

W.9.B.1



Memorandum Date: December 5, 2006  
Order Date: January 24, 2007

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**TO:** Board of County Commissioners

**DEPARTMENT:** Public Works Dept./Land Management Division

**PRESENTED BY:** BILL VANVACTOR, COUNTY ADMINISTRATOR  
KENT HOWE, PLANNING DIRECTOR

**AGENDA ITEM TITLE:** In the matter of amending Order No. 06-9-20-5 to clarify a Ballot Measure 37 claim decision to not apply restrictive land use regulations in lieu of providing just compensation (PA 06-6028, Pattison)

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**I. MOTION**

Move to amend the adopted order.

**II. AGENDA ITEM SUMMARY**

On September 20, 2006, the Board heard the claim of Jesse and Elaine Pattison and adopted Order No. 06-9-20-5 which waived the minimum lot size and dwelling restrictions of the F2 (Impacted Forest) zone. The adopted order inadvertently omitted mention of any proposed commercial business, but the testimony and evidence submitted to the Board made it clear that Jesse Pattison, also known as Michael Pattison, requested a waiver of the F2 (Impacted Forest) zone regulations that restrict the operation of a commercial use on the subject property. By adopting the order amending Order No. 06-9-20-5 attached to this report, the Board action on this claim will include a waiver of the restrictions on commercial uses in the F2 zone. Nothing else in the original order will be changed.

**III. BACKGROUND/IMPLICATIONS OF ACTION**

**A. Board Action and Other History**

**Applicant:** Jesse and Elaine Pattison

**Current Owner:** Jesse and Elaine Pattison

**Agent:** Steve Cornacchia

**Map and Tax lots:** 16-08-06 #202

**Acreage:** 43 acres

**Current Zoning:** F2 (Impacted Forest)

**Date Property Acquired:** May 30, 1972, and August 16, 1973.

**Date claim submitted:** June 7, 2006. The 180-day processing deadline is December 4, 2006.

**Land Use Regulations in Effect at Date of Acquisition:** unzoned.

**County land use regulation which restricts the use and reduces the fair market value of claimant's property:** LC 16.211 F2 (Impacted Forest)

**VII. ATTACHMENTS**

Draft order amending Order No. 06-9-20-5.

W. 9. B. 1.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY,  
OREGON**

**ORDER No.**

) IN THE MATTER OF AMENDING ORDER  
) NO. 06-9-20-5 TO CLARIFY A BALLOT  
) MEASURE 37 CLAIM DECISION TO NOT  
) APPLY RESTRICTIVE LAND USE  
) REGULATIONS IN LIEU OF PROVIDING  
) JUST COMPENSATION (Pattison/PA 06-6028)

**WHEREAS**, on September 20, 2006, the Board conducted a public hearing on the Measure 37 claim of Jesse and Elaine Pattison (PA06-6028) and the Board determined that the restrictive requirements of Lane Code 16.211 that were enforced and made applicable to the property prevented Jesse Pattison from developing the property as could have been allowed when he acquired an interest in a portion of the property on May 30, 1972, and the remainder on August 16, 1973, and the public benefit from application of the land use regulation to the applicant's property is outweighed by the public burden of paying just compensation; and

**WHEREAS**, Board Order No. 06-9-20-5 adopted on September 20, 2006, inadvertently omitted mention of any proposed commercial business, but the testimony and evidence submitted to the Board made it clear that Jesse Pattison, also known as Michael Pattison, requested a waiver of the F2 (Impacted Forest) zone regulations that restrict the operation of a commercial use on the subject property and a revised order reflecting that request will clarify the Board action was intended to include waiver of the F2 (Impacted Forest) zone restrictions on commercial uses.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that Order No. 06-9-20-5 is amended to include language in the first two Ordered paragraphs to clarify that Order No. 06-9-20-5 also waives restrictive provisions of LC 16.211 that limit operation of a commercial business in the F2 (Impacted Forest) Zone and allows Jesse Pattison, also known as Michael Pattison, to apply for approval to operate a commercial business in the F2 (Impacted Forest) Zone on property commonly known as 94300 Deadwood Creek Road, Deadwood, OR 97430 and more specifically described in the records of the Lane County Assessor as map 18-08-06, tax lot 202, consisting of approximately 43 acres in Lane County, Oregon, as could have been allowed when he acquired an interest in a portion of the property on May 30, 1972, and the remainder on August 16, 1973.

**DATED** this \_\_\_\_\_ day of January, 2007, *nunc pro tunc* September 20, 2006.

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Faye Stewart, Chair  
Lane County Board of County Commissioners

APPROVED AS TO FORM

Date 1-18-2007 Lane County

\_\_\_\_\_  
OFFICE OF LEGAL COUNSEL

W. 9. B. 1.

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**WHEREAS**, Board Order No. 06-9-20-5 adopted on September 20, 2006, inadvertently omitted mention of any proposed commercial business, but the testimony and evidence submitted to the Board made it clear that Jesse Pattison, also known as Michael Pattison, requested a waiver of the F2 (Impacted Forest) zone regulations that restrict the operation of a commercial use on the subject property and a revised order reflecting that request will clarify the Board action was intended to include waiver of the F2 (Impacted Forest) zone restrictions on commercial uses.

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