

# OREGON Measure 49

House Bill 3540—Referred to the Electorate of Oregon by the 2007 Legislative Assembly to be voted on at the Special Election, November 6, 2007.

## Ballot Title

**MODIFIES MEASURE 37; CLARIFIES RIGHT TO BUILD HOMES; LIMITS LARGE DEVELOPMENTS; PROTECTS FARMS, FORESTS, GROUNDWATER.**

**RESULT OF “YES” VOTE:** “Yes” vote modifies Measure 37; clarifies private landowners’ rights to build homes; extends rights to surviving spouses; limits large developments; protects farmlands, forestlands, groundwater supplies.

**RESULT OF “NO” VOTE:** “No” vote leaves Measure 37 unchanged; allows claims to develop large subdivisions, commercial, industrial projects on lands now reserved for residential, farm and forest uses.

**SUMMARY:** Modifies Measure 37 (2004) to give landowners with Measure 37 claims the right to build homes as compensation for land use restrictions imposed after they acquired their properties. Claimants may build up to three homes if previously allowed when they acquired their properties, four to 10 homes if they can document reductions in property values that justify additional homes, but may not build more than three homes on high-value farmlands, forestlands and groundwater-restricted lands. Allows claimants to transfer homebuilding rights upon sale or transfer of properties; extends rights to surviving spouses. Authorizes future claims based on regulations that restrict residential uses of property or farm, forest practices. Disallows claims for strip malls, mines, other commercial, industrial uses. See Explanatory Statement for more information.

**ESTIMATE OF FINANCIAL IMPACT:** The measure would require one-time state administrative expenditures of \$8.7 to \$12.5 million to evaluate claims received to date for adherence to measure requirements.

In the short term, the measure would require state administrative expenditures of \$1 million to \$2 million per biennium to evaluate future claims. In the long term, state administrative costs may be reduced as the measure limits the scope of potential future claims. The amount of those potential reductions cannot be determined.

Potential state litigation costs cannot be determined.

The measure authorizes compensation to landowners. The amount of state expenditures to pay claims for compensation cannot be determined.

The measure authorizes establishing a claims review fee for new claims not to exceed the actual and reasonable cost of reviewing a claim. The impact on state revenues cannot be determined.

The measure clarifies ongoing claims review processes and is expected to reduce local government claim processing costs from current levels. The amount of these potential reductions cannot be determined.

The measure authorizes compensation to landowners. The amount of local government expenditures to pay claims for compensation cannot be determined.

The effect of the measure on local government revenues cannot be determined.

## **Text of Measure**

### **AN ACT**

Relating to compensation for loss of value of private real property resulting from land use regulation; creating new provisions; amending ORS 93.040 and 197.352; appropriating money; and providing that this Act shall be referred to the people for their approval or rejection.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Sections 2, 3 and 5 to 22 of this 2007 Act are added to and made a part of ORS chapter 195.

SECTION 1a. ORS 197.352 is added to and made a part of sections 5 to 22 of this 2007 Act.

### **DEFINITIONS**

SECTION 2. As used in this section and sections 3 and 5 to 22 of this 2007 Act:

- (1) "Acquisition date" means the date described in section 21 of this 2007 Act.
- (2) "Claim" means a written demand for compensation filed under:
  - (a) ORS 197.352, as in effect immediately before the effective date of this 2007 Act; or
  - (b) Sections 12 to 14 of this 2007 Act and ORS 197.352, as in effect on and after the effective date of this 2007 Act.
- (3) "Enacted" means enacted, adopted or amended.
- (4) "Fair market value" means the value of property as determined under section 21b of this 2007 Act.
- (5) "Farming practice" has the meaning given that term in ORS 30.930.
- (6) "Federal law" means:

- (a) A statute, regulation, order, decree or policy enacted by a federal entity or by a state entity acting under authority delegated by the federal government;
  - (b) A requirement contained in a plan or rule enacted by a compact entity; or
  - (c) A requirement contained in a permit issued by a federal or state agency pursuant to a federal statute or regulation.
- (7) “File” means to submit a document to a public entity.
- (8) “Forest practice” has the meaning given that term in ORS 527.620.
- (9) “Ground water restricted area” means an area designated as a critical ground water area or as a ground water limited area by the Water Resources Department or Water Resources Commission before the effective date of this 2007 Act.
- (10) “High-value farmland” means:
- (a) High-value farmland as described in ORS 215.710 that is land in an exclusive farm use zone or a mixed farm and forest zone, except that the dates specified in ORS 215.710 (2), (4) and (6) are the effective date of this 2007 Act.
  - (b) Land west of U.S. Highway 101 that is composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in ORS 215.710 (1) and the following soils:
    - (A) Subclassification IIIw, specifically Ettersburg Silt Loam and Croftland Silty Clay Loam;
    - (B) Subclassification IIIe, specifically Klooqueth Silty Clay Loam and Winchuck Silt Loam; and
    - (C) Subclassification IVw, specifically Huffling Silty Clay Loam.
  - (c) Land that is in an exclusive farm use zone or a mixed farm and forest zone and that on the date of adjournment sine die of the 2007 regular session of the Seventy-fourth Legislative Assembly is:
    - (A) Within the place of use for a permit, certificate or decree for the use of water for irrigation issued by the Water Resources Department;
    - (B) Within the boundaries of a district, as defined in ORS 540.505; or
    - (C) Within the boundaries of a diking district formed under ORS chapter 551.
    - (d) Land that contains not less than five acres planted in wine grapes.

(e) Land that is in an exclusive farm use zone and that is at an elevation between 200 and 1,000 feet above mean sea level, with an aspect between 67.5 and 292.5 degrees and a slope between zero and 15 percent, and that is located within:

(A) The Southern Oregon viticultural area as described in 27 C.F.R. 9.179;

(B) The Umpqua Valley viticultural area as described in 27 C.F.R. 9.89; or

(C) The Willamette Valley viticultural area as described in 27 C.F.R. 9.90.

(f) Land that is in an exclusive farm use zone and that is no more than 3,000 feet above mean sea level, with an aspect between 67.5 and 292.5 degrees and a slope between zero and 15 percent, and that is located within:

(A) The portion of the Columbia Gorge viticultural area as described in 27 C.F.R. 9.178 that is within the State of Oregon;

(B) The Rogue Valley viticultural area as described in 27 C.F.R. 9.132;

(C) The portion of the Columbia Valley viticultural area as described in 27 C.F.R. 9.74 that is within the State of Oregon;

(D) The portion of the Walla Walla Valley viticultural area as described in 27 C.F.R. 9.91 that is within the State of Oregon; or

(E) The portion of the Snake River Valley viticultural area as described in 27 C.F.R. 9.208 that is within the State of Oregon.

(11) “High-value forestland” means land:

(a) That is in a forest zone or a mixed farm and forest zone, that is located in western Oregon and composed predominantly of soils capable of producing more than 120 cubic feet per acre per year of wood fiber and that is capable of producing more than 5,000 cubic feet per year of commercial tree species; or

(b) That is in a forest zone or a mixed farm and forest zone, that is located in eastern Oregon and composed predominantly of soils capable of producing more than 85 cubic feet per acre per year of wood fiber and that is capable of producing more than 4,000 cubic feet per year of commercial tree species.

(12) “Home site approval” means approval of the subdivision or partition of property or approval of the establishment of a dwelling on property.

(13) “Just compensation” means:

(a) Relief under sections 5 to 11 of this 2007 Act for land use regulations enacted on or before January 1, 2007; and

(b) Relief under sections 12 to 14 of this 2007 Act for land use regulations enacted after January 1, 2007.

(14) “Land use regulation” means:

(a) A statute that establishes a minimum lot or parcel size;

(b) A provision in ORS 227.030 to 227.300, 227.350, 227.400, 227.450 or 227.500 or in ORS chapter 215 that restricts the residential use of private real property;

(c) A provision of a city comprehensive plan, zoning ordinance or land division ordinance that restricts the residential use of private real property zoned for residential use;

(d) A provision of a county comprehensive plan, zoning ordinance or land division ordinance that restricts the residential use of private real property;

(e) A provision of the Oregon Forest Practices Act or an administrative rule of the State Board of Forestry that regulates a forest practice and that implements the Oregon Forest Practices Act;

(f) ORS 561.191, a provision of ORS 568.900 to 568.933 or an administrative rule of the State Department of Agriculture that implements ORS 561.191 or 568.900 to 568.933;

(g) An administrative rule or goal of the Land Conservation and Development Commission; or

(h) A provision of a Metro functional plan that restricts the residential use of private real property.

(15) “Measure 37 permit” means a final decision by Metro, a city or a county to authorize the development, subdivision or partition or other use of property pursuant to a waiver.

(16) “Owner” means:

(a) The owner of fee title to the property as shown in the deed records of the county where the property is located;

(b) The purchaser under a land sale contract, if there is a recorded land sale contract in force for the property; or

(c) If the property is owned by the trustee of a revocable trust, the settlor of a revocable trust, except that when the trust becomes irrevocable only the trustee is the owner.

(17) “Property” means the private real property described in a claim and contiguous private real property that is owned by the same owner, whether or not the contiguous property is described in

another claim, and that is not property owned by the federal government, an Indian tribe or a public body, as defined in ORS 192.410.

(18) “Protection of public health and safety” means a law, rule, ordinance, order, policy, permit or other governmental authorization that restricts a use of property in order to reduce the risk or consequence of fire, earthquake, landslide, flood, storm, pollution, disease, crime or other natural or human disaster or threat to persons or property including, but not limited to, building and fire codes, health and sanitation regulations, solid or hazardous waste regulations and pollution control regulations.

(19) “Public entity” means the state, Metro, a county or a city.

(20) “Urban growth boundary” has the meaning given that term in ORS 195.060.

(21) “Waive” or “waiver” means an action or decision of a public entity to modify, remove or not apply one or more land use regulations under sections 5 to 22 of this 2007 Act or ORS 197.352, as in effect immediately before the effective date of this 2007 Act, to allow the owner to use property for a use permitted when the owner acquired the property.

(22) “Zoned for residential use” means zoning that has as its primary purpose single-family residential use.

## LEGISLATIVE POLICY ON FAIRNESS TO PROPERTY OWNERS

SECTION 3. (1) The Legislative Assembly finds that:

- (a) In some situations, land use regulations unfairly burden particular property owners.
- (b) To address these situations, it is necessary to amend Oregon’s land use statutes to provide just compensation for unfair burdens caused by land use regulations.

(2) The purpose of sections 5 to 22 of this 2007 Act and the amendments to Ballot Measure 37 (2004) is to modify Ballot Measure 37 (2004) to ensure that Oregon law provides just compensation for unfair burdens while retaining Oregon’s protections for farm and forest uses and the state’s water resources.

## BALLOT MEASURE 37

SECTION 4. ORS 197.352 is amended to read:

197.352. *[The following provisions are added to and made a part of ORS chapter 197:]*

(1) If a public entity enacts *[or enforces a new land use regulation or enforces a land use regulation enacted prior to December 2, 2004, that restricts]* one or more land use regulations that restrict the residential use of private real property or *[any interest therein]* a farming or forest

practice and *[has the effect of reducing]* that reduce the fair market value of the property, *[or any interest therein,]* then the owner of the property shall be *[paid just compensation]* entitled to just compensation from the public entity that enacted the land use regulation or regulations as provided in sections 12 to 14 of this 2007 Act.

(2) Just compensation under sections 12 to 14 of this 2007 Act shall be *[equal to]* based on the reduction in the fair market value of the *[affected]* property *[interest]* resulting from *[enactment or enforcement of]* the land use regulation *[as of the date the owner makes written demand for compensation under this section].*

(3) Subsection (1) of this section shall not apply to land use regulations that were enacted prior to the claimant's acquisition date or to land use regulations:

*[(A)]* (a) Restricting or prohibiting activities commonly and historically recognized as public nuisances under common law. *[This subsection shall be construed narrowly in favor of a finding of compensation under this section];*

*[(B)]* (b) Restricting or prohibiting activities for the protection of public health and safety, *[such as fire and building codes, health and sanitation regulations, solid or hazardous waste regulations, and pollution control regulations];*

*[(C)]* (c) To the extent the land use regulation is required to comply with federal law; or

*[(D)]* (d) Restricting or prohibiting the use of a property for the purpose of selling pornography or performing nude dancing. *[Nothing in this subsection, however, is intended to affect or alter rights provided by the Oregon or United States Constitutions; or]*

*[(E)]* *Enacted prior to the date of acquisition of the property by the owner or a family member of the owner who owned the subject property prior to acquisition or inheritance by the owner, whichever occurred first.]*

*[(4)]* *Just compensation under subsection (1) of this section shall be due the owner of the property if the land use regulation continues to be enforced against the property 180 days after the owner of the property makes written demand for compensation under this section to the public entity enacting or enforcing the land use regulation.]*

*[(5)]* *For claims arising from land use regulations enacted prior to December 2, 2004, written demand for compensation under subsection (4) shall be made within two years of December 2, 2004, or the date the public entity applies the land use regulation as an approval criteria to an application submitted by the owner of the property, whichever is later. For claims arising from land use regulations enacted after December 2, 2004, written demand for compensation under subsection (4) shall be made within two years of the enactment of the land use regulation, or the date the owner of the property submits a land use application in which the land use regulation is an approval criteria, whichever is later.]*

*[(6) If a land use regulation continues to apply to the subject property more than 180 days after the present owner of the property has made written demand for compensation under this section, the present owner of the property, or any interest therein, shall have a cause of action for compensation under this section in the circuit court in which the real property is located, and the present owner of the real property shall be entitled to reasonable attorney fees, expenses, costs, and other disbursements reasonably incurred to collect the compensation.]*

(4)(a) Subsection (3)(a) of this section shall be construed narrowly in favor of granting just compensation under this section. Nothing in subsection (3) of this section is intended to affect or alter rights provided by the Oregon or United States Constitution.

(b) Subsection (3)(b) of this section does not apply to any farming or forest practice regulation that is enacted after January 1, 2007, unless the primary purpose of the regulation is the protection of human health and safety.

(c) Subsection (3)(c) of this section does not apply to any farming or forest practice regulation that is enacted after January 1, 2007, unless the public entity enacting the regulation has no discretion under federal law to decline to enact the regulation.

*[(7)] (5) A [metropolitan service district, city, or county, or state agency] public entity may adopt or apply procedures for the processing of claims under [this section, but in no event shall these procedures act as a prerequisite to the filing of a compensation claim under subsection (6) of this section, nor shall the failure of an owner of property to file an application for a land use permit with the local government serve as grounds for dismissal, abatement, or delay of a compensation claim under subsection (6) of this section] sections 12 to 24 of this 2007 Act.*

*[(8)] (6) [Notwithstanding any other state statute or the availability of funds under subsection (10) of this section, in lieu of payment of just compensation under this section, the governing body responsible for enacting] The public entity that enacted the land use regulation [may modify, remove, or not to apply the land use regulation or land use regulations to allow the owner to use the property for a use permitted at the time the owner acquired the property] that gives rise to a claim under subsection (1) of this section shall provide just compensation as required under sections 12 to 24 of this 2007 Act.*

*[(9)] (7) A decision by a [governing body under this section shall not be considered a] public entity that an owner qualifies for just compensation under sections 5 to 22 of this 2007 Act and a decision by a public entity on the nature and extent of that compensation are not land use [decision as defined in ORS 197.015 (11)] decisions.*

*[(10) Claims made under this section shall be paid from funds, if any, specifically allocated by the legislature, city, county, or metropolitan service district for payment of claims under this section. Notwithstanding the availability of funds under this subsection, a metropolitan service district, city, county, or state agency shall have discretion to use available funds to pay claims or to modify, remove, or not apply a land use regulation or land use regulations pursuant to subsection (6) of this section. If a claim has not been paid within two years from the date on*

*which it accrues, the owner shall be allowed to use the property as permitted at the time the owner acquired the property.]*

*[(11) Definitions - for purposes of this section:]*

*[(A) “Family member” shall include the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner of the property, an estate of any of the foregoing family members, or a legal entity owned by any one or combination of these family members or the owner of the property.]*

*[(B) “Land use regulation” shall include:]*

*[(i) Any statute regulating the use of land or any interest therein;]*

*[(ii) Administrative rules and goals of the Land Conservation and Development Commission;]*

*[(iii) Local government comprehensive plans, zoning ordinances, land division ordinances, and transportation ordinances;]*

*[(iv) Metropolitan service district regional framework plans, functional plans, planning goals and objectives; and]*

*[(v) Statutes and administrative rules regulating farming and forest practices.]*

*[(C) “Owner” is the present owner of the property, or any interest therein.]*

*[(D) “Public entity” shall include the state, a metropolitan service district, a city, or a county.]*

*[(12)] (8) The [remedy] remedies created by [this section is] sections 5 to 22 of this 2007 Act are in addition to any other remedy under the Oregon or United States [Constitutions] Constitution, and [is] are not intended to modify or replace any [other] constitutional remedy.*

*[(13)] (9) If any portion or portions of this section are declared invalid by a court of competent jurisdiction, the remaining portions of this section shall remain in full force and effect.*

**BALLOT MEASURE 37 CLAIMS MADE  
ON OR BEFORE THE DATE OF ADJOURNMENT  
SINE DIE OF THE 2007 REGULAR SESSION  
OF THE SEVENTY-FOURTH LEGISLATIVE ASSEMBLY  
(Generally)**

**SECTION 5.** A claimant that filed a claim under ORS 197.352 on or before the date of adjournment sine die of the 2007 regular session of the Seventy-fourth Legislative Assembly is entitled to just compensation as provided in:

(1) Section 6 or 7 of this 2007 Act, at the claimant's election, if the property described in the claim is located entirely outside any urban growth boundary and entirely outside the boundaries of any city;

(2) Section 9 of this 2007 Act if the property described in the claim is located, in whole or in part, within an urban growth boundary; or

(3) A waiver issued before the effective date of this 2007 Act to the extent that the claimant's use of the property complies with the waiver and the claimant has a common law vested right on the effective date of this 2007 Act to complete and continue the use described in the waiver.

(Claims Relating to Property  
Outside Urban Growth Boundaries)

SECTION 6. (1) A claimant that filed a claim under ORS 197.352 on or before the date of adjournment sine die of the 2007 regular session of the Seventy-fourth Legislative Assembly is eligible for three home site approvals on the property if the requirements of this section and sections 8 and 11 of this 2007 Act are met. The procedure for obtaining home site approvals under this section is set forth in section 8 of this 2007 Act.

(2) The number of lots, parcels or dwellings that may be approved for property under this section may not exceed the lesser of:

(a) The number of lots, parcels or dwellings described in a waiver issued by the state before the effective date of this 2007 Act or, if a waiver was not issued, the number of lots, parcels or dwellings described in the claim filed with the state; or

(b) Three, except that if there are existing dwellings on the property or the property contains more than one lot or parcel, the number of lots, parcels or dwellings that may be established is reduced so that the combined number of lots, parcels or dwellings, including existing lots, parcels or dwellings located on or contained within the property, does not exceed three.

(3) Notwithstanding subsection (2) of this section, a claimant that otherwise qualifies for relief under this section may establish at least one additional lot, parcel or dwelling on the property. In addition, if the number of lots, parcels or dwellings described in a waiver issued by the state before the effective date of this 2007 Act or, if a waiver was not issued, the number of lots, parcels or dwellings described in the claim filed with the state is more than three, the claimant may amend the claim to reduce the number to no more than three by filing notice of the amendment with the form required by section 8 of this 2007 Act.

(4) If a claim was for a use other than a subdivision or partition of property, or other than approval for establishing a dwelling on the property, the claimant may amend the claim to seek one or more home site approvals under this section. A person amending a claim under this subsection may not make a claim under section 7 of this 2007 Act.

(5) If multiple claims were filed for the same property, the number of lots, parcels or dwellings that may be established for purposes of subsection (2)(a) of this section is the number of lots, parcels or dwellings in the most recent waiver issued by the state before the effective date of this 2007 Act or, if a waiver was not issued, the most recent claim filed with the state, but not more than three in any case.

(6) To qualify for a home site approval under this section, the claimant must have filed a claim for the property with both the state and the county in which the property is located. In addition, regardless of whether a waiver was issued by the state or the county before the effective date of this 2007 Act, to qualify for a home site approval under this section the claimant must establish that:

(a) The claimant is an owner of the property;

(b) All owners of the property have consented in writing to the claim;

(c) The property is located entirely outside any urban growth boundary and entirely outside the boundaries of any city;

(d) One or more land use regulations prohibit establishing the lot, parcel or dwelling;

(e) The establishment of the lot, parcel or dwelling is not prohibited by a land use regulation described in ORS 197.352 (3); and

(f) On the claimant's acquisition date, the claimant lawfully was permitted to establish at least the number of lots, parcels or dwellings on the property that are authorized under this section.

(7) If the claim was filed after December 4, 2006, to issue a home site approval under this section, the Department of Land Conservation and Development must verify that the claim was filed in compliance with the applicable rules of the Land Conservation and Development Commission and the Oregon Department of Administrative Services.

(8) Except as provided in section 11 of this 2007 Act, if the Department of Land Conservation and Development has issued a final order with a specific number of home site approvals for a property under this section, the claimant may seek other governmental authorizations required by law for the partition or subdivision of the property or for the development of any dwelling authorized, and a land use regulation enacted by the state or county that has the effect of prohibiting the partition or subdivision, or the dwelling, does not apply to the review of those authorizations.

**SECTION 7.** (1) A claimant that filed a claim under ORS 197.352 on or before the date of adjournment sine die of the 2007 regular session of the Seventy-fourth Legislative Assembly for property that is not high-value farmland or high-value forestland and that is not in a ground water restricted area is eligible for four to 10 home site approvals for the property if the requirements of this section and sections 8 and 11 of this 2007 Act are met. The procedure for obtaining home site approvals under this section is set forth in section 8 of this 2007 Act.

(2) The number of lots, parcels or dwellings that may be established on the property under this section may not exceed the lesser of:

(a) The number of lots, parcels or dwellings described in a waiver issued by the state before the effective date of this 2007 Act or, if a waiver was not issued, the number of lots, parcels or dwellings described in the claim filed with the state;

(b) 10, except that if there are existing dwellings on the property or the property contains more than one lot or parcel, the number of lots, parcels or dwellings that may be established is reduced, so that the combined number of lots, parcels or dwellings, including existing lots, parcels or dwellings located on or contained within the property, does not exceed 10; or

(c) The number of home site approvals with a total value that represents just compensation for the reduction in fair market value caused by the enactment of one or more land use regulations that were the basis for the claim, as set forth in subsection (6) of this section.

(3) If the number of lots, parcels or dwellings described in a waiver issued by the state before the effective date of this 2007 Act or, if a waiver was not issued, the number of lots, parcels or dwellings described in the claim filed with the state is more than 10, the claimant may amend the claim to reduce the number to no more than 10 by filing notice of the amendment with the form required by section 8 of this 2007 Act.

(4) If multiple claims were filed for the same property, the number of lots, parcels or dwellings that may be established for purposes of subsection (2)(a) of this section is the number of lots, parcels or dwellings in the most recent waiver issued by the state before the effective date of this 2007 Act or, if a waiver was not issued, the most recent claim filed with the state, but not more than 10 in any case.

(5) To qualify for a home site approval under this section, the claimant must have filed a claim for the property with both the state and the county in which the property is located. In addition, regardless of whether a waiver was issued by the state or the county before the effective date of this 2007 Act to qualify for a home site approval under this section, the claimant must establish that:

(a) The claimant is an owner of the property;

(b) All owners of the property have consented in writing to the claim;

(c) The property is located entirely outside any urban growth boundary and entirely outside the boundaries of any city;

(d) One or more land use regulations prohibit establishing the lot, parcel or dwelling;

(e) The establishment of the lot, parcel or dwelling is not prohibited by a land use regulation described in ORS 197.352 (3);

(f) On the claimant's acquisition date, the claimant lawfully was permitted to establish at least the number of lots, parcels and dwellings on the property that are authorized under this section; and

(g) The enactment of one or more land use regulations, other than land use regulations described in ORS 197.352 (3), that are the basis for the claim caused a reduction in the fair market value of the property that is equal to or greater than the fair market value of the home site approvals that may be established on the property under subsection (2) of this section, with the reduction in fair market value measured as set forth in subsection (6) of this section.

(6) The reduction in the fair market value of the property caused by the enactment of one or more land use regulations that were the basis for the claim is equal to the decrease, if any, in the fair market value of the property from the date that is one year before the enactment of the land use regulation to the date that is one year after the enactment, plus interest. If the claim is based on the enactment of more than one land use regulation enacted on different dates, the reduction in the fair market value of the property caused by each regulation shall be determined separately and the values added together to calculate the total reduction in fair market value. The reduction in fair market value shall be adjusted by any ad valorem property taxes not paid as a result of any special assessment of the property under ORS 308A.050 to 308A.128, 321.257 to 321.390, 321.700 to 321.754 or 321.805 to 321.855, plus interest, offset by any severance taxes paid by the claimant and by any recapture of potential additional tax liability that the claimant has paid or will pay for the property if the property is disqualified from special assessment under ORS 308A.703. Interest shall be computed under this subsection using the average interest rate for a one-year United States Government Treasury Bill on December 31 of each year of the period between the date the land use regulation was enacted and the date the claim was filed, compounded annually on January 1 of each year of the period.

(7) For the purposes of subsection (6) of this section, a claimant must provide an appraisal showing the fair market value of the property one year before the enactment of the land use regulation that was the basis for the claim and the fair market value of the property one year after the enactment. The appraisal also must show the fair market value of each home site approval to which the claimant is entitled under section 6 (2) of this 2007 Act, along with evidence of any ad valorem property taxes not paid, any severance taxes paid and any recapture of additional tax liability that the claimant has paid or will pay for the property if the property is disqualified from special assessment under ORS 308A.703. The actual and reasonable cost of preparing the claim, including the cost of the appraisal, not to exceed \$5,000, may be added to the calculation of the reduction in fair market value under subsection (6) of this section. The appraisal must:

(a) Be prepared by a person certified under ORS chapter 674 or a person registered under ORS chapter 308;

(b) Comply with the Uniform Standards of Professional Appraisal Practice, as authorized by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989; and

(c) Expressly determine the highest and best use of the property at the time the land use regulation was enacted.

(8) Relief may not be granted under this section if the highest and best use of the property was not residential use at the time the land use regulation was enacted.

(9) If the claim was filed after December 4, 2006, to issue a home site approval under this section, the Department of Land Conservation and Development must verify that the claim was filed in compliance with the applicable rules of the Land Conservation and Development Commission and the Oregon Department of Administrative Services.

(10) Except as provided in section 11 of this 2007 Act, if the Department of Land Conservation and Development has issued a final order with a specific number of home site approvals for the property under this section, the claimant may seek other governmental authorizations required by law for the subdivision or partition of the property or for the development of any dwelling authorized, and a land use regulation enacted by the state or county that has the effect of prohibiting the subdivision or partition, or the dwelling, does not apply to the review of those authorizations.

SECTION 8. (1) No later than 120 days after the effective date of this 2007 Act, the Department of Land Conservation and Development shall send notice to all the following claimants that filed a claim for property outside an urban growth boundary:

(a) A claimant whose claim was denied by the state before the effective date of this 2007 Act, but who may become eligible for just compensation because of section 21 (2) of this 2007 Act or any other provision of sections 5 to 22 of this 2007 Act;

(b) A claimant whose claim was approved by the state before the effective date of this 2007 Act; and

(c) A claimant whose claim has not been approved or denied by the state before the effective date of this 2007 Act.

(2) The notice required by subsection (1) of this section must:

(a) Explain the claimant's options if the claimant wishes to subdivide, partition or establish a dwelling on the property under sections 5 to 22 of this 2007 Act;

(b) Identify any information that the claimant must file; and

(c) Provide a form for the claimant's use.

(3) A claimant must choose whether to proceed under section 6 or 7 of this 2007 Act by filing the form provided by the department within 90 days after the date the department mails the notice and form required under subsection (1) of this section. In addition, the claimant must file any information required in the notice. If the claimant fails to file the form within 90 days after the date the department mails the notice, the claimant is not entitled to relief under section 6 or 7 of this 2007 Act.

(4) The department shall review the claims in the order in which the department receives the forms required under subsection (3) of this section. In addition to reviewing the claim, the department shall review the department's record on the claim, the form required under subsection (3) of this section, any new material from the claimant and any other information required by sections 5 to 22 of this 2007 Act to ensure that the requirements of this section and section 6 or 7 of this 2007 Act are met. The department shall provide a copy of the material submitted by the claimant to the county where the property is located and consider written comments from the county that are timely filed with the department. If the department determines that the only land use regulations that restrict the claimant's use of the property are regulations that were enacted by the county, the department shall transfer the claim to the county where the property is located and the claim shall be processed by the county in the same manner as prescribed by this section for the processing of claims by the department. The county must consider any written comments from the department that are timely filed with the county.

(5) If the claimant elects to obtain relief under section 7 of this 2007 Act, the claimant must file an appraisal that establishes the reduction in the fair market value of the property as required by section 7 (6) of this 2007 Act. The actual and reasonable cost of preparing the claim, including the cost of the appraisal, not to exceed \$5,000, may be added to the calculation of the reduction in fair market value under section 7 (6) of this 2007 Act. The appraisal must be filed with the department or, if the claim is being processed by the county, with the county within 180 days after the date the claimant files the election to obtain relief under section 7 of this 2007 Act. A claimant that elects to obtain relief under section 7 of this 2007 Act may change that election to obtain relief under section 6 of this 2007 Act, but only if the claimant provides written notice of the change on or before the date the appraisal is filed. If a county is processing the claim, the county may impose a fee for the review of a claim under section 7 of this 2007 Act in an amount that does not exceed the actual and reasonable cost of the review.

(6) The department or the county shall review claims as quickly as possible, consistent with careful review of the claim. The department shall report to the Joint Legislative Audit Committee on or before March 31, 2008, concerning the department's progress and the counties' progress in completing review of claims under sections 6 and 7 of this 2007 Act.

(7) The department's final order and a county's final decision on a claim under section 6 or 7 of this 2007 Act must either deny the claim or approve the claim. If the order or decision approves the claim, the order or decision must state the number of home site approvals issued for the property and may contain other terms that are necessary to ensure that the use of the property is lawful.

(Claims Relating to Property Within  
Urban Growth Boundaries)

SECTION 9. (1) A claimant that filed a claim under ORS 197.352 on or before the date of adjournment sine die of the 2007 regular session of the Seventy-fourth Legislative Assembly for property located, in whole or in part, within an urban growth boundary may establish one to 10 single-family dwellings on the portion of the property located within the urban growth boundary.

(2) The number of single-family dwellings that may be established on the portion of the property located within the urban growth boundary under this section may not exceed the lesser of:

(a) The number of single-family dwellings described in a waiver issued by Metro, a city or a county before the effective date of this 2007 Act or, if a waiver was not issued, the number described in the claim filed with Metro, a city or a county;

(b) 10, except that if there are existing dwellings on the property, the number of single-family dwellings that may be established is reduced so that the maximum number of dwellings, including existing dwellings located on the property, does not exceed 10; or

(c) The number of single-family dwellings the total value of which represents just compensation for the reduction in fair market value caused by the enactment of one or more land use regulations that were the basis for the claim, as set forth in subsection (6) of this section.

