

YAMHILL COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT

MEASURE 37 APPLICATION

401 NE Evans Street, McMinnville, OR 97128 • Tel: 503-434-7516 • Fax: 503-434-7544

Docket: **M37 - -**
Date _____
Rec'd By: _____
Receipt #: _____
Fee: **\$250.00**

LEGAL OWNER			ADDITIONAL OWNER (IF ANY)		
Last Name	First	MI	Last Name	First	MI
Mailing Address (Street or PO Box)			Mailing Address (Street or PO Box)		
City	State	Zip	City	State	Zip
Telephone			Telephone		

PROPERTY INFORMATION

Tax Lot(s) _____ Current Zone _____

Parcel size = _____ acres

COMPENSATION INFORMATION:

Preferred Resolution (Check One):

Waiver, Modification, or Non-Application of a Regulation

Compensation

Date of Acquisition by:

Current Owner: _____

or

Family Member: _____

Zoning Designation(s) (if any) at Time of Acquisition by:

Current Owner: _____

or

Family Member: _____

Please State the Desired Use of the Property:

Regulation Enacted Restricting Use: (Text of regulation if applicable):

Ordinance Citation (if applicable): _____

Date Enacted: _____

Provide evidence as to the date the regulation was first enforced on the subject property. (A letter from the Yamhill County Planning Department stating that your desired use would be denied under the present land use code is evidence that the regulation was enforced.)

Loss of Fair Market Value (\$ amount): _____

Describe how this figure was derived (List any attachments):

Note: The planning Director may require a written appraisal by an appraiser licensed by the Appraiser Certification and Licensure Board of the State of Oregon, addressing the requirements of the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004).

Application Review and Recommendation

Please explain how this application qualifies for compensation consideration if the applicant has shown that all of the following criteria are met:

- 1. Please explain how Yamhill County has either adopted or enforced a land use regulation that restricts the use of private real property or any interest therein.

- 2. Please describe how the restriction on use has the effect of reducing the fair market value of the property or any interest therein, upon which the restriction is imposed.

- 3. Please explain how the challenged Yamhill County land use regulation was adopted, enforced or applied after the current owner of the property (the applicant) became the owner.

- 4. Please describe how the challenged Yamhill County land use regulation is not an exempt land use regulation. Exempt land use regulations include those that:
 - a. Restricts or prohibits activities commonly and historically recognized as public nuisances under common law;
 - b. Restricts or prohibits activities for the protection of public health and safety, such as fire and building codes, health and sanitation regulations, solid or hazardous waste regulations, and pollution control regulations;
 - c. Is required to comply with federal law;
 - d. Restricts or prohibits the use of property for the purpose of selling pornography or performing nude dancing; or
 - e. Was enacted prior to the date of acquisition of the property by the owner or a family member.

PLEASE ATTACH:

1. A title report or information report issued by a title company licensed to do business in Oregon issued within 30 days of the application's submittals, including title history and including a statement of the date the applicant acquired ownership of the subject property and showing the ownership interests of all owners of the property or, as an alternative to the title report, a copy of the deed(s) granting all existing ownership interests to the owner(s) of the subject property signing the applications.
5. Attach evidence as to the date the regulation was adopted, first enforced or applied to the subject property. A letter from the Yamhill County Planning Department stating that your desired use would be denied under the present land use code is evidence that the regulation was enforced.
6. Attach copies of any leases or covenants, conditions and restrictions applicable to the subject property if any exist that impose restrictions on the use of the property.
7. Completed application form, signed by the applicant and property owner(s) (if different).
8. Written justification of how the application complies with the approval criteria. Attach additional sheets to this form.
9. Filing fee (make check payable to Yamhill County).

NOTE: Fees are not transferrable or refundable.

SIGNATURES: (Includes all property owner(s) whose collective interest's amount to fee simple title and any authorized representative):

I/We, the undersigned Owner(s) and authorized Representative, affirm by my/our signature(s) that:

1. The information contained in this claim form and any associated submissions is true and correct; and
2. A decision by Yamhill County to waive, modify, or not apply a land use regulation does not relieve me/us of the responsibility of seeking a waiver from the State of Oregon or any other agency if the local regulation waived by the County is also contained in State law, administrative rules, or the regulations of any other agency; and
3. A decision by Yamhill County to waive, modify, or not apply a land use regulation to allow a use may result in an increase in property tax due to reassessment; and/or a loss of special assessment status and additional taxes in accordance with existing assessment statutes if applicable; and
4. Subsequent to a decision by Yamhill County to waive, modify, or not apply a land use regulation to allow a use permitted at the time the current property owner(s) acquired the property, the use must be reviewed subject to any review process and land use regulations that were in effect at the time and there is no guarantee of approval.
5. I hereby declare under penalties of false swearing (ORS 162.075 and 162.085) that the above information is true and correct to the best of my knowledge. I understand that issuance of an approval based on this application will not excuse me from complying with other effective ordinances and laws regulating the use of the land and buildings.
6. I hereby grant permission for and consent to Yamhill County, its officers, agents, and employees coming upon the above-described property to gather information and inspect the property whenever it is reasonably necessary for the purpose of processing this application.

Representative(s) if different than Owner

Printed Name	Signature	Date
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Printed Name	Signature	Date
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Owner(s)

Printed Name	Signature	Date
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Printed Name	Signature	Date
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Printed Name	Signature	Date
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Printed Name	Signature	Date
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Printed Name	Signature	Date
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