

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

I am opposing SB78. Again, this is over reach and is appearing to be a war on property owners in forest and farm zoning. It is irrational to limit the square footage size of a replacement dwelling if lost in a fire. It is abundantly clear the state of Oregon doesn't want anyone living in these areas and that is unconstitutional. This will not stand in court. These are just a couple of examples, out of many precedent cases, this diminishes the value of property owners lands who INSURE for the value of their current dwelling (and outbuilding structures lost) FOR REPLACEMENT as before or as they see fit. This is completely unconstitutional.

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.

Porter v. City of Portland (1997)

- Summary: The Oregon Supreme Court ruled that the city's regulation of certain development projects on private property violated the landowner's constitutional rights to freely develop and use their property. The court sided with the landowner, emphasizing the importance of not restricting property rights without clear, overriding public interest.
- Impact: This decision reaffirmed that government regulations must balance the public good and respect individual property rights.

Measure 37 (2004)

- Summary: This Oregon ballot measure allowed property owners to seek compensation if government regulations reduced the value of their land. The Oregon Supreme Court upheld Measure 37, ruling that landowners whose properties were significantly impacted by land use regulations should receive compensation, or the regulations should be waived.
- Impact: This ruling strengthened property rights by giving landowners a clear avenue to challenge government regulations that reduce the value of their property.

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.

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