

Measure 37: Work group announces plan to resolve issues

Deal would include ability to transfer development rights

By Aaron Clark
The Associated Press
March 30, 2007

A group of Oregon lawmakers announced late Thursday they have agreed on a framework to patch Measure 37, Oregon's controversial property rights law.

The proposal would allow landowners who bought their property before March 1, 1994, and who want to build as many as three homes, to qualify for an "express lane" — putting their claims on a fast track. Estimates are that up to two-thirds of the about 7,000 claims filed would fall into this category.

Property owners who think they lost more than the value of three home sites because of property regulations enacted after their land purchase would be allowed to apply to build as many as 10 homes — with a statewide maximum of 30 home sites per claimant.

This option would not be available in some properties that are entirely high-value farm land, or in areas where groundwater is limited or in critical supply.

The proposal was the product of a five-member bipartisan work group that included Sen. Floyd Prozanski,

D-Eugene, Rep. Greg Macpherson, D-Lake Oswego, who, along with a representative from Gov. Ted Kulongoski's office, announced the framework late Thursday. They emphasized that the plan still was a work in progress.

Measure 37, passed by voters in 2004, requires governments to pay owners for property value lost from land-use restrictions passed after the property was purchased. If governments don't pay, they must waive the restriction and allow development.

The bill has divided Oregonians, pitting people who want unrestricted development rights versus people who want the state's rolling farmlands and wild areas preserved.

Other members of the five-member work group, all members of a special land-use committee, are Rep. Bill Garrard, R-Klamath Falls, Patti Smith, R-Corbett, and Sen. Kurt Schrader, D-Canby. Macpherson said they could not attend the news conference because of prior commitments.

"From initial reactions, we are optimistic that this is good middle ground, that this is going to draw support across a range of legislators," Macpherson said.

Lawmakers highlighted several critical aspects of the agreement,

particularly the ability to transfer Measure 37 development rights — a key concession for property rights groups. Claimants who opt for the express lane option, or who can establish a loss exceeding the value of three home sites in today's market, will have the ability to transfer their development rights to a new owner.

Development rights would have to be exercised within 10 years of the sale.

People who already have had Measure 37 claims approved by state and local governments could go forward, but they would not have the ability to transfer those rights to another owner unless they chose one of the options under the new proposal.

The framework also spells out a model for valuing losses to homeowners resulting from property rights legislation enacted after they purchased their property. The potential market value of home sites in today's market would be adjusted after subtracting past property tax deferrals.

Although Macpherson and Prozanski emphasized that the proposal is a bipartisan effort, the work group has drawn criticism from Senate Republicans who were furious at being excluded. Those Republicans also have criticized the plan's valuation model, as well as other components of the framework.

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