(3) If the number of single-family dwellings described in a waiver issued by Metro, a city or a county before the effective date of this 2007 Act or, if a waiver was not issued, the number described in the claim filed with Metro, a city or a county is more than 10, the claimant may amend the claim to reduce the number to no more than 10 by filing notice of the amendment with the information required by section 10 of this 2007 Act.

(4) If multiple claims were filed for the same property, the number of single-family dwellings that may be established for purposes of subsection (2)(a) of this section is the number in the most recent waiver issued by Metro, a city or a county before the effective date of this 2007 Act or, if a waiver was not issued, the most recent claim filed with Metro, a city or a county, but not more than 10 in any case.

(5) To qualify for the relief provided by this section, the claimant must have filed a claim for the property with the city or county in which the property is located. In addition, regardless of whether a waiver was issued by Metro, a city or a county before the effective date of this 2007 Act, to qualify for relief under this section, the claimant must establish that:

(a) The claimant is an owner of the property;

(b) All owners of the property have consented in writing to the claim;

(c) The property is located, in whole or in part, within an urban growth boundary;

(d) On the claimant's acquisition date, the claimant lawfully was permitted to establish at least the number of dwellings on the property that are authorized under this section;

(e) The property is zoned for residential use;

(f) One or more land use regulations prohibit establishing the single-family dwellings;

(g) The establishment of the single-family dwellings is not prohibited by a land use regulation described in ORS 197.352 (3);

(h) The land use regulation described in paragraph (f) of this subsection was enacted after the date the property, or any portion of the property, was brought into the urban growth boundary;

(i) If the property is located within the boundaries of Metro, the land use regulation that is the basis for the claim was enacted after the date the property was included within the boundaries of Metro;

(j) If the property is located within a city, the land use regulation that is the basis for the claim was enacted after the date the property was annexed to the city; and

(k) The enactment of one or more land use regulations, other than land use regulations described in ORS 197.352 (3), that are the basis of the claim caused a reduction in the fair market value of the property, as determined under subsection (6) of this section, that is equal to or greater than the fair market value of the single-family dwellings that may be established on the property under subsection (2) of this section.

(6) The reduction in the fair market value of the property caused by the enactment of one or more land use regulations that were the basis for the claim is equal to the decrease, if any, in the fair market value of the property from the date that is one year before the enactment of the land use regulation to the date that is one year after the enactment, plus interest. If the claim is based on the enactment of more than one land use regulation enacted on different dates, the reduction in the fair market value of the property caused by each regulation shall be determined separately and the values added together to calculate the total reduction in fair market value. The reduction in fair market value shall be adjusted by any ad valorem property taxes not paid as a result of any special assessment of the property under ORS 308A.050 to 308A.128, 321.257 to 321.390, 321.700 to 321.754 or 321.805 to 321.855, plus interest, offset by any severance taxes paid by the claimant and by any recapture of potential additional tax liability that the claimant has paid or will pay for the property if the property is disqualified from special assessment under ORS 308A.703. Interest shall be computed under this subsection using the average interest rate for a one-year United States Government Treasury Bill on December 31 of each year of the period between the date the land use regulation was enacted and the date the claim was filed, compounded annually on January 1 of each year of the period.

(7) For the purposes of subsection (6) of this section, a claimant must provide an appraisal showing the fair market value of the property one year before the enactment of the land use regulation that was the basis for the claim and the fair market value of the property one year after the enactment. The appraisal also must show the fair market value of each single-family dwelling to which the claimant is entitled under subsection (2) of this section, along with evidence of any ad valorem property taxes not paid, any severance taxes paid and any recapture of additional tax liability that the owner has paid or will pay for the property if the property is disqualified from special assessment under ORS 308A.703. The actual and reasonable cost of preparing the claim, including the cost of the appraisal, not to exceed \$5,000, may be added to the calculation of the reduction in fair market value under section 7 (6) of this 2007 Act. The appraisal must:

(a) Be prepared by a person certified under ORS chapter 674 or a person registered under ORS chapter 308;

(b) Comply with the Uniform Standards of Professional Appraisal Practice, as authorized by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989; and

(c) Expressly determine the highest and best use of the property at the time the land use regulation was enacted.

(8) Relief may not be granted under this section if the highest and best use of the property was not residential use at the time the land use regulation was enacted.

(9) When Metro, a city or a county has issued a final decision authorizing one or more single-family dwellings under this section on the portion of the property located within the urban growth boundary, the claimant may seek other governmental authorizations required by law for that use, and a land use regulation enacted by a public entity that has the effect of prohibiting the use does not apply to the review of those authorizations, except as provided in section 11 of this 2007 Act. If Metro is reviewing a claim for a property, and a city or a county is reviewing a claim for the same property, Metro and the city or county shall coordinate the review and decisions and may:

(a) Provide that one of the public entities be principally responsible for the review; and

(b) Provide that the decision of each of the public entities is contingent on the decision of the other public entity.

(10) The only types of land use that are authorized by this section are the subdivision or partition of land for one or more single-family dwellings, or the establishment of one or more single-family dwellings on land on which the dwellings would not otherwise be allowed.

**SECTION 10.** (1) If Metro, a city or a county issued a waiver before the effective date of this 2007 Act for property located, in whole or in part, within an urban growth boundary, the public entity that issued the waiver must review the claim, the record on the claim and the waiver to determine whether the claimant is entitled to relief under section 9 of this 2007 Act. If the public entity that issued the waiver lacks information needed to determine whether the claimant is entitled to relief, the public entity shall issue a written request to the claimant for the required information. The claimant must file the required information within 90 days after receiving the request. If the claimant does not file the information, the public entity shall review the claim based on the information that is available. The public entity shall complete a tentative review no later than 240 days after the effective date of this 2007 Act. The public entity shall provide written notice to the claimant, the Department of Land Conservation and Development and any other person entitled to notice of the tentative determination as to whether the claimant qualifies for relief under section 9 of this 2007 Act and, if so, the specific number of single-family dwellings that the public entity proposes to authorize. The notice must state that the recipient has 15 days to submit evidence or arguments in response to the tentative determination, after which

the public entity shall make a final determination. A public entity shall make the final determination under this subsection within 300 days after the effective date of this 2007 Act.

(2) If Metro, a city or a county has not made a final decision before the effective date of this 2007 Act on a claim filed for property located, in whole or in part, within an urban growth boundary, the public entity with which the claim was filed shall send notice to the claimant within 90 days after the effective date of this 2007 Act. The notice must:

(a) Explain that the claimant is entitled to seek relief under section 9 of this 2007 Act;

(b) Identify the information that the claimant must file; and

(c) Provide a form for the claimant's use.

(3) Within 120 days after the date the public entity mails notice under subsection (2) of this section, a claimant must notify the public entity if the claimant intends to continue the claim and must file the information required in the notice. If the claimant fails to file the notice and required information with the public entity within 120 days after the date the public entity mails the notice, the claimant is not entitled to relief under section 9 of this 2007 Act.

(4) A public entity that receives a notice from a claimant under subsection (3) of this section shall review the claim, the record on the claim, the notice received from the claimant and the information required under subsection (3) of this section to determine whether the claim demonstrates that the requirements of section 9 of this 2007 Act are satisfied. The public entity shall complete a tentative review no later than 120 days after receipt of the notice from the claimant and shall provide written notice to the claimant, the department and any other person entitled to notice of the tentative determination as to whether the claimant qualifies for relief under section 9 of this 2007 Act and, if so, the specific number of single-family dwellings that the public entity proposes to authorize. The notice must state that the recipient has 15 days to submit evidence or arguments in response to the tentative determination, after which the public entity shall make a final determination. A public entity shall make the final determination under this subsection within 180 days after receipt of the notice from the claimant.

(5) If a claimant filed a claim that is subject to this section after December 4, 2006, the claim must have included a copy of a final land use decision by the city or county with land use jurisdiction over the property that denied an application by the claimant for the residential use described in the claim. If the claim was filed after December 4, 2006, and did not include a final land use decision denying the residential use described in the claim, the claimant is not entitled to relief under section 9 of this 2007 Act.

(Development Standards; Transferability)

SECTION 11. (1) A subdivision or partition of property, or the establishment of a dwelling on property, authorized under sections 5 to 11 of this 2007 Act must comply with all applicable standards governing the siting or development of the dwelling, lot or parcel including, but not limited to, the location, design, construction or size of the dwelling, lot or parcel. However, the

standards must not be applied in a manner that has the effect of prohibiting the establishment of the dwelling, lot or parcel authorized under sections 5 to 11 of this 2007 Act unless the standards are reasonably necessary to avoid or abate a nuisance, to protect public health or safety or to carry out federal law.

(2) Before beginning construction of any dwelling authorized under section 6 or 7 of this 2007 Act, the owner must comply with the requirements of ORS 215.293 if the property is in an exclusive farm use zone, a forest zone or a mixed farm and forest zone.

(3)(a) A city or county may approve the creation of a lot or parcel to contain a dwelling authorized under sections 5 to 11 of this 2007 Act. However, a new lot or parcel located in an exclusive farm use zone, a forest zone or a mixed farm and forest zone may not exceed:

(A) Two acres if the lot or parcel is located on high-value farmland, on high-value forestland or on land within a ground water restricted area; or

(B) Five acres if the lot or parcel is not located on high-value farmland, on high-value forestland or on land within a ground water restricted area.

(b) If the property is in an exclusive farm use zone, a forest zone or a mixed farm and forest zone, the new lots or parcels created must be clustered so as to maximize suitability of the remnant lot or parcel for farm or forest use.

(4) If an owner is authorized to subdivide or partition more than one property, or to establish dwellings on more than one property, under sections 5 to 11 of this 2007 Act and the properties are in an exclusive farm use zone, a forest zone or a mixed farm and forest zone, the owner may cluster some or all of the dwellings, lots or parcels on one of the properties if that property is less suitable than the other properties for farm or forest use. If one of the properties is zoned for residential use, the owner may cluster some or all of the dwellings, lots or parcels that would have been located in an exclusive farm use zone, a forest zone or a mixed farm and forest zone on the property zoned for residential use.

(5) An owner is not eligible for more than 20 home site approvals under sections 5 to 11 of this 2007 Act, regardless of how many properties that person owns or how many claims that person has filed.

(6) An authorization to partition or subdivide the property, or to establish dwellings on the property, granted under section 6, 7 or 9 of this 2007 Act runs with the property and may be either transferred with the property or encumbered by another person without affecting the authorization. There is no time limit on when an authorization granted under section 6, 7 or 9 of this 2007 Act must be carried out, except that once the owner who obtained the authorization conveys the property to a person other than the owner's spouse or the trustee of a revocable trust in which the owner is the settlor, the subsequent owner of the property must create the lots or parcels and establish the dwellings authorized by a waiver under section 6, 7 or 9 of this 2007 Act within 10 years of the conveyance. In addition:

(a) A lot or parcel lawfully created based on an authorization under section 6, 7 or 9 of this 2007 Act remains a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law; and

(b) A dwelling or other residential use of the property based on an authorization under section 6, 7 or 9 of this 2007 Act is a permitted use and may be established or continued by the claimant or a subsequent owner, except that once the claimant conveys the property to a person other than the claimant's spouse or the trustee of a revocable trust in which the claimant is the settlor, the subsequent owner must establish the dwellings or other residential use authorized under section 6, 7 or 9 of this 2007 Act within 10 years of the conveyance.

(7) When relief has been claimed under sections 5 to 11 of this 2007 Act:

(a) Additional relief is not due; and

(b) An additional claim may not be filed, compensation is not due and a waiver may not be issued with regard to the property under sections 5 to 22 of this 2007 Act or ORS 197.352 as in effect immediately before the effective date of this 2007 Act, except with respect to a land use regulation enacted after January 1, 2007.

(8) A person that is eligible to be a holder as defined in ORS 271.715 may acquire the rights to carry out a use of land authorized under sections 5 to 11 of this 2007 Act from a willing seller in the manner provided by ORS 271.715 to 271.795. Metro, cities and counties may enter into cooperative agreements under ORS chapter 195 to establish a system for the purchase and sale of severable development interests as described in ORS 94.531. A system established under this subsection may provide for the transfer of severable development interests between the jurisdictions of the public entities that are parties to the agreement for the purpose of allowing development to occur in a location that is different from the location in which the development interest arises.

(9) If a claimant is an individual, the entitlement to prosecute the claim under section 6, 7 or 9 of this 2007 Act and an authorization to use the property provided by a waiver under section 6, 7 or 9 of this 2007 Act:

(a) Is not affected by the death of the claimant if the death occurs on or after the effective date of this 2007 Act; and

(b) Passes to the person that acquires the property by devise or by operation of law.

BALLOT MEASURE 37 CLAIMS MADE  
AFTER THE DATE OF ADJOURNMENT SINE DIE  
OF THE 2007 REGULAR SESSION OF THE  
SEVENTY-FOURTH LEGISLATIVE ASSEMBLY  
(Generally)

SECTION 12. (1) A person may file a claim for just compensation under sections 12 to 14 of this 2007 Act and ORS 197.352 after the date of adjournment sine die of the 2007 regular session of the Seventy-fourth Legislative Assembly if:

(a) The person is an owner of the property and all owners of the property have consented in writing to the filing of the claim;

(b) The person's desired use of the property is a residential use or a farming or forest practice;

(c) The person's desired use of the property is restricted by one or more land use regulations enacted after January 1, 2007; and

(d) The enactment of one or more land use regulations after January 1, 2007, other than land use regulations described in ORS 197.352 (3), has reduced the fair market value of the property.

(2) For purposes of subsection (1) of this section, the reduction in the fair market value of the property caused by the enactment of one or more land use regulations that are the basis for the claim is equal to the decrease, if any, in the fair market value of the property from the date that is one year before the enactment of the land use regulation to the date that is one year after the enactment, plus interest. If the claim is based on the enactment of more than one land use regulation enacted on different dates, the reduction in the fair market value of the property caused by each regulation shall be determined separately and the values added together to calculate the total reduction in fair market value. Interest shall be computed under this subsection using the average interest rate for a one-year United States Government Treasury Bill on December 31 of each year of the period between the date the land use regulation was enacted and the date the claim was filed, compounded annually on January 1 of each year of the period. A claimant must provide an appraisal showing the fair market value of the property one year before the enactment of the land use regulation and the fair market value of the property one year after the enactment. The actual and reasonable cost of preparing the claim, including the cost of the appraisal, not to exceed \$5,000, may be added to the calculation of the reduction in fair market value under this subsection. The appraisal must:

(a) Be prepared by a person certified under ORS chapter 674 or a person registered under ORS chapter 308;

(b) Comply with the Uniform Standards of Professional Appraisal Practice, as authorized by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989; and

(c) Expressly determine the highest and best use of the property at the time the land use regulation was enacted.

(3) Relief may not be granted under this section if the highest and best use of the property at the time the land use regulation was enacted was not the use that was restricted by the land use regulation.

(4) If the claimant establishes that the requirements of subsection (1) of this section are satisfied and the land use regulation was enacted by Metro, a city or a county, the public entity must either:

(a) Compensate the claimant for the reduction in the fair market value of the property; or

(b) Authorize the claimant to use the property without application of the land use regulation to the extent necessary to offset the reduction in the fair market value of the property.

(5) If the claimant establishes that the requirements of subsection (1) of this section are satisfied and the land use regulation was enacted by state government, as defined in ORS 174.111, the state agency that is responsible for administering the statute, statewide land use planning goal or rule, or the Oregon Department of Administrative Services if there is no state agency responsible for administering the statute, goal or rule, must:

(a) Compensate the claimant for the reduction in the fair market value of the property; or

(b) Authorize the claimant to use the property without application of the land use regulation to the extent necessary to offset the reduction in the fair market value of the property.

(6) A use authorized by this section has the legal status of a lawful nonconforming use in the same manner as provided by ORS 215.130. The claimant may carry out a use authorized by a public entity under this section except that a public entity may waive only land use regulations that were enacted by the public entity. When a use authorized by this section is lawfully established, the use may be continued lawfully in the same manner as provided by ORS 215.130.

(Procedures for Actions on New Claims)

SECTION 13. (1) A person filing a claim under section 12 of this 2007 Act shall file the claim in the manner provided by this section. If the property for which the claim is filed has more than one owner, the claim must be signed by all the owners or the claim must include a signed statement of consent from each owner. Only one claim for each property may be filed for each land use regulation.

(2) A claim filed under section 12 of this 2007 Act must be filed with the public entity that enacted the land use regulation that is the basis for the claim.

(3) Metro, cities, counties and the Department of Land Conservation and Development may impose a fee for the review of a claim filed under section 12 of this 2007 Act in an amount not to exceed the actual and reasonable cost of reviewing the claim.

(4) A person must file a claim under section 12 of this 2007 Act within five years after the date the land use regulation was enacted.

(5) A public entity that receives a claim filed under section 12 of this 2007 Act must issue a final determination on the claim within 180 days after the date the claim is complete, as described in subsection (9) of this section.

(6) If a claim under section 12 of this 2007 Act is filed with state government, as defined in ORS 174.111, the claim must be filed with the department. If the claim is filed with Metro, a city or a county, the claim must be filed with the chief administrative office of the public entity, or with an individual designated by ordinance, resolution or order of the public entity.

(7) A claim filed under section 12 of this 2007 Act must be in writing and must include:

(a) The name and address of each owner;

(b) The address, if any, and tax lot number, township, range and section of the property;

(c) Evidence of the acquisition date of the claimant, including the instrument conveying the property to the claimant and a report from a title company identifying the person in which title is vested and the claimant's acquisition date and describing exceptions and encumbrances to title that are of record;

(d) A citation to the land use regulation that the claimant believes is restricting the claimant's desired use of the property that is adequate to allow the public entity to identify the specific land use regulation that is the basis for the claim;

(e) A description of the specific use of the property that the claimant desires to carry out but cannot because of the land use regulation; and

(f) An appraisal of the property that complies with section 12 (2) of this 2007 Act.

(8) A claim filed under section 12 of this 2007 Act must include the fee, if any, imposed by the public entity with which the claim is filed pursuant to subsection (3) of this section.

(9) The public entity shall review a claim filed under section 12 of this 2007 Act to determine whether the claim complies with the requirements of sections 12 to 14 of this 2007 Act. If the claim is incomplete, the public entity shall notify the claimant in writing of the information or fee that is missing within 60 days after receiving the claim and allow the claimant to submit the missing information or fee. The claim is complete when the public entity receives any fee required by subsection (8) of this section and:

(a) The missing information;

(b) Part of the missing information and written notice from the claimant that the remainder of the missing information will not be provided; or

(c) Written notice from the claimant that none of the missing information will be provided.

(10) If a public entity does not notify a claimant within 60 days after a claim is filed under section 12 of this 2007 Act that information or the fee is missing from the claim, the claim is deemed complete when filed.

(11) A claim filed under section 12 of this 2007 Act is deemed withdrawn if the public entity gives notice to the claimant under subsection (9) of this section and the claimant does not comply with the requirements of subsection (9) of this section.

SECTION 14. (1) A public entity that receives a complete claim as described in section 13 of this 2007 Act shall provide notice of the claim at least 30 days before a public hearing on the claim or, if there will not be a public hearing, at least 30 days before the deadline for submission of written comments, to:

(a) All owners identified in the claim;

(b) All persons described in ORS 197.763 (2);

(c) The Department of Land Conservation and Development, unless the claim was filed with the department;

(d) Metro, if the property is located within the urban growth boundary of Metro;

(e) The county in which the property is located, unless the claim was filed with the county; and

(f) The city, if the property is located within the urban growth boundary or adopted urban planning area of the city.

(2) The notice required under subsection (1) of this section must describe the claim and state:

(a) Whether a public hearing will be held on the claim, the date, time and location of the hearing, if any, and the final date for submission of written evidence and arguments relating to the claim;

(b) That judicial review of the final determination of a public entity on the claim is limited to the written evidence and arguments submitted to the public entity; and

(c) That judicial review is available only for issues that are raised with sufficient specificity to afford the public entity an opportunity to respond.

(3) Except as provided in subsection (4) of this section, written evidence and arguments in proceedings on the claim must be submitted to the public entity not later than:

(a) The close of the final public hearing on the claim; or

(b) If a public hearing is not held, the date that is specified by the public entity in the notice required under subsection (1) of this section.

(4) The claimant may request additional time to submit written evidence and arguments in response to testimony or submittals. The request must be made before the close of testimony or the deadline for submission of written evidence and arguments.

(5) A public entity shall make the record on review of a claim, including any staff reports, available to the public before the close of the record as described in subsections (3) and (4) of this section.

(6) A public entity shall mail a copy of the final determination to the claimant and to any person who submitted written evidence or arguments before the close of the record. The public entity shall forward to the county, and the county shall record, a memorandum of the final determination in the deed records of the county in which the property is located.

SECTION 15. In addition to any other notice required by law, a county must give notice of a Measure 37 permit for property located entirely outside an urban growth boundary to:

(1) The county assessor for the county in which the property is located;

(2) A district or municipality that supplies water for domestic, municipal or irrigation uses and has a place of use or well located within one-half mile of the property; and

(3) The Department of Land Conservation and Development, the State Department of Agriculture, the Water Resources Department and the State Forestry Department.

## JUDICIAL REVIEW

SECTION 16. (1) A person that is adversely affected by a final determination of a public entity under sections 5 to 11 or 12 to 14 of this 2007 Act may obtain judicial review of that determination under ORS 34.010 to 34.100, if the determination is made by Metro, a city or a county, or under ORS 183.484, if the determination is one of a state agency. Proceedings for review of a state agency determination under sections 5 to 11 or 12 to 14 of this 2007 Act must be commenced in the county in which the affected property is located. Upon motion of any party to the proceedings, the proceedings may be transferred to any other county with jurisdiction under ORS 183.484 in the manner provided by law for change of venue. A determination by a public entity under sections 5 to 11 or 12 to 14 of this 2007 Act is not a land use decision.

(2) A person is adversely affected under subsection (1) of this section if the person:

(a) Is an owner of the property that is the subject of the final determination; or

(b) Is a person who timely submitted written evidence, arguments or comments to a public entity concerning the determination.

(3) Notwithstanding subsection (1) of this section, judicial review of a final determination under sections 5 to 11 or 12 to 14 of this 2007 Act or ORS 197.352 is:

- (a) Limited to the evidence in the record of the public entity at the time of its final determination.
- (b) Available only for issues that are raised before the public entity with sufficient specificity to afford the public entity an opportunity to respond.

## OMBUDSMAN

SECTION 17. (1) The Governor shall appoint an individual to serve, at the pleasure of the Governor, as the Compensation and Conservation Ombudsman.

(2) The ombudsman must be an individual of recognized judgment, objectivity and integrity who is qualified by training and experience to:

- (a) Analyze problems of land use planning, real property law and real property valuation; and
- (b) Facilitate resolution of complex disputes.

SECTION 18. (1) For the purpose of helping to ensure that a claim is complete, as described in section 13 of this 2007 Act, the Compensation and Conservation Ombudsman may review a proposed claim if the review is requested by a claimant that intends to file a claim under sections 12 to 14 of this 2007 Act and ORS 197.352.

(2) At the request of the claimant or the public entity reviewing a claim, the ombudsman may facilitate resolution of issues involving a claim under sections 5 to 22 of this 2007 Act.

## MISCELLANEOUS

SECTION 19. (1) If an owner submits an application for a comprehensive plan or zoning amendment, or submits an application for an amendment to the Metro urban growth boundary, and Metro, a city or a county approves the amendment, the owner is not entitled to relief under sections 5 to 22 of this 2007 Act with respect to a land use regulation enacted before the date the application was filed.

(2) If an owner files a petition to initiate annexation to a city and the city or boundary commission approves the petition, the owner is not entitled to relief under sections 5 to 22 of this 2007 Act with respect to a land use regulation enacted before the date the petition was filed.

SECTION 20. An appraiser certified under ORS 674.310 or a person registered under ORS chapter 308 may carry out the appraisals required by sections 5 to 22 of this 2007 Act. The Department of Land Conservation and Development is authorized to retain persons to review the appraisals.

SECTION 21. (1) Except as provided in this section, a claimant's acquisition date is the date the claimant became the owner of the property as shown in the deed records of the county in which the property is located. If there is more than one claimant for the same property under the same

claim and the claimants have different acquisition dates, the acquisition date is the earliest of those dates.

(2) If the claimant is the surviving spouse of a person who was an owner of the property in fee title, the claimant's acquisition date is the date the claimant was married to the deceased spouse or the date the spouse acquired the property, whichever is later. A claimant or a surviving spouse may disclaim the relief provided under sections 5 to 22 of this 2007 Act by using the procedure provided in ORS 105.623 to 105.649.

(3) If a claimant conveyed the property to another person and reacquired the property, whether by foreclosure or otherwise, the claimant's acquisition date is the date the claimant reacquired ownership of the property.

(4) A default judgment entered after December 2, 2004, does not alter a claimant's acquisition date unless the claimant's acquisition date is after December 2, 2004.

SECTION 21a. For the purposes of sections 5 to 22 of this 2007 Act, a document is filed on the date the document is received by the public entity.

SECTION 21b. For the purposes of sections 5 to 22 of this 2007 Act, the fair market value of property is the amount of money, in cash, that the property would bring if the property was offered for sale by a person who desires to sell the property but is not obligated to sell the property, and if the property was bought by a person who was willing to buy the property but not obligated to buy the property. The fair market value is the actual value of property, with all of the property's adaptations to general and special purposes. The fair market value of property does not include any prospective value, speculative value or possible value based upon future expenditures and improvements.

SECTION 21c. If any part of sections 5 to 22 of this 2007 Act is held to be unconstitutional or otherwise invalid, all remaining parts of sections 5 to 22 of this 2007 Act shall not be affected by the holding and shall remain in full force and effect.

SECTION 22. (1) The Compensation and Conservation Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned on moneys in the Compensation and Conservation Fund shall be credited to the fund. The fund consists of moneys received by the Department of Land Conservation and Development under sections 5 to 22 of this 2007 Act and other moneys available to the department for the purpose described in subsection (2) of this section.

(2) Moneys in the fund are continuously appropriated to the department for the purpose of paying expenses incurred to review claims under sections 5 to 22 of this 2007 Act and for the purpose of paying the expenses of the Compensation and Conservation Ombudsman appointed under section 17 of this 2007 Act.

CONFORMING AMENDMENTS

SECTION 23. ORS 93.040 is amended to read:

93.040. (1) The following statement shall be included in the body of an instrument transferring or contracting to transfer fee title to real property except for owner's sale agreements or earnest money receipts, or both, as provided in subsection (2) of this section: "BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER [ORS 197.352] SECTIONS 2, 3 AND 5 TO 22 OF THIS 2007 ACT. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER [ORS 197.352] SECTIONS 2, 3 AND 5 TO 22 OF THIS 2007 ACT."

(2) In all owner's sale agreements and earnest money receipts, there shall be included in the body of the instrument the following statement: "THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER [ORS 197.352] SECTIONS 2, 3 AND 5 TO 22 OF THIS 2007 ACT. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER [ORS 197.352] SECTIONS 2, 3 AND 5 TO 22 OF THIS 2007 ACT."

(3) In all owners' sale agreements and earnest money receipts subject to ORS 358.505, there shall be included in the body of the instrument or by addendum the following statement: "THE PROPERTY DESCRIBED IN THIS INSTRUMENT IS SUBJECT TO SPECIAL ASSESSMENT UNDER ORS 358.505. ORS 358.515 REQUIRES NOTIFICATION TO THE STATE HISTORIC PRESERVATION OFFICER OF SALE OR TRANSFER OF THIS PROPERTY."

(4) An action may not be maintained against the county recording officer for recording an instrument that does not contain the statement required in subsection (1) or (2) of this section.

(5) An action may not be maintained against any person for failure to include in the instrument the statement required in subsection (1) or (2) of this section, or for recording an instrument that

does not contain the statement required in subsection (1) or (2) of this section, unless the person acquiring or agreeing to acquire fee title to the real property would not have executed or accepted the instrument but for the absence in the instrument of the statement required by subsection (1) or (2) of this section. An action may not be maintained by the person acquiring or agreeing to acquire fee title to the real property against any person other than the person transferring or contracting to transfer fee title to the real property.

SECTION 24. The unit captions used in this 2007 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express a legislative intent in the enactment of this 2007 Act.

SECTION 25. This 2007 Act shall be submitted to the people for their approval or rejection at a special election held throughout this state as provided in chapter \_\_\_\_\_, Oregon Laws 2007 (Enrolled House Bill 2083).

NOTE: Boldfaced type indicates new language; [*brackets and italic*] type indicates deletions or comments.

## **Explanatory Statement**

Ballot Measure 37 (2004) requires governments to pay landowners or forgo enforcement when certain land use regulations reduce their property values. This measure modifies Measure 37 to give landowners who have filed Measure 37 claims the right to build homes as compensation for land use regulations imposed after they acquired their properties.

Claimants may build up to three homes if allowed when they acquired their properties.

Claimants may build up to 10 homes if allowed when they acquired their properties and they have suffered reductions in property values that justify the additional home sites.

This measure protects farmlands, forestlands and lands with groundwater shortages in two ways.

First, subdivisions are not allowed on high-value farmlands, forestlands and groundwater-restricted lands. Claimants may not build more than three homes on such lands.

Second, claimants may not use this measure to override current zoning laws that prohibit commercial and industrial developments, such as strip malls and mines, on land reserved for homes, farms, forests and other uses.

Also, this measure expands homebuilding rights under Measure 37 in two ways.

First, it extends homebuilding rights to surviving spouses whose claims are not eligible for compensation under Measure 37.

Second, it allows claimants to transfer their homebuilding rights to new owners, a right not clearly provided by Measure 37. The new owners must exercise their homebuilding rights within 10 years.

Claimants will be notified of their options to build homes under this measure within 120 days after this measure takes effect.

Claimants who have received land use waivers under Measure 37 are entitled to complete developments under the provisions of Measure 37 if they have established vested rights to do so.

To streamline the approval process for small claims, this measure provides that those who choose to apply for up to three homes need only show they had the right to build the homes they are requesting when they acquired their property.

To validate larger claims, this measure requires those who choose to apply for four to 10 homes to show they had the right to develop the homes they are requesting when they acquired their property and that they have suffered a loss of value from prior regulations that justifies the number of homes requested. Appraisals are required to establish such reductions in value. The costs of appraisals and other costs of preparing claims may be added to the calculation of reduced values, up to \$5,000 per claim.

This measure establishes an ombudsman to help landowners who request assistance with their claims.

This measure modifies Measure 37 for compensation claims that arise from land use regulations in the future. It authorizes such claims based on regulations that limit residential uses of property or farm and forest practices, requires documentation of reduced values and provides for proportionate compensation when such reductions in value occur. Property owners will have five years to file claims over regulations enacted after January 1, 2007.

This measure will be effective 30 days after approval by the voters.

*(This impartial statement explaining the measure was provided by the 2007 Legislative Assembly.)*

## **Legislative Argument in Support**

The people of Oregon want Measure 37 to be fixed.

