

Merrill, Hannah

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Sent: Thursday, May 05, 2011 12:07 PM
To: Merrill, Hannah
Cc: Jo Anne Estes; Kai Ahlburg; Katie Krueger
Subject: CONSISTENCY REVIEW

COMMENTS AND RECOMMENDATIONS FOR CLALLAM COUNTY SMP UPDATE

2.TAKING OF PROPERTY VALUE

The SMP update should consider the TAKING of land value from private property owners with a 200 foot setback and the recent Oregon Superior Court State ruling.

The more private property that Clallam County SMP takes value from in critical areas, setback and buffer zones, the more loss of revenue Clallam County could lose on property tax.

Consider it carefully, the more Clallam County takes, the more Clallam County **may** eventually lose in revenue.

Oregon Voters May Require Compensation for Damage to Land Value Due to Regulations

Description Oregon high court upheld a measure that was passed in an election by the voters. The measure requires the state and local governments to compensate landowners if land use controls are imposed that cause significant damage to land value. Voters did not violate the federal or state constitution by imposing this requirement.

Topic Constitutional Law

Key Words Takings; Property Value

CASE SUMMARY

Facts Oregon voters approved a statute via the ballot box in the 2004 election. It requires the government to compensate landowners for reductions of real property fair market value due to land use regulations or to modify, remove, or not apply such regulations. Opponents of the measure sued to have it stricken as in violation of the federal and state constitutions on numerous grounds. A state trial court judge struck down the measure and an appeal was made to the Oregon high court.

Decision Reversed and remanded. The measure is constitutional. There is no unconstitutional limitation placed on the government's exercise of power to regulate land use. The Constitution neither expressly nor impliedly limited the power of the legislature, or the people to authorize state or local entities to decide whether to pay just compensation or to change or eliminate regulations that impact land value. The government has not waived its sovereign authority by the imposition of this measure, nor has anyone been deprived of due process.

Citation *MacPherson v. Dept. of Administrative Services*, 130 P.3d 308 (Sup. Ct. , Ore. , 2006)

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Trustee of the George C. Rains Trust

Private property owner

Member of the important work group to provide input