

## Bill allows some land-use claims to be considered

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Some landowners who failed to file Measure 49 claims with all affected governments, or who missed last year's deadline for choosing options, would have their claims considered under legislation pending in both chambers.

House Bill 3225, which was heard Tuesday by the House Land Use Committee, would add 400 claims to the 4,200 filed with the state Department of Land Conservation and Development under Measure 49. Voters in November 2007 approved the measure, which scales back development rights in claims granted under Measure 37 in 2004.

The version under consideration is identical to Senate Bill 945, which the Senate Judiciary Committee cleared Monday, but has gone to the Legislature's joint budget committee because it will affect the agency's workload.

The opposing sides on the two ballot measures agree on the bills.

"We see this as an opportunity to do positive work," said Bob Stacey, executive director of the land-use watchdog group 1000 Friends of Oregon, which backed Measure 49 and opposed Measure 37.

"This bill is a consensus" of what the two groups could agree to, said Dave Hunnicutt, president of Oregonians in Action, which opposed Measure 49 and sponsored Measure 37.

The bill would allow state officials to consider these applications:

- 150 claims filed with counties on time under Measure 37, but with the state after a deadline of December 2006.
- 140 claims from landowners who also seek to continue their projects, based on "vested rights" development done before Measure 49. A landowner can accept a claim or proceed under vested rights, but not both.
- 20 claims filed with the state under Measure 37, but not with the affected county.
- 5 claims split by an urban growth boundary.
- 10 claims within a city, but not within an urban growth boundary.
- About 70 claims that were invalidated because the landowner failed to notify the state within 90 days of choosing an option under Measure 49. A landowner had a choice of building up to three homes without an appraisal, 10 homes with an appraisal, or seeking approval based on development progress. The 70 claims were late by up to a week; there are others, most of those up to 30 days late.

### What's next

Chairwoman Mary Nolan, D-Portland, said the House Land Use Committee may proceed with an amended version of House Bill 3225 if Senate Bill 945 is stalled. Both would allow the state to add to the 4,200 applications filed under 2007's Measure 49, which scales back development rights that some landowners obtained under Measure 37 in 2004.

No follow-up meeting is scheduled.

The bill also would direct the state land-use agency to investigate why 960 Measure 37 claims filed in five counties were not filed with the state, and why about 140 applicants sought to build up to 10 homes on their sites, but never filed the appraisals required under Measure 49. These claims would not be considered, but lawmakers could legalize them during a planned 2010 session.

Richard Whitman, director of the state land-use agency, said the bill's most important sections are a deadline of June 30, 2010, for processing all claims — about 540 have had final orders so far — and an allowance for up to 100 hardship cases to be processed regardless of when they were received.

Laura Wellons of Lake Oswego said she would welcome a quick determination of her claim, which she filed with the state but not Clackamas County. She and her husband inherited property near West Linn; her husband has since died, and she has a potential buyer.

"I want to get rid of this property," she told the committee. "I never want to own a large piece of property in Oregon again."

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