That was the clear message delivered to the Legislature this year.

Hundreds of Oregonians from around the state traveled to Salem for nine public hearings to describe the chaos and confusion created by Measure 37.

Here's what they told the Land Use Fairness Committee:

- Measure 37 is **not** working for farm families and small land owners who wish to build homes on their property.
- Big developers have been exploiting Measure 37 to pave the way for large subdivisions and strip malls on lands now reserved for farming and forestry.

Those big developments diminish our most valuable natural-resource lands, deplete scarce water supplies and overwhelm local roads, schools and public safety services.

Even worse, Measure 37 has pitted neighbor against neighbor, with more than 270 lawsuits pending in Oregon courts.

Most of the 369 Oregonians who traveled to Salem to share their concerns asked us to fix Measure 37, suspend it or repeal it outright. Many told us they had voted for Measure 37 but wish now that they could change their vote or change the measure to do what they had intended. Not one person told us they had voted against the measure and now wish they had voted for it.

This input convinced us to come back to you, the voters, with a proposal to address Measure 37's flaws.

Our proposal – Measure 49 – does **not** repeal Measure 37. Instead, it establishes a balance in our land use system to protect the rights of landowners and their neighbors. It protects the right of farm families and other landowners to build homes on their property and protects the lands and resources that make Oregon a special place to live, work and raise a family.

Measure 49 is now in your hands. We hope you agree that Measure 49 offers a better way to protect and preserve the best of Oregon for all of us.

**Committee Members: / Appointed by:**

Senator Floyd Prozanski / President of the Senate

Representative Brian Clem / Speaker of the House

Representative Greg Macpherson / Speaker of the House

*(This Joint Legislative Committee was appointed to provide the legislative argument in support of the ballot measure pursuant to ORS 251.245.)*

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## **Argument in Favor**

### **The Bowerman Family asks for your YES vote on Measure 49.**

Our family arrived by covered wagon in Oregon in 1845 with a vision of raising future generations in the natural splendor of this rich and beautiful land. Much has changed in the 160

years since then, but one thing remains constant: our family's deep commitment to the care of Oregon.

We have worked as farmers, homemakers, teachers, shopkeepers, woodworkers, and more. We have lived and continue to live in all regions: the Willamette, Rogue and John Day Valleys; Portland, Medford, Bend, Eugene, Fossil and other towns. We know from family history that our grandparents and great-grandparents treasured and nurtured their relationship with the land. Our present generation carries on this family tradition.

We are convinced that Measure 37 must be fixed or it will wreak havoc on the productivity and beauty of our state; will effectively dismantle Oregon's commitment to growth management; and will have severe detrimental consequences for our children and grandchildren.

We have studied Measure 49 thoroughly. We are convinced it is absolutely necessary to correct the unintended consequences of Measure 37. All Oregonians must work together to preserve our special quality of life for future generations.

**Please join us, vote YES on Measure 49.**

Signed:

Barbara Bowerman, Fossil  
Jon Bowerman, Wheeler County  
Jay Bowerman, Deschutes County  
Tom Bowerman, Lane County  
Kristine Bowerman, Lane County  
Jayson Bowerman, Deschutes County  
Tracy Bowerman, Bend  
McKenzie Bowerman, Oakridge  
Danielle Bowerman, Oakridge  
Will Bowerman, Fossil  
Elizabeth Bowerman, Redmond

*(This information furnished by Tom R. Bowerman.)*

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## **Argument in Favor**

### **A Message from Four Oregon Governors**

Dear Fellow Oregonian:

We come from different political parties, different parts of Oregon, different occupations, and we each had the privilege of serving Oregon as Governor during very different times.

For all our differences, however, we share a love of Oregon. We appreciate the legacy we have been given, and understand the tremendous responsibility we have to protect that legacy and pass it long.

Oregon is loveable – and livable – because Oregonians have actively engaged in protecting that legacy. That’s why we have the bounty that other states have lost:

- Majestic forests that offer beauty, recreation and a livelihood for many communities.
- Irreplaceable farmland that supports a rich and varied agricultural economy; and
- A balance that protects Oregon’s unique assets and the property rights of Oregonians.

**That is why we come together to ask you to vote Yes on Measure 49.**

Measure 49 will fix the flaws in Measure 37 – flaws that threaten the Oregon we love. Measure 37, passed in 2004, has opened the door to massive development that will destroy the farmland, forestland and water resources we have today.

Measure 49 will deliver what Oregonians had in minds when they voted on Measure 37: a balance that protects Oregon’s farms, forests, and water and allows individual property owners to build more than one home on their property.

Measure 49 will also deliver something bigger: a workable land use policy that will allow us to keep our precious Oregon assets – the things that make Oregon special – and be fair to property owners.

Please join us in voting Yes on Measure 49.

Governor Vic Atiyeh (1979 – 1987)

Governor Barbara Roberts (1991 – 1995)

Governor John Kitzhaber MD (1995 – 2003)

Governor Ted Kulongoski (2003 – present)

*(This information furnished by Theodore Kulongoski.)*

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## **Argument in Favor**

**Measure 37 is a Mess.**

**Measure 49 Will Clean It Up.**

Measure 37 was sold as a way to allow a landowner to build a few homes to their property – for their kids or to fund their retirement – if they could do so when they bought the land.

Since its passage, over 7,500 claims for development have been filed covering about 730,000 acres of the state. Most of the claims are for 10 or fewer houses. (Up to that amount is allowed under Measure 49).

**But most of the acreage covered by M37 claims is for enormous development: huge housing subdivisions, strip malls and big box stores. Almost all of this large-scale development is on Oregon's prime farmland, in forests and along water – where it just doesn't belong.**

Measure 37 has also created incredible confusion and unfairness in every corner of the state.

**Rules should be the same for everyone. But that's not how Measure 37 is working.**

Nobody has been able to figure out Measure 37's flawed language, so it is interpreted differently, county by county, property by property.

Measure 49 clarifies the rules and makes them consistent throughout the state.

**Measure 37 also destroys the rights of some, while giving a bonanza to others.**

For example, M37 left out the right of "transferability." That means some people who want to build a few homes on their land – for their kids or to fund their retirement – cannot transfer the rights to own those homes to their children or a new owner. Even a surviving spouse whose name doesn't appear on the deed since the beginning of ownership cannot proceed with a Measure 37 claim.

Measure 49 allows transferability of development rights for kids and surviving spouses.

Measure 49:

Makes the rules consistent for everybody.

Strengthens rights of small individual property owners.

Protects farmland, forests water and our quality of life from the abuses of Measure 37.

**Clean up the mess!**

**Vote YES on 49**

*(This information furnished by Elizabeth Kaufman, Yes on 49 Campaign.)*

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## **Argument in Favor**

**How does Measure 49 work?**

**It's really pretty simple.**

Measure 37 – passed in 2004 – has created chaos for Oregon's unique natural beauty and for landowners who thought they could do what they want with their own property. There are

different rules for every property, different interpretations of its vague language in every county, and the flaws of Measure 37 allow massive subdivisions, commercial and industrial development in places they simply don't belong.

**Measure 49 takes this chaos and makes things straightforward, consistent and balanced for property owners and all of Oregon.**

Here is how it works:

- **Measure 49 protects the property rights of small individual landowners by immediately allowing them up to 3 houses on their property, if the law allowed it when they bought their land.** And it will pass those rights on to a surviving spouse or to someone who purchases the property from the current owner— something that Measure 37 left out and needs to be fixed.
- **Additionally, property owners can build up to 10 houses if they can document a decrease in property value equal to the value of the additional houses – just as Measure 37 originally promised.** (Three homesites – clustered on one portion of large properties-- is the limit for high-value farmland, and forests or places with limited water supplies.)
- **Measure 49 limits large development – in order to protect Oregon's farmland, forests and water.** That means stopping the abuse of Measure to develop huge housing subdivisions, strip malls, big-box stores, and mining operations where they are not allowed by zoning.

The development interests who stand to make huge profits from Measure 37 are the ones opposing Measure 49. They will try their best to confuse the issue, claiming that Measure 49 is complicated. But as you can see, it is quite straightforward.

For more information, go to [www.yeson49.com](http://www.yeson49.com) and read the entire ballot measure.

**Vote Yes on 49**

*(This information furnished by Emily Jackson, Yes on 49 Campaign.)*

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## **Argument in Favor**

### **Measure 49: Fact vs. Fiction**

#### **Does Measure 49 Repeal Measure 37?**

No. Measure 49 fixes the major flaws and loopholes of Measure 37 that have both frustrated landowners with modest claims and threatened our farmland, forest, and water supplies with claims for large subdivisions, strip malls, billboards, and gravel pits. Measure 37 remains law— Measure 49 simply makes amendments to restore balance and deliver what Measure 37 promised.

**Will Measure 49 wipe out almost all current Measure 37 claims, and eliminate all protection from future regulations?**

**Absolutely not.** Measure 49 allows claimants to move forward with development of up to 3-10 homesites and guarantees the ability to file claims for future changes in residential use of property, and farm and forest practices. The claim that the government will come to take your home is patently false.

**Will people with valid Measure 37 claims have to start over?**

**No.** Within 120 days of passage of Measure 49, claimants will receive a simple form from the state asking them to choose between the ‘fast track’ up to three homesites or—if they can prove property value loss, backed up with an appraisal—4 to 10 homesites. Then, the claimant may proceed with development.

**Are Oregon businesses are specifically targeted by Measure 49?**

Oregon land use laws require that local governments provide land for commercial and industrial development. That requirement will continue. Measure 49 simply prohibits claims for industrial and commercial development not allowed by zoning.

**Did the Legislature draft Measure 49 without holding public hearings?**

Measure 49 was the result of dozens of hours of public hearings over several months, with testimony from hundreds of individual Oregonians.

**If Measure 37 is left unmodified, can more claims be filed in the future for large subdivisions, strip malls, billboards, and more?**

If left unchanged, Measure 37 claims can continue to be filed indefinitely for large development not allowed by current zoning. Measure 49 closes this loophole.

*(This information furnished by Laura S. Imeson, Yes on 49.)*

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## **Argument in Favor**

### **Yes on Measure 49 – Protect Our Home: Oregon**

I live on a farm in Washington County, amidst some of the best farmland on earth--where perennial tall fescue is grown for grass seed, filberts for Christmas stockings, sweet corn for the farmers market, and alfalfa to feed beef cows.

After Measure 37 passed, the first claims seemed reasonable: One neighbor wanted to divide her property into thirds. Another wanted to build one house on 10 acres.

But then the “other” claims came. Within just 3 miles of my farm, there are 54 Measure 37 claims to build a potential 1761 homes – most in an area designated “ground water restricted.”

Imagine moving combines, trailer loads of nursery stock, and large agricultural equipment over our narrow winding roads, amidst the flood of more vehicles commuting to jobs and school. Who will pay for road improvements? How will we provide water to 1761 homes?

This kind of random, intense development will have a devastating impact on highly productive farmland.

And who “benefits?” Not the small property owner. Within Washington County, 88% of the Measure 37 home sites are requested by just 20% of claimants.

**Meanwhile, most farm families cannot file Measure 37 claims, though their land has been in the same family for 50 years. Yet their economic livelihood will be severely impacted, if not destroyed.**

Nearby elderly widows try to file modest Measure 37 claims, but are denied because they were never on the deed with their husbands.

Other families can’t profit from their Measure 37 claims, because development rights aren’t transferable.

### **Measure 49 re-balances Measure 37.**

It provides relief to those who want to build a home or two on their rural property. It helps the elderly claimants wanting to provide for their retirement or a place for their children. And, by limiting the size of development, we keep the impact to the community and reasonable and manageable.

Vote YES on Measure 49

David Papworth

*(This information furnished by David Papworth.)*

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## **Argument in Favor**

**Do you want to really protect Property Rights?  
Then Vote Yes on Measure 49!**

I am a retired forester, a former contributor to Oregonians In Action and I strongly support private property rights.

But when the interests behind Measure 37 sold it to Oregon, they talked about protecting the rights of small property owners to build a few houses on their land, if it was permitted by the law when they bought the property.

Well, the timber and development industries that have filed claims to build massive subdivisions, commercial and industrial projects on protected farmland and forestland are doing great under Measure 37.

But Measure 37 left many small, individual landowners in the cold.

The flawed language of Measure 37 didn't spell out the ability to transfer development rights from one person to another – even to a surviving spouse! And it left the actual process for securing property rights vague, confusing and different from county to county, and city to city.

- **Measure 49 guarantees “transferability” of rights** to a surviving spouse and if you sell your property to someone else.
- **Measure 49 provides an “express lane” for individual owners**, immediately allowing them up to three houses on their property outside urban areas.
- **Measure 49 also provides a fair, simple process to build up to 10 homes** by documenting an equivalent loss in value – as long as the extra houses are not on prime farmland or forestland and don't threaten limited water supplies. (In those cases, property owners can still get up to three homesites if that was allowed when they bought their land.)
- **And Measure 49 protects the property rights of neighbors**, by not allowing massive subdivisions, industrial or commercial development where it just doesn't belong.

**Measure 49:**

**Fair for Property Owners. Right for Oregon.**

**Ken Faulk, Benton County**

*(This information furnished by Ken Faulk.)*

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## **Argument in Favor**

### **Measure 49 Will Stop the Abuses of Measure 37**

Measure 37 was supposed to help small landowners – not large developers.

But the claims for development filed during the first two years of Measure 37 tell a different story.

**For every claim filed by small landowners seeking to build one to three homes on their property, there have been four claims filed for subdivisions, for commercial and industrial projects, and for developments that claimants have not yet specified what will be built.**

These numbers come from a hard count of Measure 37 claims by Portland State University's Institute of Portland Metropolitan Studies. The numbers show:

- Claims filed by landowners known to be seeking one to three homes: 1,821 claims on 62,860 acres.
- Claims known to be seeking housing subdivisions: 2,753 claims on 319,322 acres.
- Claims on land now reserved for Oregon's farms and forests: 4,580 claims on 487,898 acres.
- The ten largest subdivisions alone would carve out 34,850 home sites on 41,837 acres.

**We shouldn't allow developers and speculators to take advantage of Measure 37 in this way.**

**We shouldn't allow our prime farm and forest lands to be paved over for massive subdivisions.**

Measure 49 offers a better way:

- It offers fast track approvals for the over 1,821 land owners who have filed claims to build one to three homes on their property.
- It offers a reasonable compromise for thousands of land owners who filed claims for larger developments. These land owners can opt for three homes or seek up to ten homes on land that is not reserved for high-value farming or forestry and is not threatened with a shortage of groundwater.
- It closes loopholes in Measure 37 that will otherwise allow speculators and developers to destroy the most productive lands in our state.

**Give small landowners what they were promised by Measure 37. Stop the abuses by developers and speculators.**

**Vote Yes on Measure 49.**

*(This information furnished by Brian Rae, Yes on 49 Campaign.)*

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## **Argument in Favor**

A Message from U.S. Senator Ron Wyden

**Protect Oregon's Future.**

**Respect Oregon's Past.**

**Please Vote Yes on Measure 49**

I've had the honor of representing Oregon in the United States Senate for almost 12 years. Throughout my service, I have been acutely aware that the decisions I make have an important

impact on the future of our state. And, I've tried to make sure those decisions reflect the values of Oregon, and the legacy that has been passed on to all of us.

This fall we face a state ballot measure crucial to our future. And, I'm asking you to join me in voting Yes on Measure 49 because it is so important to protecting our priceless Oregon heritage.

Measure 37 articulated a principle that Oregonians believed in: respect for people's private property rights. But the way it did that had unintended consequences – and we now can see the results. The level of development – and the kind of development it has unleashed -- will destroy our farmland, forests and special places in a way that the voters did not intend. That has been demonstrated by the bipartisan outpouring of Oregonians who have called for a fix.

Measure 49 does not repeal Measure 37 – it restores the balance by allowing small individual property owners greater freedom to build, if the law allowed it when they bought their property. But it does that in a way that also protects our future by respecting our past: the legacy that is our Oregon.

There are very few decisions that will have a greater impact on our state, our children and our grandchildren. My decision is to vote Yes on Measure 49. I hope yours will be too.

*(This information furnished by Senator Ron Wyden.)*

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## **Argument in Favor**

### **Polk County Farm Bureau for Measure 49**

**If you want the “little guy” to get a fair shake, vote “Yes” on Measure 49.**

Over 42% of claims for development under Measure 37 seek 1-3 homesites. Measure 49 gives these claims a green light and transferability. That is what Oregon voters had in mind in 2004 when they approved Measure 37.

**Measure 49's limits are needed.** Nearly 58% of Measure 37 development claims are for large housing subdivisions, nearly 3,800 of them right on farm and forest land. The proposed subdivisions average 134 acres each; and over 60% are in the Willamette Valley.

These subdivisions threaten farms. How? Go to Oregon Department of Agriculture's website, <http://www.oregon.gov/ODA/NRD/m37.shtml>, and see for yourself. ODA's maps show 969 Measure 37 subdivision claims scattered throughout the heart of vibrant farm areas of Marion, Clackamas, and Washington counties alone -- Oregon's TOP THREE producing farm counties.

**These subdivisions would be an economic and environmental disaster for the Willamette Valley.**

Measure 49 gives Oregon voters a chance to say, “Wait a minute! I didn’t intend Measure 37 to undermine Willamette Valley agriculture, or to ruin the Valley’s beauty.”

**Measure 49 allows what Oregon voters intended --some development for the little guy, but preserving our farmland:**

- 3 homesites if the claim is on high value farm or forest land, or in a restricted groundwater area. These homesites must be clustered at one end of the property and can only be 5 acres each, so they have the least impact on large swaths of farmland;
- 4-10 lots if a claim is on any other type of land, based on proof of loss of property value - backed up by an appraisal.

**Under Measure 49, every Measure 37 claim goes forward.  
But Measure 49 sets limits that we can live with.**

Measure 49 fixes the wrongs of Measure 37. Vote “YES” on Measure 49.

**Thank you, from the heart of the Willamette Valley.**

*(This information furnished by Paul Thorp, Polk County Farm Bureau.)*

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## **Argument in Favor**

### **The League of Women Voters of Oregon**

**Urges YOU to  
VOTE YES  
On Measure 49**

The League of Women Voters believes that **Measure 49** is a **fair** and **balanced** solution to the problems created by Measure 37.

The League of Women Voters believes our 35-year-old land use planning system has provided good homes and good jobs while protecting our agricultural industry. We also believe in protection of private property rights balanced by consideration of public health and environmental protection. **Measure 49 supports these values.**

We should protect **agricultural jobs** by protecting agricultural land. We should protect **tourism jobs** by protecting Oregon’s special places. We should protect our communities and limited tax dollars from expensive **urban sprawl**.

**Measure 49** allows valid claimants **and their spouses** to build up to 3 homesites on their long-owned property or to **transfer** these rights to their kids or others, something Measure 37 does not do. Claimants may build up to ten homesites if they can prove lost value.

**Measure 49** protects the rights of **neighbors** by **stopping large subdivisions** and **industrial or commercial developments** where they don't belong.

**Measure 49** balances people's rights: **Vote YES on Measure 49!**

**Join the**

**The League of Women Voters of Oregon**

**In Voting**

**YES**

**On Measure 49!**

The League of Women Voters is a grassroots nonpartisan, political organization that encourages informed and active participation in government.

*(This information furnished by Marge Easley, President, League of Women Voters of Oregon.)*

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## **Argument in Favor**

Frontline Fire Fighters say:

**Help Us Protect Your Life and your Property.  
Vote YES on Measure 49.**

Our job comes down to one word: protection.

- We are here to protect your life and the life of your family if there is a fire.
- We also protect you in the case of a medical emergency, motor vehicle accident, natural or manmade disaster, and many other emergency situations that may exist.
- And once we make sure you are safe, we protect your home, your business and your property.

**The kind of development that Measure 37 will allow will make it more difficult to do our job. That is why Oregon's Professional Fire Fighters support Measure 49, and hope you will too.**

As it stands right now, Measure 37 is poised to build large swaths of housing far away from services like fire and police protections. And dealing with that isn't as simple as saying "Well, just put a fire house there!"

- Many Measure 37 developments are in places without enough water.
- Sometimes they are in places where it would be very expensive to extend fire protection – more than local property taxpayers could handle.
- And many of these developments are in places at high risk for wildfires and forest fires – dangerous for residents, and dangerous for fire fighters.

Measure 49 will let people build, but with a little common sense attached. And we can tell you from personal experience, common sense is one of the best fire prevention tools there is.

**Join Oregon's Professional Fire Fighters in Voting Yes on 49!  
Endorsed by Oregon State Fire Fighters Council**

*(This information furnished by Kelly Bach, President, Oregon State Fire Fighters Council.)*

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## **Argument in Favor**

### **Measure 37 in Southern Oregon: Subdivisions and Riverside Gravel Pits**

In Jackson, Josephine and Klamath Counties – claims for Measure 37 development include proposals for enormous subdivisions on farmland, in forests and in areas with severe water problems.

Here are just some proposed Measure 37 developments in southern Oregon. For more information, call your County Planning Department.

Location: Old Stage Road, Gold Hill  
# of acres: 346  
Current zoning: exclusive farm use  
Intent: Subdivision 340 into one-acre lots  
[Contains mapped wetland]

Location: Pompadour Dr, Ashland, Jackson County  
# of acres: 958  
Current zoning: exclusive farm use  
Intent: Subdivision into 958 one-acre lots for residential development

Claimant: Krouse Ranch, Inc.  
Location: Along Applegate River, North Applegate Rd, Grants Pass  
# of acres: 195

Current zoning: exclusive farm use  
Intent: Aggregate excavation and removal

Claimant: Hill  
Location: Along Applegate River, Hwy 238, Jackson County  
# of acres: 102  
Current zoning: exclusive farm use  
Intent: Aggregate excavation and removal

From Jackson County staff reports: “The property is within a mapped sensitive wildlife habitat area, a wildfire hazard area, affected by the Applegate River 100-year floodplain, and activities will be visible from a designated outstanding scenic roadway” -- conditional use permit filed through Copeland Sand and Gravel, Inc.

Location: Pinecrest Drive, Josephine County  
# of acres: 183  
Current zoning: forest use, rural residential  
Intent: Subdivision into 1-acre parcels; commercial uses

Location: Lower Klamath Lake Road, Klamath Falls, Klamath County  
# of acres: 4,100  
Current zoning: exclusive farm use, farm-forest mixed use  
Intent: Subdivision into 17,859 parcels.

Location: Gerber Road, Bonanza, Klamath County  
# of acres: 6,611.28  
Current zoning: exclusive farm use, farm-forest mixed use, forest use  
Intent: Subdivision into 1-acre lots.

Location: Paygr Road, Merrill, Klamath County  
# of acres: 837  
Current zoning: exclusive farm use  
Intent: 800 one-acre lot subdivision.

These three proposed Measure 37 subdivisions alone in Klamath County would total 25,270 new homesites.

(Information provided according to most recent data available as of Aug 20, 2007.)

*(This information furnished by Liz Kaufman, Yes on 49 Campaign.)*

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## **Argument in Favor**

**Vote Yes on Measure 49**  
**Save Our Beautiful Applegate River Valley from Mining**

We are residents of the scenic Applegate Valley in Southern Oregon. Recently, we joined together to form SAVE (Save Applegate Valley Environment) to fight three proposed aggregate/gravel mines along and in the middle of the Applegate River.

The owners of the properties had tried to develop these mines before, but Oregon laws protected the river from these dangerous proposals. Now the owners have filed Measure 37 claims for special rights to get these land use laws waived.

That's why we desperately need Measure 49.

These industrial aggregate (gravel) mines will have a devastating impact on our valley and community. Their application states there will be 12 inbound and 12 outbound trucks every hour. That's 220 truck trips per day for up to 10 years from just one mine!

**220 truck trips per day for 10 years on our narrow, winding North Applegate Road.**

There are many more problems:

**Emergency vehicle access and response times** – what will happen when emergency vehicles encounter huge haul trucks on our narrow winding road?

**Our kids and school bus routes** – what about the safety of school buses and our kids' who walk and bike along the roadway.

**Property values** – our property values will be in jeopardy if these mines operate. Who will be next?

**Healthy River Systems – The Applegate is designated Essential Salmon Habitat for the Endangered Coho Salmon**

Problems like these are why we have rules to protect communities and families – rules that Measure 37 eliminates in every part of Oregon.

Oregon voters never intended Measure 37 to destroy natural areas like the Applegate Valley with mining operations. That's why we need Measure 49 to clarify and fix Measure 37.

Measure 49 provides fairness to small property owners and prevents commercial and industrial development such as aggregate mining.

**Please help us save our beautiful Applegate Valley. Vote Yes on Measure 49!**

*(This information furnished by Sean Jeans-Gail, Yes on 49 Campaign.)*

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## Argument in Favor

### THE WILLAMETTE VALLEY: LAND OF FARMS OR SUBDIVISIONS?

Measure 37 was sold as a way for a property owner to build a few homes on their land for their kids or their retirement – if they could do so when they bought it.

But Measure 37 has also brought claims for development for enormous subdivisions destroying high-value farmland.

For example, while Marion County was the top agricultural county in Oregon in 2006, Measure 37 claims could bring in more than 251 new subdivisions. Once we lose this farmland, we never get it back.

#### **Here are just a few of the 2,259 Measure 37 claims filed across the entire Willamette Valley:**

Location: Groundwater limited area, Liberty Road South, Salem  
# of acres: 215  
Current zoning: exclusive farm use  
Intent: Subdivision into 80 lots, each with individual groundwater well

Location: Quinaby Road NE, Salem  
# of acres: 156  
Current zoning: exclusive farm use  
Intent: Residential subdivision and commercial uses

Location: 3500 Buena Vista Rd S, Salem  
# of acres: 136  
Current zoning: exclusive farm use  
Intent: subdivide into 1 acre to 5 acre lots  
Claimant: Ankeny Gun Club

Location: Cadle Road, Rickreall  
# of acres: 462  
Current zoning: exclusive farm use  
Intent: Commercial retail use – shopping mall

Location: Highway 22, Yamhill County  
# of acres: 7,647  
Intent: Subdivisions

Location: Highway 99W, Newberg  
# of acres: 69

Current zoning: exclusive farm use  
Intent: Subdivision into one-acre or smaller lots for residential and commercial lots

Location: Niederberger Road, Dundee  
# of acres: 15  
Current zoning: rural-residential  
Intent: 5-acre retail shopping center, residential subdivision

Location: Salmon River Highway, Polk County  
# of acres: 219  
Current zoning: farm-forest mixed use  
Intent: Highway-oriented commercial, light-industrial, and residential subdivisions

Location: Dallas, Polk County  
# of acres: 82  
Current zoning: exclusive farm use  
Intent: gas station, grocery, 1-acre residential dwellings, church, retirement home

(Information provided according to most recent data available as of Aug 20, 2007.)

*(This information furnished by Jamie Hogue, Yes on 49.)*

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## **Argument in Favor**

### **ANOTHER FAMILY FARMER URGES YOU TO VOTE YES ON 49**

Our family lives near Dayton on a family farm established in 1923. Our family...my husband and I, our two children, and my husband's parents farms over 1,000 acres. We grow Marionberries, filberts, table beets, grass seed, and radish seed.

We had friends and even family who voted for Measure 37 having been misled into believing that it simply would allow elderly landowners to add a home or two to their land. What they found is that Measure 37 really benefited real estate developers, not small property owners.

**We worry about the loss of valuable farmland if Measure 37 isn't fixed. If farmers have to compete with developers, farmers will lose.**

There are Measure 37 claims for 25 new housing subdivisions within seven miles of our farm. All those new houses are a threat to our ability to farm.

We've got a few neighbors now and have to be very cautious. We try to be quiet and when we're out early or late, we try to stay away from their houses. But it's just not practical to farm next to housing subdivisions. Farming is noisy, dirty and sometimes smells. We get used to it as farmers,

but others find it offensive. If enough people move out to farmland and object, our right to farm laws will disappear.

Development like this hurts all of us: we're already too dependent on imported oil. Are we also going to have to depend on imported food because we run out of farmland? It just doesn't make sense.

Measure 49 is a reasonable compromise that will protect farmland. We won't have to worry about massive development putting farmers out of business.

Measure 49 will preserve our future and provide an opportunity for our kids to continue on the family farm.

**PLEASE JOIN US IN VOTING YES ON MEASURE 49**

**Pieper & Tom Sweeney**

**Nancy & Sam Sweeney**

**Dayton, Oregon**

*(This information furnished by Pieper Sweeney.)*

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## **Argument in Favor**

**The family farmers and ranchers of Oregon Farm Bureau  
ask you to vote yes on Measure 49**

**Oregon's family farm organization is Farm Bureau**

Anyone can use the phrase "family farm." Many do because it evokes good feelings, as it should. Oregon's heritage and future are both inextricably linked with family agriculture. From serving as a pillar of the state's economy, to providing one of the most diverse varieties of fruits and vegetables and grains and livestock in the world, to providing beauty and wildlife habitat and countless environmental benefits, Oregon family farmers and ranchers remain a vital thread in the fabric of Oregon.. With membership that includes over 8,000 farm and ranch families across all 36 Oregon counties and with roots dating to 1919, Oregon Farm Bureau represents farm families in Oregon like no other organization does or could.

When Oregon Farm Bureau arrives at a policy position, such as our strong support for Measure 49, it is because family farmers and ranchers across the state have come together and discussed the issue in an open and democratic process and decided this is what is needed for the overall well-being of family agriculture.

It is not a coin flip, or a couple people sitting in a room, or knee-jerk ideological reaction. Oregon Farm Bureau is known for its open and deliberative decision-making process, and that's what gives our lawmakers and you the voter confidence that when you see our name it means something. It means farmers from all 36 counties have had input into the resulting stance.

Family agriculture's survival rests on a foundation made up of land, water, and labor available for agriculture and a regulatory environment that encourages family agriculture. Measure 49 helps us maintain a fair, balanced approach to being caretakers of the first and foremost of these needs: Our irreplaceable farmland.

**Please join the family farmers and ranchers of Oregon Farm Bureau in supporting Measure 49.**

*(This information furnished by Dave Dillon, executive vice president, Oregon Farm Bureau Federation.)*

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## **Argument in Favor**

### **Oregon Farm Bureau Young farmers & Ranchers Support Measure 49**

We are young farmers and ranchers who work Oregon's farmland. We grow crops and livestock to produce a sustainable source of food, fiber and energy.

Many of our parents and grand parents farmed our land and we hope to see future generations have the opportunity to continue to work Oregon's wonderful farmland.

For farming and ranching to be sustainable a land base must be preserved. Development from Measure 37 claims threatens to damage Oregon's farming industry forever by taking thousands of acres of farmland permanently out of production by paving them over for subdivisions.

Much of our farmland is in water-limited areas. We work hard to conserve water to allow enough water for crops, livestock and wildlife. Large housing subdivisions don't belong in areas where there is already not enough water.

Agriculture and housing subdivisions don't go well together. Our work can be dirty and noisy. We often work all night during the harvest season. It just makes sense to keep rural land for agriculture.

