



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 Notice of Public Hearing

RURAL (37CL0688) & URBAN (37CL0689) CPO: 6

RURAL/NATURAL RESOURCE PLAN ELEMENT &
COMMUNITY PLAN: Bull Mountain

EXISTING LAND USE DISTRICT(S):

AF20 District (Agriculture and Forestry)

FD-20 (Future Development 20-Acre District)

APPLICABLE LAND USE DIST. FOR CLAIM: R-20

ASSESSOR MAP: TAX LOT NUMBER(S):

37CL0688: 2S1 06 00

00200

37CL0689: 2S1 06 00

00202, 00203, 00204

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: SEE ATTACHED "SUMMARY OF RESTRICTIVE LAND USE LAWS, REGULATIONS, AND ORDINANCES".

ESTIMATED VALUE OF CLAIM: \$25,000,000

***Note:** All 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 →

Notice is hereby given that the Board of County Commissioners will review the request for the above-stated Measure 37 claim action at a public hearing on:

April 17th, 2007 at 10:00 a.m. or after

In the Auditorium on the first floor of the Washington County Public Services Building, 155 North First Avenue, Hillsboro, Oregon, 97124.

(over)

CLAIM NO.: 37CL0688 & 37CL0689

CLAIMANT & OWNER:

Crescent Grove Cemetery Assn.

Dave Dunahugh

9925 SW Greenburg Road

Tigard, OR 97223

CLAIMANT'S REPRESENTATIVE:

Coni Rathbone

Davis Wright Tremaine LLP

1300 SW Fifth Ave, Suite 2300

Portland, OR 97201

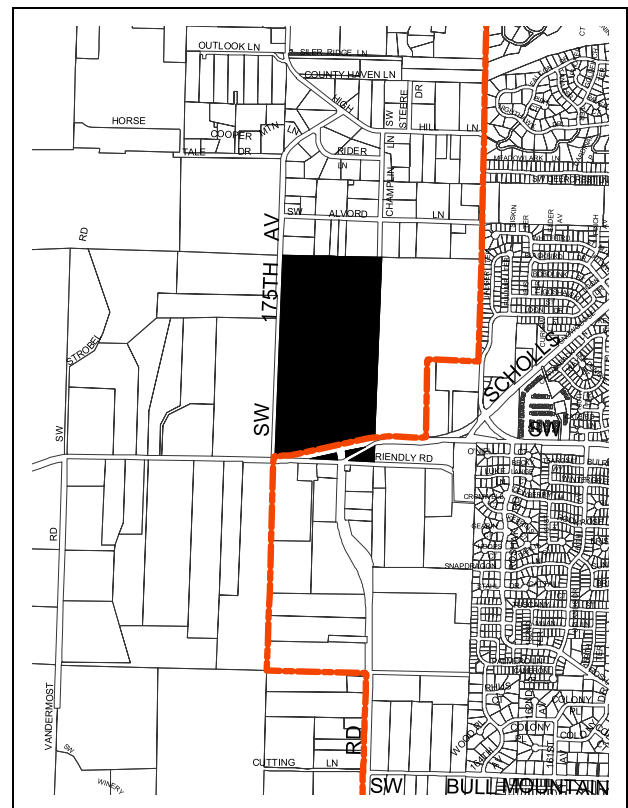
DATE PROPERTY ACQUIRED: 12/30/1969

PROPERTY DESCRIPTION:

SITE SIZE: 76.11 acres

SITE ADDRESS: No Addresses Assigned.

LOCATION: On the northeast corner of the intersection of SW Scholls Ferry Road and SW 175th Avenue.



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.

Board Hearing Procedure:

- All interested persons may appear and provide written or oral testimony (written testimony may be submitted prior to the hearing but not after the conclusion of the hearing).
- Public testimony: Special rules regarding testimony & time limits may be established by the Board at the start of the hearing.

The Board shall have authority to decide whether:

- The Director's determination that the claim meets the minimum content requirements, and is an eligible claim, is correct. This is a *de novo* determination;
- To approve compensation and, if so, how much to pay;
- 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; or
- To approve a combination of the remedies set forth above.
- The Board is not limited to those regulations listed in the claim. The Board may impose any conditions of approval that it deems reasonable and appropriate to protect the public interest. (Ordinance Number 636 15.16.080)

Staff Report:

- A copy of the claim, all documents and evidence relied upon by the claimant and applicable criteria are available for inspection at no cost at the Department of Land Use and Transportation. A copy of this material will be provided at reasonable cost.
- A copy of the staff report will be available for inspection at no cost at the Department of Land Use and Transportation at least 7 (seven) days prior to the hearing. A copy of the Staff Report will be provided at reasonable cost.

For further information, please contact:

Tom Harry, Senior Planner

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

PLEASE SEND ALL WRITTEN COMMENTS TO:

Measure 37 Claim – File #: 37CL0688 AND/OR 37CL0689

Washington County DLUT

155 N. 1st Avenue, #350-13

Hillsboro, OR 97124

Assistive Listening Devices

- Assistive Listening Devices are available for persons with impaired hearing and can be scheduled for this meeting by calling 503-846-8611 (voice) or 503-846-4598 (TDD – Telecommunications Devices for the Deaf) no later than 5:00 p.m., on the Monday preceding the meeting.

Sign Language and Interpreters

- The County will also upon request endeavor to arrange for the following services to be provided:
 1. Qualified sign language interpreters for persons with speech or hearing impairments; and
 2. Qualified bilingual interpreters.
- Since these services must be scheduled with outside service providers, it is important to allow as much lead-time as possible. Please notify the County of your need by 5:00 p.m. on the Thursday preceding the meeting date (same phone numbers as listed above: 503-846-8611 or 503-846-4598).

Summary of Restrictive Land Use Laws, Regulations, and Ordinances

Section 7 of Oregon House Bill 3661 (1993 are. Laws 792), passed into law on September 7, 1993 and codified as O.R.S. 215.780, requires all counties to comply with a minimum lot or parcel size of 80 acres in land designated exclusive far use. We have attached the relevant portions of H.B. 3661 for reference. (See Tab 11).

State land use laws are implemented in Washington County through the County's Comprehensive Plan as well as the Community Development Code. The relevant portions of the Development Code, the Agriculture and Forest District (AF-20) and Future Development 20 Acre District (FD-20), are attached for reference. (See Tab 7). The Development Code implements the Comprehensive Plan, which has been acknowledged to be in compliance with the Statewide Planning Goals.

In addition to the restrictions imposed by the Community Development Code, the 2020 Transportation Plan also imposes restrictions on the property that has diminished its value. Specifically, the 2020 Transportation Plan provides for SW 175th Avenue to be realigned to bisect the Cemetery's property. (See Tab 9).

The Cemetery seeks waiver of all State and County land use regulations that diminish the value of its property, enacted since December of 1969, including but not necessarily limited to: the Statewide Planning Goals (in particular Goal 3), ORS 215.213, 215.263, 215.284, and 215.780, OAR 660 division 33, the Washington County Community Development Code Sections 308 and 344 and the Washington County 2020 Transportation Plan. This includes both regulations currently in place as well as regulations enacted after December 1969, but since superseded or replaced.