Status of Measure 49 Claims and Development

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Voters passed Ballot Measure 37 in 2004

- Initiative Petition
- Required compensation or waive land use regulations
- Non-transferable: Waivers personal to claimants
- 7,000 claims totaling $17 billion
Voters passed Ballot Measure 49 in 2007

- Referred by legislature
- Residential use or farm/forest practices
- Voided existing Measure 37 waivers
- Established path for *Existing Measure 37 claims*
- Created procedures for *New Measure 49 claims*
Measure 49 for Existing Measure 37 Claims

- Waivers replaced by “home site authorizations”
- Transfer with the property
- Permitted use
- Up to 3 home sites
- Up to 10 home sites with appraisal
- Or M37 development completed/vested
Status of Existing Claims & Development

- Measure 49 Home sites
- Measure 49 Development
Claim with 3 Home Site Authorizations:
2 new parcels for 3 new dwellings

**Express Option Example 1**

**Before:** Claimant has one existing parcel and no dwellings

**After:** Claimant approved for three parcels and three dwellings

- New
- New
- New
From Home Site Authorizations to Development

State issues home site authorizations and determines new parcels and new dwellings

Claimant applies to county for development of new parcels and new dwellings

County issues development approvals for new parcels and new dwellings
Assessing Parcel & Dwelling Development

- Tracking development:
  - Extract data from county development notices
  - Link claims data to county tax lot data

- Accuracy & completeness issues:
  - Counties often do not send notices
  - Some counties do not share tax lot data
  - Most shared data missing dwellings
New Parcels Created and Remaining

- ~4,200 new parcels approved by state
- ~Estimate 35-45% created through 2018
- ~1,700 new parcels created
- ~2,500 more may be created
New Parcels Created through 2015

The map shows the number of new parcels created in each county through 2015, with shades indicating the number of parcels in each county:

- **4 - 15 parcels**: Light yellow
- **16 - 50 parcels**: Light orange
- **51 - 100 parcels**: Orange
- **101 - 197 parcels**: Dark red
- **Insufficient tax lot data to map authorizations**: Gray
- **No Measure 49 authorizations**: White
- **Urban Growth Boundaries**: Blue

Counties are color-coded based on the number of new parcels created, with darker shades indicating a higher number of new parcels.
New Parcels Authorized not Created

Remaining New Parcels
- 11 - 100
- 101 - 200
- 201 - 300
- 301 - 613

County Data Status
- Insufficient tax lot data to map authorizations
- No Measure 49 authorizations
- Urban Growth Boundaries
Measure 49 Parcels by Zoning through 2015

New Parcels Authorized
- Farm: 56%
- Forest: 10%
- Rural Residential: 14%
- Mixed Farm/Forest: 20%

New Parcels Created
- Farm: 62%
- Forest: 11%
- Rural Residential: 11%
- Mixed Farm/Forest: 0%
New Dwellings

- ~ 6,200 new dwellings authorized
- Data too incomplete to estimate number of new dwellings created
Transfer of Development Credits (TDC)

- Measure 49 allows counties to adopt transfer of development programs
- TDC turns home sites into credits that can be sold or used elsewhere
- Benefit to conservation
  - Move development off resource lands (86%)
- Benefit to claimant
  - Receive value of home site, without developing land
State TDC Rules

- State adopted rules in 2014
- Moves home sites to rural residential zones
- Avoid hazardous or environmentally sensitive areas
- Bonus credits to transfer out of most valuable or hazardous areas
- Allows smaller lots in rural residential zone
Clackamas County Measure 49 Claims

Authorized Measure 49 claims in relation to conservation and development areas in a portion of Clackamas County
Measure 49 Claims & Fire Risk in Southern Oregon

- **Measure 49 Claims**
- **Fire Risk**
  - Very high fire risk
  - Low fire risk
  - High fire risk
  - Very low fire risk

Urban Growth Boundary

Scale: 0 to 15 Miles
Questions?

DLCD
Department of Land Conservation & Development

For More Information:
www.oregon.gov/LCD/MEASURE49

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