

Step-by-Step Guide to Transferring Development Rights Granted Under Measure 49

The process has three elements that can occur in parallel or sequentially:

- Convert
- Transfer
- Use

Convert

1. A M49 claimant (or a potential buyer) consults a database and maps on the website of the Oregon Department of Land Conservation and Development (DLCD) for a preliminary determination of whether their home site authorizations are eligible to be converted into transferable development credits (TDCs) and a preliminary estimate of the number of credits that would result.
2. The M49 claimant applies to the county to convert their M49 authorizations into TDCs. The application indicates how many authorizations will be converted, whether bonus credits are sought, whether any prior partitions were based on the M49 authorizations, and whether the application is linked to another application to immediately use the credits.
3. The county evaluates the application based on the locally-adopted M49 TDC ordinance and the statewide administrative rules to determine whether the M49 authorizations are eligible for conversion and how many credits will be created, including any bonus credits.
4. If the county approves the application, it then requests an Amended Final Order (AFO) from DLCD.
5. If the M49 claimant is requesting bonus credits, the claimant signs a conservation easement or a deed restriction acceptable to DLCD, records it with the county clerk, and provides a copy to the county.
6. DLCD reviews the county request and issues an AFO documenting that the M49 authorization can no longer be used on the property for which they were initially authorized because they will be converted to TDCs.
7. The county records the AFO in the deed records maintained by the county clerk and keeps a copy at the planning department for tracking purposes.
8. If a M49 authorization subject to an AFO previously resulted in a partition, then the county vacates that partition.
9. The county provides copies of the recorded AFO and any applicable deed restrictions or conservation easements to DLCD.
10. DLCD enters the new credits into the database with unique serial numbers, creates TDC certificates, and sends the certificates to the county.
11. The county provides the TDC certificates to the applicant.

If the credits are not being immediately used in a linked application, then the M49 claimant has the option to:

- Transfer the credits (by sale or otherwise) to a new owner (go to Phase 2)
- Hold onto the credits for future transfer or use

Transfer

1. The current owner uses the DLCD website to submit notice of a transfer of ownership.
2. DLCD sends a confirmation to the now previous owner to prevent fraudulent transfers.
3. DLCD updates the database to reflect the new owner.

The new owner of a credit has the same options: transfer, use, or hold.

The DLCD database will make information available on the internet to help connect buyers and sellers of credits, and to authenticate who owns credits.

Use

1. A person who is using credit(s) applies to the county for a Type II permit. The application indicates the proposed development (that would not be otherwise permitted), how many credits are required, and whether the application is linked to an application that is creating the TDCs or is using previously created TDCs.
2. The county provides notice of the application to DLCD and requests verification that the credits are available and belong to the applicant.
3. DLCD consults the database to verify the credits and their ownership, and provides the results to the county.
4. The county evaluates the application based on the locally-adopted ordinance and the statewide administrative rules to determine whether the proposed development can be authorized.
5. If the county approves the application, it issues preliminary plat approval, building permit, or other appropriate permits to the applicant.
6. The county provides notice to DLCD, including all supporting documents.
7. DLCD updates the database to record that the credits have been used.
8. The applicant proceeds with the development through the normal processes, in compliance with normal development standards.