

URGENT: Landowner Notification Notice (Ballot Measure 56)

TO: Planning Director
FROM: Department of Land Conservation and Development
SUBJECT: NOTICE ABOUT NEW STATE STATUTES

Oregon Revised Statute (ORS) 197.047, commonly known as Ballot Measure 56 (approved by Oregon voters in 1998), requires a two-step notification whenever there's a change in state planning laws or rules that may limit or prohibit otherwise permissible uses. First, the Department of Land Conservation and Development (DLCD) must notify every local government about the change. Second, under ORS 197.047 (4) the local government must mail an exact copy of DLCD's notice to every landowner whose property would be "rezoned" as a result of that change.

This is our notice to you about new legislation adopted the Oregon voters in 2007 regarding 2004 Ballot Measure 37 (ORS 197.352). This legislation, 2007 Ballot Measure 49, modifies ORS 197.352 and may limit or prohibit uses that otherwise would have been permissible under Measure 37. A copy of the new legislation is enclosed. After you read it, you must decide whether your local government is required to mail the enclosed notice to any landowners and, if so, which ones.

Where will this law apply?

2007 Ballot Measure 49 applies to claims for compensation that were filed under 2004 Ballot Measure 37. It also applies to new claims resulting from new land use regulations (those enacted after January 1, 2007).

When will this law take effect?

The new law took effect on December 6, 2007.

Which local governments are affected by this law?

The new law may affect cities and counties that received Ballot Measure 37 claims on or before June 28, 2007.

How does ORS 197.047 define "rezoned"?

You should mail the attached notice to every owner of property that will be rezoned as a result of the enactment of Measure 49 (if any). ORS 197.047(8). This may include persons who had filed Measure 37 claims on or before June 28, 2007.

What should be mailed to the landowners who will be "rezoned"?

Just mail an exact copy of the attached notice to each of them.

When must the notices be mailed to landowners?

You must mail such notices not later than 30 days after you receive this notice from DLCD.

Where should I direct questions about Landowner Notification?

Your local legal counsel should be your primary source regarding statutory landowner notification requirements. We can discuss the requirements with you in general terms, but we can't tell you how to apply them or give you legal advice.

If landowners have questions, should we have them call DLCD?

For the most part, no. We can answer general inquiries about the new law. But the most common question will be one that we can't answer: "How will this rule affect **my** land?" We don't have the maps, ordinances, and local information necessary to answer that question. Also, we're not allowed to interpret local ordinances for a landowner: that's up to the local planners.

Will the state pay for mailing notices to landowners?

Yes. The law calls for DLCD to "reimburse the local government for all usual and reasonable costs of providing notice required under subsection (4) of this section." (ORS 197.047(5)).

How does a local government get reimbursed?

Use the reimbursement claim form provided in this packet. Send the reimbursement form along with a copy of the notice sent to landowners and detailed invoice for the costs of the mailing to Gail Churchill, DLCD, 635 Capitol Street NE Suite 150, Salem OR 97301-2540. File all claims within 30 days of incurring the costs.

SUMMARY

- 1. Read new law and enclosed notice about it.**
 - 2. Decide whether new law applies to land in your jurisdiction.**
 - 3. Determine whether land will be "rezoned" when new law takes effect.**
 - 4. If land will be "rezoned", get names and addresses of landowners.**
 - 5. Mail each landowner a copy of the enclosed notice within 30 days of receiving this notice from DLCD.**
 - 6. Bill DLCD for usual and reasonable costs of mailing such notices.**
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