



The Oregonian

Bipartisan fix emerges to smooth Measure 37

Fairness - Lawmakers suggest an easier process for up to three homes and a tougher one for more

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LAURA OPPENHEIMER
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A bipartisan group of legislators broke the stalemate over Oregon's property rights law Thursday, proposing a plan to simplify small developments and limit big ones.

Measure 37 claimants would be able to build as many as three rural homes with less hassle and more legal certainty, said the five lawmakers, who have met privately for weeks. Oregonians could apply for as many as 10 homes under a more complicated process.

The concept -- outlined as legislators left for a long weekend -- is far from a done deal. It needs to be drafted into formal legislation and clear the Land Use Fairness Committee, both houses of the Legislature and Gov. Ted Kulongoski.

But this is the first glimmer of compromise on one of the Capitol's most daunting issues. Weeks of heated testimony sidelined two other proposals, and legislators still haven't debated publicly.

Half the committee began gathering in private, logging 25 hours in the past several weeks. The committee's Democratic co-chairmen, Sen. Floyd Prozanski of Eugene and Rep. Greg Macpherson of Lake Oswego, said they wanted to give rural landowners flexibility while protecting neighbors, too.

Flaws in Measure 37, Macpherson said, "prevented it from achieving the fairness that was promised to voters."

Oregonians approved Measure 37 in 2004, excusing landowners from rules adopted after they bought their property.

Governments have received about 7,500 applications, most asking to divide rural land. Measure 37 claims cluster in the countryside near growth hot spots such as the Portland suburbs, Medford and Hood River.

It's unclear how much of the property actually will be developed, but critics say Measure 37 will hurt farmers and make it tough to plan for growth. Some claimants, however, say governments should make Measure 37 more user-friendly.

The result of this clash: hundreds of lawsuits and calls for the Legislature to step in.

In addition to Prozanski and Macpherson, the work group includes Sen. Kurt Schrader, D-Canby, and two Republican representatives: Bill Garrard of Klamath Falls and Patti Smith of Corbett.

Their plan would give top priority to people asking to build three or fewer houses. Guidelines would dictate the size of lots and their location within a property.

Claimants could build as many as 10 houses on a property -- and a total of 30 on all their holdings -- by more rigorously proving how much government rules damaged their investment. This option would not be available on Oregon's best farmland or in areas with groundwater shortages.

Both tracks would allow claimants to transfer new building opportunities when they sell property, settling one of Measure 37 supporters' biggest gripes. Oregonians who transferred property to family companies would qualify. And claimants who have begun the development process could continue.

Tim Nesbitt, Kulongoski's deputy chief of staff, said the governor supports the concept. And the committee's co-chairmen said many legislators are buying into it.

But at least some Senate Republicans were upset about being excluded from the work group. Senate Minority Leader Ted Ferrioli, R-John Day, for example, promptly issued a statement saying this approach "ignores the voice of the voters."

Work group members said they might spend a couple of weeks fine-tuning their ideas and drafting a bill. When they do, they'll discuss it with the full committee and host hearings.

It was important to negotiate without the pressure of lobbyists and emotional Oregonians watching, members said. And they know they won't please everybody.

"The people who can make the decisions are in the room," Garrard said. "We have the responsibility to do that. And we all knew we were going to catch hell, no matter what we did."

Laura Oppenheimer: 503-294-7669; loppenheimer@news.oregonian.com

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