There is a better way: Measure 49 allows a few homes to be built on land if owners could do so when they bought it. Measure 49 limits large developments so that housing subdivisions aren't replacing our precious farmland. We support this balance between private property rights and the need to protect our farmland.

**Help protect farming in Oregon. Vote Yes on Measure 49.**

*(This information furnished by Troy Hadley, Chair, Oregon Farm Bureau Young Farmer & Rancher Committee, Oregon Farm Bureau.)*

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## **Argument in Favor**

### **THE NATURE CONSERVANCY RECOMMENDS YES ON 49**

The Nature Conservancy is a leading conservation organization working in Oregon and around the world to protect ecologically important lands and waters for nature and people. We're working to pass Measure 49 because the health and vitality of communities and natural areas in Oregon is at stake.

### **BALANCED AND RESPONSIBLE**

Oregon families love our state's natural beauty. It's essential to our quality of life. Measure 49 will preserve what's special about Oregon.

Measure 49 restores a balance to Oregon. It enables private landowners to use their property for their families. It also prevents huge housing projects, malls and other big developments where they don't belong.

### **HEALTHY FISH AND WILDLIFE**

Oregonians know that healthy habitats are essential for wild animals and plants to thrive.

Measure 49 restores our ability to protect our streams, lakes, woods, grasslands and beaches – and to ensure the investments we make in critical habitats will produce lasting benefits for fish and wildlife.

### **CLEAN AND PLENTIFUL WATER**

Throughout Oregon, water for drinking, irrigation and wildlife is a precious resource. A major flaw in Measure 37 allows new developments to drill wells and deplete groundwater where water supplies are already limited.

Measure 49 will prevent such developments from diminishing clean water sources that are essential for Oregon families, farmers, fish and wildlife.

### **OUR NATURAL LEGACY**

Forests, farmland and natural areas are disappearing throughout the world. In Oregon we take pride in protecting these assets. Will we preserve our natural resources for future generations, or will we let inappropriate development encroach on nature? That's the fundamental question you will decide November 6.

**The Nature Conservancy urges you to vote YES for Measure 49.**

Russell Hoeflich, Oregon Director  
Will Neuhauser, Chair, Oregon Board of Trustees  
Robert S. Ball, Vice Chair  
Robert Gootee, Chair Emeritus  
Tom Imeson, former Chair  
D. Carter MacNichol, former Chair  
Liz Cawood, Executive Committee  
Peter McDonald, Executive Committee  
E. Randolph Labbe, Executive Committee

*(This information furnished by Russell Hoeflich, The Nature Conservancy.)*

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## **Argument in Favor**

The Association of Oregon Rail and Transit Advocates (**AORTA**) urges a **YES** vote on Measure 49.

### **Measure 49 helps fix problems with Measure 37.**

In 2004 voters were told Measure 37 was meant to allow individual property owners to build a few houses on their land. Most voters did not realize they were also allowing “timber” companies and developers to create huge subdivisions and commercial developments on prime farm and forest lands far beyond our urban growth boundaries.

Measure 37 requires local governments to either pay for claimed loss of value or waive current land use regulations on the property. Measure 37 provides no money for strapped local governments to compensate these massive claims. Cut services or raise taxes to pay claims? Not likely! Without the changes proposed in Measure 49, there is nothing to stop these developments and this will produce the kind of sprawl that Oregonians have consistently opposed.

Washington County alone has 902 claims totaling over \$750 million. 700+ claims involve 55,206 acres, most for urban density subdivisions well outside the Urban Growth Boundary!

For scattered, massive subdivisions, far from existing development, the only practical way to travel is by car. Sprawl increases the costs of nearly all services: police, fire, roads, water, sewers, social services, transit, etc. Because development fees will never cover all these costs, **this increases your taxes**. Sprawl forces more people to drive longer distances, creating more traffic.

**AORTA** is a citizen organization founded in 1976 to encourage balanced, environmentally sound, fiscally responsible, safe transportation. We recognize that our economy and environment suffer from a poorly functioning transportation system. How we manage our growth and land use can positively or negatively affect the travel options we can afford our citizens. Information at: [www.aortarail.org](http://www.aortarail.org).

**Fix Measure 37: Fairness without costly sprawl.  
YES on Measure 49**

*(This information furnished by Robert Krebs, president, Association of Oregon Rail & Transit Advocates (AORTA).)*

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## **Argument in Favor**

Measure 49 will protect farmland and forests across Oregon.

**BUT IT'S IMPORTANT FOR PORTLAND TOO!**

If you live in Portland, you should care about Measure 49. Why? Because the abuses of Measure 37 aren't just a threat to rural Oregon: they threaten what makes Portland a great place to live.

In Portland and Multnomah County, there are currently 187 claims covering 4,024 acres, including:

- **A Wal-Mart in Sellwood**  
The claim is for commercial development, and the owner has said he wants to put in a Wal-Mart- over neighborhood objections.
- **Subdivisions on Sauvie Island**  
Multiple developments would destroy productive farmland for housing subdivisions and a boat moorage on one of our true local treasures.
- **Housing Subdivisions on Environmentally Protect Land**  
Measure 37 exempts property owners who develop their land from dozens of laws that protect our neighborhoods, including noise reduction and limits on stormwater pollution. Many Measure 37 claims are in Portland's most environmentally sensitive areas- like along Johnson Creek in SE Portland.
- **Billboards, Billboards, Billboards!**  
There are over 54 Measure 37 claims that would put billboards in every conceivable spot in Portland. "Measure 37 has opened the door to the uglification of Oregon. Voters can help to close that door by voting for Measure 49."

*The Oregonian, 8/16/07*

**And do you like your local Farmers Market?  
Then you definitely want to vote Yes on 49!**

One of the greatest threats of Measure 37 is overdevelopment of otherwise protected farmland near urban areas – the very places that provide the local produce and agricultural products that are sold at our local Farmers Markets.

WE MUST ACT NOW: The abusive Measure 37 development around Portland will change forever our ability to drive a few minutes and experience the wilderness, quiet rivers and landscapes that define our special quality of life.

**If Measure 49 doesn't pass this November, this development cannot be stopped.**

**Keep Portland a Great Place to Live.**

**VOTE YES ON 49**

*(This information furnished by Benjamin Unger.)*

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## **Argument in Favor**

### **Support Locally-Owned Businesses**

Please vote "YES" on Measure 49

Dear Fellow Oregonian,

We own a small business in the Sellwood neighborhood of Portland, near Milwaukie. Our business is just one of dozens in the area that benefit from local patrons and, in turn, support the community. If big-box retailers came to Sellwood, they would put independently-owned businesses like ours out of business.

Not too long ago, a property owner in the area tried to develop a Wal-Mart in Sellwood/Milwaukie—he even announced a 99-year lease with the company. Fortunately, local residents worked to turn back the development because it didn't meet local zoning standards.

Now the property owner has filed a Measure 37 claim for a Wal-Mart big-box store so that he doesn't have to play by the zoning rules.

**Abusing Measure 37 to break zoning rules, subsidize the world's largest corporation and put local stores out of business simply isn't right.** Is this the kind of impact we want to allow on our communities?

Measure 37 was promoted as a way to help an elderly widow build a couple houses for her kids. What Measure 37 has unleashed is a slew of claims for billboards all over Portland, more strip malls and big-box stores, and housing subdivisions on the best farmland in the Willamette Valley.

**Measure 49 will fix the flaws and loopholes of Measure 37 to prevent claims for strip malls and large subdivisions where they don't belong.**

We need to pass Measure 49 this November, before it's too late and developers go forward with big-box stores, like Wal-Mart, where they simply don't belong.

**Please protect neighborhoods and independent businesses—vote “YES” on 49.**

CJ Hackett, co-owner Christopher Nakayama, co-owner  
Video Lair, Portland, Oregon

*(This information furnished by Christopher Nakayama, Video Lair.)*

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## **Argument in Favor**

**Clackamas County:**

**The most number of Measure 37 claims.**

**And the most claims that don't even tell us what kind of development we would be getting.**

Clackamas County has the highest total number of Measure 37 claims for development filed – about 1,052 total on about 37,000 acres

According to Clackamas County, if fully developed and incorporated:

- This land area is equivalent to the size of the second largest city in the metro region.
- Assuming just one household per acre, Clackamas County would grow by more than 25%.
- This would add almost 400,000 vehicle trips per day.

55% of the claims are on Exclusive Farm Use land, which would eliminate 20,000 acres from agriculture production.

Clackamas County has the highest number of claims with 'unspecified' development intent. These seek to waive all or many zoning and environmental restrictions, allowing the property to be used for any industrial or commercial purpose, even mines, landfills, or retail stores, if held long enough by the current property owner.

Examples of claims for development requested in Clackamas County include:

Location: South Herman Road, Molalla  
187 acres  
Current zoning: exclusive farm use  
Intent: Strip mine.

Location: South Steiner Road/Beaver Creek, Clackamas County  
281 acres

Current zoning: exclusive farm use  
Intent: Subdivision

Location: South Elisha Road, Canby  
286 acres  
Current zoning: exclusive farm use  
Intent: Subdivision into approximately one-acre lots

Location: Colton, Clackamas County  
20 acres  
Current zoning: forest use  
Intent: Residential subdivision, RV park, rock quarry, logging

Location: Northeast of Molalla, Clackamas County  
931 acres  
Current zoning: exclusive farm use, forest use, farm-forest use  
Intent: 305-lot subdivision

Location: South Springwater Road, Oregon City  
146 acres  
Current zoning: exclusive farm use  
Intent: 185+ lot (or maximum density) subdivision  
Claimant: Emmert

Information provided according to most recent data available from public agencies.

**We can still limit large development – protect farmland, forests and water.**

**Vote yes on 49. Before it's too late.**

*(This information furnished by Elizabeth Kaufman.)*

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## **Argument in Favor**

A SPECIAL MESSAGE FROM  
CONGRESSMAN EARL BLUMENAUER  
CONGRESSMAN PETER A. DEFAZIO  
CONGRESSWOMAN DARLENE HOOLEY  
CONGRESSMAN DAVID WU

Dear Fellow Oregonian,

We are asking you to join us in voting YES on Measure 49.

Serving in the United States Congress offers an interesting perspective on our home, Oregon. We get to see our state both through our eyes as proud Oregonians, and through the eyes of our colleagues from other parts of the country. Through both sets of eyes, we treasure enormously what makes Oregon unique.

It is all too easy to take our special quality of life for granted. But we are constantly reminded of it as people from other states look at our farms, our forests and our clean water and see what they have lost. In Oregon, we have protected our natural heritage, and can hope to pass it on to our children and grandchildren.

**Measure 49 is essential to protecting that legacy – and we must act now.** It will prevent the rampant development that has been unleashed by Measure 37, which threatens the things that make Oregon the place we treasure – and which goes forward if we don't stop it this November.

But it is important to note that while Measure 49 fixes the flaws of Measure 37, it does not repeal it. As elected officials, we also work hard to hear the voices of our fellow citizens. Voters said quite clearly that they wanted to help the individual property owners that the original Measure 37 campaign talked about – folks who wanted to build a few houses on their land if the law would have permitted it when they bought it.

**Measure 49 not only protects property owners' rights to do that, it strengthens them at the same time that it protects our farmland, forests and water. It brings balance back to the system, and does the right thing for Oregon's future.**

Please join us in voting YES on Measure 49.

*(This information furnished by Earl Blumenauer, Member of Congress.)*

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## **Argument in Favor**

Marion County Farm Bureau urges you to vote YES on Measure 49. Marion County Farm Bureau is dedicated to promoting and protecting our diverse agricultural interests in our county and state.

At \$585,255,000 Marion County has the highest annual agricultural commodity sales of any county in Oregon.

Under Measure 37 much of Oregon's prime farmland is threatened with over development. Measure 49 will allow us to protect prime farmland from sprawl development that threatens our state's quality of life.

Moreover, Measure 49 balances the needs of families who wish to build a reasonable number of homes in a way that minimizes conflicts. Measure 49 focuses on the needs of Oregon families while protecting our best farmland.

Measure 49 helps sustain our best farmland, which is necessary to provide safe, fresh and local food for today and the future.

Marion County Farm Bureau urges you to vote YES on Measure 49.

*(This information furnished by Larry Wells, Marion County Farm Bureau.)*

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## **Argument in Favor**

SAVE OUR WATER – YOURS COULD BE NEXT

VOTE “YES” ON MEASURE 49

### **Measure 37 threatens local water supplies.**

Property owners in our area already have water problems. Wells often must be deepened or replaced. Marion County has designated much of the area as a “Sensitive Groundwater Overlay” zone. Water-restricted areas are not suitable for large developments.

But that’s exactly what Measure 37 is opening the door to. In our community, a subdivision for forty-two home sites has been proposed and is moving forward on groundwater limited farmland in the south Salem hills.

Because we are groundwater-limited, the Measure 37 claimant (Leroy Laack) was required to prepare a Hydro Review of groundwater adequacy – to prove that the subdivision’s 42 wells wouldn’t harm existing wells.

And even though the Hydro Review was failed by an independent water expert hired by Marion County, the subdivision development is allowed to go forward.

### **This is why we need Measure 49. Measure 49 only allows up to three home sites in areas with limited groundwater.**

Even then, neighboring wells might be harmed. But three is a lot better than the 42 wells the Measure 37 claimant wants to drill. And if we don’t act now, by passing Measure 49 this November – it will be too late – the subdivision will be developed.

We represent more than thirty homeowners who support the Keep Our Water Safe Committee. They’ve contributed much time and effort to fight this serious threat to our groundwater.

**Many of our neighbors voted for Measure 37. Now they regret that decision and strongly support Measure 49.** They’ve seen how Measure 37 takes away the rights of existing property owners.

*(This information furnished by Brian Hines, Keep Our Water Safe Committee.)*

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## **Argument in Favor**

### **DO YOU EVER DRIVE TO THE OREGON COAST?**

One of the great pleasures in Oregon is driving to the Coast, through the rolling fields, the coast range and the natural wonder that is Oregon.

It's not just the destination – it's the journey.

**But unless we fix Measure 37 now**, that journey will be changed forever, with peaceful hills and fields replaced by massive housing subdivisions and strip malls developed through Measure 37 claims. See for yourself at [www.yeson49.com/maps](http://www.yeson49.com/maps).

Here's a small sampling of the hundreds of Measure 37 development projects from timber companies, developers and others ...along the road to the Coast.

#### **...ALONG HIGHWAY 26**

West of Highway 26, Manning

331 acres zoned for forest use

Intent: Subdivision into five-acre lots

Highway 26, Buxton

1,163 acres zoned for forest use

Intent: Subdivision into five-acre lots

South of Highway 26, Banks

89 acres zoned for forest use

Intent: 100-lot subdivision

#### **...ALONG HIGHWAY 18**

Highway 18, southwest of McMinnville

349 acres zoned exclusive farm use

Intent: Subdivision for residential and commercial uses

Northwest of Highway 18, Willamina

117 acres zoned farm-forest use

Intent: Subdivision into 23 five-acre lots

Otis, Lincoln County

182 acres zoned forest use, exclusive farm use, other

Intent: Unspecified development

Southwest Yamhill County  
445 acres zoned for forest use  
Intent: Unspecified development

South of Highway 18, east of Lincoln City  
1,175 acres zoned for forest use  
Intent: Subdivision into 40 to 80 acre residential lots

**...ALONG HIGHWAY 20**

East of Highway 20, Philomath  
417 acres zoned for forest use  
Intent: Subdivide into 83 residential lots

Eastside of Highway 20, Toledo  
61 acres zoned for forest use  
Intent: Subdivide into 19 lots

Highway 20, east of Toledo  
190 acres zoned for forest use and exclusive farm use  
Intent: Subdivision

Highway 20, east of Toledo  
37 acres zoned for exclusive farm use  
Intent: Subdivision into 16 lots

**Remember, if Measure 49 doesn't pass now, there will be nothing to stop this and other disfiguring development!**

*(This information furnished by Shannon Mills.)*

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## **Argument in Favor**

### **OUR SOUTH WILLAMETTE VALLEY: LAND OF FARMS OR SUBDIVISIONS?**

There is wonder in every part of Oregon.

But there is no part of Oregon that offers a better example of the great tradition that makes this state special - The southern part of the Willamette Valley has it all: incredible diverse agriculture and forestland. Spectacular wilderness, wild rivers, and a sportsmen's paradise.

Every one of these things is under direct threat from the uncontrolled development that has been unleashed by the abuses of Measure 37. It's yet another example of why Measure 49 is so important.

**And we're just in the nick of time – Unless we pass Measure 49 this November, it will be too late and this development, and more, will go forward. We won't be able to stop it.**

Here are just a few examples:

Location: Creswell, Lane County  
546 acres  
Current zoning: exclusive farm use  
Intent: 157-lot subdivision

Location: Highway 20, Corvallis  
135 acres  
Current zoning: exclusive farm use  
Intent: 220-lot subdivision

Location: Dimple Hill, Corvallis  
160 acres  
Current zoning: forest use  
Intent: 74-lot subdivision

Location: North end of Dimple Hill Road, Corvallis  
100 acres  
Current zoning: forest use  
Intent: 50-lot subdivision

Location: Ingram Island Road, Benton County  
803 acres  
Current zoning: exclusive farm use  
Intent: Subdivision

Location: Gap Road, Harrisburg  
656 acres  
Intent: 250+ lot subdivision

Location: Diamond Hill Drive, Harrisburg  
1,102 acres  
Intent: 1,102-lot subdivision

Location: Marcola Road, Springfield  
900 acres  
Current use: farm and ranchland  
Intent: 180-lot subdivision

Location: along Willamette River in Eugene  
1400 acres  
Intent: 300 unit subdivision, commercial use

Location: Lorane Highway, Eugene  
315 acres  
Intent: 65-lot subdivision

(Information provided according to most recent data available as of Aug 20, 2007.)

*(This information furnished by Ashley Miller.)*

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## **Argument in Favor**

### **Measure 49 stops the nightmare for neighbors – like me and you.**

I am not against my neighbors in the rural farming portion of Lane County using their land to build a few homes.

Which is why I didn't think Measure 37 was such a big deal when it passed in 2004. I assumed that it would allow limited and reasonable alternatives for the state's property owners.

So imagine my surprise when I found out that a Measure 37 claim would be used to put 157 new homes on 515 acres just beyond my backyard, with no consideration for water sources, transportation infrastructure, pollution or the neighbor's property rights

I was shocked again when I found out that the owner of the property got the green light to move ahead, optioned the property to out-of-town developers and moved away to a new home in Eastern Oregon.

We never thought this would happen here. People around the state need to know that, unless we pass Measure 49, our nightmare could become theirs.

Measure 49 means that developers like this would only be able to build three homesites unless they prove that zoning actually devalued their property – in which case they could get up to ten.

Without the modifications that Measure 49 provides, Measure 37 is an invitation for development where it doesn't belong...next time it could happen next to your home.

And for those who say they want a different solution? We don't have time. If we don't fix Measure 37 now – at this November's election, this kind of massive development of subdivisions will go forward all across rural Oregon. We won't be able to stop it.

**Support measured growth—Join me in voting “YES” on 49!**

Kristi Holaas, Creswell

*(This information furnished by Kristi Holaas.)*

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## Argument in Favor

**Benton and Linn County Farmers and Ranchers ask you to vote Yes on Measure 49.**

**In order to Save Our Farmland please vote yes on Measure 49.**

Measure 49 restores balance to the quality of life and helps protect our farm family's way of life.

Your "Yes" vote on Measure 49 would undo the disastrous consequences of Measure 37, which represents a grave threat to our farm- and forest-land economy. Measure 49 will limit waivers to residential use — no commercial or industrial.

A surprising amount of farm and forest land in Benton and Linn Counties is threatened by measure 37 claims. Land that is uniquely productive and growing diverse products for our farm families. The prime forest land in the Coast Range and The Cascades worth billions to our economy and employment for thousands.

**Measure 49 does not repeal Measure 37. But it does fix the flaws of 37:** delivering on the promises made to small individual property owners while preventing the most egregious abuses of huge housing subdivisions, commercial and industrial development, destruction of prime farmland and forests, and threats to water supplies that families depend on.

**Measure 49; our chance to protect what is special about Benton and Linn Counties.**

Up to three houses will be allowed on high-value farm and forestland and in groundwater-limited areas. Claimants must follow existing land-use regulations. Every Measure 37 claimant could build one house, regardless of location. Waivers would be transferable under Measure 49.

The 2007 Legislature, after numerous public hearings statewide, worked hard to address the concerns of Oregonians. Measure 49 is the result of their efforts and deserves a "Yes" vote from everyone who values the land that supports us all.

**Protecting the rights of Benton and Linn County farm families.**

*(This information furnished by Paul Korash, Benton County Farm Bureau.)*

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## Argument in Favor

**My Vote for Measure 37 was a Mistake**

In 2004, I voted for Measure 37 because I thought it was a vote for the little guy. But now I know that I made a terrible mistake.

I voted for Measure 37 because I understood it was for families to provide for immediate family members. I didn't know it was going to allow big timber corporations to turn forestland that doesn't even have a home on it into large subdivisions.

**That's NOT what I voted for. And now I'm experiencing it first hand.**

My husband and I live on 44 acres of productive farmland in Linn County. We grow grass seed and hay and raise goats. We also grow a variety of vegetables that we sell to local restaurants. Our house has been on this special spot of land since the 1880's.

Our land is bordered by one of the thirty-one Measure 37 claims filed by Timber Services Inc. This large timber company wants to take 4000 acres of Linn County forest land and turn it into large housing subdivisions.

Subdivisions are not good neighbors for farms. We're very concerned about the impact on our groundwater. Increased traffic around animals and farm equipment is a public safety concern. Productive timberland should remain as a natural resource, not converted to subdivisions just because a timber company can make more money as a developer.

Measure 37 goes too far. It has opened the door to massive development on some of our most valuable land.

**And if we don't fix it this November, it will be too late – development will begin and we won't be able to stop it.**

Measure 49 will fix Measure 37, protecting rights of small property owners while preserving valuable farm and forestland for future generations.

**Please join us in voting YES on Measure 49! Jan & Pete Boucot**

*(This information furnished by Jan Boucot.)*

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## **Argument in Favor**

### **Like Oregon Cherries and Pears?**

#### **Measure 37's attack on the Hood River Valley**

Measure 37 was sold as a way for a property owner to build a few homes on their land for their kids or their retirement – if they could do so when they bought it.

Measure 37 has brought so much more – claims for development for enormous subdivisions destroying high-value farmland. Of course, once we lose farmland to development – we never get it back.

Here are just some of the over 7,500 Measure 37 claims filed – threatening the viability some of our state’s most productive farmland – our cherry and pear orchards.

**23.5% of all land zoned exclusive farm use in Hood River County is under a Measure 37 claim.** (source: Hood River County Planning Department “Hood River County Summary of Measure 37 claims”)

Location: Redwood Road, Hood River  
# of acres: 137  
Current zoning: exclusive farm use  
Intent: 338-lot subdivision

Location: Webster Road, Hood River  
# of acres: 52  
Current zoning: exclusive farm use  
Intent: 212-lot subdivision

Location: Eastside Road, Hood River  
# of acres: 273  
Current zoning: exclusive farm use  
Intent: 360-lot subdivision, other residential and commercial development, a golf course

Location: Billings Road, Parkdale  
# of acres: 250  
Current zoning: exclusive farm use  
Intent: 648 quarter-acre lot subdivision, four 20-acre lots

Location: Baseline Drive, Parkdale  
# of acres: 171  
Current zoning: exclusive farm use  
Intent: 286-lot subdivision

Location: Punch Bowl Road, Dee  
# of acres: 152  
Current zoning: exclusive farm use  
Intent: 347-lot subdivision

Location: Ackerman Road, Odell  
# of acres: 30  
Current zoning: exclusive farm use  
Intent: 128-lot subdivision

Location: Lacy Drive, Pine Grove  
# of acres: 188  
Current zoning: exclusive farm use  
Intent: 216 quarter-acre lot subdivision, 30 1-acre lots, 16 5-acre lots

Location: Wells Drive, Van Horn  
# of acres: 39  
Current zoning: exclusive farm use  
Intent: 126-lot subdivision

(Information provided according to most recent data available as of Aug 20, 2007.)

*(This information furnished by Bryan Shanafelt.)*

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## **Argument in Favor**

### **This voter made a mistake, urges “YES” on 49**

I moved to the Hood River Valley three years ago because of its vibrant agricultural character and natural beauty. As a New Jersey transplant, I appreciate how Oregon has intentionally preserved local farming and agriculture.

States like New Jersey cannot compare to Oregon— they lost most farmland long ago.

But I also recognize that families should have certain land rights, including transferring property to family members and the ability to sell a reasonable portion for investment. Thus, I voted for Measure 37 in 2004.

But now I see how I was mistaken.

Just look at the vast amounts of farmland and forests specified for subdivisions and other inappropriate development demanded in the more than 7,500 claims filed under Measure 37.

Farmland and forests in Oregon are the major target for this development – nearly 600,000 acres of it.

Timber companies who want to become land speculators, and other large-scale developers seeking commercial gain—not the families I thought I was helping—stand to gain from much of this proposed development.

### **Measure 49 lets us achieve what people intended —to help families.**

It allows up to three homesites to be built on land if the owners could do so when they bought it. It enables these types of claims to proceed immediately to the regular development process.

**Interests of big business and land speculators who simply want to make a fast buck should not undo what makes the Hood River Valley, and Oregon, unique and economically viable.**

Let's not lose the beauty of this region and our way of life to profiteering.

**Join me in voting “YES” on 49. Let’s get it right!**

**Michelle Rabin, Hood River County**

*(This information furnished by Michelle Rabin.)*

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## **Argument in Favor**

**And under the category of “You’ve got to be kidding me...”**

There are thousands of Measure 37 claims that threaten our farmland, forests, water and neighborhoods. But some are even more outrageous than others. Just some examples:

Location: Falls City, Polk County, 62 acres

Current zoning: farm-forest mixed use

Intent: Go-cart track, motorcycle track, mud bog, “defensive driving education”

Location: French Prairie Road NE, St. Paul, Marion County

293 acres

Current zoning: exclusive farm use

Intent: Operation of a gun-club/rifle range/paintball park, residential subdivision

Location: SW Vandermost Rd., Beaverton, Washington County

132 acres

Current zoning: exclusive farm use

Intent: Landfill expansion, transfer station addition

Location: Wilson River Highway, Washington County

Current character of area – residential

Intent: Storage of cargo containers and tractor trailers, outdoor parking of five or more vehicles

Location: South Nowlens Bridge Road, Molalla, Clackamas County, 25 acres

Current zoning: exclusive farm use

Intent: Private Paintball Park, playgrounds, and campgrounds

Location: Directly adjacent to a Girl Scouts camp, Wallace Creek Rd, Springfield, 158 acres

Current zoning: exclusive farm use

Intent: Subdivision into 31 lots

Compensation demanded: \$2.45 million

Location: Deschutes and Crook counties

# of acres: N/A

Intent: Installation of electricity transmission towers up to 80 feet tall

Compensation demanded: Crook: \$74,906,000.00; Deschutes: \$168 million

## ROCK BLASTING

At least 25 M37 claims were filed statewide asking for quarries or mining operations, including:  
(source: PSU/IMS database)

Location: NW Bacona Road, Washington County, 305 acres  
Current zoning: forest use  
Intent: rock quarries/rock pit

Location: Lava Bed Drive, Parkdale, Hood River County  
51 acres  
current zoning: Forest use  
intent: mineral extraction

Location: Jacksonville Reservoir Road, Medford, Jackson County, 157 acres  
current zoning: Forest use  
intent: Mine sand, rock, shale, gold from property

Location: North Widow Creek Road, Otis, 113 acres  
Current zoning: exclusive farm use  
Intent: Crush, screen, process rock

(Information provided according to most recent public data available.)

*(This information furnished by Terri Steenbergen.)*

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## Argument in Favor

### PROTECT OREGON'S HUNTING HERITAGE VOTE YES ON 49

In Oregon we are blessed with wildlife habitat that sustains big game like elk, deer, cougar, black bear, and big horn sheep. **Unfortunately, poorly-planned development allowed by Measure 37 threatens to destroy and hamper access to much of the critical winter range that this wildlife needs to survive.**

Measure 37 claims span 750,000 acres across Oregon—on mostly forest and farmland. Over 4,000 subdivisions could result from these claims, permanently destroying the habitat that big game needs to survive.

**If we don't act to fix the flaws of Measure 37, we'll lose much of the big game that make Oregon's outdoors so unique.** Here are just a few of the claims that Measure 37 loopholes have unleashed:

- A highway rest area, public tourism center, and RV campground with gift shop, convenience store and restaurant on open space conservation in Southern Oregon;
- Subdivisions and commercial development on open space conservation land in Jefferson County;
- Commercial development and subdivisions on over 6,000 acres in Jackson County;
- **Loss of protected big game habitat to residential development** on over 800 acres in Union County;
- 142 condos, town homes, and houses on open space conservation land in Douglas County.

**The Oregon Division of the Izaak Walton League of America supports Measure 49 because it provides the responsible conservation necessary to sustain healthy wildlife populations for future generations.** Measure 49 will protect the habitat that sustains our big game and other wildlife from development into housing tracts, strip malls, and big box stores, while protecting Oregon families' rights to build a few homes on their land.

Please Protect Oregon's Hunting Heritage by Voting "YES" on Measure 49

*(This information furnished by Dawn A. Olson, Oregon Division, Izaak Walton League of America.)*

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## **Argument in Favor**

### **Union County Farm Bureau asks you to vote yes on Measure 49**

Union County Farm Bureau is made up of over 180 farming and ranching families. We are part of Oregon Farm Bureau which has roots back to 1919 and which represents over 8,000 farm and ranch families across Oregon. We're an organization that works to find positive solutions to the challenges facing family agriculture in Oregon.

Measure 49 is a road map to get us past the current conflict. Right now there is conflict and confusion, and seemingly endless court cases over competing interpretations of the law. This kind of uncertainty undermines communities, families, and certainly small businesses as we all plan our futures.

Measure 49 brings back some much-needed balance and certainty. The questions under the current situation are as endless as the lawsuits. Measure 49 answers those questions and it resolves other issues that otherwise will likely be battled out in the courts. Measure 49 will help us move past these conflicts and get on with our lives and businesses.

Maintaining Oregon's family farm land is key to the quality of life of all Oregonians. The ground being worked by farm and ranch families across our great state is a major economic driver for our local communities. Family agriculture also fuels jobs in transportation, at our ports, in processing, marketing, and retailing in every corner of Oregon both urban and rural.

Family farming provides social benefits and environmental advantages including wildlife habitat. We're proud of the many contributions we make to the quality of life in Oregon. But ultimately, family agriculture can't exist without land to farm.

**Measure 49 helps move us past the conflicts. Please join us in voting yes on Measure 49.**

*(This information furnished by Matt Insko, president, Union County Farm Bureau.)*

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## **Argument in Favor**

### **NORTHEAST OREGON –ANOTHER COLORADO?**

Measure 37 was sold as a way for a property owner to build a few homes on their land for their kids or their retirement – if they could do so when they bought it.

