of
35 Chapter 8, Oregon Laws 2010, to determine whether, in addition to the existing lots,
36 parcels and dwellings contained within the Measure 37 Claim Property, a Claimant was

1 lawfully permitted to establish one dwelling and, unless the property includes a vacant lot
2 or parcel, a lot or parcel for the dwelling:

3 (a) If the Claimant’s acquisition date is prior to January 25, 1975, DLCD will apply the
4 applicable local land use regulations and comprehensive plan provisions, if any, along
5 with any directly-applicable state statutes;

6 (b) If the Claimant’s acquisition date is on or after January 25, 1975 but before the date
7 the county with land use jurisdiction over the Measure 37 Claim Property had its
8 applicable comprehensive plan and land use regulations acknowledged by LCDC for
9 compliance with the Statewide Planning Goals, DLCD will apply the standards set forth
10 in section 2 of Chapter 8, Oregon Laws 2010. ~~directly apply the Statewide Planning~~
11 ~~Goals, applicable state statutes and existing DLCD regulations. To determine the number~~
12 ~~of lots, parcels or dwellings that were lawfully permitted under the Statewide Planning~~
13 ~~Goals, DLCD will apply the first acknowledged local land use regulations, unless the~~
14 ~~evidence in the record, including but not limited to, county Measure 37 waivers or local~~
15 ~~land use determinations issued at the time the property was acquired, establishes that a~~
16 ~~greater number of lots, parcels or dwellings would have been lawfully permitted; and~~

17 (c) If the Claimant’s acquisition date is on or after the date the county with land use
18 jurisdiction over the Measure 37 Claim Property had its applicable comprehensive plan
19 and local land use regulations acknowledged by LCDC for compliance with the
20 Statewide Planning Goals, DLCD will apply the applicable local land use regulations and
21 comprehensive plan provisions along with any directly-applicable state statutes,
22 Statewide Planning Goals, ~~or~~ LCDC rules, or the standard set forth in section 4 of
23 Chapter 8, Oregon Laws 2010.

24 Stat. Auth.: ORS 197.040, 197.065 & 2007 OL Ch. 424
25 Stats. Implemented: ORS 195.300 - 195.336, 197.015, 197.040, 197.065, 197.353 &
26 2007 OL Ch. 424
27 Hist.: LCDD 4-2008, f. & cert. ef. 5-23-08; LCDD 1-2009, f. & cert. ef. 4-2-09

28 **660-041-0120**

29 **Evaluation of Measure 37 Contiguous Property in Supplemental Review**

30 (1) For purposes of the Supplemental Review of a Claim, ownership of contiguous
31 property will be determined and evaluated as of the date the Claimant Elected relief under
32 section 6 or section 7 of Measure 49.

33 (2) Except for Claims described in section 5 or 6 of Chapter 8, Oregon Laws 2010, in
34 determining the relief to which a Claimant is entitled under section 6 or section 7 of
35 Measure 49, the number of home site approvals a Claimant is entitled to will be reduced
36 by the number of existing lots, parcels and dwellings contained within the entire property,

1 which includes both the Measure 37 Claim Property and any contiguous property in the
2 same ownership.

3 Stat. Auth.: ORS 197.040, 197.065 & Ch. 424, OL 2007
4 Stats. Implemented: ORS 195.300 - 195.336, 197.015, 197.040, 197.065, 197.353 & Ch.
5 424, OL 2007
6 Hist.: LCDD 4-2008, f. & cert. ef. 5-23-08

7 **660-041-0130**

8 **High-Value Farmland and High-Value Forestland**

9 (1) Measure 37 Claim Property is high-value farmland as described in ORS 195.300(10)
10 if:

11 (a) The Measure 37 Claim Property meets the criteria in ORS 195.300(10)(a) or (b), or
12 both ORS 195.300(10)(a) and (b);

13 (b) All of the Measure 37 Claim Property meets the criteria in ORS 195.300(10)(c);

14 (c) The Measure 37 Claim Property is greater than five acres in size and all of the
15 Measure 37 Claim Property is planted in wine grapes, as provided by ORS
16 195.300(10)(d); or

17 (d) All of the Measure 37 Claim Property meets the criteria in ORS 195.300(10)(e) or (f),
18 or both ORS 195.300(10)(e) and (f).

19 (2) Measure 37 Claim Property is high-value forestland if it meets the criteria in ORS
20 195.300(11).

21 (3) To determine the cubic foot potential of Measure 37 Claim Property and whether it is
22 high-value forestland as described in ORS 195.300(11), DLCD will use soil survey
23 information from the U.S. Department of Agriculture's Natural Resources Conservation
24 Service (NRCS), unless other information or data are made a part of the record for the
25 Supplemental Review, in which case DLCD will consider such information or data along
26 with any pertinent NRCS information.

