

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass
Vote: 8 - 0 - 0
Yeas: Clem, Cowan, Esquivel, Garrett, Greenlick, Hanna, Wingard, Nolan
Nays: 0
Exc.: 0
Prepared By: Cheyenne Ross, Administrator
Meeting Dates: 5/21, 5/26

WHAT THE MEASURE DOES: Modifies provisions for claiming compensation for land use regulations that restrict forest practices on private real property. Allows claim by owner based on land use regulation under Oregon Forest Practices Act; administrative rule of the State Board of Forestry; or any other rule or law enacted solely for the purpose of regulating a forest practice, enacted or adopted after the effective date of this act. Authorizes owner filing such claim to do so for property that is lawfully-established unit of land. Authorizes owner to file separate claims for different lawfully-established units of land at the same or different times. Establishes that claims of reduction of fair market value on land may be shown by appraisals of land value and harvestable timber value with and without application of the subject regulation. Allows certain authorizations granted to claimants to be used by subsequent owners of property.

ISSUES DISCUSSED:

- Stability of land values
- Special class of remedies for one subset of landowners

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Oregon's land use planning system was created by the Legislative Assembly with the passage of Senate Bill 100 in 1973. In 2004, voters passed Ballot Measure 37 which required compensation to landowners whose property values were negatively affected by land use laws or regulations and who filed claims with the appropriate governmental unit. Measure 37 gave the governmental unit the choice to either pay the claimant an amount equal to the loss in value due to the land use law; or to not apply the restricting law, referred to as the "waiver system." Ballot Measure 49, approved by the voters in 2007, modified the process for compensation of landowners for lost value due to land use regulations created in Ballot Measure 37 by allowing persons who have already submitted a claim for compensation on land entirely outside an urban growth boundary and city limits to select one of three pathways: (1) the unconditional path, or "express lane," which allows the claimant to establish up to three home sites on the property; (2) the conditional pathway, which allows the claimant to establish between four and ten home sites on the property; or (3) the vested rights pathway, which allows the claimant to continue to pursue their claim under Ballot Measure 37 if they have a vested right as of the effective date of the measure.

Measure 49 is described as inadequate or impractical as applied to regulation of forestry practices, due primarily to the long holding period required before commercial value may be realized. Senate Bill 691A makes modifications to account for this difference that are specific to forestry practices.