



WASHINGTON COUNTY
 Dept. of Land Use & Transportation
 Land Development Services Division
 155 N. 1st 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:
 Not Zoned At Time Of Acquisition

ASSESSOR MAP: TAX LOT NUMBER(S):
 3N5 22 00 01301

CLAIM NO.: 37CL0361

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: 05/08/1963

PROPERTY DESCRIPTION:

SITE SIZE: 3.0 acres
SITE ADDRESS: No Address Assigned.
LOCATION: On the south side of Port of Tillamook Bay Rail Road, approximately 1500 feet northeast of its intersection with NW Nehalem Avenue.

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), and 428 (Fire Siting and Safety Standards – stocking requirements only), based on the claimant's desire to build one single-family dwelling.

ESTIMATED VALUE OF CLAIM: \$104,000

***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.**

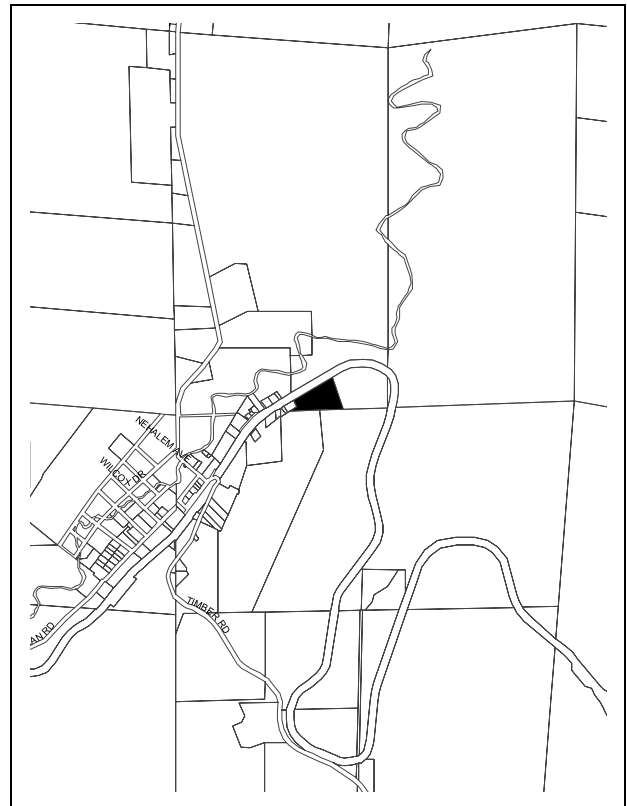
AREA MAP **SUBJECT PROPERTY** →

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 #: 37CL0361

Washington County DLUT

155 N. 1st Avenue, #350-13

Hillsboro, OR 97124