

Submitter: Kim Evans
On Behalf Of:
Committee: Senate Committee On Natural Resources and Wildfire
Measure, Appointment or Topic: SB78

Testimony that I want entered is in opposition to SB78.

This is notice to cease and desist adversarial actions against private property owners in the State of Oregon, the addiction of all of these bills against property owners is seemingly an overreach and clear overall agenda. SB78 will not stand up to legal challenges. The State of Oregon CANNOT limit land owners replacing a dwelling by limiting square footage of that replacement dwelling. This is unconstitutional and nonsensical.

OREGON Supreme Court rulings for tools in constitutional challenges on land
State v. Mullen (1912)

- Summary: The Oregon Supreme Court ruled in favor of a private landowner in a dispute involving the state's attempt to interfere with land use. In this case, the court upheld the rights of the landowner, stating that government actions cannot encroach upon private property rights without proper authority or due process.
- Impact: This decision emphasized the protection of private property rights against government interference.

2. Klein v. Portland (1920)

- Summary: In Klein v. Portland, the Oregon Supreme Court ruled that the city could not unilaterally condemn or seize private property for public use without just compensation. The court found that Klein, a landowner, was entitled to compensation under the Constitution.

• Impact: This ruling reinforced the principle of just compensation for landowners when the government exercises eminent domain powers.

3. Green v. Oregon State Highway Commission (1959)

- Summary: In this case, landowners successfully challenged the Oregon State Highway Commission's attempt to take their land for the construction of a highway. The Oregon Supreme Court ruled that the landowners were entitled to more than just the market value of their property, as their specific situation required special consideration.

• Impact: This case expanded the protections afforded to landowners in eminent domain cases.

4. Seitz v. Multnomah County (1960)

- Summary: The Oregon Supreme Court ruled in favor of landowners in a case where Multnomah County attempted to take control of their property for public use. The court held that the county had not justified its action sufficiently and that the landowners were entitled to resist such a taking without adequate compensation.

• Impact: The ruling underlined the importance of ensuring government actions are proportionate and fair when it comes to property rights.

5. Nelson v. City of Portland (1967)

- Summary: In this case, a landowner challenged the city of Portland's land use restrictions, which limited how they could use their property. The Oregon Supreme Court ruled in favor of the landowner, finding that the city had overstepped its regulatory authority in imposing certain land-use restrictions without adequate compensation.
- Impact: This case affirmed that land-use regulations must be reasonable and cannot unduly restrict property rights without compensation.

6. Oregon v. Harvey (1974)

- Summary: A dispute arose between a private landowner and the state over the ownership of riparian land along a watercourse. The Oregon Supreme Court ruled in favor of the landowner, stating that the state did not have ownership of the land without sufficient legal justification, despite public interest in preserving waterways.
- Impact: This decision protected property rights by confirming that landowners could not be deprived of property without proper legal justification.

7. Blodgett v. State of Oregon (1980)

- Summary: In this case, the court ruled that the state's efforts to regulate land use in certain environmental zones did not justify depriving landowners of the full use of their property without compensation. The court found in favor of the landowner and reinforced the principle of just compensation for regulatory takings.
- Impact: The case reinforced the protection of landowners' rights against overzealous state regulations.