

## **Measure 49 Proposed Rules – Recommended Revisions (5/2/08)**

**1. 660-041-0010(2) – Definition of Claim**

Line 2, page 2: Leave as is (Do not change “city or county” to “local government”)

**2. 660-041-0010(4) – Definition of Contiguous**

Beginning at line 5, page 2: Delete definition

**3. 660-041-0010(11) – Definition of Land Use Regulation**

Line 28, page 2: Leave as is (Do not change statutory reference)

**4. 660-041-0010(17) – Definition of “Metro”**

Beginning at line 1, page 3: Delete definition

**5. 660-041-0060**

Beginning at line 43, page 5, change language to read:

“A Claimant may continue an existing use of Measure 37 Claim Property that was authorized under ORS 197.352 (2005). A Claimant may complete a use of Measure 37 Claim Property that was begun prior to December 6, 2007 only if the Claimant had a common law vested right to complete and continue that use on December 6, 2007, and the use complies with the terms of any applicable DLCDC Measure 37 Waiver.”

**6. 660-041-0070**

Beginning at line 19, page 6, add a sentence to read:

“This rule does not apply to a use that was lawfully established or vested based on a DLCDC Measure 37 Waiver on December 6, 2007.”

**7. 660-041-0080(1)**

Beginning at line 28, page 6: Change “may” to “will”, delete reference to “all” of the property, and revise sentence to read:

“If the record for the Claim does not include the information needed for DLCDC to proceed with the Supplemental Review of the Claim, DLCDC will request Supplemental Information from a Claimant or the Claimant’s authorized agent.”

**8. 660-041-0090(2)**

On line 9, page 7, change “that local government” to “county”.

**9. 660-041-0090(6)**

Beginning on line 36, page 7, change the first sentence of that rule to read:

“The Claimant and the Claimant’s authorized agent may file written comments, evidence or information in response to any materials filed by a third party or county.”

**10. 660-041-0090(7)**

Beginning at line 1, page 8, delete entire second sentence of rule (beginning with "The Final Decision may be subject. . .")

**11. 660-041-0090(8)**

Beginning at line 4, page 8, change rule to read:

"Following issuance of the Final Decision, the owner of the Measure 37 Claim Property may file an application with the county with land use jurisdiction over the Measure 37 Claim Property for a permit to establish homesites authorized under the Final Decision."

**12. 660-041-0090**

Following line 8, page 8, add a subsection (9) to read:

"For good cause shown, DLCDC may extend any time period under this rule."

**13. 660-041-0110(2)(c)**

On line 21, page 9, add the word "local" before "land use regulations"

**14. 660-041-0120(1)**

On line 29, page 9, do not capitalize "contiguous property" and on line 30, do not capitalize "relief."

**15. 660-041-0120(2)**

Line 36, page 9: Recommend no change to "same" ownership.

**16. 660-041-0130(1)(6)**

Lines 1-3, page 10: Recommend no change.

**17. 660-041-0130(2)**

Beginning at line 6, page 10, change language to read:

"Measure 37 Claim Property is high-value forestland if it meets the criteria in ORS 195.300(11)" and delete paragraphs (a) and (b).

**18. 660-041-0140 (Groundwater Restricted Areas)**

Beginning at line 26, page 10, through line 18, page 11, delete all language and remove "(3)" line 19, page 11.

**19. 660-041-0150:**

Line 26, page 11, delete the word "contiguous".

**20. 660-041-0160(3):**

Line 45, page 11, add "(2005)" after ORS 197.352(3).