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County may waive Measure 37 fees

Commissioner C.W. Smith believes government shouldn't penalize people even more by charging them a fee to file a claim

By DAMIAN MANN
Mail Tribune

Jackson County commissioners are poised to grant refunds for Measure 37 claims filed so far and to waive future fees, though many communities in the state charge as much as the county did or more.

With 12 claims filed so far, the county could reimburse a total of \$1,800 in fees if the proposal is passed.

Commissioners were set to vote on the refund issue Tuesday, but Commissioner Jack Walker was in the hospital, suffering from an intestinal blockage caused by Crohn's disease.

The proposal would eliminate the county's \$150 filing fee for a Measure 37 claim and a \$44-per-hour charge for staff time to investigate the claim's validity.

Measure 37, approved by voters in December, allows property owners the right to file a claim with a government agency if they believe regulations have caused a loss in the value of their property.

The government agency either has to reimburse the landowner for the lost value or waive the regulations placed on the property if the claim is valid.

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Dave Gilmour said he's the only commissioner who feels the filing fee and hourly rate are fair compensation for the county's time.

"It's just to cover our costs," he said. "We don't want to make a profit."

Central Point charges a \$250 fee, Talent \$500 and Crook County \$1,500, although the latter plans to drop the fee to \$900.

Commissioner C.W. Smith said Measure 37 does not specify that a fee should be charged.

After discussing the matter with the county's attorneys, Smith said he concluded that there should be no fees.

He said the measure was designed to redress the harm government land-use rules have inflicted on property owners and not penalize people by charging them to file claims.

"Government has been like a bunch of school yard bullies stealing your lunch for a year," he said.

Smith doesn't believe the lack of fees will encourage more claims, but he does think that many property owners are taking a wait-and-see attitude before they file.

Gilmour said he hasn't heard any complaints from property owners and is surprised that his fellow commissioners want to eliminate the fees.

He thinks the county will now be stuck with the cost of having to establish the validity of claims that are sloppily prepared.

"I don't want to shift the costs to other taxpayers," he said.

Dave Hunnicutt, the measure's author and executive director of Oregonians in Action, said that as a practical matter, he didn't believe the Jackson County fee was out of line.

But he doesn't think the spirit of Measure 37 provides for fees and supports the commissioners' decision.

"On a philosophical basis, I couldn't agree more," he said.

He disputed Gilmour's contention that the county would get saddled with sloppily written claims.

"We should give more credit to the people filing Measure 37 claims," he



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said. "You don't punish the people doing the best they can."

Jackson County did have the most filings of Measure 37 claims last month, but it has since been surpassed by Washington County, which has 26.

Hunnicutt expects counties will see more claims, but not the rush predicted by some critics.

Hunnicutt said most cities and counties do have some kind of fee, although he expects many will likely reduce the fee in the near future.

Reach reporter Damian Mann at 776-4476, or e-mail dmann@mailtribune.com



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