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THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

DEC 01 2004

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UMATILLA COUNTY
RECORDS

STATE OF OREGON

In the Matter of Adoption of)
 Ordinance Implementing Process) ORDINANCE NO. 2004-18
 for Claims Submitted Under Oregon)
 Revised Statute Chapter 197 as)
 Amended by Ballot Measure 37)
 Passed November 2, 2004)

WHEREAS on November 2, 2004, the electors of Oregon adopted Ballot Measure 37, amending Chapter 197 of the Oregon Revised Statutes to require governments pay compensation to present owners of real property if land use regulations restrict the use of the property such that it reduces its fair market value, or in the alternative, forego or waive enforcement of the regulation that restricts the use beyond those restrictions in place on the property at the time the owner acquired the property;

WHEREAS Ballot Measure 37 provides that a property owner may make written demand for compensation of the reduction in the fair market value resulting from the restricting regulation; and

WHEREAS it is appropriate for, and the measure authorizes, a county to adopt and to apply procedures to process claims of property owners for compensation under the terms of Ballot Measure 37.

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains as follows:

1. PURPOSE. The purpose of this ordinance 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. EFFECTIVE DATE.

As the effective date of Ballot Measure 37 is December 2, 2004, an emergency is declared and this ordinance will be effective on date of approval, and will become Chapter 153 of the Umatilla County Code of Ordinances.

DATED this 1st day of December, 2004.

UMATILLA COUNTY BOARD OF COMMISSIONERS

Dennis D. Doherty
Dennis D. Doherty, Chair

Emile M. Holeman
Emile M. Holeman, Commissioner

William S. Hansell
William S. Hansell, Commissioner

ATTEST:
OFFICE OF COUNTY RECORDS

Deann Hemphill
Records Officer