27 Stat. Auth.: ORS 197.040, 197.065 & Ch. 424, OL 2007
28 Stats. Implemented: ORS 195.300 - 195.336, 197.015, 197.040, 197.065, 197.353 & Ch.
29 424, OL 2007
30 Hist.: LCDD 4-2008, f. & cert. ef. 5-23-08

31 **660-041-0140**

32 **Groundwater Restricted Areas**

1 Measure 37 Claim Property is in a Ground Water Restricted Area if the Measure 37
2 Claim Property is located entirely within the boundaries of a Ground Water Limited Area
3 or Critical Ground Water Area, or both.

4 Stat. Auth.: ORS 197.040, 197.065 & Ch. 424, OL 2007
5 Stats. Implemented: ORS 195.300 - 195.336, 197.015, 197.040, 197.065, 197.353 & Ch.
6 424, OL 2007
7 Hist.: LCDD 4-2008, f. & cert. ef. 5-23-08

8 **660-041-0150**

9 **Combining and Dividing Claims**

10 To evaluate the relief, if any, to which each Claimant is entitled under section 6 or section
11 7 of Measure 49, DLCD will divide a single Claim into two or more claims if the
12 Measure 37 Claim Property contains multiple lots or parcels that are not in the same
13 ownership. In addition, DLCD will combine multiple Claims into one claim if the
14 Measure 37 Claim Property contains multiple contiguous lots or parcels that are in the
15 same ownership.

16 Stat. Auth.: ORS 197.040, 197.065 & Ch. 424, OL 2007
17 Stats. Implemented: ORS 195.300 - 195.336, 197.015, 197.040, 197.065, 197.353 & Ch.
18 424, OL 2007
19 Hist.: LCDD 4-2008, f. & cert. ef. 5-23-08

20 **660-041-0160**

21 **Appraisals Under Section 7 of Measure 49**

22 (1) A Claimant seeking relief under section 7 of Measure 49 must provide an appraisal
23 for the Measure 37 Claim Property showing the fair market value one year before the
24 enactment of the Land Use Regulation(s) that are the basis for the Claim, and the fair
25 market value one year after the enactment of the Land Use Regulation(s).

26 (2) The appraisal provided under this rule must also show the present fair market value of
27 each lot, parcel or dwelling that the Claimant is seeking under section 7(2) of Measure
28 49. The appraisal must comply with all provisions of section 7(7) of Measure 49.

29 (3) For the Claimant to obtain relief under section 7, the appraisal must show that the
30 enactment of one or more Land Use Regulations that are the basis of the Claim, other
31 than land use regulations described in ORS 197.352(3) (2005), caused a reduction in the
32 fair market value of the Measure 37 Claim Property that is equal to or greater than the
33 fair market value of the home site approvals that may be established on the property
34 under section 7(2) of Measure 49. The reduction in fair market value of the Measure 37
35 Claim Property must be measured as set forth in section 7(6) of Measure 49.

1 Stat. Auth.: ORS 197.040, 197.065 & Ch. 424, OL 2007
2 Stats. Implemented: ORS 195.300 - 195.336, 197.015, 197.040, 197.065, 197.353 & Ch.
3 424, OL 2007
4 Hist.: LCDD 4-2008, f. & cert. ef. 5-23-08

5 **660-041-0170**

6 **Notice of County Applications and Decisions Under Measure 49**

7 (1) The county with land use jurisdiction over property for which a Measure 49
8 Authorization has been issued must provide written notice to DLCD of any land use
9 application that seeks approval of one or more home sites or of a dwelling, and lot or
10 parcel when applicable, for Claims described in section 5 or 6 of Chapter 8, Oregon Laws
11 2010 under the Measure 49 Authorization;; and of all final written decisions on home site
12 approvals or on a dwelling, and lot or parcel when applicable, for Claims described in
13 section 5 or 6 of Chapter 8, Oregon Laws 2010 that are based on a Measure 49
14 Authorization.

15 (2) Notice of an application for home site approval(s) or for a dwelling, and lot or parcel
16 when applicable, for Claims described in section 5 or 6 of Chapter 8, Oregon Laws 2010
17 under a Measure 49 Authorization, required under section (1) of this rule, must be mailed
18 to DLCD's Salem office at least ten (10) calendar days before any deadline for comment
19 on the application ~~for a home site approval~~. If there is no opportunity for comment, then
20 the notice must be sent ten (10) days before the decision becomes final. The notice must
21 include:

22 (a) A copy of any notice provided under ORS 197.195, 197.365, 197.615, 197.763,
23 227.175 or 215.416;

24 (b) The claim number of the Measure 49 Authorization issued by the State of Oregon;
25 and

26 (c) The name of the present owner of the Measure 49 Claim Property.

