



**WASHINGTON COUNTY**  
 Dept. of Land Use & Transportation  
 Land Development Services Division  
 155 N. 1<sup>st</sup> Avenue, #350-13  
 Hillsboro, OR 97124  
 Ph. (503) 846-8761 Fax (503) 846-2908  
<http://www.co.washington.or.us>

**Measure 37 Public Notice**

RURAL CPO: 14  
**RURAL/NATURAL RESOURCE PLAN ELEMENT**  
**EXISTING LAND USE DISTRICT(S):**  
 EFC District (Exclusive Forest and Conservation)  
**APPLICABLE LAND USE DIST. FOR CLAIM:**  
 FRC-38  
**ASSESSOR MAP: TAX LOT NUMBER(S):**  
 3N4.00 D0 01100

**CLAIM NO.:** 37CL0357

**CLAIMANT & OWNER:**  
James A. Smejkal  
42142 NW Palace Dr  
Banks, OR 97106

**CLAIMANT'S REPRESENTATIVE:**  
Robert A. Smejkal, P.C.  
Smejkal Attorney At Law  
PO Box 654  
Eugene, OR 97440

**DATE PROPERTY ACQUIRED:** 09/09/1974

**PROPERTY DESCRIPTION:**  
**SITE SIZE:** 6.85 acres  
**SITE ADDRESS:** No Address Assigned.  
**LOCATION:** On both sides of NW Genzer Road  
approximately 850 feet north of its intersection with NW  
Bacona Road.

**The decision to remove, modify or not apply a regulation is based on the owner's description of possible future development. The description of the development is required only for the purposes of determining which regulations allegedly restrict the use of the property & reduce its fair market value.**

**REGULATION TO BE REMOVED, MODIFIED OR NOT APPLIED:** 2005 CDC Sections 342 (Exclusive Forest and Conservation), 430-37.2 E. (Forest Dwellings), 422 (Significant Natural Resources – density requirements only), 424 (Creation of Parcels in the EFU, EFC and AF-20 Districts), and 428 (Fire Siting and Safety Standards – stocking requirements only), based on the claimant's desire to build two dwellings on the subject property.

**ESTIMATED VALUE OF CLAIM:** \$208,000

**\*Note: Most approved claims will require subsequent land use review prior to development approval. If a subsequent application is submitted and accepted, notice will be provided to surrounding property owners according to CDC 204.**

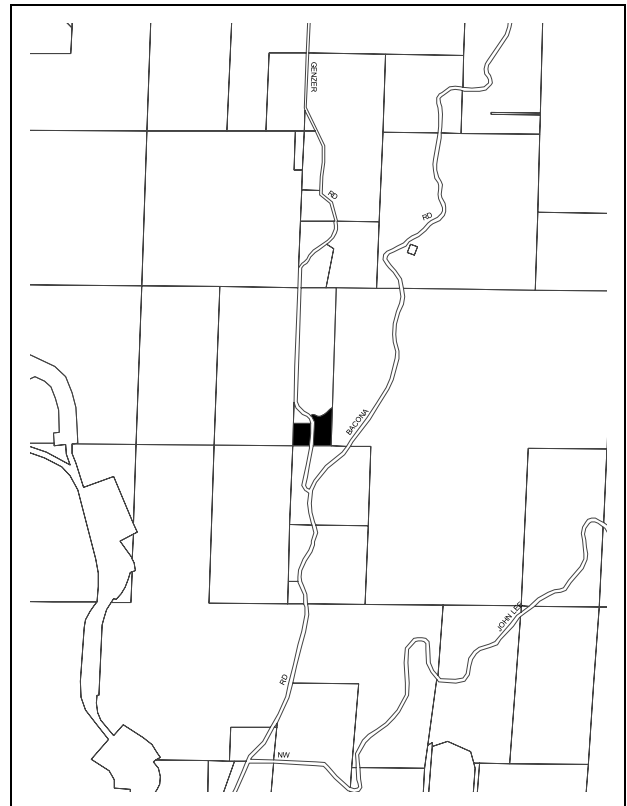
**AREA MAP**  **SUBJECT PROPERTY** →

The claimant is seeking Administrative Approval of the above-stated Measure 37 Claim.

The Director reserves the right to modify, not apply or remove one or more land use regulations to allow the owner to use the property for a use permitted at the time the owner acquired the property in lieu of compensation for the alleged loss of value.

This is an opportunity for interested persons to submit written comments about this Measure 37 Claim before the Director makes a decision on the request. In reviewing this request, the Director will consider all written comments actually received by the Department within 14 calendar days from the date this Notice is mailed.

(over)



**Minimum content for an eligible claim:**

1. Date claimant acquired property.
2. The County land use regulation that restricts the use of the property.
3. Whether the land use regulation reduces the fair market value of the property.
4. Whether the County has enforced the land use regulation against the property or its owner.
5. The land use regulation is not exempt under terms of Measure 37.

The Notice of Decision for this Measure 37 Claim will be mailed to those persons entitled to receive a Notice of Decision pursuant to Ordinance Number 636. (Individuals who receive a copy of this Public Notice and other persons who submit written comments to the Department will receive a Notice of Decision.) The decision of the Director may be appealed to Washington County Circuit Court.

The complete application, code requirements and other information are available for review at the Department of Land Use and Transportation. A copy of this material will be provided at reasonable cost.

**COMMENT PERIOD:**

**4/6/06** to **4/20/06**  
mailed date closing date (5:00 p.m.)

For further information, please contact:

**Tom Harry or Suzanne Savin, Senior Planners**

at The Department of Land Use and Transportation. Phone 503-846-8761.

**PLEASE SEND ALL WRITTEN COMMENTS TO:**

**Measure 37 Claim – File #: 37CL0357**

**Washington County DLUT**

**155 N. 1<sup>st</sup> Avenue, #350-13**

**Hillsboro, OR 97124**