

Oregon's record of restricting rights

by Randy Bright <http://www.tulsabeacon.com/?p=1191#more-1191>

The State of Oregon has long been the poster child for groups that want to restrict people's property rights.

In the early 1970s, the State of Oregon passed Senate Bill 100 and Portland passed its 1972 Downtown Plan, which led to severe restrictions on what private property owners could do with their property. Not surprising, environmental groups have had much to do with the legislation that has led to their restrictive laws and regulations.

As a result, Oregonians have attempted to pass several laws to curtail the abuse of regulations that affected the use of property and the values of property.

In 1998, two measures were brought to vote that would have restricted the ability of the state to regulate the use of land, but both failed.

In 2000, a law passed that would have required just compensation for the loss of the value of land due to new regulations, but the Oregon Supreme Court struck it down.

In 2004, Measure 37 passed, which was similar to the one that had failed in 2000. It not only required state or local government to compensate a land owner when new regulations affected his or her land values, but, if payment was not made within two years, it allowed a landowner to use the land under the regulations that had been in place when the land owner purchased it.

In 2006, Measure 39 was passed, which prohibited a government entity from taking land from one property owner and giving it to another under eminent domain.

As soon as Measure 37 was passed, environmentalists went to work to reverse it. In 2007, a highly controversial Measure 49 was passed, which reduced some of the provisions in Measure 37, as well as creating a "fast-track" path for smaller claims made under Measure 37.

Opponents of Measure 49 claimed that its passage would force nearly all people who had already made a claim under Measure 37 to start over. Because filing a claim could be a long, laborious and expensive proposition, opponents said it would be unfair to make people with prior claims go through the same process again.

After the passage of Measure 49, those who had made claims under Measure 37 had to wait up to two months to receive a packet from the State of Oregon, and they had only 90 days from the date of the cover letter in the packet, not the date they received it, to complete and return the form.

Measure 49 did not only affect urban property owners; it affected all property within the state of Oregon. Oregonians in Action published instructions to help people muddle through the new red tape that the Measure created. For example, under the "Express Lane" option, it states, "For

Measure 37 claimants with property outside the urban growth boundary, the “express lane” option...will likely be an attractive choice. Under the express lane provisions, rural Measure 37 claimants who could have built 1-3 homes on their property when they acquired the property will likely receive approval from the state to create three new parcels, with the right to place a single family dwelling on each parcel...claims on property inside the urban growth boundaries will not be able to take advantage of the express lane provisions, for reasons known only to the legislature.” It went on to say, “...claimants who requested more than three homes and would like to create more than what would be allowed under the “express” lane, there is the option of asking for up to 10 homes...However, this option is so complicated, expensive, and difficult that few, if any, Measure 37 claimants will be able to meet the standards. This option should really be called “the impossible dream”.

The provisions of Measure 49 are too long to explain in this column, but suffice it to say that it severely restricts what the residents of Oregon can do with their land.

Measure 49 also created a serious problem for property owners who had already begun work on homes or other projects after having received permits under Measure 37. They were required to go back through the approval process with no guarantee they would receive a new approval.

As we enter what promises to be a new era of government regulations, it is not unreasonable to expect new regulations such as these at the federal level despite the fact that we have models like Oregon that demonstrate how outrageously property rights are treated. Whether or not states’ rights can counteract what is heading our way remains to be seen. We already have too many regulations as it is.

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