POLK COUNTY
MEASURE 37
INFORMATION SHEET

Although there are no prerequisites for filing a claim, if any of the following information is missing or incomplete, your claim may be denied due to insufficient information, or the time to process the claim may be extended due to increased research by county staff.

☐ **1. Contact Information:** The contact person is the designated individual who county staff will notify regarding any claim procedures or decisions.

☐ **2. Proof of Current Ownership/Acquisition Date:** Proof, acceptable to the County, that the property is in the exclusive fee simple ownership of the owner(s) (deed or other legal instrument).

☐ **3. Proof of Family Ownership/Acquisition Date:** This is required for a compensation claim only. Proof, acceptable to the County, that the property was in the exclusive fee simple ownership of a family member of the current owner(s) (deed or other legal instrument).

☐ **4. Proof of Familial Relationship:** This is required for a compensation claim only. The owner shall provide a narrative and any necessary corroborating evidence describing the familial relationship between the current owner and the family member(s) whose ownership is the basis for the compensation claim.

☐ **5. Title Report:** A title report issued within the last 30 days, including the title history, a statement of the date the owner acquired ownership of the property, and the ownership interests of all owners. The title report must also specify any restrictions on use of the property unrelated to the land use regulation including, but not limited to, covenants, conditions and restrictions (CC&Rs), easements, contracts or other public or private regulations.

☐ **6. Copy of Regulations:** A copy of the land use regulation(s) (if any) in existence, and applicable to the property, when the current owner, and family member if the claim is for compensation only, became the owner of the property and a copy of the land use regulation that was enacted, enforced or applied to the property that the owner claims restricts the use of the property and, the owner claims, caused a reduction in fair market value.

☐ **7. Appraisals:** A copy of a written appraisal or appraisals by an appraiser, licensed as such in the State of Oregon, indicating the amount of the alleged reduction in the fair market value of the property by showing the difference in the fair market value of the property before and after enactment, enforcement or application of the land use regulation described in the claim and explaining the rationale and factors leading to that conclusion. [Note: The requirement of an appraisal may be waived by the Planning Director during the initial stages of review of a Measure 37 claim, but the submission of an appraisal may again be required for a final determination of compensation.]

Measure 37 Definitions:

(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 forgoing 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;

(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.

Regulations Not Subject to a Measure 37 Claim:

(A) Restricting or prohibiting activities commonly and historically recognized as public nuisances under common law.

(B) Restricting or prohibiting activities for the protection of public health and safety, such as fire and building codes.

(C) To the extent the land use regulation is required to comply with federal law;

(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 Constitution; 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.