

Oregon adopts new Measure 37 rules

by Bend Weekly News Sources

The Oregon Land Conservation and Development Commission (LCDC) adopted new administrative rules regarding Measure 37 claims Thursday during a regular meeting in Salem.

Measure 37 is the property rights initiative that passed in November of 2004. The new rules (Oregon Administrative Rules 660-041), which were adopted after a public hearing, will do three things:

• Make permanent the temporary Measure 37 rules that LCDC adopted in November, 2006. Those rules clarify the requirements for the submittal of Measure 37 claims to the State after December 4, 2006, where the claim is based on existing or new Department of Land Conservation and Development (DLCD) land use regulations.

• Require local governments to notify DLCD of pending and adopted permits or other authorizations to allow a use based on a Measure 37 waiver.

• Clarify that both the local government and the state must modify, remove, or not apply (waive) applicable local and state land use regulations before a land owner may lawfully obtain a local permit or other authorization to proceed with a use authorized under a Measure 37 waiver, for claims based on existing statewide land use planning statutes, goals and rules.

“These new rules will clarify procedures for Measure 37 claims and assure consistent implementation of the measure statewide,” said Lane Shetterly, Director of the Department of Land Conservation and Development.

