

PASSED

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY,
OREGON

ORDER No.
06-8-15-12

) IN THE MATTER OF AMENDING ORDER
) NO. 05-5-11-13 TO CLARIFY A BALLOT
) MEASURE 37 CLAIM DECISION TO NOT
) APPLY RESTRICTIVE LAND USE
) REGULATIONS IN LIEU OF PROVIDING
) JUST COMPENSATION (Gee/PA 05-5162)

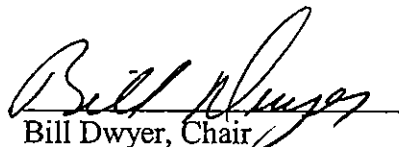
WHEREAS, on May 11 and 18, 2005, the Board conducted a public hearing on Kenney Gee's Measure 37 claim (PA05-5162) and on June 8, 2005, the Board determined that the restrictive dwelling and minimum area land division requirements of Lane Code 16.212(5), (6), (7) and (9) that were enforced and made applicable to the property prevented Kenney Gee from developing the property as could have been allowed when he acquired an interest in the property on July 31, 1973, and the public benefit from application of the land use regulation to the applicants' property is outweighed by the public burden of paying just compensation; and

WHEREAS, Kenney Gee wishes to divide his property as could have been allowed when he acquired an interest in the property on July 31, 1973, and place a dwelling on each lot or parcel; and

WHEREAS, Order No. 05-5-11-13 only allowed Kenney Gee to apply to divide the subject property into lots as small as two acres and place a dwelling on each lot or parcel;

NOW, THEREFORE IT IS HEREBY ORDERED that Order No. 05-5-11-13 is amended to delete the reference to the size of new parcels described in the first Ordered paragraph and clarify that Order No. 05-5-11-13 allows Kenney Gee to apply to divide the property commonly known as 81778 North Pacific Highway 99, Creswell, Oregon 97426 and more specifically described in the records of the Lane County Assessor as map 19-03-26, tax lot 6101, and to place a dwelling on each lot or parcel as could have been allowed when he acquired an interest in the property on July 31, 1973.

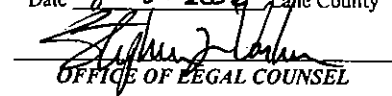
DATED this 15th day of August, 2006, *nunc pro tunc* June 8, 2005.


Bill Dwyer, Chair

Lane County Board of County Commissioners

APPROVED AS TO FORM

Date 8-8-2006 Lane County


OFFICE OF LEGAL COUNSEL