

74th OREGON LEGISLATIVE ASSEMBLY - 2007 Regular Session  
STAFF MEASURE SUMMARY  
Senate Committee on Environment and Natural Resources

MINORITY REPORT  
MEASURE: HB 3025 AMR  
CARRIER: Sen. Beyer

REVENUE: No revenue impact  
FISCAL: Fiscal statement issued

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Action: Do Pass as Amended and Be Printed Engrossed  
Signers on the Report: Senators Atkinson and Beyer  
Prepared By: Sue Marshall, Administrator  
Meeting Dates: 5/17

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**WHAT THE MINORITY REPORT DOES:** Modifies the definition of “land use decision” and “limited land use decision” to exclude decisions of local government to approve or withhold approval of a final subdivision of a partition plat or that determines whether a final subdivision or a partition plat substantially conforms to tentative subdivision or partition plan. Extends deadline for public entities to act on certain Measure 37 claims from 180 days to 360 days. Allows for transfer of waivers granted under Ballot Measure 37. Adds definition of ownership. Establishes a Compensation and Conservation Fund in the State Treasury. Requires additional property taxes from former special assessment properties to be deposited in Compensation and Conservation Fund. Allows moneys to be continuously appropriated to the Compensation and Conservation Fund to reimburse claimants for retroactive reduction of land uses authorized prior to effective date of act. Declares emergency, effective upon passage.

**ISSUES DISCUSSED:**

- *Hammer v. Clackamas County* Court of Appeals decision
- Financial lenders concerns about length and uncertainty of land use decisions
- Impact on low-income housing

**EFFECT OF MINORITY AMENDMENT:** Extend deadline from 180 days to 360 days for a public entity to compensate a property owner with a valid claim under Ballot Measure 37 (2004), if the claim was filed by Nov. 1, 2006 and before Dec. 5, 2006. Stipulates that the minimum lot size for a Ballot Measure 37 waiver must be equal to or larger than the median size of the tax lots contained entirely within one-mile of the perimeter of the proposed subdivision or 20 acres, whichever is smaller. Allows the waiver to be transferred with the property. Requires additional taxes collected to be transferred to the Department of Land Conservation and Development for deposit in the Compensation and Conservation Fund if property is disqualified from a special assessment based on a waiver. Establishes a Compensation and Conservation Fund in the State Treasury for the purpose of reimbursing land owners for the costs incurred to obtain waivers, if legislative action retroactively reduces the uses that may be authorized under a waiver for a claim filed before the effective date of the measure. Adds definition of “waiver”. Revises definition of “owner” to include spouse. Narrows the definition of statutes and administrative rules related to forest practices. Add definition of “the time the owner acquired the property” to mean the earliest date an owner has owned or held a continuous ownership interest in the property either individually or by legal entity, provided the property owner or a family member has continuously retained ownership or voting control.

**BACKGROUND:** In *Hammer v. Clackamas County*, the Court of Appeals found that the county surveyor’s approval of a subdivision plat was a land use decision that could be appealed to the state Land Use Board of Appeals (LUBA). This decision ran counter to the standard practice for local governments to review subdivision and partition final plats using an administrative procedure that does not provide for notice, opportunity to comment and appeal to LUBA.

House Bill 3025-AMR amends the definitions of ‘limited land use decision’ and ‘land use decision’ to specifically exclude subdivision and partition final plat reviews. The minority amendment address procedures related to claims made under Ballot Measure 37 (2004).

5/25/2007 8:42:00 AM

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