

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Pass as Amended and Be Printed Engrossed and Rescind the Subsequent Referral to the Committee on Ways and Means
Vote:	8 - 0 - 0
Yeas:	Clem, Cowan, Esquivel, Garrett, Greenlick, Hanna, Wingard, Nolan
Nays:	0
Exc.:	0
Prepared By:	Cheyenne Ross, Administrator
Meeting Dates:	1/27, 2/03, 2/10, 2/12, 2/17, 2/19, 2/24, 3/17, 4/21, 4/23, 4/28

WHAT THE MEASURE DOES: Provides process for corrective remapping of rural lands by counties to ensure sustainable development of rezoned lands and update of natural resource protections. Provides existing regional problem-solving process with parameters, deadlines, and criteria to identify participants. Allows for an acknowledgement review by the Department of Land Conservation and Development (DLCD) of rural lands remapping decisions and decisions that result from regional problem-solving. Prioritizes dense urban development in high growth areas. Allows extension of regional problem-solving deadline to incentivize mediation of local land use disputes. Authorizes DLCD to perform review for complexity. Limits further development in certain areas.

ISSUES DISCUSSED:

- Land use system generally successful on the whole
- Inherent tension between land use planning and private property rights
- Complexity, differences in each county, overlapping authorities, accumulation of rules and layers of process
- Regional problem solving process for collaborative decision-making at local level
- Infrastructure needs are critical and inadequately addressed
- Mis zoning not being corrected
- No relief for expensive, lengthy Measure 37 and Measure 49 processes
- Constant change and potential for change at state level drains local resources and destabilizes landowners
- Population growth and climate change not adequately addressed
- Annexation
- Not enough control over expansion of urban growth boundaries, need for more efficient/compact development
- Irrevocable loss of farm and forestlands, need to strengthen protection of natural resources
- Definitions of farm and forest lands should be consistent/applicable statewide and not county by county
- Today's "marginal" lands have unknown future uses, analogous to modern wine industry, niche farming and agro tourism that the system did not contemplate years ago

EFFECT OF COMMITTEE AMENDMENT: Replaces the original measure.

BACKGROUND: The Legislative Assembly passed legislation in 1969 requiring cities and counties to adopt comprehensive land use plans, but there was no corresponding enforcement mechanism nor system of technical assistance to achieve that end. Senate Bill 100 (1973) created the Land Conservation and Development Commission (LCDC) to acknowledge such plans, to approve Urban Growth Boundary (UGB) amendments, and to establish and amend state land use goals. The Department of Land Conservation and Development (DLCD) was also created under Senate Bill 100 to implement the goals and to coordinate state agencies. Senate Bill 101, also passed in 1973, required counties to adopt Exclusive Farm Use zones (EFUs), and in 1979 the Land Use Board of Appeals (LUBA) was created.

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This summary has not been adopted or officially endorsed by action of the committee.

In 2000, Measure 7 was passed and amended the Oregon Constitution to waive land use requirements that caused a reduction in property value or to compensate the property owner for same. It was overturned by the Oregon Supreme Court. Four years later, Measure 37 was approved, requiring compensation for devaluations caused by regulations that took effect after a claimant took ownership of a property, or allowing waiver of regulations causing property value reductions. Most claims were resolved by waiver because no funding was provided for compensation. In late 2006, more than 7,000 claims had been filed with counties, representing in excess of \$6 billion in compensation. Measure 49 then passed in 2007 allowing compensation for existing claimants to take the form of buildable home sites.

In 2005, the Legislative Assembly passed Senate Bill 82, creating the Oregon Task Force on Land Use Planning (the “Big Look Task Force”) to perform a broad review of the land use planning program and make policy recommendations to the Legislative Assembly by February 1, 2009. Areas of concern included: the effectiveness of Oregon’s land use planning program in meeting the current and future needs of Oregonians in all parts of the state; the respective roles and responsibilities of state and local governments in land use planning; and land use issues specific to areas inside and outside UGBs. House Bill 2229A represents some of those recommendations.