

**REVENUE:** No revenue impact

**FISCAL:** Fiscal statement issued

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means
<b>Vote:</b>	5 – 0 – 0
<b>Yeas:</b>	Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Anna Braun, Counsel
<b>Meeting Dates:</b>	2/4, 2/8

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**WHAT THE MEASURE DOES:** Amends Ballot Measure 49 (2007) in three ways: 1) allows those who filed claims only with the county to be eligible for one additional dwelling; 2) allows those who failed to provide an appraisal or an adequate appraisal to be eligible for one additional dwelling ; 3) allows those that acquired property between 1975 and the date of a county’s acknowledged land use plan to be eligible for up to three dwellings, depending on the acreage and the local zone at the time the property was acquired. Charges fee of \$2,500 for certain claims. Clarifies transferability to family members. Clarifies Department of Land Conservation and Development standing in litigation. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Applying local zones in pre-acknowledgment cases
- \$2500 fee for certain applications
- Transferability to family members

**EFFECT OF COMMITTEE AMENDMENT:** Corrects typographical error.

**BACKGROUND:** In November 2007, Oregon voters approved Ballot Measure 49 which modified Ballot Measure 37 (2004). Ballot Measure 37 allowed property owners whose property value was reduced by land use regulations to claim compensation or increased development rights from state or local government. Measure 49 modified Ballot Measure 37 by allowing certain claimants to establish a specific, but limited, number of home sites. It was available only for claimants who filed Measure 37 claims on or before June 28, 2007.

Last session, HB 3225 allowed an extension of Ballot Measure 49 claims for certain claimants who failed to meet procedural requirements. In addition, Department of Land Conservation and Development (DLCD) was required to study the reasons other claimants were not able to meet the requirements. SB 1049A is the result of that study and a work group that included Oregonians in Action and 1,000 Friends of Oregon.

SB 1049A provides a process for allowing one additional dwelling for those approximately 800 claimants who filed Ballot Measure 49 claims only with a county, (instead of the county and the state as was required under Ballot Measure 37). In addition, it provides relief of one additional dwelling for about 85 claimants who sought approval of up to 10 homes under Ballot Measure 37 but failed to provide any appraisal or an adequate appraisal as part of their application package. For the “county only” applications and the “appraisal” applications, a \$2,500 fee will be required and DLCD must finish the work by June 30, 2011.

SB 1049A also provides a process for approximately 700 properties that were acquired after the statewide land use goals were enacted in 1975 but before a county’s comprehensive plan was acknowledged by DLCD. The claims in this “pre-acknowledgment” category must comply with the local zoning at the date of acquisition, even if more restrictive. However, the claimants will no longer have to prove compliance with the statewide land use goals. Absent a more restrictive zoning, claimants will be allowed one home site if they own up to 20 acres, two home sites if they own 20 to 40 acres of land and three home sites if they own more than 40 acres of land.

2/8/2010 3:16:00 PM

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