

## CHAPTER 153: MEASURE 37 CLAIMS PROCESS

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### §153.01 PURPOSE.

The purpose of this chapter is to provide the process for property owners to make written demand on Umatilla County for compensation claimed under Oregon Revised Statutes Chapter 197, as amended by Ballot Measure 37, for regulations enacted or enforced by Umatilla County that restrict the use of the property owned by the applicant to an extent that reduces the fair market value of that property.

(Ord. 2004-19, passed 12-1-2004)

### §153.02 DEFINITIONS.

**OWNER.** Any individual or entity currently owning any recorded fee interest in private real property, including mineral rights and improvements on real property, but which does not include any leasehold interest holders or security interest holders.

**LAND USE REGULATION.** Any ordinance, order, resolution or policy enacted or enforced by Umatilla County, excluding any regulation exempted by the Oregon Constitution and the United States Constitution. Exempted regulations include, but are not limited to, the following:

(1) Historically and commonly recognized nuisance laws, which include Chapters 50 and 94 of the Umatilla County Code of Ordinances;

(2) Activities for the protection of public health and safety, such as health and sanitation regulations, solid or hazardous waste regulations, and pollution control regulations, which include Chapter 38, 50, 91, 95, 96, 97, 98, 99 of the Umatilla County Code of Ordinances;

(3) Any regulation implementing a requirement of federal law, which includes Sections 152.350 to 152.358 of the Umatilla County Code of Ordinances.

(Ord. 2004-19, passed 12-1-2004)

### §153.03 APPLICATION.

A. An application for compensation under this ordinance will be filed with the Umatilla County Resource & Development Department on a form approved by Umatilla County.

B. The application form will include the following:

(1) Identity of the Owner of the property, with documentation of the ownership interest in the property;

(2) Date of acquisition of the property by the Owner or a Family Member of the Owner who owned the property prior to acquisition or inheritance by the Owner;

(3) A description of the property for which compensation is claimed;

(4) Identify the Land Use Regulation that restricts the use of the Owner's property;

(5) Use of the property for which Owner is seeking claim;

(6) Any documentation of the reduction of fair market value of the Owner's property before and after application of the Regulation;

(7) Signatures of all Owners requesting compensation.

C. An application fee of \$300.00 will be paid to reasonably compensate Umatilla County for the actual costs involved in the processing of the application, including staff time and cost of notice.

D. If the information required by the application form is not provided, the application may be returned to the applicant for completion.

(Ord. 2004-19, passed 12-1-2004)

**§153.04 HEARING.**

A. On receipt of completed application, a hearing will be scheduled before the Umatilla County Board of Commissioners or its designee within 90 days of the date the completed application was submitted.

B. Notice of the hearing will be provided to the applicant, property owners within 250 feet of the Owner's property, and to any other party deemed necessary by Umatilla County.  
(Ord. 2004-19, passed 12-1-2004)

**§153.05 DECISION.**

A. The Board of Commissioners or its designee will act on the application within 180 days of the date the completed application was submitted, unless the time limit is waived by the applicant.

B. The Board of Commissioners or its designee may take any action on the application made available by the Umatilla County Charter, ORS Chapter 197, the Oregon Constitution and the United States Constitution, including compensation, a variance of the Regulation, waiver of the enforcement of the Regulation, release from or discontinuation of the application of the Regulation.  
(Ord. 2004-19, passed 12-1-2004)