But Measure 37 has also brought claims for development for enormous housing subdivisions, strip malls and even big-box stores - destroying high-value farm and ranchland, as well as forests, and in areas with severe water problems.

**Here are a sample of the hundreds of Measure 37 claims for massive development across northeastern Oregon.**

You can help stop this inappropriate development before it's too late – by voting YES on Measure 49.

Location: Meachum, Umatilla County

# of Acres: 14,265

Intent: Subdivision into one-third-acre lots for residential and commercial development

Location: Milton-Freewater, Umatilla County

# of acres: 18

Current zoning: exclusive farm use

Intent: Commercial use by “large retailer”

Location: Highway 11, Milton-Freewater, Umatilla County

# of acres: 19

Current zoning: exclusive farm use

Intent: “Big-box” retail

Location: North Powder River Lane, Union County

# of acres: 2,482

Current zoning: exclusive farm use

Intent: 450-lot subdivision

Location: Clear Creek Road, Baker County  
# of acres: 16,078  
Current zoning: exclusive farm use  
Intent: Unspecified development

Location: Lakeshore Drive, Joseph, Wallowa County  
# of acres: 586  
Current zoning: Rural Residential  
Development Intent: Higher density residential development

Location: Wallowa Lake Highway, Joseph, Wallowa County  
# of acres: 1,600  
Intent: Subdivision  
Claimant: RY Timber Company

(Information provided according to most recent data available as of Aug 20, 2007.)

*(This information furnished by Christine Lewis.)*

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## **Argument in Favor**

### **Protect Eastern Oregon – Vote Yes on 49**

My name is Gary Rhinhart and I live in Pendleton Oregon. I am a fourth generation dryland wheat farmer on lands homesteaded in 1860 by my family.

In my service to the Umatilla Basin Watershed Council and Umatilla County Planning Commission, I have listened carefully to many citizens. Many are concerned that Measure 37 was not intended to provide for large developments. I believe the true intension was to permit long time landowners to construct a single-family home on their property.

There are multiple claims for large development filed on exclusive farm use lands that adjoin my farm. Many others are in the same situation.

We must consider the impact to all property owners and their right to preserve an existing way of life.

The consequences of Measure 37 raise numerous concerns for the citizens of Oregon. I understand that the people want the right to do as they wish with their own property. It is just not that simple.

**Development belongs inside urban growth areas – which will continue to happen if we fix Measure 37 by passing Measure 49.** Large-scale development outside urban areas requires

infrastructure expansion – like roads, fire and police protection, and schools – that will create tremendous cost burdens for our cities and counties.

In addition, there are environmental impact and safety threats from development to already fragile systems:

- Large-scale developments may be proximate to salmon and steelhead bearing water quality limited streams.
- Adequate groundwater is not always available to support additional wells.

And, underdeveloped rural roads are intended for limited use and are not suitable for increased demand without compromising public safety standards.

**Thirty years ago, Oregon was a courageous leader. We promised to protect its precious land resources for future generations. It is our responsibility to ensure that the legacy continues.**

**I urge you to join me in voting YES on Measure 49 and restore balance and fairness.**

*(This information furnished by Gary W. Rhinhart.)*

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## **Argument in Favor**

### **WHAT ARE TIMBER COMPANIES UP TO?**

#### **Who really benefits from Measure 37?**

**8 of the top 14 contributors to the 2004 Measure 37 Campaign were timber companies that then filed M37 claims ((Money in Politics Research Action Project report, 4/19/2007) to eliminate existing forests and replace them with:**

A sample includes:

Stimson Lumber Company

Location: Lincoln, Tillamook, Clatsop, Columbia, Washington counties, 50,552 acres zoned forest use

Intent: Residential subdivisions

Powers Ranch Company

Location: Curry and Coos counties

11,629 acres zoned forest use, exclusive farm use, other

Intent: Residential subdivisions

Timber Service Company

Location: Linn County, 7,006 acres

Intent: Residential subdivisions, lodging, recreational  
South Coast Lumber Company

Location: Curry County, 2,000 acres  
Intent: Unspecified development  
RY Timber Company

Location: Joseph and Wallowa counties, 1,600 acres  
Intent: 160-lot subdivision  
Morgan & Engel Inc.

Location: Douglas County, 1,328 acres  
Intent: 173-lot residential subdivision  
Davidson Industries

Location: Lane County, 1280 acres  
Intent: Unspecified development  
Avison Lumber Co.

Location: Clackamas County  
1,166 acres zoned forest use, mixed use, exclusive farm use  
Intent: 385-lot residential subdivision  
Menasha Corporation

Location: Coos and Douglas counties, 942 acres  
Intent: Residential subdivisions  
Rosboro Lumber Company

Location: Lane County, 894 acres  
Intent: Unspecified development  
Miami Corp.

Location: Lincoln County, 689 acres  
Intent: Unspecified development  
L & H Lumber Co.

Location: Douglas County, 404 acres  
Intent: 200-lot residential subdivision  
Aaron U. Jones (owner of Seneca Jones Timber Co.)

Location: Deschutes Co., 400 acres zoned exclusive farm use  
Intent: 121-lot subdivision  
Indian Hill, LLC

Location: Josephine County, Jackson County  
318 acres zoned forest use  
Intent: Unspecified development

Zip O Log Mills  
Location: Lane County, 314 acres  
Intent: Unspecified development

*(This information furnished by Michael Dennis.)*

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## **Argument in Favor**

### **YES ON 49**

MEASURE 49: PROPERTY RIGHTS WE CAN ALL SUPPORT

MEASURE 49:

- ALLOWS ANY PERSON WHO QUALIFIED FOR A MEASURE 37 CLAIM TO DEVELOP UP TO THREE HOMESITES;
- ALLOWS UP TO TEN HOMESITES IF JUSTIFIED BY THE PROVEN LOSS IN VALUE CAUSED BY REGULATIONS WHICH PREVENTED DEVELOPMENT;
- DOES NOT PERMIT COMMERCIAL OR INDUSTRIAL DEVELOPMENT;
- PROTECTS EXISTING FARMLAND BY ENCOURAGING CLUSTERING OF HOMESITES.

Measure 49 corrects the problems in Measure 37.

Measure 37 currently:

- Allows people who bought property in the 1970's to now build anything they want, anywhere they want, regardless of current zoning laws;
- Gives no rights to the neighbors who are harmed by the unexpected development;
- Removes any predictability regarding what kind of land use can end up right next to you.

In Marion County alone, over 473 Measure 37 claims filed could eat up over 26,000 acres. Many of these claims are for large housing subdivisions. Some of these claims are for gravel mines and industrial use.

PEOPLE WHO VOTED FOR MEASURE 37 DID NOT EXPECT:

- Their wells to be threatened;
- The entire landscape in which they live or farm to be changed dramatically;

- To discover they have no say in the matter and be told by County Commissioners their concerns have no merit;
- Their taxes would be raised to pay for the roads, schools, etc., needed for these new developments.

Statewide, 7,500 claims have been filed involving 750,000 acres. This includes the demolition of the pear orchards in the Hood River Valley, billboards on state highways, and destination resorts next to national scenic monuments.

### **FRIENDS OF MARION COUNTY urge a “Yes” vote on M 49.**

Friends of Marion County  
P.O. Box 3274  
Salem, OR 97302  
<http://www.FriendsOfMarion.org>

*(This information furnished by Roger Kaye, Friends of Marion County.)*

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## **Argument in Favor**

### **Sauvie Island - Yes on Measure 49**

Just downriver from Portland, 24,000-acre Sauvie Island is a unique rural area and community. The northern half is a wildlife area managed by the Oregon Department of Fish & Wildlife. The southern half includes thousands of acres of beautiful prime farmland -- a vital resource -- adjacent to an urban area.

Sauvie Island is famous for its wildlife and year-round outdoor recreation. Its woodlands, waterways, beaches, and vegetable markets have so much to offer. It is a favorite place for birdwatchers and waterfowlers, runners and dog walkers, bicyclists, boaters and kayakers, photographers and painters, nature lovers, hikers, runners, boaters and anglers, U-pick enthusiasts, and, of course, family pumpkin picking outings.

Sauvie Island nourishes body and soul, people and wildlife. It's an amazing place, one of Oregon's treasures -- worth saving from over-development.

### **Measure 49 -- Remedy for an Emergency**

Measure 37 development claims have already been filed on more than 750 acres of Sauvie Island -- and more will follow if Measure 37's mistakes aren't corrected.

Sauvie Island, as you know and enjoy it, could become a fond memory as subdivisions take the place of farms and open spaces, and large houseboat developments change the face of our waterways.

Measure 37 harms communities and needs to be fixed - now.

Measure 49 offers the smart compromise. Farmlands may have a few additional houses but will not become subdivisions.

A YES vote on Measure 49 will help remedy the enormously expensive impacts of Measure 37 on Sauvie Island and throughout Oregon.

Protect your property and community from over-development - **VOTE YES on Measure 49.**

*(This information furnished by Gary Kish; Donna Matrazzo, Sauvie Island Conservancy.)*

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## **Argument in Favor**

### **Jefferson County Farm Bureau Supports a Yes on 49**

**Jefferson County is the home of specialty seed crops. We raise 80% of the “baby carrot” seed for the US and 40% of the world seed crop. We are also home to 80% of the mint tea leaf production in the US and 25% of the world production.**

- **Farming is an industry and our farm ground is our store front.**
- **We have long term farm plans for our crops.**
- **We don't turn on a switch everyday and say it is time to farm.**
- **They aren't making anymore farm ground...once a farm is gone it will never be back.**

**We can deal with Mother Nature, farm prices and practices...but we must have farm ground to stay in business.** A critical mass is necessary. In Oregon there are seven recognized farm areas for high value crops: Willamette Valley, Gorge, Southern Oregon, Union, Malheur, Klamath and Jefferson County's North Unit area in Central Oregon. **These are precious areas that raise different crops and over time have adapted to what crops they raise and will continue to adapt as long as there is farm ground.**

**Do you want sprawling subdivision as the new crop in the country or do you want to protect the farm ground and keep agriculture viable for another 150 years?** Oregon was founded on it agriculture and timber so now is the time for Oregonians to make a choice to keep Oregon viable for farming, ranching and forestry and reap the benefits of the vistas and views when driving throughout Oregon as well as enjoying the seasonal local crops from your own farmers.

**The impacts of M37 are real and if M49 isn't passed to fix the fatal flaws the 7,500 claims will just be the start...farmers that didn't file claims will be able to as the critical mass disappears to keep farming viable.**

*(This information furnished by Mickey Killingsworth, Secretary-Treasurer, Jefferson County Farm Bureau.)*

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## **Argument in Favor**

Oregon AFSCME Council 75 represents over 23,000 working people across Oregon. We have members in both state and local government and the private sector and care deeply about the nature and fate of Oregon. We represent the city and county planners across the state and the folks that protect citizens from ill-planned and short-sighted development.

AFSCME—the American Federation of State, County and Municipal Employees—supports the middle ground solution that Measure 49 represents. It continues to protect the property rights of individual landowners but stops the “get-rich-quick” schemes of large-scale development with no regard for the communities they exploit.

Measure 49 is a solution to the problems caused by the unintended consequence of 2004’s Measure 37. Local governments are overwhelmed with the daunting problems caused by Measure 37. There have been over 7,500 claims under Measure 37 across the state, which affects more than 750,000 acres of Oregon and could cost Oregonians \$15 billion if all those claims are paid out. Measure 37 has become about timber companies creating condominiums instead of replanting our natural resources and rock blasting operations too close to homeowners. These were never mentioned when we voted for Measure 37. Let’s protect the rights of individuals—but not give a windfall of profits to timber companies and land speculators.

Measure 49 protects Oregon’s farmers and farmland. While it allows farmers to construct homes on their property, it controls development that would endanger limited water supplies and the livelihood of those farmers.

Measure 49 does NOT allow big box stores and large housing subdivisions to exploit a law meant to protect the small individual landowner.

Measure 49 DOES allow small individual landowners the right to build three houses on their property if it was allowed at the time they purchased the property.

**Please vote YES on Measure 49** and protect Oregon.

*(This information furnished by Joe Baessler, Oregon AFSCME Council 75.)*

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## **Argument in Favor**

**YES ON 49!**

DON'T BE FOOLED AGAIN BY MEASURE 37 ADVOCATES!

IF MEASURE 49 PASSES, TAXPAYERS AVOID...

- Billions in demands for payment
- Massive tax debt for street and water system improvements
- Huge subdivisions, industrial and commercial development in inappropriate locations
- Damage to sensitive lands and watersheds
- Destruction of irreplaceable farm and forest land.

SUPPORT OF MEASURE 49...

- Allows for compatible land uses and fast-track approval of small developments
- Protects water availability
- Protects neighbors of claimants from harmful development
- Honors voter's intent to give development rights to family members
- Protects working farms and families
- Protects forest land from destruction
- Prevents the loss of millions of dollars in vital farm and forest income
- Preserves property values through stable zoning and regulation
- Provides method for determining loss of land value for purposes of compensation
- Brings land use fairness back to all Oregonians.

REMEMBER...

IF MEASURE 49 FAILS, MEASURE 37 AUTOMATICALLY WILL GO INTO EFFECT...

- Creating unfair land classes and special privileges for a few
- Creating huge financial burden on taxpayers
- Requiring payment of billions or permitting the destruction of our environmental assets
- Allowing return to Wild West days of NO land use protection
- Causing the loss of property values and incomes.

MEASURE 37 HOLDS ALL OREGONIANS HOSTAGE!

Measure 37 forces the public to either pay up or put up with harmful development.

Measure 49 is the antidote.

We can't afford to let greed destroy the Oregon we are proud to call home!

Preserve Oregon - The Land of Eden!

Paid for by CityWatch of Salem, a land-use watchdog organization since 1994.

P O Box 3602

Salem, Oregon 97302

*(This information furnished by Mary L. Kamppi, CityWatch of Salem.)*

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## **Argument in Favor**

### **Vote Yes for Measure 49**

**Measure 49 will be fair to everyone,  
and still protect Oregon's farm land,  
forest lands and natural areas for  
future generations.**

**WE ARE YOUR  
LINN & BENTON  
COUNTY  
NEIGHBORS**

**Kathy Butler  
Mary D. Deems  
T. R. Deems  
Bodie Dickerson  
Dale Dickerson  
Janet Doerfler  
Al Dorgan, President Local 7150 USW  
Glenda Fleming  
V. Roger Gaither  
Julia May Garland  
Sharon Gisler  
Lloyd Henion  
Peter Kenagy, Kenagy Family Farm, Inc.  
Gordon L. Kirbey, Jr  
Wendy Kirbey  
Sharon Konopa, Albany City Councilor  
Steve Konopa  
Cory Koos  
James Lawrence  
Linda J. Lawrence  
Dick Olsen, Albany City Councilor  
Gloria M. Olson  
Marilyn Peterson  
John Puma  
Donald W. Rea  
Elizabeth N. Rea  
Dan Thackaberry, Farmer**

*(This information furnished by Sharon Konopa, Linn-Benton Yes on 49, PAC.)*

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## Argument in Favor

### NORPAC FOODS SUPPORTS BALLOT MEASURE 49

As a food processor in Oregon, NORPAC has a long tradition of land stewardship and support of sustainable management of farm land. We believe in and support a strong statewide land use planning system. The direction of Ballot Measure 49 is consistent with these long held principles. Measure 49 is a better choice for Oregon's agricultural economy because it will help restore our commitment to protection of world class productive farm lands that are important to our future productivity.

- It will keep more farm land available to grow the most prolific diversity of high-quality fruits and vegetables anywhere in the world.
- It will provide more stability for farmers and neighbors whose future plans were suspended pending development decisions on nearby lands.
- Passage allows Oregon to focus on new ways to maintain farm land and to help family farmers meet the challenges of producing safe and wholesome food of the highest quality.
- Measure 49 respects Oregonians' sense of fairness about the lost use of property while reducing conflicts with rural farm land.
- It will also limit the most egregious development schemes. Though it does not fix all the predictable ills of Measure 37, it is a much better choice for Oregon than living with a poorly conceived law that breaks our commitment to being good stewards of our natural resource heritage.

George Smith, President & CEO  
NORPAC Foods, Inc.

*(This information furnished by George Smith, CEO, NORPAC Foods Inc.)*

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## Argument in Favor

### You Can't Pave it Over Every Generation.

Vote Yes on Measure 49 and help drag Oregon out of the morass caused by the misleading promises and failed policy behind Measure 37.

Since its passage three years ago, Oregon has been besieged by over \$15 billion dollars in demands to develop over 750,000 acres of forest and farmland throughout the state. Out-of-state developers and large timber companies have subverted the will of the people and are using Measure 37 to coerce the state into caving to their unreasonable demands. Under Measure 37, the state would go bankrupt using your tax dollars to pay these unreasonable demands. Instead, it has waived the laws that protect the property values of all Oregonians.

As a wise elder once said “you cannot pave it over every generation.” Our clean water, forests, and high-yield farmland are legacy for future generations. These land speculators see \$\$\$\$ where most Oregonians see a legacy that we are known for nationwide.

Measure 37 was intended to help small landowners build a house or two on their land and pass these homes on to their family members. Instead, greed has plagued the system and the pride of this state: rich agricultural lands, working forests, and pristine coastline are being exploited. Developers are seeking to do so on-the-cheap while everyone else suffers.

There is light at the end of the tunnel – Measure 49. Many people who voted for Measure 37 have seen this light. The property owners who just wanted to build a home for their family will get that and the true hardships will be cured. Help set us on the right course to fix this mess. Help protect your property rights and the legacy of forests, farmlands, and groundwater for the future. Vote YES on Measure 49.

**Endorsed by Pat Wheeler (Friends of Polk County) and Mitzi Wheeler (Friends of the Molalla River).**

*(This information furnished by Jonathan Graca, Hood River Valley Residents Committee.)*

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## **Argument in Favor**

### **Protect the Public Treasury & Ensure Just Compensation**

Using the Constitution, the biggest Measure 37 backers encouraged voters to provide just compensation to landowners when government enacts land use regulation. What does it mean to be justly compensated? And how do we determine a reduction in value when community-based laws benefit and burden us all?

Claimants have demanded huge sums of money based on inconsistent and unfair calculation methods. In turn, the state has failed to confirm whether these demands accurately reflect the loss in value and has been providing claimants exactly what they have demanded!

The voters’ intended to provide for **true** hardships. Instead, Oregon faces demands for billions of dollars without proof of loss. Many Measure 37 claimants have chosen to exploit the new law by demanding subdivisions, strip malls, gravel pits and unsustainable development on farm and forest land. These demands threaten to overtax water supplies, pave valuable farm land and increase fire risk.

Time and again, the highest courts of this nation have rejected the notion that land use laws have reduced property values. As top economists have shown, the public collectively bears the burdens and enjoys the benefits of a community-created land use system. In many cases, we actually enjoy an **increase** in value. The problem with Measure 37 is that it allows compensation for a select few at the expense of many and fails to preserve your right to a livable community.

This harms our constitutional right to ensure that government does not giveaway all our resources from the public treasury by waiving laws that protect Oregon as a whole.

Measure 49 provides a uniform and accountable system for calculating compensation and a relief valve for true hardships and stops those who seek to abuse Measure 37. Vote yes to set Oregon back on track towards livability, just compensation and fairness for all!

**Endorsed by Pat Wheeler (Friends of Polk County) and Mitzi Wheeler (Friends of the Molalla River).**

*(This information furnished by Jonathan Graca, Hood River Valley Residents Committee.)*

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## **Argument in Favor**

Mayors and city leaders from throughout Oregon, urban and rural, Democrat and Republican, **support Measure 49.**

**Measure 49 helps** protects cities from massive developments outside of city limits.

**Measure 49 fixes** “unanticipated consequences” of Measure 37, allowing individuals to build homes, but limiting huge developments.

**Measure 49 restores** balance by helping small property owners.

**Measure 49 is right** for Oregon

**Create certainty. Protect your city**

**Vote YES on Measure 49**

A list of Mayors who support Measure 49:

Harold L. White, **Mayor of Aumsville**  
Rob Drake, **Mayor of Beaverton**  
Charles C. Tomlinson, **Mayor of Corvallis**  
Jim Fairchild, **Mayor of Dallas**  
Kitty Piercy, **Mayor of Eugene**  
Richard G. Kidd, **Mayor of Forest Grove, Oregon**  
John McArdle, **Mayor of Independence**  
Dale De Long, **Mayor of Island City**  
James W. Lewis, **Mayor of the City of Jacksonville**  
Judie Hammerstad, **Mayor of Lake Oswego**  
Lori Hollingsworth, **Mayor of Lincoln City**  
James Bernard, **Mayor of Milwaukie**

Thomas C. Bauman, **Mayor of Mt. Angel**  
Alice Norris, **Mayor of Oregon City**  
Virginia Carnes, **Mayor of Pilot Rock**  
Craig Dirksen, **Mayor of Tigard**  
Brad Boyd, **Mayor of Sisters**  
Charlotte Lehan, **Mayor of Wilsonville**

*(This information furnished by John McArdle, City Leaders of Oregon PAC.)*

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## **Argument in Favor**

The Oregon Chapter of the American Institute of Architects represents individuals from throughout the state who depend on development and construction. We believe Measure 37 has been an attack on the orderly development that is important for the quality of life enjoyed by Oregonians. Measure 49 restores balance between the rights of individual property owners and the broader welfare of the community.

### **MEASURE 49 RESTORES STABILITY OF PROPERTY VALUES**

Would you buy a home if you knew that someone could build anything they wanted next door? Many Oregonians now face the shadow of uncertainty created by potential uncontrolled large developments adjacent to their homes and neighborhoods. Property owners who are now exempt from any regulations can impact the value of your home and entire neighborhood. Before Measure 37, land use regulations provided stability for our property values. Measure 49 will restore reasonable controls on inappropriate large commercial and residential development.

### **MEASURE 49 IS FAIR TO ALL PROPERTY OWNERS**

Measure 49 grants special rights to longtime property owners while halting the land rush into Oregon's farmlands and natural areas. Most large Measure 37 claims have been from large timber, mining, and development interests who are interested in large scale development without environmental regulation. These large companies are poised to reap huge rewards while taxpayers foot the bill for roads and infrastructure to support uncontrolled development.

### **RESTORE THE VISION THAT HAS MADE OREGON SPECIAL**

Oregon architects strive every day to create vibrant urban areas, liveable communities, and sustainably designed buildings. We owe much to an earlier generation of leaders from across the political spectrum who created Oregon's visionary land use planning laws. Measure 37 has been a wrecking ball to that vision. Measure 49 creates fairness to property owners while preserving Oregon's system of land use planning that has become a model for the nation.

**PLEASE JOIN US IN VOTING YES ON MEASURE 49**

American Institute of Architects Oregon Chapter

*(This information furnished by Tom Pene, AIA, President, American Institute of Architects Oregon Chapter.)*

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## **Argument in Favor**

### **American Heart Association/American Stroke Association Urges You to Vote “YES” on 49 Protect Public Health**

How and where Oregon communities grow has an obvious impact on our future. It also has a significant impact on our health.

**Poorly-planned growth caused by Measure 37** forces people to drive everywhere—even for simple errands. Clackamas County alone estimates an increase of at least 400,000 vehicle trips a day from the far-flung development proposed through Measure 37 claims.

Poorly-planned sprawl development due to Measure 37 means more driving and less walking and biking, which correlates to higher rates of obesity and heart disease. The American Heart Association/American Stroke Association supports well-planned communities because it knows that residents will be healthier as a result.

### **Unchecked development unleashed by the flaws of Measure 37 undermines zoning laws that protect our health.**

Protecting public health is an important consideration of the rules that govern how we plan for growth. Reducing the need for automobile trips means a healthier future for us, our children and grandchildren.

**Measure 49 will help promote active healthy communities and prevents development that could hurt public health.**

### **Protect Oregonians’ Health Vote Yes on Measure 49**

*(This information furnished by John Valley, American Heart Association/ American Stroke Association.)*

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## **Argument in Favor**

**Washington County Farmers and Foresters Urge a YES Vote on Measure 49**

As farmers and foresters, we treasure Oregon's scenic forests, wildlife habitats and open green spaces. We take pride in the diversity of crops grown throughout Oregon and we are proud to provide Oregonians with locally grown agricultural products.

But all that could change if the fatal flaws of Measure 37 are not fixed. Instead of growing crops and timber, our resource lands are destined to become massive subdivisions.

Here are the facts we are facing in Washington County:

- 902 Measure 37 claims have been filed.
- 73,899 acres are covered by these claims (115 square miles).
- Claims on 56,287 acres are for housing subdivisions (the equivalent of 5 Beavertons).
- Claims for development cover 70,370 acres of existing farmland and forests.
- Stimson Lumber Co. has submitted claims for subdivisions that would be larger than the city of Forest Grove.

These facts show us that Measure 37 allows much more large-scale development than we were told as voters in 2004.

This is destructive to commercial agriculture not only in Washington County, but throughout the state as well. Other Willamette Valley counties particularly hard hit by Measure 37 are Benton, Lane, Linn, Marion, Polk and Yamhill. These six counties face claims on 167,000 acres (nearly the size of two Portlands). Across the state, Measure 37 claims will take hundreds of thousands of acres of farm and forest land permanently out of production.

Measure 49 is our last chance to protect Oregon's farms and forests from the large-scale commercial and residential development allowed under Measure 37.

Please join us in protecting Oregon's quality of life and natural resources by voting YES on Measure 49.

Keith Fishback, farmer  
Eric T. Sahnaw, farmer  
David A. Vanasche, farmer  
Marie P. Finegan, farmer  
Larry Duyck, farmer  
Edmund Duyck, farmer  
Terry Peters, farmer  
Tad VanderZanden, President, Washington County Farm Bureau

*(This information furnished by Tad VanderZanden, President, Washington County Farm Bureau.)*

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**Argument in Favor**

**Measure 37 and the Oregon Coast:  
Ouch!**

Here are just a few claims for development that would change the Coast– forever.

**HIGHWAY 101 – NORTH/CENTRAL COAST**

Astoria, Clatsop County, 203 acres zoned exclusive farm use  
Intent: Single-family/multi-family residential and industrial development

Gearhart, Clatsop County, 25 acres zoned residential  
Intent: Residential development onto beach, in violation of the Public Beach Law

Hallstrom Road, Tillamook, 137 acres zoned exclusive farm use  
Intent: Subdivision in 100 residential lots

Otis (all of it) Lincoln County  
182 acres zoned forest use, exclusive farm use, etc.  
Intent: Unspecified development

North Widow Creek Road, Otis, 113 acres  
Intent: Rock crushing operation along Widow Creek  
less than 1 mile from Salmon River

Bayview Road, Waldport, 862 acres  
Intent: Residential subdivision

**HIGHWAY 101 - SOUTH COAST**

These are among the largest development claims. Numerous small claims will likely make as large an impact or greater: building large homes or condos blocking scenic vistas or disrupting the character of local communities.

Cape Blanco, Port Orford  
722 acres zoned beaches and dunes conservation, forestry grazing, shoreland protection  
Intent: 150-lot subdivision, hotel, parking lots, two golf courses, equestrian park

Hwy 101, Gold Beach, 1,610 acres zoned forestry, grazing etc.  
Intent: Residential subdivision, hotels, hospitals, commercial retail, destination resort

Sixes, Curry County, 3081 acres  
Intent: Residential subdivision

Powers, Coos County  
8604 acres zoned exclusive farm use, forest use  
Intent: Subdivide into 864 lots

Along South Slough of Coos Bay, Cape Arago Highway, Charleston, 236 acres zoned forest use, farm-forest use

Intent: Residential development, retail, hotel

Coquille, Coos County

1231 acres zoned forest use, exclusive farm use

Intent: Subdivide into 10-acre residential lots

Sea Lion Caves, Florence

119 acres zoned park and recreation, natural shorelands

Intent: Residential and commercial development

Florence, including land along Siuslaw River and South Inlet Slough, 1,040 acres zoned forest use

Intent: Residential subdivision

Claimant: Davidson Industries (timber company)

**Stop the paving over of the Oregon Coast before it's too late.**

**Vote Yes on Measure 49.**

*(This information furnished by Elizabeth Carey.)*

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## **Argument in Favor**

### **Vote Yes on 49 – Protect Oregon**

**Oregon is facing what will go down as its biggest challenge in history—that of the random and unplanned development invited by Measure 37.** That's why I, a fifth generation Oregonian, and my wife are supporting Measure 49.

Measure 49 doesn't repeal Measure 37 but we think it is the best compromise that can be expected. Without the modifications Measure 49 brings to Measure 37, it is just a matter of time before wide swaths of Oregon's forests, farmlands and watersheds are ruined.

We, along with our neighbors, face a typical scenario for people living next to Measure 37 claims.

A timber company that owns land adjacent to us is demanding to convert more than 300 acres of timberland—about a square half a square mile—into a subdivision. **This development, which we have no reason to doubt will proceed as laid out in the claim, will help destroy the rural Siltcoos watershed that also provides drinking water for the area.**

Timber companies decades ago encouraged counties to implement the forest use zonings that they now are seeking to have waived via Measure 37. The companies have benefited from both

the ability to cut and sell timber, as well as from a reduced property tax rate associated with lands zoned for forest use.

**Changing the rules of the game in this way is not what Measure 37 was supposed to be about.** Measure 37 was advertised simply as a way to help individuals who wanted to build a few homes on their land—**NOT AS A GREEN LIGHT FOR LARGE BUSINESS INTERESTS TO EXPLOIT OUR LANDS, OUR OREGON!**

**I urge you to consider the consequences of Measure 37.**

**Please join us in voting “YES” on Measure 49.** It restores a land use system that ensures balanced growth.

Rand and Kathryn Dawson, Westlake, Oregon

*(This information furnished by Rand Dawson.)*

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## **Argument in Favor**

Association of Northwest Steelheaders, Oregon Council of Trout Unlimited, and Northwest Sportfishing Industry Association

VOTING “YES” ON 49 WILL SAVE SALMON AND STEELHEAD

**Measure 37 threatens to degrade salmon and steelhead habitat throughout Oregon with poorly-planned development along our spectacular rivers, streams, and coastal estuaries.**

Most of the 7,500 claims for development on 750,000 acres in Oregon are on forest and farmlands.

Measure 37 threatens the estuaries and streams that support salmon and steelhead fishing as part of Oregon’s heritage. The flaws of Measure 37 have unleashed claims for:

- 150 housing units, a 250-room hotel, parking lots, and two golf courses at the mouth of the wild Sixes River—**threatening one of the greatest natural estuaries remaining on the Oregon Coast, adjacent to two state parks;**
- Development along the Nehalem River, Nestucca River, Sand Creek, the Little South Fork of the Kilches River, the Salmon River watershed, and the Siletz River;
- 1,040 acres—including **development along the Siuslaw River or South Inlet Slough**—by timber company Davidson Industries;
- 5,500 acres of **unspecified development at the confluence of the Deschutes and Crooked rivers with Lake Billy Chinook.**
- Just two claims for **20,000 housing units in the rural Klamath Basin**—**exacerbating demand for water in a region already dealing with shortages.**

Development of streamsides makes fish more vulnerable to toxins, parasites and disease by increasing water temperatures and reducing water oxygen levels.

