

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	5 - 0 - 0
Yeas:	Atkinson, Boquist, Hass, Prozanski, Dingfelder
Nays:	0
Exc.:	0
Prepared By:	Beth Herzog, Administrator
Meeting Dates:	4/16, 4/28

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

ISSUES DISCUSSED:

- Appraisal process
- Current forest practices
- Subsequent owners' ability to have waiver if it was granted to previous owner

EFFECT OF COMMITTEE AMENDMENT: Narrowed the scope of land use regulations to include a provision enacted or adopted after the effective date of this Act under Oregon Forest Practices Act; an administrative rule of the State Board of Forestry; or any other rule or law enacted solely for purpose of regulating a forest practice. Established that reduction of fair market value is on a lawfully established unit of land. Establishes that appraisal is done by showing value of land and harvestable timber with and without land use regulation conducted in accordance with generally accepted forest industry practices. Authorizes that a claim may be used by an owner of property subsequent to owner who filed the claim.

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 impacted 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. It allows 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 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.

5/1/2009 8:20:00 AM

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