

**Before the Board of Commissioners
Of Klamath County**

**In the Matter of File Number M37 10-06
Findings and Final Order**

FINDINGS

At a public hearing conducted on July 11, 2006, the Klamath County Board of Commissioners (BOCC) reviewed documentary evidence, considered the staff report of the Planning Department, heard testimony regarding this claim, and made the following findings:

1. On April 25, 2006, the claimant, Tom Smith, properly submitted a claim pursuant to ORS 197.352 (Ballot Measure 37).
2. The claimant acquired the subject property on August 25, 1992.
3. For purposes of evaluating compensation, the relevant date would be May 14, 1971, when claimant's father acquired the property.
4. After the compensation date referenced above, land use laws had been enacted that restricted the use of this property and that reduced its fair market value.
5. Rather than establish an exact amount of compensation and in lieu of such compensation that may have otherwise been due claimant, the BOCC, pursuant to ORS 197.352(8), determined that it was appropriate to modify, remove or not apply land use regulations restricting the use of claimant's property.

ORDER

1. Pursuant to ORS 197.352(8), subject to a decision from the Department of Land Conservation and Development (as applicable), and subject to the county's authority, the BOCC will not apply land use laws and regulations imposed after claimant's acquisition of the subject property, August 25, 1992.
2. Claimant may develop the property subject to this Order in accordance with a use permitted at the time claimant acquired an ownership interest in said property.
3. Any and all of the exceptions detailed in ORS 197.352(3) may apply to this Order.

NC

NOTICE OF RIGHT TO APPEAL OR OTHER JUDICIAL RELIEF

1. A cause of action under ORS 197.352 (Measure 37 (2004)): If a land use regulation continues to apply to the subject property more than 180 days after the present owner of the property has made written demand for compensation under ORS 197.352, the present owner of the property, or any interest therein, shall have a cause of action in the circuit court in which the real property is located.

Dated this 18th day of July, 2006.

William L. Brown
Chair

John Elliott
Commissioner

Out of Office
Commissioner

APPROVED AS TO FORM:

[Signature]
County Counsel