

Ballot Measure 49: How It Works

Purposes

- Make it easier for claimants to gain approval for home sites previously allowed on their properties.
- Provide certainty for claimants who gain approval for home sites (transferability).
- Ensure that large claims document a loss in value that justifies the number of requested new home sites.
- Minimize lawsuits over ownership rights and impacts on neighbors and communities.
- Preserve farmlands and forests for agriculture and forestry and protect scarce groundwater supplies.
- Clarify Measure 37 going forward.

Official Measure 49 Ballot Title

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

" '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."

" '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."

Major Provisions

- **Create an “express lane” for claimants to develop up to three home sites.**
 - Must prove: Claimant had the right to develop the home sites when they acquired the property;
 - Results: Up to three home sites; no less than one dwelling in any case; development rights that are transferable to new owners
 - No need to re-apply;
- **Create a “conditional path” for claimants to develop more than three and up to ten home sites if they are able to demonstrate a loss of value that justifies the number of the new home sites requested.**
 - Must prove: Claimant had the right to develop the home sites when they acquired the property; loss of value (documented by an appraisal) that justifies the number of new home sites permitted.
 - Results: Up to ten home sites; maximum of 20 home sites in the state for claimants with claims for multiple properties; development rights that are transferable to new owners.
- **Limit development on high-value farmlands and forests and in groundwater-restricted areas to no more than three home sites.**
- **Minimize impacts on farmlands and in forests; protect farming and forestry.**
 - Limit home sites to two acres on high-value farmland and forests.
 - Require clustering of home sites on farmlands and forestlands.
 - Protect farming and forestry by extending Measure 37 going forward to statutes affecting farm and forest practices with exceptions for “human health and safety.”
- **Prohibit Measure 37 claims for commercial and industrial development where it doesn’t belong.**
 - State law requires cities and counties to reserve lands for industrial and commercial development—that will continue.
- **Extend Measure 37 rights to surviving spouses whose ownership rights did not qualify for standing under Measure 37.**
- **Make development rights transferable to new owners for “express lane” and “conditional path” claimants. New owners must exercise those rights within ten years.**
- **Clarify how Measure 37 will work going forward:**
 - Allow new claims to be filed within five years of enactment of new regulations that give rise to new claims.
 - Limit to residential uses and restrictions on farm and forest practices (see above).
 - Provide waivers or compensation to the extent needed to offset any reduction in value.
- **Hire a state ombudsman to help claimants and facilitate claims.**