**Habitat destruction caused by Measure 37 threatens fish runs** that sustain commercial and sport fishing economies and that are at the heart of what makes Oregon special.

**We can't let our salmon and steelhead fall prey to large subdivisions, and commercial and industrial development** of our natural resource lands.

Protect our forests and water supplies that sustain our salmon and steelhead  
**VOTE "YES" on MEASURE 49**

*(This information furnished by Phil Donovan, Association of Northwest Steelheaders.)*

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## **Argument in Favor**

### **1000 Friends of Oregon Supports Measure 49**

For over 30 years, 1000 Friends of Oregon has joined with citizens across the state to enhance the quality of life we all enjoy as Oregonians. We work to protect family farms and forests, conserve our natural resources and scenic areas, and build livable urban and rural communities.

Oregon has seen many changes over the years, but one thing remains constant: **what unites us as Oregonians is far stronger than what divides us.** Ranchers in eastern Oregon are as concerned about clean and adequate water supplies as residents of the Oregon coast. Those who live in central Oregon are just as worried about the effects of sprawl and unmanaged growth as are Portland-area residents.

That's why **Measure 49 is so crucial to Oregon's future.**

Measure 49 fixes the flaws of Measure 37. Measure 37 has given large timber companies special rights to turn thousands of acres of forestland into huge housing subdivisions. Measure 37 has given developers special rights to dig up precious farmland for strip malls, gravel pits and billboards.

Increased sprawl, traffic congestion, and loss of valuable farmland are NOT what voters had in mind when Measure 37 passed. That's not how Measure 37 was sold to voters.

**That's why we need Measure 49. A YES vote on Measure 49 will fix the Measure 37 mess.**

A **YES vote on Measure 49** gives Oregon a responsible, common sense approach to planning. It balances the interests of small landowners with those of their neighbors and the local community. Measure 49 will ensure the fairness Oregonians want.

As Oregonians, we are proud of our history of responsible land use planning. A **YES vote on Measure 49** continues the Oregon legacy for our children and grandchildren.

**Please join 1000 Friends of Oregon in voting YES on Measure 49!**

*(This information furnished by Bob Stacey, 1000 Friends of Oregon.)*

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## **Argument in Favor**

**Douglas County's family farmers ask you to vote yes on Measure 49**

### **Real family farmers say yes on 49**

The phrase "family farm" is being used a lot in the debate over preserving Oregon's farms, forests, and water. Only one organization represents the breadth and depth of Oregon's family farms, and that's Farm Bureau. With Oregon roots back to 1919, Farm Bureau is a true grassroots organization representing nearly 328 farm families in Douglas County and over 8,000 farm families statewide.

### **Measure 49 fixes flaws**

Measure 49 takes a comprehensive approach to addressing the major issues that Measure 37 left unaddressed. These include transferability, clarifying that a spouse at the time of purchase of the land in question has rights even if he or she was not named on the deed, and it allows a reasonable number of homes to be built. Without Measure 49, simple questions like these will clog the courts and go unanswered for years to come.

### **Measure 49 protects our Oregon home**

We are a state where the family farm remains the rule. Measure 49 protects that heritage by allowing reasonable numbers of homes to be built but not big-box stores or strip malls. Oregon's family farmers are able to provide economic benefits like tens of thousands of jobs, quality of life benefits such as open space and ready availability of a wide variety of fresh fruits and vegetables close to town, and environmental benefits such as wildlife habitat. The key ingredients that allow farmers to continue providing these benefits include land, water, labor and reasonable regulatory and marketplace conditions. The first ingredient is land.

### **Restore balance by voting yes on Measure 49**

Measure 49 answers questions left by flawed initiative petitions of the past. It answers those questions in a way that balances the need for land in agriculture with the needs of families who wish to build homes on their land.

*(This information furnished by Rick Epp, president, Douglas County Farm Bureau.)*

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## **Argument in Favor**

## **Religious Leaders Support Measure 49**

Oregon's farmlands, forests and natural areas are central to our state's livability, prosperity, and uniqueness. **Measure 49 is a much-needed corrective to the flaws of Measure 37, so that Oregon's lands may continue to be a blessing to future generations.** As people of faith, we believe that the land is a gift from God, entrusted to our care and stewardship for the benefit of the common good.

The principles of many great faith traditions call us to love our neighbors as ourselves and to care for the Earth. Therefore, the actions of an individual landowner should not jeopardize the health and well-being of neighbors and communities. In Oregon, land use planning has evolved as a system to ensure fairness while protecting the values that bring us together.

If left unmodified, Measure 37 will cause scattered islands of incompatible uses in prime farm, forest and natural areas, making it difficult for many family farmers to stay in business, as well as threatening water supplies and wildlife habitats.

**Measure 49 keeps the intent of Measure 37 by clarifying and streamlining the process for small-scale residential development, and closing the loopholes in Measure 37 that allow unchecked large-scale development.** Without Measure 49, widespread development within exclusive farm, forest, and natural areas will establish the conditions and precedent for more development, thereby further undermining our land use planning system.

**The quality of life in Oregon has never been more in the balance. We urge a "YES" vote on Measure 49.**

David A. Leslie, Executive Director, Ecumenical Ministries of Oregon

The Rev. Kent Harrop, President of the Board, Ecumenical Ministries of Oregon, McMinnville

The Oregon Center for Christian Values

*(This information furnished by Jenny Holmes, Ecumenical Ministries of Oregon.)*

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## **Argument in Favor**

### **PROTECT THE CHARACTER OF OUR COMMUNITIES**

VOTE "YES" ON 49

Dear Oregon Voters,

We join in the support of Measure 49 because it is our responsibility to uphold the mission of the Architecture Foundation of Oregon. That mission states that we "advocate the enhancement of

our built environment, the livability of our communities, and preservation of our rich architectural heritage.”

Support of Measure 49 is one of the clearest and most expedient ways we can uphold this mission.

**Measure 49 will enhance our built environment** by clarifying the right of families to build homes on their property.

**Measure 49 will sustain the livability of our communities** by protecting the **forests, farmlands and rivers** that surround our large and small cities, **making Oregon the unique and special place that we all cherish.**

**Measure 49 will preserve our rich architectural heritage** by protecting the settings in which many of Oregon’s architectural treasures exist.

Please vote Yes on Measure 49.

Sincerely,

ARCHITECTURE FOUNDATION OF OREGON

Arthur W. Johnson, President  
Carol Mayer-Reed, FASLA  
G. Jane Jarrett, Executive Director  
Jonah Cohen, AIA  
Omid Nabipoor

Board of Directors:  
Martha Peck Andrews, FAIA  
Linda Barnes, FAIA  
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Kent Duffy, FAIA  
Bart Eberwein  
Susan Stevens Emmons  
Gaafar Gaafar  
Jacklyn L. Hallock  
Patrick C. Harrington  
Neal Huston, AIA  
Kevin Johnson, AIA  
Nawzad Othman  
Steve Poland, AIA

Bart Ricketts  
Kurt Schultz, AIA  
Richard Spies, AIA

[www.lookaroundoregon.com](http://www.lookaroundoregon.com)

*(This information furnished by Arthur W. Johnson and Gloria Jane Jarrett, Architecture Foundation of Oregon.)*

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## **Argument in Favor**

### **Please join Lane County farm and ranch families and vote yes on Measure 49**

At the base of the Willamette Valley, Lane County farms produce many of Oregon's most treasured products: hazelnuts, berries, dairy, grass seed, tree fruit, wine and many more.

What makes these products possible is the same thing that contributes greatly to Oregon's quality of life: Minimizing conflicts over land uses. With clear ground rules and a fair process, we can avoid creating conflict. That approach is part of our heritage.

Unfortunately, the unanswered questions created by Measure 37 are sparking more and more conflicts. More court challenges. More disputes between neighbors. More uncertainty. The rules are not at all clear, and there are so many unanswered questions that many more conflicts are certain to arise. Without a fix, these conflicts will plug the courts for years to come. Without a fix, countless Oregonians won't have the certainty they need to make plans for their families, their homes, and their small businesses.

Luckily, we have Measure 49. Measure 49 addresses these unanswered questions. It clarifies the ground rules and the qualifications. Also important, it allows a reasonable number of homes to be built in agricultural areas without destroying the land base that farm and ranch families depend on. We could wait years for the courts to sort through all these disputes, but we don't have to wait. Measure 49 puts the power to fix these problems in your hands. You have the power to vote yes and fix what's wrong.

Over 400 farm and ranch families make up Lane County Farm Bureau. Our purpose is to ensure that family agriculture continues to be a vital part of Oregon life. That vitality depends on the availability of farm ground, and minimizing conflict in and around farm zones. Measure 49 helps us accomplish all of these.

Please join us in voting yes on Measure 49.

*(This information furnished by Donna Corwin, president, Lane County Farm Bureau.)*

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## Argument in Favor

### Oregon's Conservation and Environmental Community Urge a "YES" Vote on 49

Oregonians share a steadfast commitment to the **responsible stewardship** of Oregon's natural legacy. After all, we only have one Oregon, one home, to defend.

To **defend our home**, please join us in voting "YES" on 49.

Measure 49 protects Oregon's farms, forests, and water supplies, as well as the rights of families to build a few homes on their own property.

It fixes flaws in Measure 37 that allow large housing subdivisions, big-box stores and strip malls where they don't belong.

For example, a Measure 37 claim has been filed at the mouth of the wild Sixes River—perhaps the greatest natural estuary remaining on the Oregon Coast. The claim threatens wild salmon and steelhead habitat with 150 housing units, a 250-room hotel, golf courses, and parking lots on land in a beach and dune conservation area.

Other examples include the claim to place a pumice mine inside the Newberry National Monument, as well as claims for massive development on Steens Mountain, Mt. Hood, along many rivers and streams and up and down the Oregon Coast.

Go to [www.yeson49.com](http://www.yeson49.com) and see the literally **hundreds** of examples like these, across the state, in which **Measure 37 is being abused by speculative developers and timber companies in ways that will permanently rob our children of their natural legacy.**

While most areas of our country have lost farmland, forests and natural areas to development, Oregon has preserved the places that make our state special. Measure 49 is a critical chance to restore balance to Oregon and our last chance to save many of these areas for future generations.

Yes on Measure 49. Protect Our Home – Oregon.

Audubon Society of Portland  
Environment Oregon  
Friends of the Columbia Gorge  
Kalmiopsis Audubon Society  
Oregon Conservation Network  
Oregon Environmental Council  
Oregon League of Conservation Voters  
Oregon Sierra Club  
Oregon Shores Conservation Coalition  
WaterWatch of Oregon

*(This information furnished by Sybil Ackerman, Oregon Conservation Network.)*

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## Argument in Favor

### Central Oregon: How would you like to grow?

That's the question on this November's ballot.

Measure 37 has generated claims for large subdivisions and commercial development across swaths of Central Oregon where they are currently not allowed.

Measure 49 amends Measure 37 by limiting this large development: It allows landowners who want to add a few homesites to do so, if they could when they bought their land. And in an area with water shortages, it's just common sense to grow more gradually.

Measure 49 also prohibits using a Measure 37 claim to site an industrial or retail commercial development.

Subdivisions and strip malls? Or farmland, forest and deserts? You decide

### Here are just a few of the claims for development Measure 37 would bring to Central Oregon:

Location: Knott Road, Bend, Deschutes County, 223 acres

Current zoning: exclusive farm use

Intent: Resort with horse ranches, golf course, 60 to 80-lot residential subdivision

Location: West Evergreen Avenue, Redmond, 815 acres

Current zoning: exclusive farm use

Intent: Destination resort, including residential units, lodging, commercial development, sewage treatment facilities.

Location: French Road, Prineville, 1,741 acres

Current zoning: exclusive farm use

Intent: 2,640 half-acre lot subdivision

Location: Newsome Creek Road, Post, Deschutes County

15,464 acres

Intent: 3,092-lot subdivision

Location: 1200 Bull Boulevard, Prineville, 4,404 acres

Current zoning: exclusive farm use

Intent: Subdivide into 1,003 residential lots

Location: Ashwood, Jefferson County, 6,240 acres

Intent: Destination resort, including residential subdivision and commercial development.

Location: Lake Billy Chinook, Jefferson County, 5,512 acres  
Intent: Unspecified development

Location: Belmont Lane, Madras, Jefferson County, 752 acres  
Current zoning: exclusive farm use  
Intent: 244-lot subdivision

Location: Maupin, Wasco County, 1,051 acres  
Current zoning: exclusive farm use  
Intent: Surface mining, “dude ranches,” hunting and fishing lodges, conference areas, residential subdivision, etc.

Location: Dufur Valley Road, The Dalles, Wasco County  
4,074 acres  
Current zoning: exclusive farm use  
Intent: Subdivision into 200 20-acre “ranchettes”

(Information provided according to most recent data available as of Aug 20, 2007.)

*(This information furnished by Lynn Greenwood.)*

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## **Argument in Favor**

Help Protect Our River.  
Vote Yes on Measure 49.

As retirees, my husband and I live in Oregon’s beautiful Illinois River Valley where we enjoy the quiet and rural character of the area. We live along the Illinois River, and we cherish its clean waters and friendly community. Here, people can still swim, and salmon and steelhead still spawn.

**We live here because unlike many parts of the country, Oregon has preserved its forests, farmland and land along rivers and water. That’s important to us and to future generations. We never imagined that Oregon would lose this. But now a proposed development through Measure 37 on the Illinois River will forever undo this special place.**

**And if we don’t fix it now – this November – it will be too late.**

A local resident is proposing to build a commercial enterprise with a store, parking lot, and arena on his property by the river. The state has approved the claim because of Measure 37. This project threatens to generate fecal pollution and fertilizer directly into the Illinois River, threatening the recreational opportunities families enjoy and the wildlife habitat native fish need to survive.

And public drinking water may be threatened as well; our city's public water intake is directly downstream from this proposed development.

Our story is not unusual. Many Oregonians like us support the rights of families to build a home or two on their land – and that is protected with Measure 49. But we oppose the excesses and abuses of Measure 37 that allow commercial business uses where they don't belong.

**Help keep our rivers and drinking water clean! Please support Measure 49.**

Thank you,

D. Hover-Kramer

*(This information furnished by Dorothea Hover-Kramer.)*

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## **Argument in Favor**

**Developers make the profits – and taxpayers get stuck with the bill.**

**Measure 49 will keep large developers from shifting their costs to taxpayers.**

We all value public services in our communities – from reliable police and fire protection to safe roads, sanitation and water supplies.

And we all pay for those services through local property taxes and user fees. We are willing to pay our fair share. But we expect others to pay their fair share as well.

Under Measure 37, that's not going to happen.

Our cities and counties can barely afford to keep our police and fire departments properly equipped, our bridges and roads in good repair, and our water and sewer systems up to basic standards for health and safety.

New subdivisions and sprawling developments will make things worse.

**If we continue to allow large developers to use Measure 37 like a bulldozer over our rural lands, they'll make a quick profit, but we'll end up footing the bill – either in higher taxes or fewer services.**

- Think of the costs of building safe new roads to far-flung housing developments on what is now farm and forest land.
- Think of who pays when our cities and counties have to add police and fire coverage to reach distant housing tracts.

- Think of who loses if we have to extend water and sewer lines to new developments and can't maintain the systems we have now.

Balance growth is important: We want to enjoy livable communities. But we want to make sure that all of us can afford to pay for the services that our communities require.

**Measure 49 will rein in developers who are pushing for massive subdivisions on hundreds of thousands or acres of what is now rural land.**

**Measure 49 will discourage expensive, large developments that shift costs to us taxpayers.**

**Measure 49 will keep our communities livable and affordable – before it's too late.**

Vote Yes on Measure 49.

*(This information furnished by Rachel Grant.)*

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## **Argument in Favor**

To produce and publish sound evidence on the question of whether land-use regulations in general cause economic loss in land value, the Gray Family Fund at Oregon Community Foundation funded two independent studies

The first was the June 2007 report by two OSU professors, Jaeger and Plantinga, *How Have Land-use Regulations Affected Property Values in Oregon* concludes: "Our analysis of Oregon land value data finds no evidence of a generalized reduction in value caused by Oregon's land use regulations, a result that is consistent with economic theory and with research in the economics field". Other excerpts are:

"Land values (adjusted for inflation) have generally risen since the introduction of Oregon's land use planning system in 1973, both for rural lands zoned for farm use and forest use and for developable lands both inside and outside the urban growth boundaries". --- "The data presented here do not, therefore, support the belief that Oregon's land-use system has systematically reduced the value of restricted properties... Oregon's land-use planning system is not intended to limit the amount of development that occurs, but rather it is intended to influence the location of development in ways that are consistent with various land-use planning goals".

The second study published in June 2007 by the Georgetown University Environmental Law and Policy Institute, Washington, D.C. – *Property Values and Oregon's Measure 37* – reached similar conclusions:

"A comparison of statewide agricultural land values in Oregon and (California and Idaho) shows that Oregon experienced comparable, and generally somewhat higher, rate of appreciation as its neighbors, again despite Oregon's stricter regulation of rural development".

These research studies have convinced me to urge a Yes vote for M-49 to help preserve our state's nature and health. Please vote Yes and thank you.

John D. Gray  
Retired Chairman, Omark Industries; Developer of  
Salishan, Sunriver, Skamania Lodge and Johns Landing

*(This information furnished by John D. Gray.)*

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## **Argument in Favor**

The Gray Family Fund of the Oregon Community Foundation funded work by the Institute of Metropolitan Studies, Portland State University, to compile, analyze and publish information about the number, type, and county of 7,462 Measure 37 claims filed between December 2004 and March 12, 2007. This information may be reviewed at <http://www.upa.pdx.edu/IMS/currentprojects/m37/index.php>.

All claims show the number of acres affected and the county. The vast majority of claims also show how the land is zoned, and the kind of land division the claimant demands. Estimates of what all the 7,462 claims will do, based on the proportion of claims which do specify zoning and division type, shows the following:

3,153 claims (42%) seek 1-3 home sites.

4,309 claims (58%) seek subdivisions on farm and forest land averaging between 128-154 acres.

61% of the farmland subdivision claims are in Willamette Valley, mostly on "high value" land.

Measure 49 fixes Measure 37 in at least two ways. First, M-49 helps the "little guy" by approving 1-3 lot claims without proof of loss, and by giving transferability which M-37 did not. Second, M-49 limits subdivisions on high value land and in groundwater restricted areas to 3 lots. On other lands M-49 limits subdivisions to 4-10 lots, based on proof of loss which must be shown by an appraisal.

These and other facts have convinced me to support M-49. If you want to modify M-37 to help the little guy and to limit big subdivisions on Oregon's best farm and timber land. I urge you to vote Yes on M-49.

John D. Gray  
Retired Chairman, Omark Industries  
Developer – Salishan, Skamania Lodge,  
Sunriver and Johns Landing

*(This information furnished by John D. Gray.)*

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## Argument in Favor

**When our forests are gone, we'll never get them back.**

**Protect our forests.**

**Vote Yes on Measure 49.**

Forests have always been a special part of Oregon's natural heritage, and they can continue to be a special part of Oregon's future – if we vote Yes on Measure 49.

When properly managed, forests provide habitat for fish and game, year-round recreation and jobs that sustain local communities.

But claims filed under Measure 37 threaten to turn tens of thousands of prime forest land into housing subdivisions and commercial projects, each of which will require roads, water lines and utilities that will magnify their impacts on the land.

**Once our forests are gone, we will never get them back. We have seen that happen in other parts of the country. We don't want to see it happen here.**

**Measure 49 will protect private forest lands for both recreation and forestry.**

Forest land owners are given new protections under Measure 49 to protect their investments far into the future. When we are fair to forest owners, we provide greater incentives to manage our forests for sustainable yields and maximum benefits for all Oregonians.

That's the reason we provide special designations for forest land.

Measure 49 will keep those designations in place and protect our forests for generations to come.

**Protect our forests. Protect our future. Vote Yes on Measure 49.**

*(This information furnished by Carly Jean Birkey.)*

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## Argument in Favor

**Farm families in Clackamas County ask you to vote yes on Measure 49**

Sandwiched between a thriving metropolis on the valley floor and the forested slopes of the Cascades, Clackamas County agriculture is a great example of why Oregon needs Measure 49.

Clackamas County is an integral part of the Portland metro area and home to about 375,000 Oregonians. Complementing that urban character is a thriving family farm economy. Farm

families in our county produce nearly \$400 million in sales each year, not including off-farm businesses like transportation, processing, marketing, restaurants, and retail. Blessed with some great soils, Clackamas County is the second most productive agricultural county in Oregon.

Clackamas County is a virtual who's who of beloved Oregon products. Strawberries, Christmas trees, blueberries and blackberries, ornamentals and shade trees, fresh vegetables, hazelnuts, wine, and many more Oregon farm favorites are grown here. Clackamas County is also home to tulip-filled fields, a sea of colors that so beautifully represents Oregon in calendars, posters, and cards.

How can Clackamas County be such a family farm success story? The farm answer is that we have the quality land, water, labor, and know-how to be successful. The public policy answer is balance. Oregon needs laws that emphasize balance among different kinds of uses for our irreplaceable land. With balance, family farming can continue to thrive for decades to come, in harmony with flourishing urban areas.

Measure 49 brings balance to the heart of our public policy. It allows a reasonable number of homes to be built in farming areas while protecting these areas from runaway development. A lack of balance breeds conflict. Conflict undermines the quality of life enjoyed by all who call this wonderful place home. By bringing balance, Measure 49 will reduce conflicts. We all benefit from that.

Clackamas County Farm Bureau has more than 650 farm families working together toward positive solutions. We ask you to join us in voting yes on Measure 49.

*(This information furnished by Joe Casale, Jr., Clackamas County Farm Bureau.)*

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## **Argument in Favor**

### **Oregon's Fire Chiefs Urge You to Vote Yes on Measure 49**

It may seem unusual that Oregon Fire Chiefs would weigh in on an issue like Measure 49. After all, what does firefighting have to do with who gets to build what buildings, and where?

The answer is: it matters a lot.

Our job is to protect the structures, and the people who live and work inside them. That job can be made much more difficult if those structures are not built with fire protection in mind. And even if those homes and businesses are well-built, they can be at risk if they are built in the wrong places.

That is what is happening with Measure 37. And **Measure 49 will help fix it.**

Many Measure 37 claims are for massive housing subdivisions on remote farm and forestland that are not appropriate from a fire protection standpoint.

- They are isolated from fire stations and other services.
- They are often in places at risk for wildfires.
- These areas have limited water supplies, and housing developments could drain them even further. It's very hard to put out a fire without enough water.

**It would be very difficult, and in some cases perhaps impossible, to provide adequate fire protection for the kinds of large development Measure 37's loopholes are now allowing.**

And to the extent that we can, it will be very expensive – an expense that will be born by local property taxpayers.

Measure 49 will protect the rights of landowners to build a few houses on their land, if the law allowed them to when they bought it. But it will also help us protect you, by preventing the wrong kind of development in the wrong kinds of places.

**Roy Hari**  
**Fire Chief - retired, Marion County Fire District 1**

**Larry D. Eckhardt**  
**Retired Fire Chief, Sheridan Oregon**

*(This information furnished by Liz Kaufman, Yes on 49 Campaign.)*

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## **Arguments in Opposition**

We urge you to read Measure 49 very carefully before voting.

Measure 49 is not what it appears to be.

Measure 49 passed by a single vote in the Oregon Legislature. It is poorly drafted and will lead to years of litigation and political infighting in Salem.

### **The Ballot Title Is Intentionally Misleading:**

What you read on your ballot for Measure 49 was not written by the Attorney General or Secretary of State. It was not reviewed by the Oregon Supreme Court for neutrality and objectivity. The legislature used a rare political trick to draft the language using public opinion polls -- to find the most deceptive "political" language. Why? Because special interest groups don't want you to know what is really in Measure 49.

## **They Had To Mislead Voters To Hide The True Intent Of Measure 49**

Measure 49 will allow state and local government to take your home and property without compensation, wiping out laws that require government to pay fair value for what it takes.

## **Measure 49 Repeals Your Vote On Measure 37**

Section 4 of Measure 49 repeals your vote on Measure 37 and replaces it with a complex process for property owners, which experts say will not work, and opens property owners up lawsuits, fees, and years of frustration. The most offensive part is that Measure 49 was forced through the Legislature without a single public hearing!

## **Implementing Measure 37**

Our job this session was to implement your overwhelming votes supporting Measure 7 and Measure 37 to protect property owners. The Legislature ignored your votes, invented a crisis, and sent you Measure 49 – forcing you to vote a third time!

Measure 37 can be fairly implemented without stealing your property – but Measure 49 is not the answer. Please join us in voting No on 49.

Senator Larry George          Representative Bill Garrard

*(This information furnished by Senator Larry George and Representative Bill Garrard.)*

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## **Argument in Opposition**

**MEASURE 49 HURTS FAMILY FARMERS – PLEASE VOTE NO**

The **Oregon Family Farm Association PAC** asks you to vote NO on Measure 49.

Current Oregon law requires government to pay you fair value when it reduces the value or takes away your right to use your property -- a core protection for property owners. Measure 49 guts these basic protections for our property and life-savings.

Measure 49 is a radical change to state law that allows the government to take your property without any compensation.

We rely on our property for our livelihood, and unlike large corporate farms, every new regulation makes it harder to stay in business.

Corporate farmers and their lobbyists got loopholes for themselves in Measure 49 – but small farmers and ranchers got left out and now face lawsuits and years of frustration if Measure 49 passes.

**Voters asked the Legislature to implement Measure 37, instead they manufactured a fake crisis and crafted Measure 49.**

There is no problem in Measure 37 that cannot be addressed by proper implementation by the Legislature. Oregon voters passed Measure 37 in 2004, and the Legislature refused to implement it in both the 2005 and 2007 Legislative Sessions. The politicians refused to implement Measure 37 in order to create a false crisis – so they could justify Measure 49’s radical changes.

**Measure 49 will have a detrimental affect on family farmers:**

Today, property owners have protection in state law. If Measure 49 passes, those protections will be gone. In addition:

- We will have to pay the government’s attorneys and appraisers to get our property back;
- Those of us who have permits to build a house or two on our property will have those permits wiped out, and be forced to start all over;
- We will have to prove that we made \$80,000 per year in order to build a farmhouse to live in on our property.

MEASURE 49 HURTS FAMILY FARMERS – PLEASE VOTE NO

*(This information furnished by Matt Cyrus, Oregon Family Farm Association PAC.)*

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## **Argument in Opposition**

MEASURE 49 IS BAD FOR OREGON’S ECONOMY

I am a professional economist. In my career, I have served as an advisor for central banks, businesses, governments, and developing countries. It is my job to know how to balance economic growth with concerns about the natural environment.

Economists know that protection of property rights is central to the health of the economy and the environment.

Anyone who wants to take your property—whether a private party or a government—should compensate you at the market value of the property taken. Otherwise, uses of known value will be lost to uses of unknown, and untested value.

I have examined Measure 49 in detail. Under Measure 49, if your home or property is taken by a new government regulation, you will not receive fair compensation for the lost opportunities. Thus, there is no guarantee that the public use of your property has sufficient value to the Oregon economy to offset the uses that have been lost.

If government takes \$50,000 of your property for, say, open space or views, under Measure 49 you may receive far less than \$50,000, if you receive anything at all. If a private party wanted to buy your property for open space or views, it would have to pay fair market value for the land. Government should have to play by the same rules.

Measure 49 uses an arbitrary scheme to determine how much, if anything, you will receive in compensation for taken property. That scheme has almost nothing to do with the impact a new government action has on the value of your property. It does not employ accepted, valuation principles.

First year economics students learn that the economies of many countries around the world suffer because of poorly-protected rights to private property. Measure 49 contains policy errors in this regard that a first year economics undergraduate would not make.

We should expect more from our elected leaders. Vote NO on 49.

*(This information furnished by Randall Pozdena, Ph. D, Quantecon Incorporated.)*

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## **Argument in Opposition**

Oregon Sportsmen, Hunters, and Fishermen  
Urge A No Vote On Measure 49

Dear Friends:

Measure 49 could cost Oregonians their whole life-savings when government takes their property without compensation. Measure 49 is unfair and terrible public policy.

Oregon sportsmen work closely with Oregon property owners to make sure we protect and promote wildlife and the protection of the environment – Measure 49 would completely undermine those collaborative efforts.

Furthermore, Measure 49 would open up our property owner partners to lawsuits from anybody in the entire United States...a disastrous (and expensive) provision in Measure 49.

Measure 49 is so poorly drafted that it would tie-up property owners in court for years.

Please vote against this extreme change in state law – Please vote no on Measure 49.

Sincerely,

Glenn Cloyd  
President, Oregon Sportsmen Assn.

*(This information furnished by Glenn Cloyd, President, Oregon Sportsmen Association.)*

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## **Argument in Opposition**

We are land use attorneys in Oregon. Combined, we have over 325 years of experience representing Oregonians.

**We have each read Measure 49 and we all agree – Measure 49 is a dangerous proposal that will wipe out the property rights of those Oregon families who can least afford it.**

In our careers, we have represented government, corporations, small businesses, environmental groups, farmers, ranchers, industries, developers, neighborhood groups, rural residents, urban residents, etc.

Measure 49 was drafted by legislators who know little about land use law or who have a special interest agenda. The Measure adds new provisions to Oregon law that fundamentally change the relationship between private citizens and state government, and weakens the rights of property owners in ways that are so unique and unfair that they seem unimaginable.

If Measure 49 passes:

- State and local government will be able to pass new land use regulations that destroy the value of your home and property without compensation;
- Property owners who have followed all of the land use rules and have received government approval to use their property will have their approval wiped out;
- Property owners in cities will have fewer rights than property owners in rural areas;
- If your property is taken and you demand compensation, you will have to pay your attorney, your appraiser, the government's attorney, and the government's appraiser, even if you win.

As the professionals who will have to make this new law work, we can only tell you that Measure 49 is not what it appears to be, will not work, and will do far more harm to Oregon property owners than good.

Please vote NO on Measure 49.

Mark Bartholomew - Medford  
William Cox - Portland  
James Dole - Grants Pass  
Mark O'Donnell - Portland  
John Pinkstaff – Portland  
John Rankin - Sherwood  
Michael Spencer - Klamath Falls  
Robert Swift - Newberg  
Meredith VanValkenburgh - The Dalles  
Joe Willis – Bend  
Jeffrey Wilson - Prineville

*(This information furnished by Mark S. Bartholomew; William C. Cox; James R. Dole; Mark O'Donnell, O'Donnell & Clark LLP; John C. Pinkstaff; John A. Rankin; Michael L. Spencer;*

*Robert E. Swift; Meredith D. VanValkenburgh, VanValkenburgh & Associates PC; D. Joe Willis, Attorney at Law; Jeffrey M. Wilson.)*

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## **Argument in Opposition**

The Oregon Cattlemen's Association  
Asks You To Vote No On Measure 49

Measure 49 is about one simple issue: Should government be able to take your property without paying for it?

Measure 49 would allow Oregon's state, regional, and local governments to take your private property - and take your property with zero compensation for your loss. And if you demand your property back, you will have to pay the government's lawyers and appraisers to get it back – even if you win!

