

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER No. 05-11-30-4

FILED

MAR 09 2006

COUNTY CLERK
BY *M. Bulding*

) IN THE MATTER OF CONSIDERING A BALLOT
) MEASURE 37 CLAIM AND DECIDING
) WHETHER TO MODIFY, REMOVE OR NOT
) APPLY RESTRICTIVE LAND USE
) REGULATIONS IN LIEU OF PROVIDING JUST
) COMPENSATION (PA05-5680/George Hinnenkamp
) Trust)

WHEREAS, the voters of the State of Oregon passed Ballot Measure 37 on November 2, 2004, which added provisions to Oregon Revised Statutes (ORS) Chapter 197 to require, under certain circumstances, payment to landowners if a government land use regulation restricts the use of private real property and has the effect of reducing the property value; and

WHEREAS, the Board of County Commissioners of Lane County enacted Ordinance No. 18-04 on December 1, 2004, to establish a real property compensation claim application process in LC 2.700 through 2.770 for Ballot Measure 37 claims; and

WHEREAS, the County Administrator has reviewed an application for a Measure 37 claim submitted by George Hinnenkamp (PA05-5680) as trustee of the George Hinnenkamp Trust, the alleged owner of real property located at Territorial Highway and Hamm Road and more specifically described in the records of the Lane County Assessor as map 19-04-30, tax lot 300, and map 19-05-25, tax lot 600, consisting of approximately 159 acres in Lane County, Oregon; and

WHEREAS, the County Administrator determined that the application appeared to meet all of the criteria of LC 2.740(1)(a)-(d), appeared to be eligible for just compensation and appeared to require modification, removal or not applying the restrictive land use regulations in lieu of payment of just compensation and referred the application to the Board for public hearing and confirmation that the application qualifies for further action under Measure 37 and LC 2.700 through 2.770; and

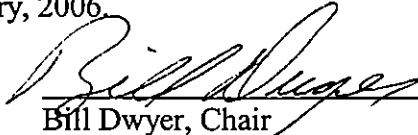
WHEREAS, on November 30, 2005, the Board conducted a public hearing on George Hinnenkamp's Measure 37 claim (PA05-5680), continued the hearing until January 25, 2006, left the record open until February 8, 2006, to allow the applicant to provide more complete information on ownership or other interests held in the property, deliberated on February 15, 2006, and has now determined that there are numerous questions regarding ownership and other interests in the property left unanswered and George Hinnenkamp has not provided adequate evidence to sufficiently establish continuous ownership prior to the adoption of the Impacted Forest Land (F-2) and Exclusive Farm Use zones (E-40) or necessary assurances for the Board to conclude that he alone holds all ownership interest in the property without identifying other interests or encumbrances that might subject Lane County to other Ballot Measure 37 claims involving this property; and

WHEREAS, the Board finds that under LC 2.720(2) the application shall include information identifying the property owner and anyone with any interest in the property, including lien holders, trustees, renters, lessees, along with a complete description of the ownership interest of each and the signature of those with an interest in the property and the evidence reveals extensive conduct in the nature of ownership exhibited by persons other than George Hinnenkamp; and

WHEREAS, this matter having been fully considered by the Lane County Board of Commissioners.

NOW, THEREFORE IT IS HEREBY ORDERED that the applicant George Hinnenkamp did not provide sufficient information on all interests held in the property by others to make a valid claim under Ballot Measure 37 and by failing to show adequate evidence of complete, unencumbered and continuous ownership from a time prior to enactment or enforcement of the alleged restrictive county land use regulations until the time he submitted the claim he is not entitled to compensation or a waiver of the alleged restrictive county land use regulations under Ballot Measure 37 or LC 2.700 through 2.770 and the claim shall be denied.

DATED this 22nd day of February, 2006.



Bill Dwyer, Chair
Lane County Board of County Commissioners

APPROVED AS TO FORM

Date 2-21-2006 Lane County


OFFICE OF LEGAL COUNSEL