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Events & Activities

PUBLIC INQUIRIES ABOUT MEASURE 37 COSTING COUNTY TIME, MONEY

Published: December 31, 2004

By BILL LUNDQUIST

Pilot Staff Writer

GOLD BEACH – Only one Measure 37 claim has been filed in Curry County, but the number of people looking into what the measure might do for them is already costing county departments a lot of time and money.

Public Services Director Grant Young said Wednesday his department has spent about \$1,000 in staff time and photocopying on the 20 people who have picked up claims application packets.

At the same commissioners' workshop, County Clerk Reneé Kolen said her office had recently experienced a surge of activity in people researching deeds, titles and zoning.

Meanwhile, the three county commissioners are beginning to split on what Measure 37 will do to the county and on how to respond to it.

Commissioner Marlyn Schafer proposed dropping the county's \$100 application fee for filing a Measure 37 claim.

After talking with officials from the Association of Oregon Counties and the Governor's Office, said Schafer, she believed judges would uphold the right of people to file claims without paying fees.

She proposed paying for Measure 37 work done by the Public Services Department out of the county general fund. Public Services is a stand-alone department funded by fees it charges



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Community

builders for permits and inspections.

Commissioner Ralph Brown agreed, in theory, that people wronged by government land use regulations should not have to pay to file claims to address those wrongs.

However, he added, "I'm concerned if we make it free to apply, we'll encourage those without legitimate claims. We don't want to encourage a fishing expedition." Brown proposed reimbursing the filing fee for claims that eventually proved to be valid.

Commissioner Lucie La Bonté was concerned about the time and money already being spent by the Public Services Department on Measure 37.

She urged that a line item be set up in the general fund at the next regular commissioners meeting to reimburse the department.

She again warned that with the spring building boom looming, Public Services would need an additional employee to handle the Measure 37 workload.

Young believed he would need two more employees: someone to do the required research and another front counter clerk to handle the applications and questions.

"If we get flooded, we will need two people," he said. "The front office is totally maxed out. Our current level of business is not going to slow down."

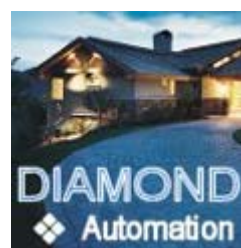
Schafer, believing any surge in claims would be short lived, said she would agree to hire a Measure 37 employee only on a contractual basis.

"I don't know that would work," said Young.

He said it was hard enough to attract anyone when he needed a full time planner.

Schafer told Young if he needed another employee, he should fit it into his next budget.

La Bonté said he would need another person just to handle Measure 37 work, an employee who should not be paid out of fees from builders.



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The questions that have plagued the county since the measure passed remain: How many claims will be filed per month or year? How many will be valid? Will the courts and Legislature allow counties to charge for filing fees and staff time? Is Curry County, forced to comply with state land use laws, liable for any damages caused by them?

"The state had a gun pointed at our heads," said Young. "I don't see the county had a choice."

County Counsel Jerry Herbage urged the commissioners to make no changes to the county's new Measure 37 ordinance for two weeks.

That, he said, will give him time to attend a Measure 37 summit, and to see where the Legislature might be headed.

La Bonté still felt the general fund should start covering department costs right away. She felt a \$50,000 line item would be needed.

Schafer did not think it would take anywhere near that amount just for the balance of the fiscal year.

La Bonté said she could name 15 people she expects to file claims.

Schafer favored setting the applications aside for now, but La Bonté said Public Services is spending time and money just giving people information on whether to file or not.

"As soon as someone asks for a packet," she said, "the clock starts ticking."

"We will have most of the filing fee used up just in filing," said Young. He said one initial contact with a prospective claimant took an hour and a half of staff time, including a half hour of his time.

"People need to understand if they file an illegitimate Measure 37 claim, they will have to pay for it," said Brown.

Young said claimants will have to prove the use of their land is now being restricted by regulations that were not in effect when they purchased the property. For compensation claims, they must also prove the regulations have devalued the property.

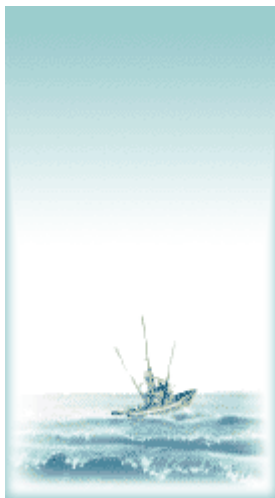


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It is not always clear cut. Kolen said a real estate agent asked her office for information showing a landowner had originally asked that his property be zoned agricultural.

Young said his department has informed applicants to not expect any action on their claims for a few months.

"It's a new thing," said Herbage of Measure 37. "We'll get through it, but it won't be easy."



Curry Coastal Pilot is a community newspaper serving Curry County on the Southern Oregon Coast from Brookings, Oregon. Your comments are welcome at mail@currypilot.com or PO Box 700, Brookings, Oregon, 97415. Phone: (541) 469-3123. Fax: (541) 469-4679

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