



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD



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TO: The Honorable Ginny Burdick, Chair
Senate Committee on Rules

FROM: Palmer Mason, Senior Policy Advisor

RE: Senate Bill 1050

The Oregon Department of Land Conservation and Development respectfully requests that the members of the Senate Committee on Rules vote against SB 1050. This bill fundamentally alters the compromise achieved by Measure 49 and, given the short time left in session, the opportunity for meaningful public debate over its effect on the state's farm and forest lands is unlikely.

Background on Measure 49

Ballot Measure 49 was approved by the voters in 2007 as a reasonable compromise to reduce the impact of Ballot Measure 37 while giving property owners more certainty about allowed development.

Both measures allowed additional development for property owners who owned their property prior to zoning regulations. This additional development was granted specifically to the property owner, and the measures did not eliminate or change the zoning on the property. Under Measure 37, only the long-time owner had the right to develop the property. The right was personal, and did not run with the property. Therefore, if the property was sold or otherwise conveyed, the additional development authorization was extinguished. In contrast, Measure 49 gave the long-time owner the option to convey the property *with* the authorization to complete the development and build houses within a reasonable time (ten years).

Effect of SB 1050

SB 1050 would fundamentally alter the compromise in Measure 49. Specifically, the bill would eliminate the ten-year time limit on the authorization for additional development. Thus, the additional development would be allowable for anyone who owns the property at any time in the future. This change breaks with the will of voters who approved Measure 49 in 2007 with a ten year limitation on the right to develop.

SB 1050 also has significant practical problems. Most of the potential development subject to the ten-year limit is on farm and forest land, which would lead to loss of these important working lands. Furthermore, much of the potential development would be located in fire-prone areas. Measure 49 authorized approximately 6,500 new home sites on rural land and an estimated 60-70 percent of these have not been completed, leaving roughly 4,000-4,500 authorized but undeveloped home sites. If SB 1050 is enacted, these authorizations would never expire, presumably leading to more development of the state's farmland and forestland and increasing the risks from wildfires to more people and property.

In addition, SB 1050 involves unanticipated fiscal costs. While the costs of the state are not great, the bill would increase the burden on county governments. At the present time, the number of outstanding Measure 49 authorizations would steadily dwindle as some houses are built, and some authorizations expire. Many county governments are already struggling to correctly process development under Measure 49 because of staff turnover since 2007 and because of the small number of authorizations processed each year. SB 1050 would make this problem worse by indefinitely extending the need to process development under Measure 49.

Lastly, the timing of SB 1050 raises concerns about the opportunity for meaningful debate and public input. With one month left in the session and the possibility of only one public hearing before the bill goes to the floor, concerns over SB 1050 are unlikely to be properly considered and vetted. A bill of this scope requires more time and deliberation, especially given that it overturns the will of the voters.