Oregon

Kate Brown, Governor

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TO: Interested Parties

FROM: Katherine Daniels, Farm and Forest Lands Specialist

SUBJECT: Adoption of Rules for Measure 49 Transfer of Development Credits (TDC)

On March 12, 2015, the Land Conservation and Development Commission (LCDC) adopted new rules and rule amendments applicable to Measure 49 and the transfer of development credits. These rules are effective.

Landowners with Measure 49 (M49) dwelling authorizations now have a way to obtain value for these authorizations without building on-site, by transferring the value of the authorization to other locations using "credits." In 2007, Oregon voters approved M49, which authorized certain property owners to develop home sites that were not otherwise allowed. M49 and ORS 94.531 authorize counties to establish a system for transferring these home site authorizations to locations that would have fewer impacts on productive resource lands.

LCDC has now adopted administrative rules that provide a framework for interested counties to adopt local ordinances to establish TDC programs. Landowners may then, on a voluntary basis, transfer their development interests in accordance with the local ordinance. TDC programs are anticipated to reduce the adverse impacts of scattered M49 residential development on farm, forest and other resource lands.

Counties are encouraged to consider the adoption of M49 TDC programs. Interested M49 landowners and developers are encouraged to participate. DLCD is prepared to assist by providing model ordinances, mapping of potential sending and receiving areas, and other guidance for the initial participating counties.

The adopted rules and rule amendments are available on this link:
http://www.oregon.gov/LCD/Pages/Rulemaking_TDR_Under_M49.aspx#Adopted_Rule

Please contact Katherine Daniels at katherine.daniels@state.or.us or 503-934-0069 for further information.