



Implementing Measure 37 in Lane County

What does Measure 37 do?

Measure 37 amends Oregon statute to allow an owner of private real property to file a claim with the governmental jurisdiction responsible for implementing or enforcing a regulation when he or she believes it has devalued that property. The government (local or state) receiving a valid claim must either pay compensation for the reduced property value or take action to modify, remove or not apply the regulation to the property. If the government fails to take any of these actions within the 180 days of the written demand, the property owner may pursue the claim for compensation in Circuit Court.

When does Measure 37 take effect?

Measure 37, approved by Oregon voters in the November election, went into effect on December 2, 2004. There is much uncertainty about how Measure 37 will be implemented, and about how the nuances of individual claim situations will be interpreted under the law. Lane County is required to take action on a claim within the 180 days required by the measure.

What is being done at the state level?

Oregon Governor Ted Kulongoski has directed state agencies and the Attorney General's Office to work on establishing a centralized mechanism for processing claims made against state regulations. State agencies will also be working with local jurisdictions to address issues of joint jurisdiction. The state may act through adoption of administrative rules or amendment of the statute (through the legislature) to clarify or add language regarding implementing Measure 37.

What is Lane County doing?

The Lane County Board of Commissioners is moving forward and established a process for carrying out Measure 37. Understanding that there is still work being done at the state level to ensure that the processes are similar from county to county, the Board has begun locally by adopting an ordinance that lays out the process for property owners to file claims against Lane County land use regulations that the property owners feel have reduced their property value. The Lane County process includes a claim form, requires claimants to

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provide the information necessary for the County to evaluate the claim, and an initial claim processing fee deposit of \$750 and \$100 for adjacent property notice costs. The fees are required to help offset the cost of staff time to process claims.

What's the process to submit a claim?

- ➔ Property owners can pick up and submit claim forms at the Lane County Land Management Division, 125 E. 8th Avenue, Eugene or online at www.lanecounty.org (click on Measure 37 under 'news and events')
- ➔ Requests for research of historic land use regulations may be made at the Lane Management Division; however, Division staff is not able to provide advice on the validity of a Measure 37 claim nor to perform the research necessary to document a Measure 37 claim. Property owners are advised to consult an attorney or a land use consultant for such assistance.
- ➔ Ensure that all the information required is filed with the claim (see below)
- ➔ A public hearing will be held by the Board of Commissioners when considering valid compensation claims. In advance of the public hearing on a given claim, Lane County will notify neighboring property owners of the hearing.
- ➔ Once the County has determined the validity of the claim – claimants are referred to the text of Measure 37 to determine if they are eligible – the Board of Commissioners will decide whether to pay the claim, waive or modify the regulation, or deny the claim. Currently, a source of funds for paying claims has not been identified.

What information is required with a claim?

- ✓ identification of the affected property
- ✓ proof of ownership
- ✓ a title report reflecting the claimant's ownership interest in the property
- ✓ contact information for the claimant
- ✓ identification of the regulation alleged to reduce the property value
- ✓ statement of how the regulation affects the property value
- ✓ the amount claimed as compensation
- ✓ an appraisal demonstrating the reduction in property value
- ✓ a statement of whether the property owner seeks compensation or a waiver/modification of the regulation
- ✓ An initial claim-processing fee deposit of \$750 and \$100 notice costs are required to offset staff time involved in researching the claim, preparing a report and presentation to the Board of Commissioners, and conducting a public hearing

What about neighboring property owners?

Neighbors of the property owner making the claim will be notified regarding the Board of Commissioners public hearing on valid claims.

Please note: decisions made pursuant to Measure 37 are not land use decisions; thus they are not subject to the land use decision procedures. Likewise, the Board of Commissioners decision on a Measure 37 claim cannot be appealed as a land use decision.

Need more info on what's necessary to make application for a claim?

Claim Forms, Zoning and Land Use Information: contact Land Management Division, 682.3577
Deeds and Records Information: contact Lane County Deeds & Records, 682.3654