We believe that if government wants your property, then they must pay you for it. If you agree with us, please join us in voting No on Measure 49.

**You will read rather unbelievable statements that Measure 49 will protect farmland, forestland, and groundwater – those statements are used to fool you.** Politicians and special interests groups used polling to find out what words to use to best manipulate Oregon voters. Measure 49 is not about protecting those resources, it is about changing the law to allow government to take your property without compensation.

Nobody relies more on the protection of land and water than Oregon's ranchers and cattlemen. We are committed to conserve these resources and ensure that they last for generations – many of us are fourth and fifth generation ranchers.

Measure 49 undermines those efforts – if our property is not safe from government takings, then we cannot make long-term plans for future generations and we wipe out generations of ranchers. Measure 49 is a direct assault on Oregon's family farmers and ranchers and traditional agriculture.

Those that support Measure 49 may think that we can be replaced with mega-corporate farms, but we believe that small-scale, family-based agriculture is best for our state, our natural resources, and our environment.

Please reject the misleading campaign and help us protect Oregon agriculture for future generations. Vote No on Measure 49.

[www.orcattle.com](http://www.orcattle.com)

*(This information furnished by Kay Teisl, Oregon Cattlemen's Association.)*

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## Argument in Opposition

The Hood River Agriculture, Forestry, and Landowner's Association Asks You to Vote NO on Measure 49

We are all long time agricultural and forest property owners. Together we represent the vast majority of EFU land in Hood River County. We own orchards, vineyards, hay fields, and forest acreage. We raise kids and pears and apples and grapes and cherries and fir trees and cows. We are all farmers with "family farms." The next time you read in the newspaper about agriculture in the Hood River Valley, they are talking about us.

**We are also unanimously opposed to Measure 49.** Why? Because Measure 49 strips us of our most valuable commodity – the right to control how we operate our farms and use our land.

Today, foreign competition along with state and federal laws are slowly combining to put us out of business. In order for us to compete, we must be able to make changes to the way we use our land based on economics, not how pretty the view is or the soil type.

But Oregon's statewide, centralized land use laws, the only ones of their kind in the nation, prevent us from making changes based on economics.

To them, it is all about protecting "farmland." But no one cares about protecting the "farmer."

Measure 49 strips us of our property rights. It is a cruel blow to an industry that is already struggling to stay alive. If Measure 49 passes, we will be unable to diversify our operations, and to use our unproductive areas for higher economic uses, which allow us to keep farming on the productive parts of our farms.

We are proud to be Americans working in the natural resource industry. It is our hope that our children and grandchildren will continue our heritage. But Measure 49 and Oregon's ridiculous land use laws make that unlikely.

Please vote NO on Measure 49.

*(This information furnished by John M. Benton, Sr., Hood River Agriculture, Forestry and Landowner's Association.)*

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## Argument in Opposition

Legislators ignored Oregon Voters too long and Measure 37 passed. A hidden agenda begins. First a "head fake" saying its finally past time to rework our land use laws and SB 82 in the 2005 session authorizes a volunteer task force of 10, "The Big Look Task Force". With questionable

support by the state, the hard working task force appears wandering. In the process Department of Land Use Conservation, (DLCD) Governor's Office, Metro, and the Task Force are receiving facts indicating that the planning function is far more suspect than ever imagined. Extreme errors were cited in Metro Government Planning. Metro which governs 40% of Oregon's Population had apparently frivolously extended the Urban Growth Boundaries (UGB) especially along Mt. Hood Highway east of Gresham also Damascus to be important sources of tens of thousand of industrial and high technology jobs. (Metro's Title 4 map of Significant Industrial Lands). Then Oregon's DLCD "acknowledges" their plans to officially meet state goals. ODOT even jumps in and starts spending Federal Funding to pursue transportation studies for Metro's exuberance. This sets the stage for damage control. Promptly at the legislature Metro gets the legislature to delay its 5 year cycle requirement to review the urban growth boundary by adding another 2 years. I say no wonder they are clueless on how to fix their last mistakes let alone update the UGB. Then curiously the potential 'whistle blowing' Big Look Committee gets the axe. The weak excuse is that Oregon voters are not "sophisticated enough" to think about more than just M-37 (i.e. Task Force puts our intelligence on overload). Lastly, damage control makes sure that the land use committees in the House and Senate avoid even the routine land use problems normally addressed. Then, finally, in the late hours with problems swept under the rug, and under false pretenses of "clarifying", M-37 gets a 'hatchet' job renamed M-49.

Robert Butler, President, Butler Brokers Inc., Commercial Realtors

*(This information furnished by Robert Butler, Butler Brokers Inc., Commercial Realtors.)*

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## Argument in Opposition

**Measure 49** has never had a public hearing.

**Measure 49** is so bad, legislatures would only vote for it if it was referred back to the voters.

**Measure 49** is 24 pages of tricks and errors, including:

-If you are inside the UGB, you are guaranteed **0** lots  
(Section 9(2) "... may not exceed the lessor of...")  
(Section 9(6) "The reduction in fair market value...") (see financial formula!)

-If you are outside the UGB, you are guaranteed **1** lot  
(per application, not lots owned!) Section 6(2)(c)

-If your "highest and best use" is not residential, you will get **0** lots; for residential or otherwise.  
Section 7(8)

-If you try to use the financial formula, you will fail- it was designed that way! A CPA firm was hired to run many examples; highest value was **1** lot, usually **0** lots.  
Section 7(6) Out UGB Section 9(6) In UGB

-You can't use the financial formula if you are in "high value" farm or forest (90% of buildable Clackamas, Washington, Yamhill, etc) - OR if you are:

Section 2(c)(A) "...water irrigation"

Section 2(c)(D) "...five acres planted in wine grapes"

Section 2(e) "Land that is exclusive farm use zone and is at an elevation between 200 and 1000 feet above mean sea level, with an aspect between 67.5 and 292.5 degrees and a slope between zero and 15 percent, and located within..." (5 million acres of viticulture areas!)

-Appraisal is required for financial formula. Few firms are willing, data is scarce, and you will be sued! Section 9(7)

-This Measure beefs up lawsuits against you; eliminates your right to collect legal costs- even if you win!

-see our website for other examples of disqualification!

[www.fix49.com](http://www.fix49.com)

Darrin Black  
Matthew L. Green-Hite, CPA

*(This information furnished by Matthew Green-Hite, Fix Measure 49.)*

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## Argument in Opposition

### FAMILY OWNED TIMBER COMPANY OPPOSES MEASURE 49

Stimson Lumber is a family owned, Oregon based company, committed to protecting Oregon and the beauty of our state.

Our company has roots dating back to the 1850's. We are one of the oldest, continuously operating forest products companies in the United States. We are proud of our Oregon legacy.

Now, our company and our thousands of employees are being attacked for our opposition to Measure 49. Consider what Measure 49 will do:

- **Measure 49 takes away property rights from hard working Oregonians.**
- **Measure 49 allows government to reduce your land value.** It gives them unbridled authority to lower property values. That's just not fair.

- **Measure 49 is too extreme.** Not only does it take away rights recently given back to property owners, it takes away all future protection you might have from government taking the value of your land.
- **Measure 49 treats property owners different.** If you own farm or forestland, or if you live in an urban area, you have no rights under Measure 49.
- **Measure 49 had no public input in the Legislature.** Perhaps that's why it treats property owners unfairly.

Stimson has donated millions of dollars to charities, supports high school apprenticeship programs where we are located and operates a sustainable timber program, with the goal of protecting the environment. We would not be able to operate five Oregon mills, providing family wage jobs, unless we were stewards of Oregon's valuable timber resource land.

Measure 49 is complicated, it is cumbersome, and all it will do is create **more bureaucracy, less protections of private property and more confusion about land use regulations** in our state.

Please, join me and vote **NO on Measure 49.**

Andrew Miller, President  
Stimson Lumber  
Portland

*(This information furnished by Andrew Miller, Stimson Lumber Company.)*

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## **Argument in Opposition**

**The Oregon Association of REALTORS® asks you to please vote NO on Measure 49.**

The Oregon Association of REALTORS® is the trade association for Oregon's REALTORS®, real estate professionals who help Oregonians achieve the American Dream of homeownership.

We believe that property ownership is the cornerstone of our democratic society. Property ownership allows people from all walks of life to build economic security for themselves and their families.

We believe that one of the primary responsibilities of the government is to ensure that property owners are treated fairly. **Measure 49 is very unfair to many property owners. Therefore, we are asking you to please vote NO.**

Measure 49 replaces Measure 37, the land use compensation measure that was passed by Oregon voters in 2004, and ruled to be constitutional by the Oregon Supreme Court. We did not support Measure 37, but we recognize the issues that led to its passage.

Measure 49 would eliminate most Measure 37 claims, even claims that have already received approval. Measure 49 ignores the many Oregonians who relied on the existing law and spent tens or hundreds of thousands of dollars merely following the law. This is not fair.

The Oregon Association of REALTORS® proposed a balanced five-point plan to the Legislature for dealing with Measure 37 that would have reduced its impact, while still being fair. Unfortunately, this balanced plan was rejected.

Even worse, the Legislature cut funding for the Big Look Committee, the non-partisan, non-political committee created to recommend improvements to Oregon's land use system. If Measure 49 passes, it is unlikely that there will be any improvements to Oregon's land use system for many years to come.

**Please vote NO on Measure 49.**

*(This information furnished by Art Kegler, President, Oregon Association of REALTORS.)*

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## **Argument in Opposition**

### **MEASURE 49 WILL SHUT DOWN OUR WASHINGTON COUNTY U-PICK FRUIT FARM**

Jossy Farms is a family run u-pick apple, peach and pear farm in Washington County. Every year we open our farm to thousands of customers who seek quality local produce.

Our 67 acre farm is zoned AF-5. This zoning allows for 5-acre parcels, with homesites on each parcel. Under current zoning, we can create 13 home sites, but we'd have to eliminate our u-pick farm.

When voters passed Measure 37, we were thrilled. Measure 37 allowed us to create smaller rural parcels that we could cluster together. By clustering our parcels, we could use a smaller portion of our property and leave the orchards in place for the next generation of Jossy's to offer fruit to the public.

**But if Measure 49 passes, our claim will be wiped out, and our orchard will shut down.**

Measure 49 is just the latest in a series of blunt instruments that show what is wrong with Oregon's land use planning laws. The current planning laws force us to tear out our orchards in order to divide our property. If we had more control over our property, like Measure 37 provided for us, we could create the lots for our family and keep the orchards intact as well.

It's a win-win for everyone, except for Measure 49 supporters. Small farmers like us, and every other farm family who want some control over their farm operations, are called "greedy developers" and "speculators" by the Measure 49 supporters who don't have the first clue about our business. It is totally unfair, and makes us mad.

We've been here for generations. We want to be here for generations to come. But Measure 49 and ill-conceived land use laws force us out of business. What a shame.

Please vote NO on 49.

*(This information furnished by Robert Jossy and April Jossy, Jossy Farms.)*

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## Argument in Opposition

The Oregon State Grange, Rural Oregonians, and Oregon Farmers Ask You To **Please vote No on Measure 49.**

Tell the Politicians and Special Interests **NO!** – **we have already voted to protect our homes and property 3 times on statewide ballot measures since 2000.** How many more times do we have to say it - Stop Trying To Take Our Homes and Property!

Measure 49 is a deceptive Measure that makes dramatic changes to Oregon law.

Not only will Measure 49 allow government to take your home and property without compensation, if approved **Measure 49 will:**

- allow government to change the rules after you buy your property to take away rights that you paid for.
- allow you to be sued by anyone in the United States if you try and defend your property from government taking.
- force you to pay lawyers and appraisers to defend your property, and you will also have to **pay the government's lawyers and appraisers** who are trying to take your property from you, even if you win!
- change the rules for people who have already received approval to build a home or two on their property. Despite what Measure 49 supporters claim, Measure 49 will not let these people build a home or two on their property.
- require property owners in rural areas to make \$80,000 from farming for at least two years before they can build a farmhouse on their property.
- expose property owners in urban areas to huge financial danger – for example, if your non-conforming home or business is destroyed by fire, Measure 49 allows cities to stop you from rebuilding without compensation.

This is a short list of what is hidden inside Measure 49's complicated language. Measure 49 simply will not work for anyone. We deserve better.

Vote NO on Measure 49.

*(This information furnished by Phyllis A. Wilson, President/Master, Oregon State Grange.)*

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## Argument in Opposition

### **The Josephine County Farm Bureau Asks All Oregonians to Vote NO on Measure 49!**

We are farmers and ranchers in rural Oregon. Oregon's land use laws affect everything we do with our land. A radical change like Measure 49 will only cause more grief, stress, and problems as farmers and ranchers in Oregon continue to work to make ends meet.

Measure 49 will make it nearly impossible for farm families to continue. Under Measure 49, a farmer who wants to build a home or two on his property for his kids is going to be faced with:

- New requirements just to build two or three homes on his property;
- Paying exorbitant fees to the government just to get permission for his kids to live on the family farm
- Lawsuits from people as far away from him as possible, who simply don't want family farms to continue in Oregon.
- Uncertainty and confusion as the courts try to make sense of 21 pages of legalese, mistakes and confusion

Family farms face enough uncertainty in this day and age. Measure 49 will only result in more heartache and frustration for farm families trying to make a living off the land. Current law makes it easier for family farms to be passed down through the generations. Measure 49's burdensome and confusing language will result in years of litigation – years that family farms simply do not have.

That is why the Josephine County Farm Bureau opposes Measure 49. Measure 49 is another attack on rural Oregon by extremists who do not approve of our way of life.

**Please join the Josephine County Farm Bureau in voting NO on Measure 49.**

*(This information furnished by Bud Combe, Vice President, Josephine County Farm Bureau.)*

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## Argument in Opposition

### **ATTENTION ALL FARMERS AND RANCHERS The Jackson County Stockmen's Association Asks You to Vote NO on Measure 49!**

Some farming groups think that Measure 49 won't hurt agriculture. Some farming groups don't know how to read.

Measure 49 is full of tricks and traps for everyone in Oregon, but there is a giant trap in Measure 49 waiting for Oregon's farmers and ranchers.

Section 12.(6) of Measure 49 says that any use of land as a result of a Measure 49 claim made after June 28th, 2007 is a non-conforming use.

This is a HUGE wolf in sheep's clothing.

Imagine the Legislature passes a 50-foot streamside setback in 2009 for all agricultural uses. If that happened, farmers and ranchers would all file claims under Measure 49, seeking a "waiver" from the 50-foot setback rule. The state would grant the "waiver", which would then make the farmer or rancher's use of the property a "non-conforming" use.

In Oregon, a non-conforming use must be used continuously, otherwise you lose that use of your property. In the context of farming and ranching, this means that the property you received a waiver for must be farmed or grazed continuously. That means no crop or livestock rotation, otherwise you will lose the non-conforming use that Measure 49 established on your property.

And what happens if you lose the non-conforming use? That's right, you would have to abide by the 50-foot setback rule.

And under Measure 49, there is nothing you can do about it because under Measure 49, property owners can only make one claim. Ever.

Remember the attempt to "Fence In Oregon", and how much time and effort Oregon agriculture had to put in to defeat that awful idea.

The same people who backed that measure are backing Measure 49.

Do you have to guess why?

Please join the Jackson County Stockmen's Association and vote **NO** on Measure 49.

*(This information furnished by Mike Daunehauer, Jackson County Stockmen's Association.)*

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## **Argument in Opposition**

### **WHY DID THE LEGISLATURE STOP THE OREGON ATTORNEY GENERAL AND THE OREGON SUPREME COURT FROM REVIEWING THE OFFICIAL" BALLOT TITLE?**

Be very careful when you read the "official" ballot title for Measure 49. Our colleagues are trying to fool you.

When you read the voters' pamphlet or look at your ballot, you see a ballot title for each ballot measure. The purpose of the ballot title is to give you accurate and unbiased information about the measure, so that you can make an informed choice with your vote.

The ballot title is normally prepared by the Oregon Attorney General. The public is then given an opportunity to comment on that ballot title.

At the request of a member of the public, the Oregon Supreme Court will then review the Oregon Attorney General's ballot title to make sure it is fair and accurate. If it is not, then the Court will ask the Attorney General to rewrite the ballot title.

This process has been in place for decades. It ensures that voters are not misled by politicized or inaccurate ballot titles.

**With Measure 49, the legislature has completely ignored our tried and tested ballot title process.** Instead of allowing the Oregon Attorney General, the public, and the Oregon Supreme Court to perform their normal roles, the legislature created its own ballot title for Measure 49.

The legislature then barred the Oregon Supreme Court and Attorney General from reviewing its ballot title, and it barred the public from challenging the ballot title.

Why did the legislature do this? Because legislative leaders were taking polls to determine what language would be most likely to convince voters to vote for Measure 49, not what was unbiased and accurate.

This is shameful. That's not what the ballot title is supposed to do. Before you vote, please study Measure 49 and don't rely on the politicized ballot title.

Representative Patti Smith  
Senator Roger Beyer

*(This information furnished by Senator Roger Beyer and Representative Patti Smith.)*

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## **Argument in Opposition**

### **HOW MANY TIMES DO WE HAVE TO TELL THE LEGISLATURE THAT OUR PROPERTY SHOULD NOT BE TAKEN WITHOUT JUST COMPENSATION?**

How many times do we have to vote to protect our home and property? How many times until the legislature gets the message?

As ranchers, we face all kinds of threats to our livelihood. The one threat that we fear the most is the legislature.

After all, most legislators know absolutely nothing about our industry and the hard work we do to provide the best product we can to American consumers. But they make the laws that make the difference between whether we stay in business or lose our ranches.

In the last decade, Oregon voters have voted twice to protect private property from being taken by government without just compensation. These laws are very important to ranchers, as they guarantee that our rights to farm and ranch will continue on, provided our ranching operations comply with all health and safety regulations.

But now, a group of politicians want to overturn our votes once again. Measure 49 is their latest effort.

The worst part is, these same politicians refused to allow the public to testify on Measure 49. I guess they don't care about what we think.

We're really tired of being told that we don't know what we're voting for. Measure 49 is a bad law. Please vote no.

Grant County Stock Growers Association

*(This information furnished by James Welsh, Grant County Stock Growers.)*

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## **Argument in Opposition**

**As a law professor and former law school dean,** I believe that property rights are an essential part of American society. The ability to purchase and use property in pursuit of a multitude of purposes drives our economy and provides Americans with the most freedom and the best standard of living in the world. Property rights provide for homes, places of employment and recreation, and for personal privacy. Private property is also the tax base which funds many public services.

This does not mean that property rights are absolute. There must be a balance between the rights of private citizens to own and use their property and the rights of the public to be free from property uses that endanger health and safety. The public must also have the authority to purchase private property for public uses.

**That balance currently exists in Oregon.** Oregon law (ORS 197.352) protects property owners' rights to use their property in the way it could be used when it was acquired, but does not allow property owners to use their property in ways that would create a nuisance or endanger the public's health and safety.

Measure 49 destroys that balance. Under Measure 49, state and local governments will be able to enact land use regulations that take the property rights of every private property owner in Oregon without just compensation.

That means that your backyard can be declared “open space,” your business property can be declared “wildlife habitat,” and your farm can be declared a “scenic view.”

There is nothing wrong with these choices if they are what the people of Oregon want. But it is wrong to demand that the property owner bear the entire cost to provide these choices. Under Measure 49, that is exactly what will happen.

**Measure 49 is a significant change in Oregon law** that will fundamentally weaken the property rights of every Oregon property owner.

Jim Huffman

*(This information furnished by James L. Huffman.)*

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## **Argument in Opposition**

### **OREGON EMPLOYERS OPPOSE MEASURE 49**

As some of Oregon’s largest employers, we oppose Ballot Measure 49.

Our companies employ thousands of Oregonians throughout the state at family wages. Each of us has been in business for decades in Oregon.

Our employees serve on the local school board. They coach little league baseball. They sit by you at church. They shop in local stores. Their children go to public schools. They pay taxes.

In short, we are part of your community. Many Oregon communities were formed around our industries.

We believe that a fundamental key to a healthy economy is a respect for the ability of every citizen to own and use property.

Without this ability, our companies would not be successful, we would not have jobs for our employees, and we would be unable to serve our communities.

Measure 49 strikes at the heart of your ability to own and use your property. That is why we vigorously oppose it.

If Measure 49 is approved, the investments we make in our companies and our property are in jeopardy. **Measure 49 allows government to take our property and businesses without compensation. If our property is taken, so are the jobs we provide.**

What Measure 49 supporters fail to realize is that in a competitive global market, one regulation can wipe out an industry. Measure 49 makes it far more likely that such a regulation will be adopted.

So while Measure 49 supporters call us names and ridicule us for standing up for free enterprise and the right to use our property in the manner we could when we purchased it, we'll continue to do what we can to defend every Oregonian's right to own and use their property.

Please vote No on Measure 49.

Aaron Jones, President, Seneca Sawmill Co.  
Michael Fahey, President, Columbia Helicopters  
Robert Freres Jr., Freres Lumber Co.  
Joan Austin, Executive Vice President, A-dec  
Steven Swanson, Swanson Group

*(This information furnished by Aaron Jones, President, Seneca Sawmill Co.; Michael Fahey, President, Columbia Helicopters; Robert Freres, Jr., Freres Lumber Co.; Joan Austin, Executive Vice President, A-dec; Steven Swanson, Swanson Group.)*

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## Argument in Opposition

### ATTENTION SENIORS - MEASURE 49 WILL RAISE PROPERTY TAXES

One of the hidden dangers of Measure 49 is the impact it will have on your property tax bill.

**Measure 49 allows government to pass new land use regulations that destroy the value of private property.** For example, in 2004, Metro proposed to designate nearly 80,000 acres of private land in the Portland Metropolitan area as "wildlife habitat." If Metro would have forced cities and counties in the region to adopt these designations, the property value of the thousands of private property owners who were affected would have been drastically reduced.

For the owners of the property, the impacts would have been devastating. Their property would have been taken with no compensation.

**But you would have paid too. Your property taxes would have been raised to make up the difference!**

That's what Measure 49 will do – allow government to take your neighbor's property without just compensation and force you to pay higher property taxes at the same time!

Measure 49 is a bad idea! For more information, go to [www.oregonwatchdog.com](http://www.oregonwatchdog.com).

*(This information furnished by Jason Williams, Taxpayers Association of Oregon PAC.)*

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## Argument in Opposition

If there's only one thing that you remember about Measure 49, remember this: **If Measure 49 passes, state and local government can and will take your home and property without just compensation.**

Senator Ted Ferrioli, Senate Minority Leader  
Representative Wayne Scott, House Minority Leader

*(This information furnished by Senator Ted Ferrioli, Senate Republican Leader; Representative Wayne Scott, House Republican Leader.)*

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## Argument in Opposition

In 1973, I voted for Senate Bill 100, the bill that created our statewide, centralized land use system.

I knew that SB 100 could allow state and local governments to take people's homes and property. I hoped that would not happen, but was persuaded to vote yes because of Section 24 in SB 100. This section directed the legislature to find a way to compensate property owners for any property that could be taken.

If you want to see for yourself, look at Section 24(4) of Senate Bill 100 (1973). Without that section, I would never have voted for Senate Bill 100.

In short, the legislature made a promise to Oregonians. If Measure 49 passes, that promise will be broken.

Measure 49 is an extreme response to your vote on Measure 37. If Measure 49 is approved, what we tried to prevent in Senate Bill 100 will occur – homes and property will be taken by state and local governments without just compensation.

Measure 49 supporters will tell you that Measure 49 will restore Oregon's land use planning laws. But these people weren't in the legislature in 1973, and apparently have never read Senate Bill 100, or choose to ignore what it says.

If Measure 49 passes, we are destroying the very balance that we tried to make when we created Senate Bill 100. That would be a terrible shame.

Vote NO on Measure 49.

Roger Martin  
Former State Representative

*(This information furnished by Roger Martin.)*

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## **Argument in Opposition**

### MEASURE 49 HURTS NEIGHBORHOODS

Between 2000-2025, one million new people are expected to come to Oregon. In some parts of the state, we're already noticing the impacts:

- Long established residential neighborhoods are being dramatically changed, with skinny houses, condos, and rowhouses stacked into places that used to be open spaces or backyards;
- Traffic congestion on main roads is becoming unbearable, and parking spaces near home are impossible to find;
- New subdivisions are being built with big homes on small lots with no yards for kids and no privacy;
- Urban streets, water, and sewer infrastructure, designed for fewer residents, is being torn up and replaced (at taxpayer expense) to handle the new apartments placed in existing neighborhoods;
- Neighborhoods are being gentrified, as people on modest incomes can no longer afford the costs of living in areas where they grew up;
- Schools in suburbs are becoming overcrowded, as people look desperately for places where home prices are lower, there's a little more space, and traffic isn't as bad.

These impacts are partly the result of our existing land use system. **If Measure 49 passes, you can expect that these problems will only get worse.**

Measure 49 allows Metro, state government, and cities to take your home and property without just compensation. If Measure 49 passes, it will be nearly impossible to find a new home with a large yard, a home in the country, or something affordable for the working family.

If you live in town, look at the new developments being built. Do you see any that have a yard, or a place to play? Are you really being given a choice? Is there any balance? The people that brought you the current system that forces these developments are trying to get you to support Measure 49. Don't be fooled.

Protect your neighborhood, your property, and your choices. Vote No on Measure 49.

*(This information furnished by James Karlock.)*

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## **Argument in Opposition**

### **Please vote NO on Measure 49**

Here we go again

I live in Medford, in your typical suburban neighborhood. I am now retired, but for decades I served as a city and county employee. There are several property owners in my area whose property rights have been restored by Measure 37.

I am asking that you join me in voting NO on Measure 49 for several reasons. First, Measure 49 is a radical change from the current law. My neighbors simply ask that their property rights be restored, and I don't think that is asking too much. Measure 49 will take away those rights, which just isn't fair.

Second, Measure 49 is completely unworkable. It was written behind closed doors, without any public input. I am concerned that Oregon's dedicated public servants will not be able to apply Measure 49 because the measure is so poorly written.

When that happens, city, county and state employees often bear the brunt of the public's frustration for the mistakes of politicians. Given how poorly written Measure 49 is, I am afraid there will be many frustrated Oregonians.

Third, Oregon has a proud tradition of open and transparent government. But the process used to draft Measure 49 was anything but open or transparent. In fact, the public was never allowed to testify on Measure 49! If Measure 49 passes, I can guarantee that in the future the public will be excluded from the process. Oregonians cannot let that happen.

Finally, Oregonians have already spoken with one loud and clear voice on this issue. How many times are the politicians going to try to override the will of the people, and how many times are we – the people – going to have to reaffirm our vote before the politicians finally get the message?

Please join me in voting NO on Measure 49.

Ken Marshall, Medford

*(This information furnished by Ken Marshall.)*

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## **Argument in Opposition**

PLEASE, treat others the way you would like to be treated!

In 1921, President Harding, using the Homestead Act, created our private land. For over 35 years, this beautiful and pristine land, brimming with wildlife, has been home.

We are conservationists, having protected over 170 acres of this spectacular habitat. Our dream is to develop a small Eco Retreat Center for others to experience God's beauty, refreshment, solitude, and inspiration.

We join 7,000+ families, filing M#37, who have dreams for their land. We have invested our lives and thousands of dollars, expecting fair treatment, jumping every "hoop". Now, M#49 threatens to sweep it all away. Below are 3 reasons why we believe you should consider voting No.

1) In 1973, the State of Oregon made a promise to its citizens: When property rights are taken away, those experiencing loss will be fairly compensated. This never happened, until M#37. Now, M#49 further dishonors and buries those promises. When our Government does not honor its' word with any one group, we are all threatened.

2) M#49 supporters throw around the number of acres for proposed development, trying to create shock value. The truth is that Government owns and controls over one-half of all Oregon land. The truth is that the 7,000+ claims represent less than 1.25% of Oregon's land. Not mentioning this is like selling a car at so much a month, with no mention of the number of months or total price. Private landowners have a conscience: we care about a healthy, balanced, beautiful Oregon environment, without heaping more M#49 government restrictions.

3) We all need good development: Homes, food production, sanitation, medical/dental, clean water, etc. In our free society, there are always a few folks with low morals: people in development being no different. We all take off our shoes at the airport because of the few: we don't close the airports.

M#49 is a destroyer of integrity, incentive, and fairness. Thank you for caring!

*(This information furnished by Jesse and Elaine Pattison.)*

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## **Argument in Opposition**

The Holtan Family Asks You to Vote **"NO"** on Ballot Measure 49

My name is Eric Holtan. Our family farm is located in rural Yamhill County. Our farm has been in the Holtan family for three generations.

In 2003, my father became very sick, and my mother needed help taking care of my father and the family farm. My wife and I wanted to move to the farm to help my mother and father, but land use laws would not allow it.

My father passed away just after the November 2004 elections, that's when Oregonians changed the law to make it possible for families like mine to move back to the family farm. Measure 37 made it possible for us to build a home on the farm, and be there for my mother.

Measure 49 will change all of that, by making radical changes to the law. Measure 49 would make it nearly impossible for young families like mine to ever be able to move back to the family farm because of Measure 49's hidden costs:

- Measure 49 allows government to charge families any amount just to build one home.
- Second, Measure 49 allows anyone in the entire state of Oregon to file a lawsuit to stop family farms from passing on to future generations, forcing young families like mine to bear the cost of expensive attorneys, just because they want to preserve their family's farm!
- Finally, Measure 49's filing requirements are so burdensome that the cost of complying with Measure 49 would make it impossible for young families living on the family farm.

Measure 49 is a bad idea, and will change the law so dramatically that young families will never be able to move out to the family farm.

Please join my family in voting NO on Measure 49

*(This information furnished by Eric Holtan.)*

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## **Argument in Opposition**

As a former Mayor and land use hearings officer I understand the frustration many citizens have with overbearing land use regulations and the Department of Land Conservation and Development.

I did not vote for Measure 37 but represent some Measure 37 claimants. In doing so, I have been appalled at how poorly citizens have been treated by the State (DLCD). I believe DLCD has deliberately violated the law and put elderly ordinary citizens, in a position where they have to sue the State in court for relief. Last May, DLCD, in collusion with a small number of legislators, concocted Measure 49 behind closed doors. They are now asking the voters to pass a measure that is flawed and will not work.

Measure 49 designates as high value farmland most properties in Central Oregon even though there are no water rights on the land or soils to support agricultural activity. Sagebrush and juniper as high value farmland? Nonsense!

Measure 49 penalizes innocent citizens who, in reliance on Measure 37 waivers, spent their hard earned resources to file land use applications. Measure 49 does not grandfather those persons in as has been done in the past. Instead, your fellow citizens will lose not only their rights but also their hard earned savings.

There is a better approach. The State can reform our land use system by allowing a certain level of rural development on lands that do not have high value for agricultural or forest uses or are in sensitive environmental areas. The State has rejected innovative measures and believes that the

overbearing regulations that were the cause of Measure 7 and Measure 37 must stand. Do not be deceived. If Measure 49 passes, there will be no incentive for the State to initiate reform. Vote No on Measure 49 and force the State to initiate meaningful reform in our land use system.