27 Stat. Auth.: ORS 197.040 & 197.065
28 Stats. Implemented: ORS 195.300 - 195.336, 197.015, 197.040, 197.065, 197.353 &
29 2007 OL Ch. 424
30 Hist.: LCDD 1-2009, f. & cert. ef. 4-2-09

31

Statement Required by Law for Adoption of Temporary Rules

ORS 183.335(5)(a) allows an agency to adopt temporary rules provided the agency includes “*a statement of its findings that that its failure to act promptly will result in serious prejudice to the public interest or the interest of the parties concerned and the specific reasons for its findings of prejudice.*” In adopting temporary rules under Division 41, the Land Conservation and Development Commission (Commission) adopts the following statement:

“The proposed temporary rules under Division 41 are necessary so that the Department of Land Conservation and Development (DLCD) may meet the requirements of SB 1049. SB 1049 directs DLCD to process between 400-800 Measure 37 claims filed only with counties, and approximately 80 other Measure 37 claims which previously were ineligible for supplemental review under Section 7 of Measure 49. The legislation sets a deadline of June 30, 2011 for processing these additional claims. SB 1049 also requires that the department collect a \$2,500 fee for each claim that will be newly processed under the legislation. To enable DLCD to request and receive county Measure 37 claims from each county, to timely identify potentially affected claimants, to provide notice to those claimants and interested parties of the options, procedures and deadlines set forth in SB 1049, to collect the required fees, and to process those claims, the department must promptly adopt temporary rules.”

ORS 183.335(5)(e) requires an agency specified in ORS 183.530, including the Commission, to include a Housing Cost Impact Statement as part of its statement of need for a temporary rule. That statement is attached as Attachment C.

HOUSING COST IMPACT STATEMENT

FOR ESTIMATING THE EFFECT OF A PROPOSED RULE OR ORDINANCE ON THE COST OF DEVELOPING
A *TYPICAL 1,200 SQ FT DETACHED SINGLE FAMILY DWELLING ON A 6,000 SQ FT PARCEL OF LAND.
(ORS 183.534) *FOR ADMINISTRATIVE RULES*

AGENCY NAME:

Department of Land Conservation and Development

ADDRESS: 635 Capitol Street NE, Suite 150

CITY/STATE: Salem, Oregon 97301

PHONE: (503) 373-0050, ext 229

PERMANENT:

TEMPORARY:

HEARING DATES: April 22, 2010

EFFECTIVE DATE: Upon Filing

**BELOW PLEASE PROVIDE A DESCRIPTION OF THE ESTIMATED SAVINGS OR ADDITIONAL COSTS THAT WILL
RESULT FROM THIS PROPOSED CHANGE.**

PROVIDE A BRIEF EXPLANATION OF HOW THE COST OR SAVINGS ESTIMATE WAS DETERMINED.
IDENTIFY HOW CHANGE IMPACTS COSTS IN CATEGORIES SPECIFIED

Description of proposed change: (Please attach any draft or permanent rule or ordinance)

The temporary rules proposed at OAR Chapter 660, Division 41, will address department coordination with counties for purposes of identifying claims that are the subject of Section 6, of Senate Bill (SB) 1049. The proposed rules would also provide for fee collection and process for SB 1049 claims; clarify that then same notification standards apply to authorizations for single dwellings under SB 1049 as applied to authorizations of home site approvals; and update the department's explanation of the lawfully permitted analyses that were affected by SB 1049 as they pertain to pre-acknowledgement and post-acknowledgement claims with no minimum lot sizes.

Description of the need for, and objectives of the rule:

The proposed temporary rules amend OAR Chapter 660, Division 41 are needed to implement SB 1049 relating to Ballot Measures 37/49 (ORS 195.300 to 195.336, Oregon Laws, Chapter 424 Oregon Laws 2007).

List of rules adopted or amended:

OAR Chapter 660, Division 41 (amended).

Materials and labor costs increase or savings:

The proposed rules are not intended to or expected to result in increases in materials or labor costs or in savings.

Estimated administrative, construction or other costs increase or savings:

The proposed rules should have insignificant cost to local government because data the department requests has already been created by counties in the state. The proposed rules would have a cost to M37/49 claimants who requested Measure 49 Section 7 review (conditional) but received denials because they failed to comply with statutory requirements of Section 7 review. Under SB 1049, a \$2,500 fee is required per claim from claimants requesting supplement review of their Section 7 claims for one additional dwelling of parcel when applicable. The proposed rules would have a cost to county-only claimants requesting review by the department of their M37 claims because a \$2,500 fee is required per claim from claimants. The fee required for supplemental

review is meant to cover any administrative costs associated with review of the Section 7 and county-only claims requesting supplemental review.

Land costs increase or savings:

The proposed rules are not anticipated to affect land costs based on available information.

Other costs increase or savings:

*Typical-Single story 3 bedrooms, 1 ½ bathrooms, attached garage (calculated separately) on land with good soil conditions with no unusual geological hazards.

**PREPARERS NAME:Judith Moore, Measure 49 Development Services Division Manager EMAIL
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