Ed Fitch, Attorney at Law, Redmond

*(This information furnished by Edward Fitch, Attorney at Law.)*

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## **Argument in Opposition**

### **The Jackson County Farm Bureau Asks Oregonians to Please Vote NO on Measure 49**

Please Do Not Hurt Oregon Agriculture!

Ballot Measure 49 is a radical departure from the current law in Oregon. Under current law, farm families can easily hand down the family farm through the generations.

But Measure 49 changes all of that. If Measure 49 passes, the ability of farms to stay in the family will be put in jeopardy. And all of Oregon agriculture will be seriously hurt.

Under Ballot Measure 49, if a farmer wants to pass his farm down to his children or grandchildren, anyone in the state of Oregon can sue the farmer to stop him! That means a farmer in Jackson County can be sued by someone all the way up in Portland, just because the farmer wants to build a home for his daughter or son on the family farm!

Farming is hard, honorable work. Do Oregonians really want to repay farmers with the threat of years of endless lawsuits?

#### **When will the attack on rural Oregon ever stop?**

Oregon's land use system is seriously broken. Measure 49 only makes things worse for those of us who make our living off of the land.

Many in Oregon's farming industry tried to tell the Legislature that Measure 49 would seriously hurt farming and farm families in Oregon, but the Legislature wouldn't allow **ANY** public comment on Measure 49 during the committee process.

Don't fall for the trickery behind Measure 49. If you take the time to read all 21 pages of the Measure, you will find out Measure 49 isn't all that it is cracked up to be.

**Please join President Ron Bjork and the Jackson County Farm Bureau and vote NO on Measure 49!**

*(This information furnished by Ron Bjork, Jackson County Farm Bureau.)*

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## **Argument in Opposition**

### **MEASURE 49 MAKES PARENTS AND GRANDPARENTS CHOOSE**

Vote **NO** on Measure 49

As parents and grandparents, we are asking that you vote NO on Measure 49.

We are the proud parents of five children, and grandparents of five grandchildren. We have owned our property in Clackamas County since 1960. Recently we received permission under the current law to allow us to divide up our property so that we could give each child and grandchild a piece of our property to call their own.

More importantly, the current law allows us to keep our property in the family.

Measure 49 will not allow us to pass our property on to our children and grandchildren. Measure 49 is a drastic departure from current law. Under Measure 49, we may only be able to divide our property into two parcels – in addition to the parcel our home currently sits upon.

Measure 49 is so poorly written, no one can say with any certainty that Measure 49 would help us at all.

That means that we are going to have choose which of our children and grandchildren will get one of the two parcels that Measure 49 might allow.

We have already invested our life's savings into our property. Measure 49 will force us to re-file with the government, with no promise that we will get any relief whatsoever. Measure 49 allows the government to regulate virtually all the value of your property without providing any compensation. The only thing we are guaranteed is that under Measure 49, we stand to lose everything we have invested.

Measure 49 is a very bad idea. Measure 49 will force families like ours to make choices that the current law does not. There is no reason why the current law should be changed so radically and in such a way that penalizes families like yours and ours.

Please join us in voting **NO** on Measure 49.

Mr. and Mrs. Gerald Curry  
Estacada

*(This information furnished by Gerald Curry and Roberta Curry.)*

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## **Argument in Opposition**

Dear Oregonians:

Many constituents claim Legislators don't think of the long term consequences of votes in the House of Representatives. Now it is your turn.

Think before voting. Measure 49 repeals the intent of Measure 7 struck down by an activist Supreme Court thwarting the will of the people. Measure 37's implementation was partially blocked by the Attorney General's February 24, 2005 legal opinion thwarting the will of the people. Our Democrat Governor talks about flawed language in his letter to your home but helped block fixes in the Legislature.

Think before voting. The ballot title, measure text, and explanation statement are not neutral or bipartisan in any manner as normally required by the law. The Democrat controlled House inserted this Measure into the Voters' Pamphlet based on a party line vote. Every House Republican opposed stacking the deck against the public. The Democrat controlled Joint Committee on Land Use Fairness amended what you read without a public hearing, with only three hours public notice, and on a pure Democratic party line vote. Check the public record at [www.leg.state.or.us](http://www.leg.state.or.us).

Think before voting. Rhetoric reigns. Chicken little claims the sky is falling as irreplaceable agriculture and forest lands are decimated. Fact or fiction? The public record shows the forest industry opposed the House bill creating this Measure. Farm organizations are on the public record as opposing the same. Federal records show Oregon farmers were subsidized \$74 million dollars in 2006. Farmers were paid not to plant crops on Oregon lands. State records show 500,000 acres in conservation reserves. Another 2.1 million acres sit fallow according to official State documents.

Think before voting. Do you own your home? Do you really own your land? Should citizens have property rights? Can a father allow his son to build a home for his children on the family farm? The governing elite and bureaucracy have said no. You should say No to Measure 49.

Respectfully,

Brian J. Boquist  
State Representative

*(This information furnished by Brian J. Boquist, State Representative.)*

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## **Argument in Opposition**

### **Americans for Prosperity – Oregon Urges a “No” Vote on Measure 49**

Measure 49 would allow the government to take your property without paying you for it.

The U.S. and Oregon Constitutions guarantee that you will be compensated if government takes your property. For almost 40 years, Oregon's land use system has refused to recognize this simple Constitutional guarantee.

Under current law, if government takes an action that reduces your property value, they have to pay you.

Measure 49 would undercut our own Constitution.

Measure 49 would allow government to take your property for the benefit of private companies – including out-of-state companies.

Please join us in voting “No” on Measure 49

Americans for Prosperity – Oregon  
www.americansforprosperity.org  
Oregon\_AFP@yahoo.com

*(This information furnished by Jeff Kropf and Matt Evans, Americans for Prosperity - Oregon.)*

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## Argument in Opposition

Laws that affect important public issues, like Measure 49, deserve the full protection of the legislative process. The people of Oregon may disagree as to whether Measure 49 is good or bad public policy, but public testimony before the Legislature assures the integrity of the process. In refusing to allow a single substantive public hearing on Measure 49, the Legislature violated a fundamental principle: the people's business requires the input of the people.

Equally disturbing is the Legislature's actions to prevent judicial review of the Measure 49 ballot title. The people of Oregon may contest a ballot title if, in a citizen's judgment, the title is unfair (ORS 250.085). For Measure 49, the Legislature used a separate bill (HB 2640) to **FORBID** a challenge to the ballot title. Specifically, the Legislature stripped the Oregon Supreme Court of the power to review. This intentionally negates the people's ability to contest a ballot title that, by any objective measure, does not fairly describe Measure 49.

All Oregonians should be concerned about the “jurisdiction stripping” provisions attached to Measure 49. It is fundamentally bad policy for the Legislature to strip away Court jurisdiction over a specific matter and prohibit Court review of a ballot title. It takes little imagination to see how the Legislature's abuse of “jurisdiction stripping” provisions can lead to fundamental breaches in the rights we all enjoy as Oregonians.

Measure 49 has pros and cons depending on one's perspective. However, the Legislature's refusal to allow a discussion of the pros and cons and its prohibition of Court review for the ballot title is not consistent with what we must demand of our elected officials. The people's business is too important to be held captive to partisan politics in Salem. Vote NO on Measure

49 and send the Legislature a message that the integrity of the legislative process and judicial review must always be preserved for the people.

*(This information furnished by Paul Hribernick.)*

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## **Argument in Opposition**

### **OREGON ORCHARDISTS ASK YOU TO VOTE NO ON MEASURE 49**

We raise a diverse range of crops including pears, apples, and hazelnuts.

Although we don't raise the same types of crops, we do have one thing in common: We all oppose Measure 49.

When you commit to planting an orchard, you commit to years of expenses before you get a crop. Like timber, our type of farming is a long-term investment. We consider all the risks when we make those investments in the future.

Measure 49 would grant the government the power to take the value and use of private property without compensation.

That risk would jeopardize future investment by family orchardists. We already make long term investments facing the uncertainty of global competition, changes in climate, and uncertain government labor policies. If government can take our property without compensation, the risk becomes too much.

Who would make long-term plans if you will lose your investment with the stroke of a bureaucrat's pen?

### **That's why we urge a No Vote on Measure 49!**

What About Subdivisions and Farmland?

It is laughable that those supporting Measure 49 are talking about farmland and subdivisions.

These are the same people and special interest groups that have supported the state land use regulatory system, a system which has forced large scale development onto the prime farmland around Portland, Salem, Eugene, and Medford for over 30 years.

Measure 49 will force large scale developments onto prime farmland near cities and lock away unproductive areas, all at the expense of the property owner, Oregon agriculture, and those of you sitting in traffic.

**Measure 49 undermines Oregon agriculture. Please Vote No on Measure 49.**

Debra Laraway, apple grower, Hood River County  
Phil Downing, hazelnut grower, Washington County  
Frances Y. Benton, pear grower, Hood River County

*(This information furnished by Debra Laraway, Laraway & Sons Inc.; Phil Downing, Downing Nut Farm; Frances Y. Benton, Benton Orchards.)*

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## **Argument in Opposition**

### **THE ALBANY DEMOCRAT-HERALD CALLS THE YES ON MEASURE 49 CAMPAIGN “A PILE OF BALONEY”**

The *Albany Democrat-Herald* said this about supporters of Measure 49: “The campaign for Measure 49 has begun, and if the start is any indication, you are in for a pile of baloney.” *Albany Democrat-Herald*, August 10th, 2007.

Supporters of Measure 49 will say just about anything to scare you about Measure 37. Here are the facts about Measure 37:

1. There have been approximately 7,562 claims filed under Measure 37. (Source: Portland State University Measure 37 Database Website, <http://www.pdx.edu/ims/m37database.html>, last visited August 30th, 2007).
2. The amount of land that is subject to Measure 37 claims is approximately 1% of the land in Oregon. (Source: Portland State University Measure 37 Database Website, <http://www.pdx.edu/ims/m37database.html>, last visited August 30th, 2007). That means 99% of Oregon is unchanged by Measure 37.
3. The average home site created by Measure 37 is 13 acres. Source: Portland State University website, <http://www.pdx.edu/ims/m37.html>, last visited August 30th, 2007). 13 acres is roughly the size of 13 city blocks. These are the “massive subdivisions” that opponents keep talking about. Look around, have you seen these massive subdivisions?
4. Measure 37 doesn’t allow any use that will endanger the public’s health or safety. See ORS 197.352(3)(B). In order to make a Measure 37 claim, you must prove there is adequate water (you can’t dry up your neighbor’s wells), adequate sewer disposal (you can’t pollute), adequate roads, adequate fire/police protection etc. All health and safety regulations must be complied with.

As the *Democrat-Herald* notes, “The idea now is to scare us about Measure 37’s effects.” *Albany Democrat-Herald*, August 10th, 2007. These are the tactics of Measure 49 supporters. Now that you know the facts, you shouldn’t be scared.

*(This information furnished by Ross Day, Director of Legal Affairs, Oregonians In Action.)*

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## Argument in Opposition

### **MEASURE 49 SIMPLY DOES NOT WORK!**

Don't vote to penalize Oregonians who followed the law!

Thousands of your fellow Oregonians have spent a lot of money – some people have invested their entire life savings – following the current law, trying to get their property rights back.

These Oregonians have followed the rules, jumped through all the hoops the government put in their way, all just to get their rights back. Measure 49 threatens everything your fellow Oregonians have worked so hard for.

Under Measure 49, property owners who have received waivers to use their property under current law will have to re-file their applications, satisfy a whole new set of criteria, and run the risk of the government denying any relief whatsoever.

### **It's the language of the Measure that counts:**

Supporters of Measure 49 claim that Measure 49 does not require any property owners to re-file anything. But a quick read of Measure 49 shows that Measure 49's supporters simply are wrong:

- Section 6(6)(d) requires claimants to re-file their claims using tougher new standards that weren't required under Measure 37
- Section 8(2)(b) requires the Department of Land Conservation and Development to identify the information that a property owner has to file under Measure 49
- Section 8(3) explains that a property owner must file the form requirement by the Department of Land Conservation and Development, along with any information required by the form.

By requiring new information, and new filings, Measure 49 puts at risk the investments of thousands of Oregonians who have done nothing more than follow the law and played by the rules.

**Despite what supporters of Measure 49 are claiming, the fact is that Oregonians are going to have to go through the application process yet again if Measure 49 passes.** This is simply not fair.

When you read Measure 49, it is easy to see that Measure 49 simply will not work.

Please vote NO on Measure 49.

*(This information furnished by Frank L. Nims, President, Oregonians In Action.)*

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## Argument in Opposition

## **Don't Let Out-Of-State Corporations Take Your Property! Stop the Measure 49 Trojan horse!**

Measure 49 will allow government to take your private property, without compensation, to benefit a single corporation.

They didn't tell you that in the misleading ballot title did they?

### **Here's what happens if Measure 49 passes:**

Let's say that some local politicians want to help a big corporation. The big corporation says that it wants your property as a "buffer," the local politicians can pass a law or regulations that prohibits you from using your property – without one dime of compensation. You paid for the land with years of hard work, and the corporation gets all the benefits. The politicians pay you nothing for the use of your land...and you lose your life's savings.

That is why Measure 49 is so unfair.

That is why so much money is pouring in from corporations and their front groups to pass an Oregon ballot measure, its why Measure 49 was so controversial that it only passed the Legislature by a single vote, that is why the Legislature refused to hold even one public hearing to expose the real intent.

**Measure 49 is a Trojan horse – it is what is hidden inside the measure that will steal the property and life work of thousands of real Oregonians.**

Don't let them fool you with talk of farmland and groundwater – this Measure is about one thing, letting government take your property without compensation. The farmland talk is the "Trojan Horse" to get you to grant them the power to take your property!

Please Read Measure 49 carefully, and we are positive that you will join us in voting **No on Measure 49.**

*(This information furnished by Ashley Overman.)*

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## **Argument in Opposition**

### **PLANNING OFFICIALS ASK YOU TO VOTE NO ON 49**

As planning commissioners/community planning organization presidents, we have a unique understanding of how zoning and planning works in our areas, and of Oregon's unique and controversial land use laws.

**We have each examined Measure 49 in detail, and urge you to vote NO on this badly flawed measure.**

Measure 49 erases what little control Oregon property owners maintain in their property. It allows state and local governments to take your property without just compensation.

We have seen countless examples in our duties as planning commissioners of property owners making perfectly reasonable requests to use their property which were not allowed by our current land use system.

It is very frustrating to have to tell a property owner that they can't do something that makes perfect sense.

If Measure 49 passes, we'll be doing that a lot.

Matt Green-Hite, Gladstone Planning Commissioner  
David Jaques, Douglas County Planning Commissioner  
Don Moore, Josephine County Planning Commissioner  
Jerry Olsen, Estacada, Community Planning Organization President  
Rich Raynor, Douglas County Planning Commissioner

*(This information furnished by Matthew Green-Hite, CPA, Gladstone Planning Commission Chair; David Jaques, Planning Commission Chairman 12 years, Douglas County Planning Commission; Don Moore, Josephine County Planning Commission; Jerry Olsen, CPA; Rich Raynor.)*

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## **Argument in Opposition**

**Please vote No on Measure 49.**

Big Money Special Interests, Backed by Out-of-State Corporations are Supporting Measure 49...  
...here are a few reasons we recommend a No vote on Measure 49:

### **#1 They Have Tried To Fool You:**

The Oregon Legislature narrowly passed Measure 49 by one vote, but refused to allow even 1 public hearing on this very controversial bill. They also drafted a title for the ballot that was completely misleading, and then added a provision stripping Oregonians the fundamental right to appeal for a fair and unbiased ballot title.

### **#2 They Have Tried Mislead You:**

The ballot title states that Measure 49 will protect farmland, forestland, and ground water. This is untrue. Look around, over the past 30 years Oregon's state land use laws has directed the building of subdivisions around Portland, Hillsboro, Salem, Albany, Eugene, and Medford on "prime farmland." That continues whether Measure 49 passes or not. Why would the Legislature

need our statewide vote to protect groundwater? It is condescending that they think they can mislead Oregon voters with a ballot title would insult us with this ballot title.

### **#3 What Do They Have To Hide??**

Measure 49 makes a dramatic change to property law in Oregon. It would allow state and local governments totake your property without compensation. If you vote for Measure 49 you are surrendering the protections in current law for the property you own, or every property you or your children hope to own in the future.

Measure 49 is a radical change to state law that allows government to literally steal private property. We cannot give up such precious protections.

Please Vote No On Measure 49

*(This information furnished by Frank Mills.)*

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## **Argument in Opposition**

**Before voting on Measure 49, ask yourself these questions:**

1. Why did the legislature refuse to hold even one public hearing on Measure 49 before they sent it to voters?
2. Why did the legislature reject the Oregon Attorney General's neutral and unbiased ballot title for Measure 49?
3. Why did the legislature refuse to allow the public to comment on the ballot title they prepared for Measure 49?
4. Why did the legislature refuse to allow the Oregon Supreme Court to make sure the ballot title for Measure 49 was not biased misleading or inaccurate? Every other ballot title can be reviewed by the Supreme Court, why not Measure 49's ballot title?
5. How is Measure 49 a "compromise" when the Measure was approved by the legislature along party lines? Why didn't the legislature pass a proposal that had broad, bipartisan support?
6. Why won't Measure 49 supporters tell you that any property owner in Oregon can be sued by anyone for wanting to put just one home on their property?
7. Why won't Measure 49 supporters tell you that under Measure 49, your home and property can be taken by the government without compensation, and if you try and get your property back, you will have to pay your attorney, your appraiser, the government's attorney, and the government's appraiser, even if you win your case?

Unfortunately, there are no good answers to these questions. **Which is part of the reason why we urge a NO vote on Measure 49.**

Measure 49 is no "compromise." It doesn't fix anything. It makes sweeping changes to Oregon law. Please reject Measure 49.

*(This information furnished by David J. Hunnicutt, Stop Taking Our Property PAC.)*

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## **Argument in Opposition**

As a former Mayor and land use hearings officer I understand the frustration many citizens have with overbearing land use regulations and the Department of Land Conservation and Development.

I did not vote for Measure 37 but represent some Measure 37 claimants. In doing so, I have been appalled at how poorly citizens have been treated by the State (DLCD). I believe DLCD has deliberately violated the law and put elderly ordinary citizens, in a position where they have to sue the State in court for relief. Last May, DLCD, in collusion with a small number of legislators, concocted Measure 49 behind closed doors. They are now asking the voters to pass a measure that is flawed and will not work.

Measure 49 designates as high value farmland most properties in Central Oregon even though there are no water rights on the land or soils to support agricultural activity. Sagebrush and juniper as high value farmland? Nonsense!

Measure 49 penalizes innocent citizens who, in reliance on Measure 37 waivers, spent their hard earned resources to file land use applications. Measure 49 does not grandfather those persons in as has been done in the past. Instead, your fellow citizens will lose not only their rights but also their hard earned savings.

There is a better approach. The State can reform our land use system by allowing a certain level of rural development on lands that do not have high value for agricultural or forest uses or are in sensitive environmental areas. The State has rejected innovative measures and believes that the overbearing regulations that were the cause of Measure 7 and Measure 37 must stand. Do not be deceived. If Measure 49 passes, there will be no incentive for the State to initiate reform. Vote No on Measure 49 and force the State to initiate meaningful reform in our land use system.

Edward Fitch, Attorney at Law, Redmond

*(This information furnished by Edward Fitch, Attorney at Law.)*

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## **Argument in Opposition**

**ISSUE: COMPENSATION**

**If Measure 49 passes, government can take your home and property without compensation.**

Why? Because if Government takes your property, and you ask for it back, Measure 49 requires you to pay for two appraisals of the property. Section 12(2). Your appraiser is required to determine the fair market value that's been taken from you using an interest rate for a one-year Treasury Bill. Section 12(2).

Unfortunately, one-year Treasury Bills haven't been sold since 2001!

That means your appraiser can't calculate the value of your property that has been taken. Measure 49 makes it impossible to prove your case!

**That's just the beginning.** Measure 49 allows the government to charge you a "fee" to "review your claim." Section 13(3). That "fee" will include charges for the government's appraisers to review your claim, the government's lawyers to review your claim, the government's planners to process your claim, and the government's hearings officer to conduct a public hearing on your claim.

And all this because you dared to ask for your property back!

**But that's not all.** If government takes your property, and you file a claim to get it back, you will have to endure at least one government hearing on your claim, where anyone can show up and oppose you. Section 14(1). If the government decides to give you your property back, anyone who appeared at the public hearing (even if they just sent an e-mail) can sue you in the local court! Section 16(1).

**It gets even worse.** Even if you win, and the government gives you your property back, you will still have to pay your attorneys and appraisers and the government's attorneys and appraisers. Why? Because Measure 49 changes Oregon law to eliminate your right to recover your costs to get your property back! Section 4.

The point is simple. Nobody will have any protection for their home and property if Measure 49 passes.

Dale Riddle, Attorney at Law, Eugene

*(This information furnished by Dale Riddle, Attorney at Law.)*

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## **Argument in Opposition**

### **ISSUE: WHY WAIVERS AREN'T TRANSFERABLE UNDER MEASURE 49**

Supporters of Measure 49 are making claims about Measure 49 that are simply false.

Supporters of Measure 49 claim that Measure 49 makes "waivers" transferable

## **Read the text of Measure 49 and decide for yourself:**

For Measure 49 claims made before June 28th, 2007, Section 11.(6) says:

(6) An authorization to partition or subdivide the property, or to establish dwellings on the property, granted under section 6, 7 or 9 of the 2007 Act runs with the property and may be either transferred with the property or encumbered by another person without affecting the authorization.

Nowhere in this section does it say “Waivers are transferable”. The term “waiver” is specially defined in Measure 49 in Section 2.(21). If the Legislature meant for “waivers” to be transferable, the Legislature would have said so. Instead, this section says that “authorizations” (i.e. permits) are transferable.

Permits are transferable under current law. Measure 49 does not change the current law to allow for “transferability of waivers”.

For Measure 49 claims made after June 28th, 2007, Section 12.(6) of Measure 49 says

(6) A use authorized by this section has the legal status of a lawful nonconforming use in the same manner as provided by ORS 215.130...When a use authorized by this section is lawfully established, the use may be continued lawfully in the same manner as provided by ORS 215.130.

**What this means is that property owners who file a Measure 49 claim after June 28, 2007, must establish the use of the property (i.e. build the house) before the property can be sold. This is exactly what supporters of Measure 49 say is the status of the current law.**

Measure 49 does not change the current law, which means Measure 49 does nothing to change transferability.

When you take the time to read Measure 49, you realize that Measure 49 simply doesn't work.

Ross Day, Attorney at Law, Tigard

*(This information furnished by Ross A. Day, Attorney at Law.)*

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## **Argument in Opposition**

### **ISSUE: WHY MEASURE 49 WILL MAKE YOU PAY THE GOVERNMENT TO GET YOUR RIGHTS BACK**

Supporters of Measure 49 are making claims about Measure 49 that are simply false.

But here is something the Supporters of Measure 49 **are not** telling you.

Under Measure 49, you are no longer able to recover your attorney fees. What is worse, under Measure 49, you may have to pay for the **government's** attorney fees and appraisals.

**Read the text of Measure 49 and decide for yourself:**

Section 4 of Measure 49 repeals your right to recover your attorney fees.

Section 8.(5) of Measure 49 allows the government to collect the “actual and reasonable cost of the review [of your claim]”.

Section 13.(3) of Measure allows the government to “impose a fee for review of a claim filed under [Measure 49] in an amount not to exceed the actual and reasonable cost of reviewing the claim.”

Under Measure 49, not only do you lose your right to recover attorney fees, but the government can actually **charge you** for the cost of reviewing your claim – which will include, undoubtedly, the cost of having the government's lawyers review your claim.

Also, under Measure 49, the government will be able to charge you for other costs like land use planners and the government's own appraisal. The government's appraisals alone will cost thousands of dollars that the government can make you pay for under Measure 49 before you can get your right to do anything on your property.

When you take the time to read Measure 49, you realize that Measure 49 simply doesn't work.

Please vote **NO** on Measure 49

Eric Winters, Attorney at Law, Wilsonville

*(This information furnished by Eric C. Winters, Attorney at Law.)*

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## **Argument in Opposition**

### **ISSUE: WHY THE GOVERNMENT WILL NEVER PAY YOU COMPENSATION FOR TAKING YOUR PROPERTY**

Supporters of Measure 49 are making claims about Measure 49 that are simply false.

Supporters of Measure 49 claim that it entitles you to compensation when government takes your property, if you can prove the value of what they've taken.

The problem is that Measure 49 creates a formula that makes it impossible to prove how much the government has taken from you.

**Read the text of Measure 49 and decide for yourself:**

Section 7.(6) says:

“The reduction in the fair market value of the property caused by the enactment of one or more land use regulations that were the basis for the **claim is equal to the decrease, if any, in the fair market value of the property from the date that is one year before the enactment of the land use regulation to the date that is one year after enactment, plus interest;**” and,

“Interest shall be computed under this subsection using the **average interest rate for a one-year United States Government Treasury Bill on December 31 of each year** of the period between the date the land use regulation was enacted and the date the claim was filed, compounded annually on January 1 of each year of the period.”

This formula won't work because one-year Treasury Bills haven't been sold since 2001. Second, by limiting the amount of decrease to a single year after its adoption the market won't have adjusted to reflect the regulation's long term impact.

Under Measure 49 your loss is limited to one year's decrease in value, even if you have owned the property for 30 years. But even that won't work because you can't calculate your loss.

**In plain English, you get nothing.**

When you take the time to read Measure 49, you realize that Measure 49 simply is not as advertised.

Vote **NO** on 49

Sean Smith, Attorney at Law, Cottage Grove

*(This information furnished by Sean Smith, Attorney at Law.)*

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## **Argument in Opposition**

### **ISSUE: MAKING PROPERTY OWNERS RE-FILE THEIR MEASURE 37 APPLICATIONS**

Supporters of Measure 49 are making claims about Measure 49 that are simply false.

Supporters of Measure 49 claim that current Measure 37 claimants will not have to re-file applications under Measure 49.

**Read the text of Measure 49 and decide for yourself:**

Section 8.(2)(b) of Measure 49 requires the Department of Land Conservation and Development to identify the information that a property owner has to file under Measure 49.

Section 8.(3) of Measure 49 explains that a property owner must file the form requirement by the Department of Land Conservation and Development, along with any information required by the form.

**But the worst part is this. Not only do you have to re-file your claim, but Measure 49 significantly changes the rules that you must meet, meaning many Measure 37 claimants will lose their claim.**

By requiring new information, and new filings, Measure 49 puts at risk the investments of thousands of Oregonians who have done nothing more than follow the law and played by the rules.

Despite what supporters of Measure 49 are claiming, the fact is that Oregonians are going to have to go through an application process yet again if Measure 49 passes.

When you take the time to read Measure 49, you realize that Measure 49 simply doesn't work.

Please vote **NO** on Measure 49

Cameron Krauss, Attorney at Law, Glendale

*(This information furnished by Cameron Krauss, Attorney at Law.)*

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## **Argument in Opposition**

### **ISSUE: WHY THE "1 TO 3 HOME EXPRESS LANE" DOESN'T WORK**

Supporters of Measure 49 are making claims about Measure 49 that are simply false.

Supporters of Measure 49 who drafted the Explanatory Statement for Measure 49 say "Claimants may build up to three homes if allowed when they acquired their properties."

#### **Read the text of Measure 49 and decide for yourself:**

Under Measure 49, there are different requirements for the "1 to 3 home option" depending on where you live.

If you live outside a UGB, Section 6(6) of Measure 49 says that in order to get 1 to 3 homes you must prove 6 things, including:

(d) One or more land use regulations prohibit establishing the lot, parcel or dwelling;

Under Measure 49, in order to get 1 to 3 homes, you must have 1) already filed a Measure 37 claim, and 2) prove there is one or more land use regulations that **prohibit** establishing the lot, parcel or dwelling.

That is a much tougher standard than current law, which requires you to show that a land use regulation “**restricts**” the use of your property.

The distinction is critical because most rural families are prevented from building one home on their property by a **restriction**, like LCDC’s \$80,000 rule or a wildlife habitat overlay.

These are examples of restrictions – they don’t stop you from building, they tell you under what conditions you can build. These restrictions have led to most Measure 37 claims.

There are many other laws out there that are restrictions, not prohibitions, on your ability to use your land. Those laws are **NOT** subject to Measure 49.

**Which means that if at the time you bought your property you could have built three homes, but you can’t build three homes now because of a land use restriction, Measure 49 wipes out your claim.**

Take the time to read Measure 49. It simply doesn’t work.

Dave Hunnicutt, Attorney at Law, Tigard

*(This information furnished by David J. Hunnicutt, Attorney at Law.)*

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## **Argument in Opposition**

Do you need more information about Measure 49?

**Go to [www.stoptakingourproperty.com](http://www.stoptakingourproperty.com)** and you can find out what Measure 49’s supporters aren’t telling you.

You can also read the text of Measure 49 for yourself, and hear what experts say about Measure 49 and what changes it makes to Oregon law using the exact language of the measure.

The exact language of Measure 49 is important, because it’s the language of Measure 49 that judges and lawyers are required to follow if they are asked to sort out the mess that Measure 49 would create.

[www.stop49.com](http://www.stop49.com)

MEASURE 49 – A WOLF IN SHEEP’S CLOTHING

*(This information furnished by David J. Hunnicutt, Director, Stop Taking Our Property PAC.)*

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## **Argument in Opposition**

PLEASE VOTE NO ON MEASURE 49

“IF WE CAN STACK PEOPLE UP IN TOWN AND PUT THEM IN A FOOD LINE WE WILL HAVE COMPLETE CONTROL,.” These were the words of a head land use planner in Polk County about 30 years ago. I have seen nothing contrary to that statement in 30 years. The agenda is to limit housing growth to the designated urban areas, and restrict rural housing to a minimum.

In 1973, passage of Senate Bill 100 initiated that process for Oregon. To preserve beautiful Oregon, “PLANNING” (land control) was initiated. Property rights were sacrificed without compensation to the landowner for loss of use or value.

Enron people have gone to jail for manipulating values of people’s investments in stocks. “PLANNING” has caused a manipulated loss of value for owners of rural land in this State since 1973 without compensation to the owner.

M-49

1. Land applications will be made to the State, rather than to the counties in which the land and usually the owner exists (state control rather than local control.)
2. One to three parcels will be hard to get and the State will designate where the parcels will be. They will contain a maximum of two acres, clustered together to make a mini-town, at a State designated spot on the property.
3. There is no time limit as to when the parcels will be approved by the State.
4. If there is an appeal, which can be brought by anyone, the applicant will be required to pay the government appraiser and attorney plus his own representation with no allowance for collection of those funds, even if the applicant prevails.
5. Vested use is mentioned several times but never defined, nor has it been for 30 years.
6. The legislature has completely disregarded the voice of the people in the Oregon Supreme Court upheld law of M-37 and the initiative process enacted by her citizen’s.

VOTE NO ON M-49.

*(This information furnished by Vern Ratzlaff.)*